



To:

Hon. Rodrigo Duterte, President of the Republic

CC:

Mr. Diosdado M. Peralta, Chief Justice of the Supreme Court of the Philippines

Mr. Menardo Guevarra, Secretary of the Department of Justice

Board

Maha Abdullah
*Cairo Institute for Human
Rights Studies,
Palestine*

Mr. Jose Luis Martin Gascon, Chairperson of the Commission on Human Rights

Ms. Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders

Binota Moy Dhamai
*Asia Indigenous Peoples Pact,
Thailand*

Dr. Agnès Callamard, UN Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Escorihuela Blasco
*Observatori DESC,
Spain*

Ms. Fionnuala Ní Aoláin, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Priyanthi Fernando
*International Women's Rights
Action Watch Asia Pacific,
Malaysia*

Mr. Clément Nyaletsossi VOULE, UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

Fernanda Hopenhaym
*Project on Organizing,
Development, Education, and
Research,
Mexico*

Ms. Leigh Toomey, Chair-Rapporteur, UN Working Group on Arbitrary Detention

Ms. Elina Steinerte, Vice Chair, UN Working Group on Arbitrary Detention

Ryan Schlieff
*International Accountability
Project,
USA*

S'bu Zikode
*Abahlali baseMjondolo,
South Africa*

23 March 2021

Your Excellency,

Chris Grove
Executive Director

We write on behalf of ESCR-Net - International Network for Economic, Social and Cultural Rights, consisting of over 280 organizations and advocates across 75 countries, devoted to achieving economic, social, cultural and environmental justice through human rights.

We are writing to you to express our profound concern regarding the recent extrajudicial killings of nine human rights defenders and arrests of at least four others

at dawn on Sunday 7 March 2021, now being referred to as the Bloody Sunday incidents as well as the recent arrest of Renalyn Tejero.

Emmanuel “Manny” Asuncion was the coordinator of Bagong Alyansang Makabayan (BAYAN-Cavite) and a well-respected labor rights activist. He was shot six times and killed by Calabarzon police during a warrantless raid in the Workers Assistance Office in Dasmariñas, Cavite. A search warrant was used in raiding his family’s residence in another town, where a gun and ammunition were reportedly planted by the police raiding team. The couple, **Ana Mari “Chai” Evangelista** and **Ariel Evangelista** were fisherfolk and leaders of Ugnayan ng Mamamayan Laban sa Pagwawasak ng Kalikasan at Kalupaan (UMALPAS KA) in Batangas. They were killed during a police raid on their house and left behind a 10-year-old child. **Melvin Dasigao** was a member of the urban poor and housing rights group, Sikkad K3 in Montalban. He was killed along with Sikkad K3 member **Mark Bacasno** during combined police and military raids in Montalban, Rizal. Bacasno was shot at least seven times, while his home was raided almost simultaneously to the raid carried out on the home of Dasigao. The siblings and indigenous banana farmers, **Abner Esto** and **Edward Esto**, were killed in Rodriguez, Rizal during police raids. Indigenous Dumagat human rights defenders, **Puroy dela Cruz** and **Randy “Palong” dela Cruz** were killed by police in Tanay, Rizal. Reportedly, police willfully obstructed relatives from claiming the bodies of their loved ones in at least six of the nine cases through administrative obstacles and harassment.

In addition to the killings, several activists were arrested, including **Nimfa Lanzanas** from ESCR-Net member organization, Karapatan. Nimfa works as a paralegal at Karapatan, offering support to political prisoners, and is a member of Kapatid, an organization of families of political prisoners. Nimfa’s son has been incarcerated on similar trumped-up charges. She was with her three grandchildren aged 6, 9 and 11, when police raided her home. Likewise, three labor rights activists were arrested; **Esteban “Steve” Mendoza**, Vice-President and paralegal at OLALIA-Kilusang Mayo Uno, **Elizabeth “Mags” Camoral**, Bayan-Laguna spokesperson and former President of the workers’ union in F-Tech Inc. located in Binan, Laguna, and **Eugene Eugenio**, a member of the Rizal chapter of the Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE), was arrested in Antipolo City, Antipolo. Police claim to have arrested a total of six persons and that nine more are “at large”.

In all of the killings and arrests, search warrants were cited by the police as legal justifications for the raids.

At approximately 5 AM on 21 March 2021, 25-year-old Karapatan paralegal, **Renalyn Tejero** was arrested in a joint police and military raid in Barangay Lapasan, Cagayan de Oro. She was held incommunicado for a day after her arrest. Local police only later confirmed her arrest and whereabouts.¹ Renalyn Tejero is facing trumped up charges of murder and attempted murder but

¹ Herbie Gomez (21 March 2021): Police arrest 25-year-old activist Renalyn Tejero in Cagayan de Oro, The Rappler, available at <https://www.rappler.com/nation/police-arrest-activist-renalyn-tejero-cagayan-de-oro-march-21-2021>

was never served a subpoena nor was she allowed to participate in preliminary investigations thereby denying her the possibility to prove her innocence.² She was also denied the possibility of posting bail. Renalyn Tejero has faced trumped up criminal charges on three occasions in the past, all of which were dismissed,³ and this appears to be yet another attempt to criminalize her for her legitimate human rights work.

These recent attacks are the latest in a deeply concerning, ongoing pattern of criminalization and violence against human rights defenders in the Philippines. In addition to the killings on 7 March 2021, there have been several recent killings. During the month of December 2020 alone, five mango farm workers were killed in the Baras Massacre in Baras, Rizal, and in the Tumandok Massacre in Panay, nine Tumandok leaders were killed and 17 arrested. The Philippines is consistently highlighted as one of the countries where the most human rights defenders are killed annually. According to ESCR-Net member Karapatan, as of December 2020, 197 human rights defenders have been killed in the Philippines since Your Excellency, President Rodrigo Duterte, assumed office. Likewise, ESCR-Net member Front Line Defenders show in their Global Analysis 2020 that at least 25 human rights defenders were killed in the Philippines last year.⁴ This puts the Philippines second only to Colombia in terms of killings of human rights defenders globally.

A report by the Office of the UN High Commissioner on Human Rights, released in June 2020, also highlighted a series of grave human rights violations including the systematic and widespread killings with impunity of human rights defenders in the Philippines.⁵ In April 2020, nine UN Special Rapporteurs, in a letter to the authorities, expressed their concern regarding the killings, threats, detentions and criminalization of human rights defenders in the Philippines.⁶ On 18 March 2021, the UN Special Rapporteur on the situation of human rights defenders urged the Congress of the Philippines to enact legislation to protect human rights defenders in the country.⁷

Attacks on human rights defenders in the Philippines take place in a context that is extremely hostile to dissent and human rights defense. Harmful rhetoric and criminalization is often directed at those that speak up and defend human rights. Frequently these threats are followed by arrests or violence against human rights defenders. At least in some instances, this rhetoric comes from the highest levels of government. The recent attacks occurred only two days after Your Excellency, President

² Karapatan (22 March 2021): Karapatan: Renalyn Tejero's arrest is the latest in a spate of attacks vs rights workers. Available at

<https://www.karapatan.org/renalyn+tejeros+arrest+is+the+latest+in+a+spate+of+attacks+vs+rights+workers>

³ Herbie Gomez (22 March 2021): Lawyer says activist Renalyn Tejero in the dark about murder case, The Rappler. Available at <https://www.rappler.com/nation/lawyer-activist-renalyn-tejero-unaware-murder-case>

⁴ Front Line Defenders (2020): Global Analysis 2020. Available at https://www.frontlinedefenders.org/sites/default/files/fl_d_global_analysis_2020.pdf

⁵ OHCHR (2020) Situation of human rights in the Philippines. Available at <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25149>

⁷ OCHR (18 March 2021): Philippines: Expert urges Congress to enact human rights defenders law. Available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26914&LangID=E>

Rodrigo Duterte, on 5 March 2021, appeared to issue a shoot to kill order to the police and military of the Philippines if they were to encounter “communist rebels”.⁸ As mentioned previously, witnesses have shared that police planted weapons and explosives after killings and arrests on 7 March 2021, to insinuate connections between the human rights defenders and rebel groups. Reportedly, this includes planting weapons and a grenade in the house of the 61-year-old Nimfa Lanzanas during her arrest.

Several of the human rights defenders that were killed and arrested on 7 March 2021, have been victims of the so-called “red tagging” practice by the authorities in the Philippines. Many activists, having been ‘red-tagged’ or labelled as communists or terrorists, have subsequently been killed or received death threats or threats of sexual violence. In her recent report to the UN Human Rights Council, the UN Special Rapporteur on the situation of human rights defenders mentions “red tagging” as a serious context specific threat in the Philippines that has often preceded the murder of several human rights defenders in the country.⁹

In May 2020, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) organized a meeting with 80 members of Sikkad, accusing them of being sympathizers of the Communist party, CPP-NPA-National Democratic Front (CPP-NPA-NDF).¹⁰ Co-founder of Karapatan and land reform activist, Randall “Ka Randy” Echanis and Zara Alvarez, former campaign and education director at Karapatan Negros, were killed in the span of one week during August 2020. Both had previously been “red-tagged” and criminalized for their human rights work.¹¹ Renalyn Tejero has also been the victim of extensive “red-tagging” since 2016.

Likewise, many human rights defenders are criminalized for their legitimate human rights work. Three days before the Bloody Sunday Massacre, on March 4, 2021, two other unionists – Ramir Corcolon and Arnedo Lagunias – were arrested in separate incidents in Laguna, still under the same state-perpetrated modus. Lagunias is a former union officer of Lakas Manggagawang Nagkakaisa sa Honda (LMNH-NAFLU-KMU) and Alyansa ng Manggagawa sa Engklabo (Alliance of Workers in Enclaves), while Corcolon is the Secretary General of Water System Employees Response (WATER) and a National Council member of the group COURAGE.

On 10 December 2020, seven human rights activists, collectively known as the HRDay7, were arrested in a series of raids in Mandaluyong City and Quezon City and charged with possession of

⁸ Al Jazeera (10 March 2021) ‘Appalled’: UN urges probe into killing of Philippine activists. Available at <https://www.aljazeera.com/news/2021/3/10/un-urges-probe-into-killings-of-philippine-activists>

⁹ OHCHR (2021): Final Warning: death threats and killings of human rights defenders. Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor. Available at <https://undocs.org/A/HRC/46/35>

¹⁰ Jairo Bolledo and Rambo Talabong (8 March 2021) Leaders lost: The 9 activists killed by Duterte gov’t on ‘Bloody Sunday’, The Rappler. Available at https://www.rappler.com/newsbreak/iq/names-activists-killed-by-duterte-government-bloody-sunday-march-7-2021?utm_campaign=Echobox&utm_medium=Social&utm_source=Facebook&fbclid=IwAR2fYV8TACwHOI_pPw5ZRQLLiCz-pQcEJDQluzep7mcv-VhjxxwrDFrjGp4#Echobox=1615210496

¹¹ <https://www.escr-net.org/news/2020/philippines-justice-zara-and-ka-randy>

firearms and explosives.¹² Among the arrested, six are labor rights activists including Dennise Velasco, Rodrigo Esparago, Romina Astudillo, Mark Ryan Cruz, Joel Demate and Jaymie Gregorio Jr from Defend Jobs Philippines. On 5 March 2021, Rodrigo Esparago and journalist Lady Ann Salem were released after the Court found that the charges against them lacked merit. Similarly, Karapatan Regional Council Member, “Teresita” Naul, has been imprisoned since 15 March 2020, on trumped up charges attempting to connect her with violent actions. Since last month, officers of several local unions, especially in Southern Tagalog, have been visited by members of NTF-ECLAC to stop their union activities.

The Anti-Terrorism Act of 2020 raises serious concerns relating to human rights safeguards and grants the government excessive and unchecked powers to crack down on perceived threats based on a vague and nebulous definition of terrorism. The Anti-Terrorism Act was passed into law in July 2020, in the middle of a pandemic and in the face of strong opposition from various sectors. A total of 37 petitions against the legislation were filed in the Supreme Court. Reportedly, restrictions during the COVID-19 pandemic have led to further repression of dissent.

We wish to recall that the Government of the Philippines has an obligation to promote, respect, protect and fulfill human rights in accordance with international standards and national laws.

Specifically, as a State Party to the International Covenant on Civil and Political Rights (ICCPR), the Philippines is obligated to uphold the following human rights, among others: the right to life; the right to liberty and security of person, including freedom from unlawful or arbitrary arrest or detention; and the rights to due process, right to freedom of association and of peaceful assembly and equality before the law, courts and tribunals, including the entitlement to fair and public hearings by competent, independent and impartial tribunal established by law. The Covenant further obligates States Party to ensure available, adequate and effective remedies to violations of the rights contained in the treaty, which entails, *inter alia*, a State duty to conduct prompt, thorough, impartial and independent investigations of potential violations and enable full accountability.

The Human Rights Committee General Comment 36 on the right to life recalls the State’s duty to respect the right to life and prohibits engaging in conduct resulting in the arbitrary deprivation of life. Similarly, the General Comment recalls State obligations to protect individuals from reprisals for promoting human rights, as well as responding adequately to death threats and ensuring the protection of human rights defenders. The General Comment also mentions the impact on relatives of victims and the rights violations that may arise from denying them access to information and the body of their relative.¹³

¹² Dona Z. Pazzibugan, Jeannette I. Andrade and Krixia Subingsubing (15 December 2020): PNP: Activists’ arrest legitimate, The Inquirer. Available at <https://newsinfo.inquirer.net/1371760/npn-activists-arrest-legitimate>

¹³ Human Rights Committee, General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, paragraphs 7, 13, 15, 17, 53 and 56, available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf

We also recall the UN Declaration on the Rights of Human Rights Defenders, which establishes the obligations, among others, to take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation or any other arbitrary action as a consequence of his or her actions to defend and promote human rights. This includes prohibiting criminalization of human rights defenders, a well-known abuse of criminal justice systems aimed at suppressing dissent. Such criminalization has been condemned by international human rights bodies.¹⁴

We also want to recall the State obligations of the Philippines government under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which has been ratified by the Philippines. Likewise, the Philippines voted in favor of the UN Declaration on the Rights of Indigenous Peoples, which sets out minimum standards for protections of indigenous peoples. Finally, we want to recall that the Philippines have ratified ILO convention 87 on Freedom of Association and Protection of the Right to Organize and ILO convention 98 on the Right to Organize and Collective Bargaining.

Given the gravity of the situation, we call on the government of the Philippines to:

1. Stop the killings of human rights defenders.
2. Conduct prompt, thorough, independent and impartial investigations into the killings, arrests, detentions, searches and other forms of persecution of human rights defenders. Those responsible must be held accountable.
3. Support the granting of the amparo and habeas data court petition for legal protection by Karapatan and other human rights defenders currently before the Supreme Court.
4. Ensure the physical, mental and moral integrity of human rights defenders in the Philippines, including ensuring the protection of human rights defenders receiving death and other threats, taking into account the often gendered threats received by women and ensuring that the particular needs of women human rights defenders are met.
5. End the hostile rhetoric and defamation campaigns against human rights defenders by government authorities, including putting an end to “red tagging” of human rights defenders.
6. Put an end to criminalization of human rights defenders for their legitimate human rights activism, including by liberating human rights defenders imprisoned on trumped up charges.
7. Act immediately to ensure the repeal of the Anti-Terrorism Act.
8. Sign into law the Bill to protect human rights defenders.
9. Publicly recognize the legitimate and essential work of human rights defenders to ensure internationally recognized rights of indigenous peoples, labor rights and human rights generally towards societies where economic, political, social, civil, cultural and environmental rights are a reality for all.

¹⁴ See, for instance, *Criminalization of Human Rights Defenders*, Report, Inter-American Commission on Human Rights, 2015, available at: <http://www.oas.org/en/iachr/reports/pdfs/criminalization2016.pdf>

10. Respect the right to association as outlined in ILO Conventions 87 and 98.

Cordially,

Chris Grove

Executive Director