

**Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

Ref.: AL PHL 5/2024  
(Please use this reference in your reply)

27 September 2024

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolution 52/9.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning allegations of **killings, enforced disappearances, arrests and arbitrary detentions, SLAPPs and judicial harassment to which journalists, human rights defenders and activists have been subjected**, allegedly in retribution or connected to their work and the exercise of their right to freedom of opinion and expression.

I wish to note that the cases raised in this communication are merely some emblematic ones, standing in representation of the hundreds of complaints received in the context of my visit to the country and indicative of wide patterns of violations. I ask the Department of Justice and the relevant authorities of your Excellency's Government to attentively consider the allegations and concerns set forth in this communication and take effective measures to remedy them, addressing the concerning underlying patterns these cases reflect.

In this context, I wish to recall several communications sent by Special Procedures Mandate Holders to your Excellency's Government on various issues addressed in this letter, in particular [AL PHL 6/2023](#), [AL PHL 5/2023](#), [AL PHL 4/2023](#), [AL PHL 2/2023](#), [AL PHL 1/2023](#), [AL PHL 2/2022](#), [AL PHL 1/2022](#), [AL PHL 6/2021](#), [AL PHL 5/2021](#), [AL PHL 4/2021](#), [AL PHL 3/2021](#), [AL PHL 1/2021](#), [AL PHL 5/2020](#), [AL PHL 3/2020](#), [UA PHL 7/2019](#), [AL PHL 12/2018](#) and [AL PHL 11/2018](#). I thank Your Excellency's Government for the replies provided to most of the communications above mentioned while encouraging a substantive reply to the present communication and to those that remain unanswered.

According to the information received:

*Judicial harassment and arbitrary detention*

*Frenchie Mae Cumpio, Mariel Domequil and Alexander Philip Abinguna*

Frenchie Mae Cumpio is a journalist and community radio broadcaster at Eastern Vista and Aksyon Radyo Tacloban, known for her coverage of alleged abuses and human rights violations by State security forces. Mariel Domequil is a human rights advocate and a member of the Rural Missionaries of the Philippines. Alexander Philip Abinguna is a human rights defender and a member of the NGO Karapatan's National Council for Eastern Visayas.

On 7 February 2020, Ms. Cumpio, Ms. Domequil and Mr. Abinguna were arrested together with two other activists in simultaneous raids carried out by

law enforcement agents in Tacloban City, Leyte province. Between 1 a.m. and 2.30 a.m., agents of the Philippine National Police and members of the Armed Forces raided the office of Karapatan's regional chapter in Eastern Visayas "Katungod Sinirangang Bisayas" and peasant organisations "Bayan" and "SAGUPA", in Fatima Village, Brgy. 77, Tacloban City, where Mr. Abinguna and other colleagues were sleeping, and the staff house of the Rural Missionaries of the Philippines-Eastern Visayas and Eastern Vista in Calanipawan, Tacloban City, where Ms. Cumpio and Ms. Domequil lived.

In both cases, the law enforcement officials reportedly asked the activists to leave their rooms, pointing their firearms at them. Then, the agents conducted the search of the offices without any witnesses. In these searches, the raiding teams claimed to have found firearms and explosives in the rooms of the activists. Ms. Cumpio, Ms. Domequil and Mr. Abinguna deny their possession of such material and allege that this evidence was planted by the law enforcement agents.

After the five activists were arrested and detained, Ms. Cumpio, Ms. Domequil and Mr. Abinguna were accused of illegal possession of firearms and explosives. Reports suggest that these accusations are baseless and presumptively filed in retaliation for their work as human rights advocates, followed by months of 'red-tagging', surveillance, intimidation and harassment attributed to State forces.

In this regard, unidentified men had been reported surveying Karapatan's Eastern Visayas regional office since December 2019. For this reason, a day prior to the raids, Mr. Abinguna reportedly sent an urgent letter to the Eastern Visayas regional office of the Human Rights Commission requesting a voluntary inspection of Karapatan's office in Tacloban City, as a preventive measure. Furthermore, in the weeks before her arrest, Ms. Cumpio also reported incidents of surveillance, including being tailed by unidentified men in motorcycles and unidentified persons patrolling the premises of the Eastern Vista office of which she was director. About a month before her arrest, an unidentified person reportedly visited the premises of the Eastern Vista office, carrying a photo of Ms. Cumpio while asking for her office's location. Local officials had also publicly linked Ms. Cumpio with communist terrorist groups.

On 23 June 2020, the Tacloban City regional trial court denied the defendants' motion to quash the search warrant used during the raid, quash the information filed against them, reject evidence seized during the raid and return seized items that were not included in the search warrant.

In July 2021, an additional charge of financing terrorism was filed against Ms. Cumpio and Ms. Domequil, claiming the discovery of funds at the staff house during the search carried out the night of their arrest. Ms. Cumpio is appealing the forfeiture of money that, she alleges, was meant to fund her radio show, while the prosecution argues was destined to finance terrorism.

Ms. Cumpio, Ms. Domequil and Mr. Abinguna are facing non-bailable charges and remain detained at a jail facility at the Palo town PNP municipal police station, where they have been imprisoned for over four years now, awaiting

the resolution of their cases.

**Please indicate the measures taken to review this case as promptly as possible and, in the absence of substantial evidence of the crime committed, to dismiss the charges as unfounded and to release Ms. Cumpio, Ms. Domequil and Mr. Abinguna immediately. I would also welcome information regarding measures adopted to enable the organizations they belong to and their members to carry out their legitimate work free of harassment.**

*Emilio M. Gabales III*

Emilio M. Gabales III is a land rights activist, development worker and advocate of Moro and Indigenous Peoples' right to self-determined development. As a lay worker and later Projects Development Officer of the Rural Missionaries of the Philippines-Northern Mindanao Region, he has advocated for the rights of marginalised communities and contributed to the implementation and supervision of projects contributing to the advancement of the rights and continued development of the indigenous peoples.

On 4 July 2018, Mr. Gabales was arrested while he was facilitating a consultation meeting with civil society organizations at the Mother Francisca Spirituality Center, Lagao, General Santos city, by agents of the Criminal Investigation and Detection Group (CIDG) of the Philippine National Police (PNP) and members of the Armed Forces. The officers reportedly carried an arrest warrant for two persons named Francis Madria and Maria Unabia, whose names were unknown to those present at the Spirituality Center. Unable to identify the searched individuals, the officers reportedly determined that two of the participants of the meeting, one of whom was Mr. Gabales, were the warranted individuals and reportedly brought the 13 persons present in the Center to the PNP Regional Headquarters at Camp Fermin Lira. There, Mr. Gabales was reportedly attributed the identity of Francis Madria and detained along with another participant, while the remaining 11 persons were charged with obstruction of justice for allegedly concealing the identity of Mr. Madria.

Since 10 July 2018, Mr. Gabales has been imprisoned in Malaybalay City Jail, accused of several charges of murder, attempted murder, frustrated murder and kidnapping with serious illegal detention, lodged separately in branches 8 and 9 of the Regional Trial Court in Malaybalay City, Bukidnon. The trial courts in Malaybalay City have now either dismissed or acquitted Mr. Gabales from all the above charges. Yet, on 15 August 2022, when Mr. Gabales had already been imprisoned for over four years and was still awaiting the dismissal of some remaining charges, criminal charges were filed before an Iligan City trial court against him and 15 other members of the Rural Missionaries of the Philippines (RMP), accusing them of funding terrorism. Specifically, Mr. Gabales was charged with 55 counts of Violation of section 8(ii) of the Republic Act 10168 (Terrorism Financing Act). These recent non-bailable charges have subjected him to an extended period of incarceration. Additionally, the RMP's bank accounts were frozen, seriously hindering the organisation's work.

Currently, Mr. Gabales remains imprisoned, in Iligan City Jail, to which he was transferred on 6 March 2024 and where he awaits the resolution of the charges of financing terrorism brought against him.

Mr. Gabales' case is reportedly framed in a context of various acts of harassment faced by the staff and members of the Rural Missionaries of the Philippines-Northern Mindanao Region (RMP-NMR), an organisation comprised of Catholic diocesan clerics, religious priests and lay workers, allegedly in retribution for their advocacy work for land rights and the right to self-determined development for Indigenous and Moro Peoples. The case of financing terrorism currently faced by Mr. Gabales originates from a civil forfeiture case filed against RMP-NMR, pending before the Manila Regional Trial Court Branch 37, where sixteen members of RMP-NMR, including four nuns and a lawyer, were collectively indicted.

**Please provide information regarding any measures adopted to review promptly and effectively the charges brought against Mr. Gabales and, if found unsubstantiated, to dismiss them fully and release him immediately. I would equally appreciate receiving information on measures taken to guarantee that the RMP-NMR organisation and its members can carry out their legitimate work free of intimidation or harassment.**

*Elmer Forro*

Elmer Forro is an activist and civic leader, current Secretary-General of the Panay chapter of the Bayan organisation and former spokesperson of the labour group Kilusang Mayo Uno.

In September 2020, the Philippine National Police and the 301<sup>st</sup> Infantry Brigade of the Armed Forces filed charges of murder and multiple attempted murders against Mr. Forro, claiming that he was a rebel who participated in an ambush of State security forces by the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CCP), that took place in Lambunao, Iloilo Province, on 7 April 2020, resulting in the death of a member of the Armed Forces. Yet, several witnesses reportedly asserted before the Justice Department that Mr. Forro was in Iloilo City on the date of the events.

On 29 March 2022, at around 3 a.m., Mr. Forro was arrested in Cabanatuan town, by members of the Armed Forces and the PNP in possession of an arrest warrant. The State Security forces reportedly raided his house, interrogated him at gunpoint and searched the house despite reportedly having no search-and-seizure warrant. He was detained at a prison facility in the town of Pototan, Iloilo Province, for nine months.

Mr. Forro was released on bail on 7 December 2022, but the case is still pending before the 76<sup>th</sup> Branch of the Regional Trial Court in Janiuay, Iloilo province. Since his release, only two of the scheduled judicial hearings have reportedly taken place.

Before his arrest, Mr. Forro had been red-tagged in publicly displayed posters and accused of being a member of rebel groups. His family has also been

subjected to criminalization and intimidation, including the placement of a poster in front of his family house accusing some of his family members of being terrorists and offering a reward for killing them.

**Please provide information on measures taken to guarantee a prompt and fair trial for Mr. Forro and, if the charges are found unsubstantiated, to dismiss them fully. I would also welcome information on the measures adopted to ensure his and his family's safety and to enable him to carry out his legitimate work free of harassment.**

*Mary Anne Krueger*

Mary Anne Krueger is a journalist and newscast host for *Altermidya Network* and a former community journalist for the alternative media outfit *Paghimutad* in *Negros Occidental*. Ms. Krueger's work as a community journalist documented and contributed to highlighting human rights violations happening in *Negros Island*, where the victims are mostly agricultural workers being killed or labour rights violations.

On 31 October 2019, Ms. Krueger was arrested on alleged charges of illegal possession of firearms in *Bacolod City*, in one of the simultaneous raids in which 57 activists and workers were arrested. During the raid, Ms. Krueger was able to get four hours of video footage, which reportedly documented how State forces were planting evidence in the staff house where she lived. As one of such practices, members of State security forces allegedly planted in the house a backpack brought by them that turned out to contain firearms.

Later, the *Armed Forces* and the *National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)*, published press releases accusing the detainees of being high-ranking *NPA* officials. In December 2022, a court denied her plea to quash the search warrant used against her and her colleagues and suppress the evidence obtained. The court said that the defects in the application of the warrant were "minor and technical."

Currently, Ms. Krueger is out on bail while the judicial proceedings take place. Due to serious concerns for her security in *Bacolod*, she needed to relocate from the city. Ms. Krueger was only arraigned in December 2022 and pre-trial is now set to start on 11 October 2024, after various postponements.

**Please indicate which measures have been taken to review the charges brought against Ms. Krueger in a prompt and fair trial and, if the charges are found unsubstantiated, to dismiss them fully. I would also welcome information regarding measures adopted to guarantee her safety and to allow her to carry out her legitimate journalistic work free of harassment.**

*Jhonggie Rumol, Jaime Paglinawan and John Ruiz III*

*Jhonggie Rumol*, *Jaime Paglinawan* and *John Ruiz III* are leaders of civil society organisations in *Cebu province*, *Central Visayas*, advocating for workers' and farmers' rights as well as for improved housing, education and health. Ms. Rumol is a former executive director of the *NGO Visayas Human Development Agency*. *Jaime Paglinawan* is the Chairman of *BAYAN Central*

Visayas, an advocacy organization, and previously Chairman of AMA SUGBO KMU union. John Ruiz III is the regional coordinator of the Partylist Bayan Muna.

In 2021, Mr. Paglinawan and Mr. Ruiz were subjected to death threats through text messages and were subjected to red tagging by means of flyers and posters displayed at the Carbon Public Market in Cebu City. Previously, on 5 June 2020, Mr. Paglinawan was arrested together with seven other activists during a protest against the Anti-Terrorism Bill and was detained for five days. In relation to this arrest, Mr. Paglinawan reportedly still faces a pending trial on illegal assembly charges. Additionally, Mr. Ruiz has been publicly accused by members of the Armed Forces of being a member of the NPA.

In August 2023, Ms. Rumol and Mr. Paglinawan were charged with having violated the Terrorism Financing Prevention and Suppression Act (RA 10168) in case “NPS No. XVI – INV-23E-00246”, after being accused by the Commanding Officer of the 302<sup>nd</sup> IB PA 14. On 28 September 2023, the 26 individuals appeared in a scheduled preliminary hearing at the Cebu Regional Prosecutor’s office. All the accused reportedly are part of the Community Empowerment Resource Network’s (CERNET) past or present Board of Trustees or staff of CERNET or of CERNET’s partner NGOs. At the time this communication was sent, the case was still ongoing.

In December 2023, Ms. Rumol and Mr. Ruiz faced charges of frustrated homicide, after being accused by the 79<sup>th</sup> Infantry Battalion of the Armed Forces of allegedly being involved in an armed encounter between State forces and communist insurgent fighters that took place in Bgy San Isidro, Toboso, Negros Occidental on 6 April 2023. Ms. Rumol and Mr. Ruiz claim that, on the said date, they were not in Negros Island but in Cebu City, where they live and work. On 13 December 2023, arrest warrants were issued against them. At the time this communication was sent, the case was still ongoing at the Regional Trial Court in San Carlos city, Negros Occidental.

Ms. Rumol, Mr. Paglinawan and Mr. Ruiz are reportedly currently temporarily free on bail, awaiting the resolution of their judicial cases.

**Please provide information about measures taken to review the cases of Ms. Rumol, Mr. Paglinawan and Mr. Ruiz as promptly as possible and, in the absence of substantial evidence sustaining the charges, to dismiss them as unfounded and adopt the necessary steps to stop the alleged judicial prosecution against them.**

*Julieta Gómez and Niezel Velasco*

Julieta Gómez is an indigenous rights activist and leader of the Lumad-Manobo indigenous community in Surigao del Sur province, Mindanao. Ms. Gómez has participated in numerous campaigns advocating for the human rights, self-determination, and ancestral lands of the Indigenous Peoples of Mindanao and opposing natural resource exploitation projects by mining corporations. Niezel Velasco is a humanitarian worker and Indigenous rights advocate in the Agusan del Sur province. She is the project officer of the “Bread for Emergency Assistance and Development” organization and has

participated in numerous environmental protection projects and post-disaster emergency assistance efforts, supporting Lumad and other indigenous communities in Mindanao.

On 16 July 2021, Ms. Gómez and Ms. Velasco were arrested in Barangay Pansol, Quezon City, by PNP-CIDG officers and were subsequently detained in “Camp PMGen. Tomas B. Karingal” in Quezon City. Their arrest warrant was based on murder and attempted murder charges for an incident that allegedly took place in Santiago, Agusan del Norte, in November 2020. In addition to these charges, they were accused of non-bailable charges of illegal possession of firearms and explosives allegedly found at the time of their detention and were publicly presented as NPA leaders by the authorities.

Reports indicate that these charges are baseless and have presumptively been filed in retribution for their work as land rights and Indigenous Peoples’ rights activists, including their opposition to mining projects. The charge of murder brought against Mr. Gómez was dismissed by the court on 17 April 2023, while the charges of frustrated murder against Ms. Gómez and Ms. Velasco were provisionally dismissed on 23 January 2023 and 10 May 2022 respectively, citing inconsistencies in the witnesses’ testimonies and insufficient evidence. Yet, Ms. Gómez and Ms. Velasco remain charged with illegal possession of firearms and explosives.

Ms. Gómez and Ms. Velasco have remained in detention since their arrest in July 2021 owing to these non-bailable charges, having been imprisoned for almost three years now. The trial is currently underway before the Branch 91 Regional Trial Court of Quezon City.

**Please indicate the measures taken to review the cases of Ms. Gómez and Ms. Velasco as promptly as possible and, in the absence of substantial evidence sustaining the charges, to dismiss them as unfounded and adopt the necessary steps to stop the alleged judicial prosecution against them.**

*Frank Cimatú*

Frank Cimatú is a journalist for Rappler, The Baguio Chronicle and the Northern Dispatch, covering political and other news topics from the northern region of the island of Luzon.

On 13 December 2022, Mr. Cimatú was convicted of online libel by a court in Quezon City for a satirical social media post published in 2017 about suspected government corruption referring to a former government official. The court sentenced him to serve between six months and five years and five months in prison, as a minimum and maximum terms respectively, fined him 300,000 pesos (USD 5,385) for moral damages and banned him from covering politics in the northern region of Luzon, effectively curtailing his journalistic work.

Mr. Cimatú appealed his conviction and is currently free on bail. Yet, the case remains pending before the Court of Appeals.

**Please provide information about measures taken to review the case of Mr. Cimatu and ensure it adheres to the relevant international standards. Further, I would welcome information about any measure taken to ensure that Mr. Cimatu and other journalists facing similar charges do not receive disproportionate retributions, including imprisonment and a ban to effectively perform their job as journalists, for the exercise of their freedom of expression.**

*Enforced disappearances*

*Elizabeth “Loi” Magbanua*

Elizabeth “Loi” Magbanua was a labour unionist and workers' rights advocate at “Kilusang Mayo Uno” and formerly at “Kilusan ng Manggagawang Kababaihan”, working closely with Manila’s harbour workers and residents of urban poor communities affected by land reclamation projects.

On 3 May 2022, she disappeared together with a fellow labour unionist when she was returning home from a meeting with fellow community organisers in Brgy. Punturin, Valenzuela City, National Capital Region. Reports point to the alleged involvement of members of the Armed Forces in her disappearance, suggesting that she may have been abducted and forcefully taken to the military facility “Camp Aguinaldo” in Quezon City, where she may still be held up to date. Ms. Magbanua had expressed concerns about her security before her disappearance.

Persons associated to Ms. Magbanua filed a Writ of Amparo before the Court of Appeals and reported the case to the Commission on Human Rights for investigation.

On 23 August 2022, the Supreme Court issued a Writ of Amparo in favour of Ms. Magbanua and granted a temporary protection order. Thereafter, a trial was conducted before the Court of Appeals to examine if there was sufficient evidence to grant a permanent protection order. On 9 September 2022, the Court of Appeals granted the issuance of the privilege of the Writ of Amparo in favour of Ms. Magbanua and his colleague and likewise issued a Permanent Protection order in favour of the petitioners and their immediate family. Further, the Court of Appeals ordered several top officials of the State security forces to speedily conduct “a comprehensive and exhaustive investigation” making use of “all technical and modern technological resources at its disposal to assist in locating their whereabouts and once and for all determine the truth in their continued disappearance”.

The respondent military officers filed an appeal of this decision that is still pending before the Supreme Court. Additionally, the documents they filed before the Court of Appeals showing their compliance with the order are deemed insufficient and weightless by the defence of Ms. Magbanua.

To this date, the fate and whereabouts of Ms. Magbanua and his fellow colleague remain unknown.

**Please indicate the fate and whereabouts of Ms. Magbanua and his fellow colleague, the measures that have been taken to determine them as well as to investigate their alleged enforced disappearance promptly and effectively, guaranteeing full accountability for any perpetrators.**

*Dexter Capuyan and Gene Roz Jamil "Bazoo" de Jesús*

Dexter Capuyan and Gene Roz Jamil "Bazoo" de Jesús were students and Indigenous Peoples' rights defenders in the Cordillera region. Mr. de Jesús was a staff of the Philippine Task Force on Indigenous Peoples Rights (TFIP), a network of NGOs advocating indigenous peoples' rights to their ancestral land, as well as the regional coordinator of the National Union of Students of the Philippines in Cordillera. Mr. Capuyan, a member of the Bontoc-Kankanaey-Ibaloi community, was also an activist in the region.

On 28 April 2023, they disappeared in Taytay town, Rizal province. According to witnesses, they were abducted by men who introduced themselves as operatives of the Philippine National Police's Criminal Investigation and Detection Group.

Before his disappearance, Mr. Capuyan had reportedly been labeled a ranking leader of the CPP and of NPA by the Department of National Defense, the Department of Interior and Local Government and the Department of Justice and included in a list of 81 alleged "communist terrorist group personalities" for whose capture the authorities offered a reward. Reportedly, posters stating he was "wanted dead or alive" were displayed in Apayao province.

Persons associated to Mr. Capuyan and Mr. de Jesús reported their disappearance to the local authorities, filing incident reports with the concerned police officials in Taytay, Rizal, Taytay Police Station, and the PNP-Rizal Office, in addition to reporting the case to the Commission on Human Rights. Further, inquiries about Mr. Capuyan and Mr. de Jesús were conducted in the subsequent units or facilities: Rizal Police Provincial Office, Taytay Municipal Police Station, Rizal Provincial Jail, Camp General Mateo Capinpin, Laguna Police Provincial Office, Calamba City Police Station, PNP's Camp General Vicente Lim, PNP Criminal Investigation and Detection Group Region IV-A, PNP's Camp Crame, Armed Forces' Camp Aguinaldo, National Intelligence Coordinating Agency, Armed Forces' Camp Allen; and Police Regional Office in Camp Dangwa. These inquiries did not reveal any information.

Yet, in the course of the search, various witnesses reported that on the evening of 28 April, at least two vehicles blocked a tricycle ridden by two persons matching the descriptions of Mr. Capuyan and Mr. De Jesus in the vicinity of SM City Mall in Taytay, Rizal province. The two passengers were reportedly forced into separate vehicles by men who introduced themselves as agents of the Criminal Detection and Investigation Group of the Philippine National Police.

On 5 July 2023, the families of Mr. Capuyan and Mr. de Jesús filed separate petitions for a Writ of Habeas Corpus before the Twelfth Division of the Court of Appeals. On 10 July 2023, the Court found the petition sufficient in form

and substance and ordered the respondents from the Armed Forces and PNP to appear before the Court and “produce and bring the bodies and persons” of Mr. Capuyan and Mr. de Jesús as well as to “show cause why the subject persons should remain in their custody.”

On 18 July 2023, the respondents filed a consolidated Return of the Writ denying having Mr. Capuyan and Mr. de Jesús in custody. On 13 September 2023, the Court denied the Petition for Habeas Corpus on the grounds of absence of evidence establishing the identities of the two individuals allegedly abducted on 28 April 2023, at the Golden City Subdivision in Taytay, Rizal and pointing the Writ of Amparo as the appropriate remedy for cases of enforced disappearances.

The fate and whereabouts of Mr. Capuyan and Mr. de Jesús have remained unknown since 28 April 2023.

**Please the fate and whereabouts of Mr. Capuyan and Mr. de Jesús, the measures that have been taken to determine them as well as to investigate their alleged enforced disappearance promptly and effectively, guaranteeing full accountability for any perpetrators.**

*Lee Sudario and Norman Ortiz*

Lee Sudario and Norman Ortiz are peasants' rights defenders and peasant organizers.

On 29 September 2023, Mr. Sudario and Mr. Ortiz were reportedly abducted in Brgy. Bantug, Gabaldon, Nueva Ecija. At around 1 a.m., Mr. Ortiz informed a person associated with him that he and Mr. Sudario were in Brgy. Bantug. Local witnesses reported that, between 1 a.m. to 2 a.m. of 29 September 2023, they were startled by the unusually loud barking of dogs and saw two individuals matching the descriptions of Mr. Sudario and Mr. Ortiz being forcefully taken into a van by at least 10 armed men in military fatigue uniforms. One of the victims reportedly attempted to flee to a nearby cemetery but was intercepted and dragged back to the vehicle.

On November 2022, Mr. Sudario’s name was mentioned as one of the alleged NPA members charged by the CIDG of the PNP with having violated the Anti-Terrorism Act and the Act on Crimes against International Humanitarian Law, Genocide and Other Crimes against Humanity. Further, Mr. Sudario and his family in Aurora province have reportedly been repeatedly subjected to harassment and visits by State agents. Mr. Ortiz and his family have reportedly also experienced similar intimidation by members of the Armed Forces, including frequent visits by soldiers to the family residence in Nueva Ecija asking about Ms. Ortiz whereabouts between 2020 and his disappearance.

The fate and whereabouts of Mr. Sudario and Mr. Ortiz have remained unknown since 29 September 2023.

**Please the fate and whereabouts of Mr. Sudario and Mr. Ortiz, the measures that have been taken to determine them as well as to investigate their alleged enforced disappearance promptly and effectively,**

**guaranteeing full accountability for any perpetrators.**

*Stephen A. Tauli*

Stephen A. Tauli is an Indigenous Kankanaey activist and development worker in the Cordillera region and a member of the Regional Council of the Cordillera Peoples Alliance (CPA). He has worked as an organiser to defend the rights of urban poor communities, miners and drivers as well as to protect ancestral lands, resources and the environment from destruction. Prior to his abduction, he was an active member of a campaign opposing various infrastructure projects along the Chico River, including the proposed Saltan Dams and the Chico River Pump Irrigation Project (CRPIP) in the province of Kalinga.

On 20 August 2022, Mr. Tauli was blindfolded, handcuffed, beaten and forced inside a van by unidentified individuals in the vicinity of the Cordillera Peoples Alliance (CPA) office along Ag-a Road, in Barangay Appas, Tabuk City, Kalinga province. He was subsequently detained and subjected to acts tantamount to enforced disappearance for 26 hours. After his abduction, Mr. Tauli was taken to a house located approximately 30 minutes away by driving, where his kidnappers claimed to be implementing orders from the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and talked to him about the NTF-ELCAC and its objective of stopping the insurgency problem in the country. He was then interrogated about his alleged links with the CPP-NPA and asked to confirm the identities of several individuals.

After about an hour of interrogation, he was transferred to another house, approximately a two-hour drive away from the first one. There, his abductors questioned him again about individuals allegedly connected with the CPP-NPA and tried to convince him “to cooperate” and help them neutralise certain persons they identified as leaders of the CPP-NPA in the Cordillera region. The interrogation reportedly continued for hours, until the following day. Mr. Tauli was forced to sign and a pre-prepared statement admitting his alleged affiliation to CPP-NPA. Further, he was told not to report what had happened and to comply with what he signed, as his abductors threatened to harm him, his family and his colleagues if he did otherwise. After signing the previously drafted statement, Mr. Tauli was again blindfolded and handcuffed and released in Tabuk City, on 21 August 2022.

On 21 August 2022, Mr. Tauli filed a complaint about his abduction before the Cordillera Administrative Region office of the Commission on Human Rights, which was dismissed on 12 December 2022. Mr. Tauli filed an appeal alleging insufficient diligence by the investigators through a letter to the Central Office of the Commission on Human Rights, which initiated a re-investigation on 31 March 2023 for which no resolution has been issued yet. Mr. Tauli also filed a Writ of Amparo before the Court of Appeals on 31 August 2023 and appealed before the Philippine Supreme Court on 17 March 2024.

On 24 January 2023, the Regional Trial Court in Bangued issued an arrest warrant for seven indigenous human rights defenders, including Mr. Tauli, under charges of rebellion (article 134 of the Revised Penal Code) for their

alleged involvement in an NPA ambush on the Philippines Army in Abra province on 27 October 2022. On 11 May 2023, the Abra Regional Trial Court granted a motion to quash the rebellion charges and exclude Mr. Tauli and the six other defendants from the case due to a lack of probable cause.

Later, in a resolution dated 7 June 2023 and published on 10 July 2023, the Anti-Terrorism Council (ATC) designated Mr. Tauli and three other activists as terrorists through ATC resolution No. 41 of 2023. The ATC found probable cause that Mr. Tauli had incurred a violation of section 10 of the Anti-Terrorism Act. As a result, properties or funds owned and controlled by Mr. Tauli and the other activists, as well as those properties or funds derived or generated from the funds or assets of those associated with them, were frozen by the Anti-Money Laundering Council (AMLC) through AMLC resolution No. TF-67 (2023). Reportedly, no evidence was presented and no venue was allowed to challenge the basis of the designation. After having exhausted administrative remedies to challenge the designation, Mr. Tauli and the other activists filed a petition for certiorari and prohibition before the Regional Trial Court 7 in Baguio City to challenge the respect of due process, the factual evidence of the designation and the constitutionality of the third paragraph of section 25 of Republic Act No. 11479 or the Anti-Terrorism Act of 2020, under which they were charged.

The abduction, interrogation and subsequent charges filed against Mr. Tauli, some of them dismissed by the courts, as well as his recent designation as a terrorist appear to be in retaliation for his work as an activist, organiser and rights defender.

**Please indicate the measures taken to promptly review the charges brought against Mr. Tauli and, in the absence of substantial evidence, to dismiss them immediately. I would also welcome information on the measures adopted to investigate promptly and effectively the allegations of enforced disappearance to which Mr. Tauli was reportedly subjected and, if found substantiated, to judicially prosecute the responsible individuals as well as to provide him with the appropriate remedies and reparations. I would further appreciate information concerning measures taken to ensure Mr. Tauli's safety and to allow him to carry out his legitimate work free of harassment.**

*April Dyan Gumanao and Armand Jake Dayoha*

April Dyan Gumanao and Armand Jake Dayoha were development workers and unionists. Ms. Gumanao is a community development worker at the NGO "Community Empowerment Resource Network" (CERNET) and the regional coordinator of the "Alliance of Concerned Teachers" (ACT) teachers' union in the Central Visayas region. Mr. Dayoha is the Capacity Building coordinator of the NGO "Visayas Human Development Agency, Inc." (VIHDA), a union organizer at "Alyansa sa mga Mamumuo sa Sugbo- Kilusang Mayo Uno" (AMA Sugbo- KMU) and a volunteer at the Alliance of Health Workers (AHW).

Ms. Gumanao was arrested in June 2020 while attending a protest against the Anti-Terror Bill. Since June 2020, she has experienced numerous incidents of

tailing, surveillance, and harassment from suspected State intelligence agents, for which she filed complaints in January 2021 and December 2022.

On 10 January 2023, just after disembarking from a ship in the port of Cebu City, Ms. Gumanao and Mr. Dayoha were abducted and forcefully dragged into a vehicle by unknown individuals who identified themselves as police agents. Inside the vehicle, they were blindfolded and their hands were tied. The abductors reportedly told Ms. Gumanao and Mr. Dayoha that they had apprehended them for being activists and associated their work at various NGOs with terrorist activities.

For six days, they were arbitrarily detained, repeatedly interrogated about their human rights work and affiliation to NGOs, accused of being terrorists and psychologically ill-treated. During their captivity, they were moved to different locations and threatened if they refused to cooperate with their abductors. Ms. Guamano and Mr. Dayoha were forced to sign against their will documents including their data and affiliations to organisations and accept to cooperate with the Government. On 16 January 2023, they were released in a remote resort in Carmen, Cebu province, after being given a contact phone number and told to act as if nothing had happened.

On 21 January 2023, Ms. Gumanao and Mr. Dayoha recounted in a press conference the circumstances of their abduction and how they had been emotionally and psychologically tortured.

After their release, Ms. Gumanao and Mr. Dayoha informed the Commission on Human Rights (CHR), the National Bureau of Investigation (NBI) and the Department of Labor and Employment (DOLE) of their case and asked them to investigate, only receiving a positive answer from the CHR, which reportedly initiated an investigation. No results of this or any other investigations have been presented up to date and thus no effective accountability has occurred. Yet, reports point to the involvement of agents of the Intelligence Service of the Armed Forces of the Philippines in the abduction.

**Please provide information regarding the measures adopted to investigate promptly and effectively the allegations of enforced disappearance to which Ms. Gumanao and Mr. Dayoha were reportedly subjected and, if found substantiated, to judicially prosecute the responsible individuals as well as to provide Ms. Gumanao and Mr. Dayoha with the appropriate remedies and reparations. I would also welcome information concerning measures taken to ensure Ms. Gumanao and Mr. Dayoha's safety and to allow them to carry out their legitimate work free of harassment.**

*Jonila Castro and Jhed Reiyana Tamano*

Jonila Castro and Jhed Reiyana Tamano are environmental activists and members of AKAP KA Manila Bay, an organisation that carries out advocacy work in opposition to land reclamation projects in Manila Bay.

On 2 September 2023, Ms. Castro and Ms. Tamano were allegedly forcibly abducted in Sitio Ormoc, Barangay Lati, Orion, Bataan, Bulacan province,

where they had been conducting interviews, data gathering and consultations with local fishing communities. According to witnesses, they were taken by four armed and masked men who forced them into a grey SUV vehicle. Bystanders were reportedly threatened by the abductors not to intervene. The individuals involved in their abduction and detention reportedly identified themselves as members of the 70<sup>th</sup> Infantry Battalion (IB) of the 7<sup>th</sup> Infantry Division (ID) of the Armed Forces, the NTF-ELCAC, the National Police Commission (NAPOLCOM), and a special force of the Philippine National Police (PNP). Ms. Castro and Ms. Tamano spent 17 days detained, being held in two different houses and later transferred, on 12 September 2023, to the military camp of the 70<sup>th</sup> Infantry Battalion of the Armed Forces in Dona Remedios Trinidad, Bulacan province.

During this period of detention, they were reportedly subjected to psychological ill-treatment, including death threats and threat of torture, and the abductors repeatedly tried to force them to confess that they were members of the CPP/PNA. During their interrogation, they were also questioned about their past work as activists, names and locations of other members of the AKAP KA organizations and residents of the communities they had visited. In order to achieve their release, Ms. Castro and Ms. Tamano were reportedly forced to sign previously handwritten affidavits recognizing that they were members or affiliated to the CPP and NPA voluntarily surrendering to the authorities. On 15 September 2023, a National Security Council Adviser and an officer of the Philippine National Police announced in a press conference that Ms. Castro and Ms. Tamano had allegedly surrendered to the Armed Forces and were detained.

On 19 September 2023, in a press conference organized by the NTF-ELCAC at the municipal hall of Plaridel, Ms. Castro and Ms. Tamano publicly rejected the official explanation regarding a voluntary surrender and denounced that they had been abducted, naming the 70<sup>th</sup> Battalion of the Armed Forces as the responsible force for their enforced disappearance. In response, the Commander of the 70<sup>th</sup> IB of the 7<sup>th</sup> ID argued that Ms. Castro and Ms. Tamano voluntarily surrendered in the headquarters of the Battalion, where they recognized their membership to the CPP and expressed their willingness to cease their activity. After the press conference, Ms. Castro and Ms. Tamano were finally released.

Subsequently, the Commander of the 70<sup>th</sup> IB of the 7<sup>th</sup> ID filed complaints against Ms. Castro and Ms. Tamano accusing them of perjury in the affidavits of surrender they had signed, claiming that they did not have a bona fides intention to surrender but rather intended to put the Armed Forces in a bad light by later accusing them of abduction.

The Department of Justice issued a resolution in which it rejected the perjury charges but stated that Ms. Castro and Ms. Tamano shall be charged with Grave Oral Defamation, under article 358 of the Revised Penal Code, for publicly denouncing what had allegedly happened to them in the press conference, making "malicious statements" that "tend to cause dishonour" to the Battalion and the Armed Forces as an institution. Charges of grave oral defamation were filed against Ms. Castro and Ms. Tamano at the Municipal Trial Court of Dona Remedios Trinidad, Bulacan. Arrest warrants were issued

against them and Ms. Castro and Ms. Tamano were able to post bail on 21 February 2023. Later, the case was transferred to the Municipal Trial Court of Plaridel, where it is currently pending.

Regarding the allegations of enforced disappearance, the Commission on Human Rights reportedly informed Ms. Castro and Ms. Tamano that an investigation would be conducted into their case, but no further information has been provided on the status of this investigation.

On 28 September 2023, Ms. Castro and Ms. Tamano filed petitions for Writ of Amparo and Habeas Data against members of the 70<sup>th</sup> Infantry Battalion, Bataan Police and the NTF-ELCAC. On 15 February 2024, the Supreme Court initially granted their Writ of Amparo. Yet, on 6 August 2024, the Court of Appeals Former Special Eighth Division in the Philippines issued a decision denying the petition for the Writs of Amparo and Habeas Data, on the basis of the defendants' failure to establish the existence of an imminent or continuing threat and a lack of sufficient evidence.

The arraignment for Ms. Castro and Ms. Tamano's case of grave oral defamation has been scheduled for 23 September 2024. No warrants of arrest were issued because the defendants posted bail.

**Please provide information regarding the measures adopted to investigate promptly and effectively the allegations of enforced disappearance to which Ms. Castro and Ms. Tamano were reportedly subjected and, if found substantiated, to judicially prosecute the responsible individuals as well as to provide Ms. Castro and Ms. Tamano with the appropriate remedies and reparations. Please also indicate the measures taken to halt the judicial proceedings on grave oral defamation charges until an in-depth investigation of the allegations denounced by Ms. Castro and Ms. Tamano has taken place.**

### Killings

#### *Gerry Ortega*

Gerry Ortega was a journalist and radio broadcaster at "Radyo Mo Nationwide"'s (RMN) Palawan station, a platform through which he reported on alleged corruption within the Palawan provincial government under then-Governor ██████████. In particular, Mr. Ortega accused Mr. ██████████ of misusing the profits obtained from the exploration of the Mlampaya gas and oil fields.

On 24 January 2011, Mr. Ortega was killed outside a store in Barangay San Pedro, Puerto Princesa, Palawan province, shortly after his daily morning radio broadcast on DWAR Palawan.

In the days following the murder, the alleged gunman and other suspects were arrested and later sentenced to prison. On 12 March 2012, a Department of Justice Panel found probable cause to charge Former Governor of Palawan ██████████ and his brother, the former mayor of Coron town ██████████ for the murder of Mr. Ortega, as they are suspected to be the masterminds behind the murder. On 27 March 2012, the Puerto Princesa Regional Trial Court

Branch 52 issued warrants of arrest against them. In 2013, one of the witnesses in the case was killed in prison. On 16 July 2023, the Supreme Court ordered to reinstate the criminal case for Mr. Ortega's murder and to re-arrest Mr. [REDACTED]

Mr. [REDACTED] was granted bail for his provisional liberty and is currently free pending the resolution of the case. Former Governor [REDACTED] remained at large, despite a standing arrest warrant against him, until 12 September 2024, when he turned himself in to the authorities. [REDACTED]

Mr. [REDACTED] was able to run for public office in 2022 and may be able to do so in 2025 too, despite the standing arrest warrant and a conviction for graft by the Sandiganbayan special tribunal in 2017 that is pending before the Supreme Court.

In December 2023, the Supreme Court (Second Division) decided to transfer the case from the court in Puerto Princesa, Palawan, to a court in Quezon City, partially granting a motion to transfer venue filed by Mr. [REDACTED], in order to avoid a possible miscarriage of justice considering that the accused is a "prominent political figure and a high-risk individual". No judicial proceedings have started up to date in the new court.

**Please provide information regarding the measures adopted to guarantee a prompt, fair and impartial trial of Mr. [REDACTED] and Mr. [REDACTED] and to ensure full accountability for this case, making certain that the prolonged impunity of the suspected masterminds of the murder of Mr. Ortega comes to an end.**

*Percival Mabasa (Percy Lapid)*

Percival Mabasa, known by his pseudonym "Percy Lapid", was a critical radio journalist and host of "Lapid Fire" on radio station DWBL 1242. As part of his journalistic activity, Mr. Mabasa exposed alleged corruption schemes and criticised the practice of 'red-tagging' as well as various controversies under the Duterte administration, including unveiling the lavish lifestyle of an official of the Justice Department he dubbed "Cinderella man", possibly referring to then Director General of the Bureau of Corrections [REDACTED].

On 3 October 2022, Mr. Mabasa was shot dead inside his vehicle by unidentified motorcycle-riding assailants in Barangay Talon Dos, Las Piñas City.

On 17 October 2022, the alleged gunman, [REDACTED], surrendered and confessed to being the author of the murder. On 18 October 2022, an inmate who had allegedly acted as an intermediary in the murder of Mr. Mabasa was killed inside "New Bilibid Prison" in Muntinlupa City. Shortly after, [REDACTED] reported having been told by the intermediary that the person who had ordered the crime was the Philippines' Director General of the Bureau of Corrections [REDACTED].

On 7 November 2022, the Philippine National Police and the National Bureau of Investigation filed murder complaints against [REDACTED], and his deputy security officer, superintendent [REDACTED], accusing them of arranging

the murder of Mr. Mabasa through prison inmates.

Since December 2023, no progress has reportedly taken place in the judicial proceedings of Mr. Mabasa's killing. Although hearings were scheduled for February and March 2024, they have been postponed until May at the behest of the State Prosecutors.

On 6 May 2024, Mr. [REDACTED] was sentenced to between eight years and eight months and 16 years in prison for being an accessory to murder. There are fears for his life should he be incarcerated at the New Bilibid Prison. Three other individuals who reportedly acted together with Mr. [REDACTED] are also facing murder charges as the judicial proceedings are underway.

On 16 March 2024, Mr. [REDACTED] died, having faced no other consequence than a suspension from his job. Requests from persons associated with Mr. Mabasa to allow an independent pathologist to verify Mr. [REDACTED] death have reportedly been rejected by the police. [REDACTED], suspected to have ordered the killing, faces murder charges in the Muntinlupa City Regional Trial Court and Las Piñas Regional Trial Court. Yet, even if the National Bureau of Investigation has conducted raids on various locations, [REDACTED] has repeatedly evaded capture and remains at large.

**Please indicate the measures adopted to guarantee full and effective accountability regarding Mr. Mabasa's death, including arresting Mr. [REDACTED] and ensuring a prompt and fair trial of Mr. [REDACTED] and any other person suspected to have been involved in the murder.**

#### *Chad Booc*

Chad Booc was a volunteer teacher at a school for children of the Lumad indigenous community in New Bataan, Davao region. For years, Mr. Booc worked closely with Indigenous peoples in the Davao region seeking to improve their living standards, especially in the field of education. Mr. Booc had also been a petitioner in a challenge to the constitutionality of the Anti-Terrorism Act filed with the Supreme Court.

In February 2021, the police arrested and detained Mr. Booc and six others without a warrant and charged them with the trafficking of children in Cebu City, accusing them of training Lumad "child warriors" at the University of San Carlos Talamban campus. After more than two months of detention, the charges were dismissed due to "insufficiency of evidence" and "lack of probable cause", and Mr. Booc and the other defendants were released.

On 24 February 2022, Mr. Booc was killed together with one fellow Lumad teacher, a health worker, and two drivers by members of the Armed Forces who stopped them at a checkpoint while driving from New Bataan, Davao de Oro, where they were conducting a community visit as part of their research work, to Davao City. Armed Forces officials said the five persons killed were NPA rebels, killed after an "encounter" with soldiers in Davao de Oro. Yet, local witnesses asserted that Mr. Booc and the 4 other persons were unarmed and that no encounter took place. An independent autopsy of Mr. Booc's body revealed multiple gunshot wounds in the trunk and right upper extremity. No

investigation has reportedly been initiated by State authorities into these deaths.

**Please indicate the measures taken to initiate an investigation by the relevant authorities into the death of Mr. Booc and the four other persons killed on 24 February 2022 and to ensure full accountability, including judicially prosecuting those responsible if these are found to be unlawful killings.**

*Jose Reynaldo “Jory” Porquia*

Jose Reynaldo “Jory” Porquia was a well-known community organiser and activist in Iloilo province. He was the driving force behind the Madia-as Ecological Movement, the biggest environmental organisation in Panay region, a member of the alliance of overseas Filipino workers “Migrante” and the Iloilo City Coordinator of the progressive national party “Bayan Muna”. Mr. Porquia campaigned against large-scale mining, coal power plants, and mega-dam projects in Iloilo and Capiz provinces and advocated improved conditions for workers, agrarian reform and environmental protection.

On 30 April 2020, he was shot and killed in his home, in Iloilo City, by unidentified assailants. No one has reportedly been investigated or prosecuted for this murder.

Before his murder, Mr. Porquia was subjected to surveillance by the police, had received threats, and was subject to acts of intimidation and harassment. Further, the NTF-ELCAC had repeatedly engaged in the ‘red-tagging’ of Mr. Porquia and members of his family both prior to and after his murder. Some of the organizations Mr. Porquia worked with have reportedly been labeled as “fronts” of the CPP-NPA by some State authorities.

Posters red-tagging Mr. Porquia and other activists appeared in Iloilo City on 11 December 2018 and again on 16 March 2019, accusing the activists of being criminals, terrorists and members of rebel groups.

In the months of March and April 2020, Mr. Porquia and his fellow activists were engaged in the free distribution of food to residents of urban poor communities in the Molo District of Iloilo City. In this context, on 10 April 2020, Mr. Porquia reported that he was being surveilled by police agents. On 18 April 2020, a local newspaper reported that the Molo District police was investigating the distribution of food to poor communities, monitoring Mr. Porquia among other activists. On 1 May 2020, the head of the police force of the Iloilo City district where Mr. Porquia was killed reportedly acknowledged that the police was monitoring Mr. Porquia’s daily activities prior to his murder.

To this date, the perpetrators of Mr. Porquia’s murder have not been identified or prosecuted. The killing is reportedly under investigation by the authorities and was officially designated as an extrajudicial killing to investigate under the Administrative Order No. 35. However, there have been no developments in the investigation.

**Please provide information on which measures have been taken to investigate promptly and effectively the killing of Mr. Porquia, including identifying the perpetrators and bringing them to justice and guaranteeing full accountability.**

*Elena Tijamo*

Elena Tijamo was a human rights defender who worked as a program coordinator for the NGO “Sustainable Agriculture Program of Farmers Development Center” (FARDEC), an organization that gives legal aid and agriculture education to farmers. She was also a community journalist, radio broadcaster and station manager at “Radyo Sugbuanon” in Cebu Province.

FARDEC was subjected to “red-tagging” by agents of the Armed Forces and the Department of National Defense (DND), who included the NGO in a list of organizations which they labelled as “communist terrorist front organizations” in a congressional hearing on 5 November 2019. Ms. Tijamo was also personally subjected to “red-tagging” in 2019. Less than a month before her abduction, Ms. Tijamo reported that a man claiming to conduct a survey for elderly beneficiaries of COVID-19 financial assistance visited her home, asking questions about her personal details and not related to any assistance programme. No other inhabitants of her Barangay appear to have received questions for such a survey. Further, local reports indicate that police officers were asking neighbours of the Barangay about Ms. Tijamo’s family.

On 13 June 2020, Ms. Tijamo was abducted by six armed individuals, suspected to be members of the Armed Forces, from her home in [REDACTED], Bantayan Island. The abduction took place under strict lockdown protocols and movement restrictions related to the COVID-19 pandemic.

On 1 September 2021, one year after her abduction, Ms. Tijamo was found dead in a hospital in the Manila metropolitan region, at a time when, owing to the COVID-19 pandemic, measures to restrict freedom of movement within the country were in force except for Government-approved personnel.

Ms. Tijamo’s disappearance had been reported to the Commission on Human Rights, the Central Visayas Police Regional Office, the Cebu City Police Office, the Armed Forces of the Philippines, the Central Command Headquarters (CENTCOM), the National Bureau of Investigation and the Department of Social Welfare and Development.

Reportedly, no effective investigation has been conducted up to date into the enforced disappearance and death of Ms. Tijamo.

**Please indicate the measures taken to investigate promptly and exhaustively the abduction and subsequent death of Ms. Tijamo, guaranteeing full accountability for those responsible.**

Without wishing to prejudge the accuracy of the above-mentioned allegations, I am extremely concerned about the alleged judicial harassment, arbitrary detention, enforced disappearances and killings that the above mentioned journalists, human

rights defenders, lawyers, unionists and activists have been subjected to and about the indications that these may have taken place as a direct result of their exercise of their right to freedom of expression or in an attempt to curtail such right. I also note with great concern the widespread ‘red-tagging’, criminalization and vilification to which several news media organisations, civil society organisations and their members are subjected to and the instances of intimidation, harassment, judicial prosecution, privation of liberty and violent attacks that often follow this targeting.

If confirmed to be accurate, several of the allegations would be inconsistent with the Philippines’ obligations under article 19 of the International Covenant on Civil and Political Rights and may unduly limit freedom of information, including the right to receive, seek and impart information, as well as the right to free expression. Should they be confirmed, the allegations could further amount to violations of articles 6, 9, 14, 17 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986.

While it is pertinent to acknowledge the availability of judicial remedies and the independence of the judicial system in the Philippines, the allegations of filing of unsubstantiated charges, use of SLAPPs, planting of evidence and public criminalization of journalists, human rights defenders and critical voices by agents of State security forces or public authorities remain very concerning and generate a vast chilling effect among civil society and the general population. I would like to underscore the need to ensure a prompt, thorough, independent and impartial judicial investigation into all such cases and to guarantee effective accountability for the alleged human rights violations and abuses.

I express my utmost concern about the numerous instances where the practice of ‘red-tagging’ and criminalization have been followed by arrests and lengthy pre-trial detention, enforced disappearances, violent attacks and even killings. In this vein, I welcome and concur with the recently published ruling of the Supreme Court on the case “G.R. No. 254753, Deduro v. Maj. Gen. Vinoya” in which the court declared that “red-tagging, vilification, labelling, and guilt by association constitute threats to a person's right to life, liberty, or security”. I encourage the authorities to take the appropriate steps to endorse this decision and to ensure that this practice is finally put to an end.

After examining these and other cases presented to the mandate, there is reasonable grounds to assert that the cases described above are not individual and isolated cases of breaches of human rights but, on the contrary, they exemplify several concerning patterns.

First, journalists, activists and human rights defenders in the Philippines do not enjoy appropriate safety and security conditions to carry out their work, being often subjected to judicial harassment and SLAPPs, intimidation, harassment, threats and sometimes even attacks against their physical integrity, liberty and security or lives, in direct retribution for the mere performance of their work. In some cases, public officials or agents of State security forces play an active role in these concerning incidents while, in others, it is the pervasive impunity or the lack of appropriate and prompt response by State authorities which triggers violations of the victims’ rights.

Second, these cases give proof of the widespread extension of the practice of ‘red-tagging’ carried formally or informally by State authorities or agents acting with

the consent or acquiescence thereof. The consistent link between ‘red-tagging’ or criminalization and subsequent physical attacks on the victims of such a practice is equally noticeable, for which the lack of sufficient measures to put an end to this practice is even more concerning.

Third, rule of law and due process standards are abused or not respected in a significant number of instances, including through excessively prolonged pre-trial detention, undue delays in the administration of justice, alleged planting of evidence, or baseless allegations brought forward in an attempt to silence critics or hinder the legitimate work of activists or journalists, among others.

I am hopeful that your Excellency’s Government will be willing to pursue, in the spirit of fruitful cooperation shown during my visit, a diligent, proactive, and conducive approach to elevate human rights standards in the country, adopting the necessary measures to remedy, to the best of its abilities, the concerns that remain unaddressed, as described in this communication.

In this regard, I urge your Excellency's Government, and in particular the Department of Justice, the Attorney General's Office and the others institutions of justice, to adopt the necessary measures to ensure prompt, impartial, effective and transparent investigations into the allegations set forth, in order to guarantee full accountability, as well as to provide effective remedies and justice to the victims and their families and to avoid any hint of impunity. Further, I urge your Excellency’s Government to guarantee a prompt, fair and impartial trial for the persons above mentioned who are currently in pre-trial detention or facing reportedly unsubstantiated charges and, if their innocence is proven, to ensure their prompt liberation. Additionally, I ask the authorities to take all the appropriate measures to elucidate the fate and whereabouts of the disappeared persons. Finally, I respectfully ask your Excellency's Government to review the policies, legislation and governmental practices that may be having a grave and unjustified impact on the freedom of opinion and extension.

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 my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comments you may have on the above-mentioned allegations.
2. Please provide information to respond to the requests made for each of the cases listed above.
3. Furthermore, regarding the cases of the persons mentioned above currently imprisoned and facing criminal charges:
  - a. Please provide information on the factual and legal basis for their arrest and detention, as well as for the legal charges

brought against them, and explain how this is compatible with the Philippines's obligations under international law.

- b. Please indicate the measures taken to guarantee that their rights enshrined in article 9 of the ICCPR are respected, including the right not to be subjected to arbitrary arrest or detention, to be promptly informed of the reasons for the arrest and of any charges against the person, to be brought promptly before a judge and be entitled to trial within a reasonable time.
  - c. Please also provide information as to what measures have been taken to ensure that their rights to due process and a fair trial have been respected, including all legal, procedural and practical safeguards against forced or coerced confessions and the access to an effective judicial remedy, and how such measures comply with the obligations of your Excellency's Government under international human rights law.
  - d. Please provide information on the existing protocols and the measures adopted to ensure the application of the penalties for State agents for violation of the rights of a detainee or of due process contained in sections 31, 33 and 43 of the Anti-Terrorism Act.
  - e. Please provide information on any measures taken by the authorities to effectively remove any undue restrictions to the free communication of the detainees with their families, legal representatives and persons with a legitimate interest, whether in person, in writing or over the phone.
  - f. Please also provide information on steps taken to protect the families against any ill-treatment, intimidation or reprisal while exercising their right to inquire and lodge complaints in the search of their loved ones.
4. Regarding the cases of enforced disappearances:
- a. Please provide information about the measures adopted to determine the fate and whereabouts of those persons that remain disappeared as well as about any investigation initiated into the allegations of enforced disappearances, and indicate the measures taken in order to identify, and eventually prosecute, the persons responsible for these enforced disappearances. If the investigations have provided conclusive results, please inform about them. If no investigation or such measures have been put in place, please explain the reason for it.
  - b. Please further provide information on the policies, procedures and measures adopted to prevent and investigate enforced disappearances carried out by members of State security forces or any other agent acting on their behalf or with their acquiescence, as well as on the procedures and measures in

place to determine the fate and whereabouts of persons subjected to enforced disappearance.

5. Please provide information on the measures and procedures adopted to prevent and investigate the killings of journalists, human rights defenders, civil society leaders and critical voices in the Philippines.
6. Please also provide information on the steps taken to endorse the ruling of the Supreme Court on the case “G.R. No. 254753, Deduro v. Maj. Gen. Vinoya” which declares that “red-tagging, vilification, labelling, and guilt by association constitute threats to a person's right to life, liberty, or security”, and, in accordance, to ensure that this practice is finally put to an end.
7. Please provide information as to the specific measures put in place by your Excellency's Government to ensure that journalists, human rights defenders and civil society actors, as well as dissenting voices and critics of the government, can carry out their legitimate work and exercise their freedom of expression in a safe and enabling environment, without fear of threats, intimidation, harassment, prosecution, criminalisation or deprivation of liberty from State authorities or any other agent acting on their behalf or with their acquiescence.
8. Please provide information on measures, policies and mechanisms adopted or put in place to effectively address and remedy the consistent patterns of rights' abuses described and the deep systemic problems reflected by these patterns, in a manner that is inclusive of civil society organizations, victims and their families and relevant international partners.

I 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, I 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 my highest consideration.

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

## Annex

### Reference to international human rights law

In connection with the above alleged facts and concerns, I would like to draw the attention of your Excellency's Government to the right to freedom of opinion and expression as set forth in article 19 of the Universal Declaration of Human Rights (UDHR) and article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986. Additionally, I would like to refer your Excellency's Government to articles 6, 9, 14, 17 and 22 of the ICCPR, which provide for the rights to life, to liberty and security of the person, not to be subjected to arbitrary arrest or detention, to be promptly informed of the reasons for the arrest and of any charges against him or her, to be brought promptly before a judge, to a fair trial within a reasonable time, not to be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence and to association. These articles shall be read individually and together with article 2.3. of the ICCPR, which provides for the right to an effective remedy for every person whose rights contained in the Covenant have been violated.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Additionally, according to the Committee “the penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression” and any restrictions on the operation of websites, blogs or any other internet-based information dissemination system “are only permissible to the extent that they are compatible with paragraph 3” (para. 43). In this

regard, it is “inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government” (para. 43).

Further, the Committee underlines that “defamation laws must be crafted with care to ensure that they comply with paragraph 3, and that they do not serve, in practice, to stifle freedom of expression” (para. 47). Finally, the Committee also states that “States parties should ensure that counter-terrorism measures are compatible with paragraph 3. Such offences as “encouragement of terrorism” and “extremist activity” as well as offences of “praising”, “glorifying”, or “justifying” terrorism, should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression” (para. 46).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed.

Article 20(2) ICCPR prescribes that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Yet, this prohibition, that may entail restrictions of free expression, has a high threshold as it requires the fulfilment of three components: a) advocacy of hatred; b) advocacy which constitutes incitement and c) incitement likely to result in discrimination, hostility or violence (A/67/357, para. 43).

In its resolution 12/16, the Human Rights Council called on States to refrain from imposing restrictions that are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups ([A/HRC/RES/12/26](#)).

I also wish to call Your Excellency’s attention 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 ([A/HRC/RES/13/13](#)).

Regarding the right not to be arbitrarily deprived of life, I recall that the right to life constitutes a norm of *jus cogens*, applicable *erga omnes* and from which no derogation is permitted under any circumstances, according to article 4(2) of the ICCPR. In this regard, States parties have a duty to refrain from engaging in conduct resulting in arbitrary deprivation of life and must also exercise due diligence to protect

the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State, establishing an appropriate framework of laws, institutions and procedures for that purpose.

The [Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions](#), adopted by the Economic and Social Council in its resolution 1989/65, stipulate, inter alia, States' obligation to ensure effective protection for those who are threatened with death and at risk of extrajudicial, arbitrary or summary execution (principle 4) as well as to investigate thoroughly, promptly and impartially all suspected cases of extrajudicial, arbitrary or summary executions (principle 9). All investigations into suspected unlawful deaths shall be conducted in line with international standards, including the *Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* and the [Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions](#) (Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016)).

Concerning the allegations of enforced disappearances, I would like to remind the government of Your Excellency that the prohibition of enforced disappearances and the corresponding obligation to investigate them and punish those responsible have attained the character of *jus cogens*. In this regard, I wish to refer to the [Declaration on the Protection of All Persons from Enforced Disappearances](#), which states that no State shall practice, permit or tolerate enforced disappearances (article 2); affirms that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction (article 3); establishes the obligation of States to promptly, thoroughly and impartially investigate any acts constituting enforced disappearance (article 13); recognizes the rights of the victim and/or his/her family to adequate compensation, including the means for rehabilitation (article 19); and asserts that acts constituting enforced disappearance shall be considered a continuing offence as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified (article 17).

In addition, regarding the allegations of arbitrary detention, article 9 of the ICCPR states that no one shall be subjected to arbitrary arrest or detention or deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. As interpreted by the Human Rights Committee in its [general comment No. 35](#), the notion of "arbitrariness" should not be equated with "against the law" but should be interpreted more broadly to include considerations of inappropriateness, injustice, unpredictability and due process, as well as considerations of reasonableness, necessity and proportionality (paragraph 12). In addition, the Working Group on Arbitrary Detention has established in its jurisprudence that preventive deprivation of liberty, as a precautionary and non-punitive measure, must also comply with the principles of legality, necessity and proportionality to the extent strictly necessary in a democratic society. It may only proceed in accordance with the limits strictly necessary to ensure that the efficient development of investigations is not impeded and justice is not evaded, and provided that the competent authority substantiates and accredits the existence of the aforementioned requirements. Because of the particularly restrictive nature of pre-trial detention, the imposition of this measure should be the exception rather than the rule.

Article 21 of the ICCPR guarantees the right to peaceful assembly. This article also states 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. Moreover, I refer to Human Rights Council resolution 24/5 of 2013 which reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, as well as to ensure that any restrictions on these are in accordance with their obligations under international human rights law.

The Human Rights Committee has confirmed that article 21 ‘protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs’ (CCPR/C/GC/37, para. 6). Restrictions on peaceful assemblies must not be used, explicitly or implicitly, to stifle expression of political opposition to a government, challenges to authority, including calls for democratic changes of government, the constitution or the political system, or the pursuit of self-determination. (CCPR/C/MDG/CO/4, para. 51). They should not be used to prohibit insults to the honour and reputation of officials or State organs” (CCPR/C/GC/37, para. 49).

Article 22 of the ICCPR protects the right to freedom of association, including civil society associations and political parties. The right to freedom of peaceful assembly and of association are pertinent to the democratic process, both during the election period and between elections. These rights are essential components of democracy since they empower women, men and youth to “express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable” (Council resolution 15/21, preamble)” (A/68/299, para. 5).

The General Assembly, in its resolution 59/201, declared that freedom of association and peaceful assembly were essential elements of democracy, together with the right to vote and to be elected at genuine periodic free elections, and encouraged the strengthening of political party systems and civil society organizations” (A/68/299, para. 12).

Furthermore, we would like to refer your Excellency’s Government to 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, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration 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.

Likewise, 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 6(a)-(c), which provides for the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial, or administrative systems; freely publish, impart, or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms; and to study, discuss, form, and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- Article 9(1), which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- Article 12(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 their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Finally, I would like to remind Your Excellency's Government of the duty of States to investigate and punish serious human rights violations, as established by the Human Rights Committee in its [general comment No. 31](#), which asserts that failure to take the necessary measures to ensure the investigation and prosecution of such violations may in itself constitute a breach of human rights treaties (CCPR/C/21/Rev.1/Add. 13, paras. 15-18). Impunity for such human rights violations can be an essential element contributing to their repetition.