

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: AL PHL 1/2026  
(Please use this reference in your reply)

9 February 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 52/4, 52/9, 59/4 and 58/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the criminal prosecution on charges of 'terrorist financing' against Mr. Carmilo Tabada**.

Mr. **Carmilo "Eloy" Tabada** is a human rights defender who previously served as the Bohol local centre coordinator of the non-governmental organisation Central Visayas Farmers Development Centre Inc (FARDEC). Founded in 1989, the organisation assists farmers in asserting their land rights and developing sustainable food production techniques in three provinces in the Central Visayas region in the Philippines. Mr. Tabada played an integral role in organising farmers in Trinidad in Bohol province and in the development of the Trinidad-Talibon Integrated Farmers Association (TTIFA). In 2018 Mr. Tabada was an elected barangay councillor of Poblacion, in Trinidad and in 2023 he won re-election.

We previously raised concerns about the targeting of journalists, human rights defenders and activists in the Philippines in several communications to your Excellency's Government. In particular, we wish to refer to communication [AL PHL 5/2024](#), which requested details on any investigation carried out into the circumstances of the abduction in 2020 and subsequent death in 2021 of a colleague of Mr. Tabada. While we thank your Excellency's government for its [response](#) to this communication, dated 11 April 2025, we regret that it neglected to comment on the case and provide the information requested, and we remain concerned.

According to the information received:

In 2006, FARDEC began a sustainable agriculture programme for local farmers in Bohol and in the following years the organisation contributed to the development of a potable water system, the establishment of a Department of Education-recognised primary school, as well as the setting up of a health centre and construction of a chapel. In 2009, FARDEC established a rice milling and

marketing facility, built on land that was awarded to TTIFA under the Comprehensive Agrarian Reform Programme of the government.

In 2015, FARDEC's various projects began to come under greater military scrutiny and a campaign of intimidation and harassment of farmers associated with FARDEC started to occur in Bohol province. A military presence was established within the vicinity of a TTIFA community, and a raid was carried out on a warehouse storing rice at their facility, during which sacks of rice were punctured. Electricity to the warehouse and a nearby rice mill was cut. The mill was only able to resume its operations in 2016. During this time Mr. Tabada was working as Local Centre Coordinator for FARDEC, in which capacity he bought unhusked rice from farmers on behalf of the organisation.

From 2017 onwards, Mr. Tabada began to be subjected to routine surveillance and intimidation. He received several requests to meet with military officials, and on complying, he was placed under pressure to resign from FARDEC. In a congressional hearing on 5 November 2019, FARDEC was one of 18 organisations red-tagged by the Armed Forces of the Philippines (AFP) and the Department of National Defense (DND) and accused of being fronts for communist terrorist groups.

In March 2021, a group of unidentified men on motorcycles staged a demonstration outside of Mr. Tabada's home in Trinidad, Bohol, accusing him of being a communist sympathiser and of storing weapons in his house. On 25 June 2021, officials from the Criminal Investigation and Detection Group (CIDG), the Philippine National Police and the AFP arrested Mr. Tabada at his home. Weapons were allegedly planted in his house during the arrest. Mr. Tabada was charged with illegal possession of firearms and explosives and was detained at Trinidad Police Station for three months before being transferred to Talibon police station until December 2022. In June 2023, the case against Mr. Tabada was dismissed by Regional Trial Court Branch 101 in Talibon, Bohol.

On 24 December 2024, charges of 'terrorist financing' under the Republic Act (RA) 10168 (Terrorism Financing Prevention and Suppression Act of 2012) were filed against Mr. Tabada. In February 2025, the witness in the prosecution's case contacted Mr. Tabada and told him that he wanted to retract his statement. On 6 March 2025, the witness, accompanied by his lawyer and Mr. Tabada, appeared before the Provincial Legal Counsel at the Tagbilaran Capitol to swear-in his affidavit of retraction. Consequently, the Regional Trial Court granted a motion filed by Mr. Tabada's attorney to hold in abeyance the arrest warrant for Mr. Tabada and ordered a reinvestigation of his case.

On 4 April 2025, the Prosecutor proceeded to indict Mr. Tabada and argued that bail should not be granted. A judge set bail at 150,000 pesos and on 19 May 2025, Mr. Tabada voluntarily presented himself to Regional Trial Court 101 in Talibon for his bail to be processed. He posted bail on 20 May 2025. In late July 2025, the case against Mr. Tabada was dismissed by a local court in Bohol for lack of jurisdiction.

