

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

Ref.: AL PHL 5/2026

(Please use this reference in your reply)

30 July 2026

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 the **killing of journalist and human rights defender RJ Nichole Ledesma, reportedly during a military operation in Negros Occidental province.**

Mr. RJ Nichole Ledesma, 30 years old, was a writer and editor at the local outlet *Paghimutad Negros* and former editor-in-chief of the student newspaper *Spectrum*. Mr. Ledesma served as a regional coordinator for the Altermidya Network, a group of local news outlets that report on community issues in marginalised rural areas impacted by the long-running conflict between government forces and the rebels. Mr. Ledesma covered environmental and social issues, such as the displacement of communities due to large-scale renewable energy projects, the conditions of sugar farmworkers, and the expansion of palm oil plantations. He was also known for researching, documenting, and writing stories about the vulnerable sectors within Negros communities. In this sense, Mr. Ledesma was considered to be a community journalist and a human rights defender. He was among the journalists and media workers whom I met during my visit to the Philippines from 23 January to 2 February 2024.

According to the information received:

On 19 April 2026, the Philippine Army launched a counter-insurgency operation against an armed group belonging to the Communist Party and the New People's Army (NPA) in Toboso, Negros Occidental province, which resulted in 19 fatalities.

During the military deployment, Mr. Ledesma was shot dead by government troops. At the time of his death, Mr. Ledesma was reportedly not at the site of the initial clash but was in a peasant community located three kilometres away, actively reporting on land rights and the local expansion of solar farms and wind energy projects.

Following the operation, military officials publicly disputed accounts that civilians were among the dead. On 23 April, a military spokesperson released a statement denying Mr. Ledesma's status as a journalist, claiming instead that all 19 individuals killed were members of an armed group. A spokesperson representing the Armed Forces of the Philippines, defended the casualties,

asserting that according to firsthand testimonies from troops, Mr. Ledesma was among those who engaged in gunfight with the soldiers.

On the same day, 23 April, the Philippines Commission on Human Rights announced the opening of an independent judicial investigation into the case of Mr. Ledesma to establish the facts surrounding his death.

On 27 April, the New People's Army issued a public statement clarifying that Mr. Ledesma was an independent media practitioner and explicitly excluded his name from its official list of members killed during the confrontation.

Following this action, civil society and the Altermidya Network publicly questioned the military's claims, asserting that tactical gear, including an ammunition pouch and a firearm had been superficially planted on Mr. Ledesma's body at the scene. They noted that his belongings and boots remained uncharacteristically clean for an active combat zone.

Civil society organisations expressed concern that the killing and subsequent characterisation of Mr. Ledesma fit the systemic pattern of "red-tagging" and attacks commonly known to be used by the security forces in the Philippines.

This characterisation is consistent with the elements of red-tagging documented by the Commission on Human Rights of the Philippines: Mr. Ledesma was publicly branded, without due process, as a combatant affiliated with the New People's Army by a State security spokesperson; this characterisation was disseminated through an official press statement following his killing; and it came after his reporting on land rights disputes and renewable energy projects that were unpopular with local military authorities. There were reportedly items suggesting combatant status placed on his body after death, a pattern the Commission has associated with the systematic vilification and legal weaponisation used against journalists and human rights defenders labelled as "enemies of the State".

Without wishing to prejudge the accuracy of the allegations above, I express my deep concern regarding the killing of Mr. Ledesma, as well as the lack of clarification surrounding the circumstances of his death. I urge the authorities to conduct a prompt, thorough, independent and impartial investigation into the killing of Mr. Ledesma and to ascertain whether he was targeted for his work as a journalist and a human rights defender.

I recall that the right to life is a supreme jus cogens norm, applicable to all persons at all times and that cannot be derogated under any circumstance, in light of articles 4(2) and 6 of the International Covenant on Civil and Political Rights (ICCPR). Further, I would like to draw your Excellency's Government's attention to the fact that, according to international law, State authorities have an obligation under international human rights law to prevent violations of the right to life and to conduct impartial and effective investigations on any violation of such kind. Allegations concerning an attack against civilians must be investigated, and where there is sufficient evidence, persons responsible for the commission of the offence or ordering of the offence must be prosecuted.

I emphasize that full satisfaction in this case must include a prompt, effective, independent, impartial, thorough and transparent investigation by the government to verify the facts and publicly disclose the truth. This should involve an accurate accounting of the legal violations committed, sanctions against those responsible, and a comprehensive effort to ensure accountability for those involved in the planning and execution of this crime. It is essential that the full investigation and all steps taken to uncover the truth and provide justice for the victim and his family adhere to the relevant international standards, including those articulated in the [Revised United Nations Manual on the effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions](#) (Minnesota Protocol (2016)).

In the report (A/HRC/59/50/Add.1) on my country visit to the Philippines in 2024, I documented allegations that journalists, human rights defenders and civil society actors were routinely subjected to red-tagging, exposing them to threats, harassment and other serious human rights violations. Since my visit, significant domestic developments have reinforced the concerns I had expressed regarding the practice of “red-tagging”.

In particular, I note that the Philippine Supreme Court ruled in *Deduro v. Vinoya* that “red-tagging, vilification, labelling, and guilt by association threaten a person’s right to life, liberty, or security,” a threat that may justify the issuance of a writ of amparo. The Supreme Court further reasoned that a red-tagged person should not be expected to “await his own abduction, or worse, death” before qualifying for protection under the writ of amparo.¹

I further note that the Commission on Human Rights of the Philippines, through a *National Inquiry on the Current Situation of Human Rights Defenders in the Philippines with a Focus on Incidents of Red-Tagging*, concluded that red-tagging persists as a systematic pattern of labelling individuals and groups as “communists,” “terrorists,” or “enemies of the State,” and that there is no specific law defining or penalising it as a distinct offence, leaving “a gap between existing safeguards and effective protection of human rights defenders”.² These developments lend further weight to the recommendations in my country visit report that the Government publicly denounce and prevent red-tagging and related forms of vilification, ensure accountability for officials who engage in such conduct, and provide effective remedies and protection to those affected.

I note further that, while the Executive Department adopted Executive Order No. 97, s. 2025, prohibiting “labelling” in the context of workers’ freedom of association (albeit limited to the labour sector and without accompanying penalties for violations), and several bills criminalising “red-tagging” remain pending before the 20th Congress, the National Task Force to End Local Communist Armed Conflict continues to operate under Executive Order No. 70, s. 2018, and no comprehensive law or policy banning “red-tagging” across all sectors has been adopted to date.

¹ Supreme Court of the Philippines, *Deduro v. Vinoya*, G.R. No. 254753, 4 July 2023, En Banc.

² Commission on Human Rights of the Philippines, *National Inquiry on the Current Situation of Human Rights Defenders in the Philippines with a Focus on Incidents of Red-Tagging* (2026).

In light of the allegations surrounding the killing of Mr. Ledesma and his subsequent portrayal by the authorities as a member of an armed group, these concerns remain particularly relevant and even more urgent.

I remind your Excellency's Government of its obligations under international law to uphold the right to freedom of opinion and expression and to take effective steps to guarantee the physical and psychological safety of journalists, human rights defenders and civil society actors. I urge your Excellency's government to carry out a prompt, thorough, effective, independent, impartial and transparent investigation of the killing of Mr. Ledesma and to bring the perpetrators to account.

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 comment(s) you may have on the above-mentioned allegations.
2. Please provide full details of steps taken to investigate the killing of Mr. Ledesma as well as any information that may help to clarify the circumstances surrounding his death.
3. Please explain whether the investigation is being conducted in compliance with international standards, particularly the Minnesota Protocol on the Investigation of Potentially Unlawful Death. If such an investigation is not underway, please explain the reason(s).
4. Please provide information regarding steps taken to implement the relevant recommendations made in my report following the country visit to the Philippines (A/HRC/59/50/Add.1).
5. Please provide information on the steps taken by your Excellency's Government to ensure the safety of journalists and human rights defenders in the country.

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, 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 above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. In particular, the facts alleged, if proved correct, appear to be in contravention with articles 6 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Philippines on 23 October 1986.

Article 6(1) of the ICCPR guarantees the right of every individual to life and provides that this right shall be protected by law and that no one shall be arbitrarily deprived of his life. In general comment No. 6, the Human Rights Committee reiterated that the right to life is the supreme right and peremptory norm (*jus cogens*) from which no derogation is permitted even in time of public emergency that threatens the life of the nation (CCPR/C/21/Rev.1/Add.6). The UN Human Rights Committee has further stressed the need for proper precautions to be taken, for limitation of the use of force to the degree strictly necessary and for investigations to be undertaken in the case of suspicious deaths in order to ensure that a loss of life is not "arbitrary" (See Human Rights Committee, *Camargo v. Colombia* (*ibid.*, para. 939)).

I recall that the right to life is a supreme norm of *jus cogens* 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 Human Rights Committee in its general comment No. 36 recalled that the State's duty to protect applies to all persons within its jurisdiction, that is, all persons whose enjoyment of the right to life depends on its power or effective control (CCPR/C/GC/36).

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).

Attacks on journalism are fundamentally at odds with protection of freedom of expression and access to information. In this connection, the Human Rights Committee in general comment No. 34 has also held that under no circumstances “can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19.

States have a duty 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.

Regarding relevant international principles and norms governing the use of force by law enforcement authorities, under international law, any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal. Moreover, the Code of Conduct for Law Enforcement Officials, General Assembly resolution 34/169 of 17 December 1979 and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990), though not binding, provide an authoritative interpretation of the limits on the conduct of law enforcement forces. According to these instruments, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. Law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties. The use of force and firearms must as far as possible be avoided, using non-violent means before resorting to violent means. Force used must be proportionate to the legitimate objective to be achieved. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated, including giving a clear warning of the intent to use force and to provide sufficient time to heed that warning, and providing medical assistance as soon as possible when necessary.

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials further restrict the use of firearms. According to principle nine, firearms may only be used in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger, and only when less extreme measures are insufficient to achieve these objectives. Principle nine also

stipulates that intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. We further recall principle either, recalling that exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles. We would also like to recall that “[t]he principles of necessity and proportionality apply to the use of all force, including potentially lethal force and highlight principle four which provides that, “[l]aw enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms”.

I emphasize the duty of all States to investigate, prosecute, and punish all violations of the right to life. In general comment No. 31, the Human Rights Committee observed that there is a positive obligation on State Parties to ensure protection of Covenant rights of individuals against violations by their own security forces. Permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13). Similarly, Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989, in particular principle nine, recall that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. We further refer to paragraph 25 of the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016)). The Protocol includes guidance on all stages of the investigation process and has detailed guidelines on crime-scene investigation, interviews, excavation of graves, autopsy and analysis of skeletal remains. In this connection, we stress that forensic investigations contribute to combating impunity by providing the evidentiary basis on which prosecutions can successfully be brought against persons responsible for grave violations of human rights law (E/CN.4/2003/135).