

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ref.: AL PHL 3/2026

(Please use this reference in your reply)

29 April 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 extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 53/4, 52/9 and 59/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the circumstances surrounding the **killing of labour rights defender Mr. Jude Thaddeus Fernandez**. Mr. Fernandez' killing was the subject of a previous communication addressed to your Excellency's Government ([PHL 6/2023](#)). We thank you for the [response](#), dated 5 February 2024.

Since then, new information has come to light, which we would like to bring to the attention of your Excellency's Government, and about which we have a number of concerns, which we have laid out below.

According to the information received:

Inconsistent statements regarding Fernandez' identity

On 6 October 2023 the Philippine Presidency (Malacañán Palace) stated publicly that the victim killed in the police operation on 29 September 2023 was Mr. Fernandez. On 7 October 2023, the Philippines National Police (PNP) permitted the release of Mr. Fernandez' body from the morgue to his family.

On 8 October 2023 the Criminal Investigation and Detection Group (CIDG) of the PNP stated that the individual killed on 29 September 2023 was not, in fact, Jude Fernandez but [REDACTED]. In your Excellency's Government's response to UA PHL 6/2023, dated 5 February 2024, it was stated that the operation that resulted in the killing "was not related to anyone named Jude Thaddeus Fernandez as no such individual exists."

We believe that these inconsistencies raise questions in relation to the official police narrative relating to the circumstances of Mr. Fernandez' death.

Alleged use of firearm by Mr. Fernandez

In an affidavit sworn on 5 October 2023 after the shooting, two PNP officers involved in the operation stated that Mr. Fernandez used a pistol to fire upon them, occasioning the officers to fatally shoot him in self-defence. A Colt pistol was recovered from the crime scene which bore the marking “United States Property M1911A1 SN# 325719.” There is no indication that the PNP attempted to trace ownership of this firearm, despite it bearing a clear serial number.

A paraffin wax nitrate residue test was performed on Mr. Fernandez’ hands after his death. The results indicated that only his left hand contained gunpowder residues. Mr. Fernandez was right-handed. According to an international ballistics and firearms specialist consulted on behalf of the Special Rapporteur on the situation of human rights defenders in relation to Mr. Fernandez’ killing, the paraffin test used in Mr. Fernandez’ case is widely considered by ballistics experts to be outdated and unreliable, with a high false positive rate. The unreliability of results is well documented in Philippine court decisions such as *People v. Manalo*. The PNP has at its disposal other methods of examining whether a firearm was fired, including SEM-EDX (Scanning Electron Microscope-Energy Dispersive X-ray analysis) for GSR (Gunshot Residue). There is no indication in documents reviewed that the PNP attempted to perform this or any other more reliable test to establish whether Mr. Fernandez fired the Colt pistol.

Investigators from the Scene of Crime Operations team (SOCO) requested both DNA and fingerprint analyses of Mr. Fernandez and of the Colt pistol. The results of neither test were included in the SOCO after-incident report given to investigators from the Philippine Commission on Human Rights (CHR), which published its own report on the case, CHR CASE NO. N-2023-0490. The CHR’s Investigator on Mr. Fernandez’ case noted that only the request documents were provided. The CHR issued subpoenas for all relevant documents pertaining to the operation conducted by the CIDG on 5 October 2023, seven days after the killing. No fingerprint or DNA analysis was provided in the documentation received.

On 9 October 2023, 10 days after the killing, the CHR issued a subpoena to the CIDG Provincial Field Unit at Antipolo City, Rizal, for “documents pertaining to the case.” The CHR’s report noted that no response had been received by the time it concluded its investigations in April 2024.

In light of the foregoing, we are concerned about the evidence used to prove Mr. Fernandez fired a weapon at police, which necessitated them to fire back, killing him.

Crime scene irregularities

The Colt pistol allegedly used by Mr. Fernandez seems to have been manipulated in the crime scene photos as it changes position from photo to photo. While this appears to be part of a standard ‘making safe’ procedure, it does raise questions about the integrity of the crime scene.

SOCO team officers appear to have taken a photo of Mr. Fernandez' apartment, then placed the Colt on the floor and resumed taking photos. SOCO team officers then removed the Colt's magazine and casings, likely through a making safe procedure, and continued taking photographs. SOCO team officers appear to have failed to document the chain of custody of the Colt weapon or its manipulation, which is outside standard practice. SOCO team officers did not appear to search for the bullet allegedly fired by Mr. Fernandez.

According to the PNP officers' affidavit, three shots were fired at Mr. Fernandez. However, only two 9mm cases were recovered at the scene and entered in the evidence log. It is standard practice in many jurisdictions that any police weapons fired are submitted for comparison. From this and with knowledge of how much ammunition officers were issued with, it becomes possible to determine how many actual shots were fired. The PNP does not appear to have carried out any further investigations on the officers' weapons.

We have concerns about the apparent inadequate documentation recorded at the crime scene and the apparent failure to search for or locate any bullet fired from a gun allegedly held by Mr. Fernandez.

Missing ID card evidence

SOCO team officers allegedly recovered six ID cards at the scene bearing different identities. The SOCO report contains a single photograph of these six IDs together but the photograph is blurry and distanced such that it is not possible to read what is inscribed or identify the person depicted. While almost all other evidence is carefully inscribed in evidence logs, the ID cards are not. There is no explanatory note as to where and how the ID cards were obtained. It is reasonable that any crucial evidence photographed should have been entered as evidence and the circumstances of their discovery explained. We understand that the ID card documents were never shown to family members, though they were retained in evidence, and only very briefly were they shown to CHR investigators.

Failure to record arrest

PNP officers are required by law to wear body worn cameras during all arrest operations. If that is not possible, they are required to otherwise record the arrest, for example by mobile phone camera. As noted by CHR in its report, the officers involved in the attempted arrest of Mr. Fernandez violated this regulation.

However, as noted in CHR's final report, [REDACTED] falsely confirmed that the operating team "had Body-Worn Cameras and/ or Alternative Recording Device/ s in compliance with AM No. 21-06-08-SC".

Failure to record witness testimony adequately

In fatal incidents, eyewitness testimony is key to understanding events since the victim cannot provide testimony. When there is more than one witness, it is vital

to compare testimonies to interrogate accuracy and rule out foul play. The two PNP officers involved in Fernandez' killing were allowed to submit a *joint* affidavit describing their actions. This practice is unusual and raises questions as to why the witnesses were not separated in the aftermath of the shooting.

Without prejudging the accuracy of these allegations, we wish to express our utmost concern in relation to the irregularities in the circumstances surrounding the shooting death of labour rights defender Jude Thaddeus Fernandez, and the apparent failures and procedural irregularities in the investigation which followed. Without making any judgment as to the accuracy of the information made available to us, we would like to remind your Excellency's Government of its duty to investigate, prosecute, and punish all violations of the right to life.

Specifically, regarding activists and rights' defenders, the Human Rights Committee has asserted 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. 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" (CCPR/C/GC/34, para. 23).

Investigations into potentially unlawful deaths must meet international standards, including the Revised United Nations Manual on the Effective Prevention of Extra-legal, Arbitrary and Summary Executions (The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)). Such investigations must be independent, impartial, prompt, thorough, effective, credible and transparent.

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 comment on the results of the DNA and fingerprint examinations performed on Mr. Fernandez and the Colt firearm and whether these were shared with the CHR investigators. If they were not, please explain why.
3. Please comment on further examinations beyond the paraffin test documented performed to test for gunpowder residue on Mr. Fernandez body, including their results. If no further examinations were conducted, please explain why.

4. Please comment on why only two 9mm cartridge cases were recovered from the scene, though PNP officers fired three times upon Mr. Fernandez, according to their testimony.
5. Please comment on examinations carried out of PNP officers' weapons, including their results. If no such examinations were carried out, please explain why.
6. Please comment on why the ID cards allegedly recovered have not been entered in the evidence log.
7. Please comment on why the PNP arresting officers failed to adequately record Mr. Fernandez' arrest.
8. Please comment on sanctions that have been applied to the officers since the incident.
9. Please comment on whether it is standard practice for PNP officers to submit joint affidavits in lethal incident reports. If so, please comment on how the PNP ensures that officers' testimonies are independently made to allow for cross-checking and corroboration. If not, please comment on why this was allowed in Mr. Fernandez' case.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, and in the event that the investigations support or suggest the allegations to be correct, we urge that all necessary measures be taken 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

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to articles 6, 19 and 22, read alone and in conjunction with article 2(3), of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986 which guarantee the rights to liberty and security of person, freedom of opinion and expression, and freedom of association. These rights are also guaranteed under articles 3, 19 and 20 of the Universal Declaration of Human Rights (UDHR).

In particular, we would like to draw your attention to article 3 of the Universal Declaration of Human Rights which states that "Everyone has the right to life, liberty and security of person"; and article 6(1) of the ICCPR, which provides that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

We wish to stress that the right to life is the supreme right from which no derogation is permitted. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, whose effective protection is the prerequisite for the enjoyment of all other human rights and whose content can be informed and infused by other human rights ([CCPR/C/GC/36](#)).

Furthermore, we recall that an important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents, including incidents involving allegations of excessive use of force with lethal consequences ([CCPR/C/GC/36](#)). Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing immunity. Investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates. Investigations must always be independent, impartial, prompt, thorough, effective, credible and transparent. In the event that a violation is found, full reparation must be provided, including adequate measures of compensation, rehabilitation and satisfaction. States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future.

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) 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 always be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34](#), para. 34).

Article 19(3) may never be invoked to justify the muzzling of any advocacy of democratic tenets and human rights (para. 23). Nor, under any circumstance, can an attack on a person, because of the exercise of their freedom of opinion or expression, including such forms of attack as arbitrary arrest and torture, be compatible with article 19 (para. 23). The Human Rights Committee also explicitly noted that the penalization of a media outlet 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 (para. 42).

We also wish to highlight article 22 ICCPR, stipulating the right to freedom of association. Under this provision, everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests (ICCPR, art. 22(1)). 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. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right (ICCPR, art. 22(2)).

We recall that States therefore not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/29/25/Add.1). This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or

other opinion, national or social origin, property, birth or other status ([A/HRC/41/41](#), para. 13).

As has been stressed by the former Special Rapporteur on the rights to freedom of peaceful assembly and of association, the ability to associate, including in the form of unions, is a key civil and political right, essential to individuals' participation in their societies more broadly as well as in terms of shaping the structures that affect their lives, and essential to the establishment of democratic societies. All individuals enjoy this right ([A/HRC/53/38/Add.3](#), para. 17).

States should furthermore uphold their responsibility to investigate all allegations of serious human rights violations related to associations and assemblies. The former Special Rapporteur has recalled that adequate, impartial and differentiated investigation is key to ensuring the collection of evidence and delivering accountability to victims ([A/HRC/53/38](#), para. 27). He stated in a report in 2021 that providing accountability for violations of the rights to freedom of peaceful assembly and of association is essential to guarantee full exercise of those rights ([A/HRC/47/24](#), para. 27). It was further indicated that “[a]ll complaints of human rights violations in the context of peaceful assemblies must be promptly, independently and thoroughly investigated. Additionally, a crucial element is to ensure accountability, bring perpetrators to justice, combat impunity and avoid repetition. It is also key that authorities publicly recognize when violations occur” ([A/HRC/47/24](#), para. 46). Moreover, all perpetrators must be brought to justice and victims must be offered reparation even when they did not ask for remedies ([A/HRC/47/24](#), para. 74, (f)).

We also wish to recall the report of the Special Rapporteur on the situation of human rights defenders to the Human Rights Council on the subject of killings of and death threats against human rights defenders, in which she recommended that States intensify efforts to prevent excessive use of force by security forces, and emphasized that there is no more a direct attack on civil society space than the killing of human rights defenders ([A/HRC/46/35](#)). The report by the former Special Rapporteur on the situation of human rights defenders to the General Assembly on the subject of impunity for human rights violations committed against human rights defenders, notes with concern that the overwhelming majority of violations – with killings being one of the most prevalent – unpunished. The negative impact of such impunity is manifold, as it denies victims access to justice, but also generally weakens the organizational movement the human rights defender was affiliated with, as other individuals are discouraged from participating, as well as detrimentally impacting society itself, as it obstructs access to the truth and prevents measures being taken to avoid the recurrence of these events ([A/74/159](#)).

We would like to bring to your attention the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Additionally, we would like to

bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 6(a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms.
- Article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We respectfully refer your Excellency's Government to the many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirming 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.¹ Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. The wholesale adoption of security and counterterrorism regulations without due regard for these principles can have exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society.

We remind your Excellency's Government that States must ensure that measures to combat terrorism and preserve national security 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)).

We would further like to refer to Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights. We would also like to bring to your Excellency's Government's attention that in his report to the General Assembly on the impact of counter-terrorism measures on civil society, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism urged States to ensure that their counter-terrorism legislation is sufficiently precise to comply with the principle of legality, so as to prevent the possibility that it may be used to target civil society on political or other unjustified grounds ([A/70/371](#), para. 46(c)).

We respectfully refer your Excellency's Government of the Human Rights Principles Applicable to Watchlisting, which require: (i) a fair and accountable legal process that offers a reasonable and legally-based opportunity for listed persons to administratively and judicially challenge the basis of their inclusion on the list; (ii) a person's inclusion on the list to be a necessary and proportionate response to an actual, distinct, and measurable terrorism threat that is consistent with the definition of terrorism found in the international counter-terrorism conventions and United Nations

¹ 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.

Security Council resolution 1566 (2004); (iii) consideration of the human rights implications that arise from watch listing, including for freedoms of movement, association, expression and religion, the rights to privacy, property, health, due process and family life, and social and economic rights, including the right to work; and (iv) non-discrimination based on any protected attribute under international human rights law, which relevantly include political opinion and religious belief.

We recall that the designation of “terrorist” individuals or organizations must meet the requirements of due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Specifically: (a) there must be reasonable grounds to believe that the person or entity has knowingly engaged in terrorism, as properly defined according to international standards, including the requirement of legality; (b) a listed person or entity must be promptly informed of the listing and its factual grounds, the consequences of such listing and the applicable procedural rights; (c) there must be a right to apply for de-listing and to have it reviewed within a reasonable time, and a right to judicial review of any resulting decision, in both cases affording due process, including sufficient disclosure of evidence and access to a lawyer; and (d) listings must lapse automatically after 12 months unless renewed afresh; and reparation, including compensation, must be available for any wrongful listing ([A/HRC/16/51](#), para. 35).