Following this, the case was refiled by CIDG at the Regional Trial Court Branch 74 in Cebu City, a court designated to hear cases involving terrorist financing charges. A warrant for Mr. Tabada's arrest was reportedly issued on 19 December 2025 and the following day he was arrested by personnel from the CIDG – Bohol and detained at Trinidad Municipal Jail in Bohol. He was released on bail on 23 December 2025 after posting the 200,000 pesos bail. His hearing has been set for 30 July 2026 at Regional Trial Court Branch 74 in Cebu City.

Without prejudging the accuracy of the allegations, we are deeply concerned about the continued criminalisation of Mr. Carmilo Tabada and especially his most recent criminal prosecution on charges of “financing terrorism”, in a context marked by several prior incidents of threats, harassment, red-tagging against him, including by State authorities, and his previous arbitrary arrest on charges which did not stand up in court but which resulted in his detention for over a year. We are worried that these actions may be taking place in direct connection with Mr. Tabada's legitimate and important work as a human rights defender and the exercise of his rights to freedom of expression and freedom of association.

In previous communications, Special Rapporteurs already expressed serious concerns about the alleged misuse of the criminal charge of “financing terrorism” against human rights defenders, with notable due process concerns ([PHL 7/2025](#); [PHL 3/2024](#)).

In her June 2025 report to the Human Rights Council on her visit to the Philippines (A/HRC/59/50/Add.3), the Special Rapporteur on freedom of opinion and expression, stated that the practice of red-tagging continued to be used especially against “those who are critical of government policies, advocate for human rights accountability and social justice or hold politically progressive views” and that it represents a “serious threat to civil society”.

In her most recent thematic report, the Special Rapporteur on freedom of peaceful assembly and of association also explicitly recognized red-tagging as a harmful practice contributing to the stigmatization of human rights defenders in the Philippines, which poses a serious and persistent threat to civil society in the country (see A/79/263, paras. 31-38, also referring to A/HRC/44/22, paras. 49 and 51).

We recall the recent ruling of the Supreme Court of the Philippines on 8 May 2025, which declared red-tagging, vilification, labelling, and guilt by association as a threat to people's life, liberty, and security. Any criminalisation of human rights defenders due to unfounded accusations or labelling as communists or terrorists, is therefore inconsistent with this decision.

We refer your Excellency's Government to concerns previously raised in several communications regarding the pattern of allegations of human rights violations and judicial harassment in the counter-terrorism context, including in [PHL 5/2025](#), [PHL 3/2024](#), [PHL 4/2023](#), [PHL 2/2023](#), [PHL 1/2023](#), [PHL 1/2022](#), [PHL 6/2021](#), [PHL 3/2021](#), [PHL 1/2021](#). Furthermore, concerns were raised in [PHL 4/2020](#) in regards to the Philippines' overbroad and vague definition of terrorism and the designation of individuals and civil society and humanitarian organizations as “terrorists” pursuant to

the Anti-Terrorism Act. We are alarmed that counter-terrorism measures appear to continue to be used to unduly restrict the legitimate activities of human rights defenders such as Mr. Tabada. We underscore, once again, the complementary and mutually reinforcing relationship between compliance with human rights treaties and standards and effective counter-terrorism measures, and remind your Excellency's Government of its obligation to ensure full compliance of its counter-terrorism laws, policies, and measures with international law, including international human rights law, international humanitarian law, and international refugee law.

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 the factual and legal basis for the arrest, detention and criminal charges brought against Mr. Carmilo Tabada. Please explain whether and how are these compatible with international human rights law and standards, indicating the due diligence process followed to check the alleged relation between the charges and Mr. Tabada's human rights defence work and/or the exercise of his right to freedom of expression and association.
3. Please outline the steps taken to investigate allegations of planted evidence, prior threats, harassment, and red-tagging against Mr. Tabada;
4. Please outline the measures your Excellency's Government have put in place to prevent further harassment, arbitrary arrests, attacks, threats and killings against human rights defenders in the Philippines. Please indicate the measures taken to guarantee the establishment of a safe and enabling environment for the work of human rights defenders, specifically through the adoption of a law for the protection and recognition of human rights defenders.
5. Please indicate how the red-tagging of FARDEC by the Armed Forces of the Philippines and the Department of National Defense (DND) on the basis of accusations of being a front for communist terrorist groups complies with FATF's revised recommendation 8.
6. Please detail the steps taken or envisaged to bring its counterterrorism and counterterrorist financing legal frameworks in line with international law.

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

60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

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

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ben Saul  
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986.

We would particularly like to refer to article 9 of the ICCPR, which guarantees the rights to liberty and security of person, and provides that no person should be arbitrarily arrested, detained or deprived of their liberty and that one must be promptly informed of the reasons for the arrest and of any charges against him or her.

In its general comment No. 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), and freedom of association (art. 22). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention.

Article 19 of the ICCPR guarantees the right to hold opinions without interference 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 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 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).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) of the 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, and restrictions must be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

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

- article 5(b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations;
- article 6 point (a) and (b), which provides for the right of all persons to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms and freely to publish, impart or disseminate to others views on these matters;
- article 11 which provides that everyone has the right, individually or in association with others, to the lawful exercise of their profession;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would also like to refer your Excellency's Government to the findings of the Special Rapporteur on the rights to freedom of peaceful assembly and of association in her thematic report A/79/263, particularly para. 117, encouraging States to:

- (a) Ensure that public rhetoric supports and respects fundamental freedoms, promptly condemn and address harmful rhetoric and promote alternative narratives to prevent the portrayal of individuals and groups exercising their fundamental freedoms – including non-violent acts of civil disobedience – as threats or criminals, by both State and non-State actors;
- (b) Promote an environment of public dialogue and inclusion in decision-making processes, respecting civil society and social movements as equal partners;
- (c) Ensure that the legislative framework, including proposed laws and policies, aligns with international human rights law and standards, avoid

imposing undue restrictions on the rights to freedom of peaceful assembly and of association, repeal or amend laws that are incompatible with these standards and refrain from adopting new laws or policies that impede or obstruct these freedoms or foster stigmatizing narrative (...);

- (g) Ensure protections in law, policy and practice against vilification related to the exercise of fundamental freedoms, in compliance with international human rights standards, including freedom of expression and hate speech;
- (h) Ensure accountability for both State and non-State actors that spread stigmatizing and hate rhetoric that incites violence, discrimination and human rights violations against activists and protesters, in line with international human rights law and the Rabat Plan of Action, and provide reparations for victims, ensuring that reparation programmes address both individual and collective harm caused by negative rhetoric;
- (i) Conduct comprehensive, inclusive and publicly accessible research into existing harmful narratives and their impact on public freedoms, including evaluating the effects of legislation related to “foreign agents”, counter-terrorism, money-laundering, cybercrime and public order laws, with special assessments focusing on the impact of these narratives and legislation on vulnerable and marginalized groups;
- (j) Address the root causes of stigmatization, including structural discrimination and racism, and ensure a safe, non-discriminatory environment for everyone to exercise their rights to peaceful assembly and association without discrimination.

Many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirm that any measures taken to combat terrorism and violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.<sup>1</sup> Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. Disregard for these principles can have exceptionally harmful effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society. States must ensure that measures to combat terrorism do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights (A/HRC/RES/22/6, para. 10(a)). In particular, Security Council resolution 2462 “[d]emands that Member States ensure that all measures taken to counter terrorism, including measures taken to counter the financing of terrorism [. . .] comply with their obligations under international law, including international humanitarian law, international human rights law and international refugee law.”

Although no universal treaty generally defines “terrorism”, States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly

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<sup>1</sup> Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

and precisely defined on the basis of the international counter-terrorism instruments,<sup>2</sup> the General Assembly’s Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004). Based on these authoritative sources, the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism provides clear, “best practice” guidance, by identifying conduct that is genuinely terrorist in nature and precisely defining the elements (A/HRC/16/51 as revised by A/80/284). Terrorist financing offences must also conform with international law.

The principle of legality under article 15(1) of the ICCPR requires that criminal laws are sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and what would be the legal consequences of committing such an offence. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, including to target civil society on political or other unjustified grounds (A/70/371, para. 46(b)) and suppress the exercise of fundamental rights and freedoms (A/HRC/40/52).

The Financial Action Task Force (FATF) has set forth international practices and guidelines aimed at preventing global money laundering and terrorist financing. FATF recommendations provide recognized international guidance for the countering of terrorism financing. Recommendation 1 states that “countries should apply a risk-based approach (RBA) to ensure that measures to prevent or mitigate money laundering and terrorist financing are commensurate with the risks identified”. Revised recommendation 8 provides that measures put in place to protect nonprofit organisations (NPOs) from terrorist financing must be “focused, proportionate and risk-based” and must not unduly disrupt or discourage legitimate activities.

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<sup>2</sup> See [https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2\\_en.xml](https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml).