



International Network for Economic, Social & Cultural Rights
Red Internacional para los Derechos Económicos, Sociales y Culturales
Réseau international pour les droits économiques, sociaux et culturels
الشبكة العالمية للحقوق الاقتصادية و الاجتماعية و الثقافية

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the Tides Center

TO:

His Excellency, H.E. Benigno Simeon Aquino III, President of the Philippines

CC:

Hon. Maria Lourdes Sereno, Chief Justice, Supreme Court of the Philippines
Hon. Alfredo Benjamin Caguioa, Secretary, Department of Justice
Hon. Voltaire Gazmin, Secretary, Department of National Defense
Hon. Mel Senen Sarmiento, Secretary, Department of Interior and Local Government
Mr. Michel Forst, UN Special Rapporteur on Human Rights Defenders
UN Working Group on Arbitrary Detention

11 February 2016

RE:

Concern regarding criminalisation of human rights defenders: Roy Velez, Amelita Bravante-Gamara, and Renante Gamara

Your Excellency,

The International Network for Economic, Social and Cultural Rights (ESCR-Net) is the largest global network of organizations and activists devoted to achieving economic, social and environmental justice through human rights, consisting of over 270 organizational and individual members in 70 countries.

We write to express our deep concern regarding information we have received about the apparent criminalisation of Mr Renante Gamara, Ms Amelita Bravante-Gamara, and Mr Roy Velez in connection with their human rights work. Further, we are concerned that such action by the State against these persons is representative of an ongoing and systematic pattern of intimidation, harassment, violence, and criminalisation targeting human rights defenders in the Philippines.

Criminalisation of individuals in connection with human rights work

We are informed that, until the charges/arrests detailed below, Mr Velez, Ms Bravante-Gamara, and Mr Gamara were active trade union leaders, working to defend the human rights of workers and the urban poor in the Philippines. Among other things, they have worked to promote the right to work, adequate working conditions and wages, adequate housing, and human rights related to the environment. We are advised that, in connection with such work, the above-named persons have been subject to the following criminalisation measures by the State:

1) Renante Gamara

We are informed that Mr Gamara was detained and charged with ‘kidnapping with murder’¹ in 2012, then served with another warrant of arrest for ‘murder and frustrated murder’² in 2015 while in prison. Mr Gamara denies all charges and, following a number of interlocutory steps, is currently seeking to have these matters dismissed by the Infanta and Pasig Regional Trial Courts. At present, we understand that he is detained at the Philippine National Police National Headquarters Custodial Center, Camp Crame, Quezon City, where he is currently receiving support in his legal defense from the Public Interest Law Center.

Mr Gamara’s long history of trade union activity in the Philippines reportedly includes advocacy, research, education, and consulting in relation to government negotiations. From 1980 until his detention, he acted as Education Officer and organiser for *Kilusang Mayo Uno*³ (KMU), a nationwide labour centre. He participated in union-building and subsequent workers rights’ campaigns in connection with the following companies, among others: Gelmart, Laws Textile, Triumph International, Philippine Airlines, Philippine Long Distance Telephone Company, Light Rail Transit, and Nestle Philippines. More recently, Mr Gamara worked with KMU and other organisations to address adverse impacts of the Philippine National Railway modernisation, the Manila Bay reclamation (a multi-billion public-private partnership project), and other government projects that allegedly undermine the welfare and rights of people in project-affected areas.

2) Roy Velez and Amelita Bravante-Gamara

We are informed that Mr Velez and Ms Bravante-Gamara were each charged in 2012 with 11 counts of murder, and one count of ‘frustrated murder’,⁴ although they have not yet been arrested, and we do not have information regarding their current locations. Also facing the charges are human rights defenders Randy Vegas, Raul Camposano, Rene Boy Abiva and Virgilio Corpuz, and several others. Mr Velez and Ms Bravante-Gamara and the other above-mentioned human rights defenders deny all charges and, following a number of interlocutory steps, their lawyers are currently seeking to have these charges withdrawn by the Department of Justice.

We are advised that Mr Velez acted as chairperson of the National Capital Region (NCR) chapter of KMU from 2004. He also served as the chair of New Patriotic Alliance, also of NCR. From 2011, Mr Velez acted as chair of the Save Freedom Island Movement and actively campaigned against adverse human rights impacts associated with the Manila Bay reclamation project.

We are advised Ms Bravante-Gamara co-founded the Movement of Women Workers in the 1990s and also volunteered her time organising urban poor communities and advocating for children’s rights. From 2004, she acted as deputy secretary general of the NCR chapter of KMU. In 2009, Ms Bravante-Gamara co-founded Defend Job Philippines, a network that advocates for the rights of workers and the urban poor in Metro Manila, and has acted as board member since that time. Through Defend Job, she actively participated in the campaign to preserve Manila Bay and to challenge forced evictions and livelihood destruction across Manila. Ms Bravante-Gamara is married to Mr Gamara.

Connection with their human rights work

We are informed by credible contacts in the Philippines that the government is widely using criminal proceedings – often under the pretext of an apparent ‘counter-insurgency’ program – to silence and repress human rights defenders in connection with their legitimate work to ensure labour rights and human rights.

¹ The charges were filed before the Mauban Regional Trial Court (RTC) in May 2007, then transferred to Branch 266 Pasig RTC. Mr Gamara’s name was added to the charges in 2012, just days prior to his arrest.

² Filed before the Infanta RTC.

³ May First Movement.

⁴ Filed before the Lagawe RTC.

All three of the individuals named above were at the forefront of the campaigns against the Manila Bay reclamation and series of unrelated forced evictions across Manila. In the months prior to Mr Gamara's arrest, the three individuals (and others) were engaged in a number of labour rights and human rights activities, including:

- working to scale up the campaign against the Manila Bay Reclamation;
- supporting the residents of Silverio Compound in Paranaque City prepare for the impending eviction of their community in connection with a real estate project by the local government and mall-giant Henry Sy's SM Development Corporation, and
- researching and consulting workers' organisations and communities for a campaign, coordinated by KMU, calling for jobs, fair wages and decent work, and denouncing the overreliance on contract labour.

We are advised that, during this period, Mr Velez received death threats and other forms of harassment via text message from an unidentified person. The text messages suggested surveillance of Mr Velez's labour rights and human rights activities, noting, for example, Mr Velez's appearance during a public rally speech, such as the colour of his hat, or things that he mentioned in his speech. Following the filing of charges against Mr Velez, the campaign director who took over his responsibilities as spokesperson is reportedly now receiving similar text messages.

Allegedly, on 4 and 5 April 2012 (the day following Mr Gamara's arrest), two men unknown to Defend Job staff were seen taking photographs of the location of the Defend Job office. Prior to and following Mr Gamara's arrest, Ms Bravante-Gamara and their daughter reportedly experienced harassment and intimidation, such as tailing and surveillance by unknown persons who also asked their friends about their whereabouts. These incidents were each filed as separate complaints at the Commission on Human Rights, but no evident action was taken. Significantly, during post-arrest interrogation, Mr Gamara reports that he was asked nothing related to the alleged charges against him but rather the questions focused on the whereabouts and trade union activities of his wife, Ms Bravante-Gamara, suggesting that the motive for his arrest centred on his and his wife's human rights activities.

We are gravely concerned that action against these individuals is representative of a wider pattern of criminalisation of persons involved in the promotion of labour and/or human rights, particularly where such work raises questions concerning the activities of corporations in the Philippines and in connection with large-scale private-public partnership projects. According to the Observatory for the Protection of Human Rights Defenders, in what they have deemed a 'flagrant abuse of the law and authority,' the police in the Philippines often file trumped up charges alleging serious crimes, as a means of harassing and silencing human rights defenders. These charges allow the authorities to place them under arrest with little possibility of bail, thus effectively removing them from the arena of human rights struggle, while reinforcing their image as criminals in society, rather than activists seeking enforcement of human rights for marginalised communities."⁵ Allegations of ongoing violence against and murders of human rights defenders and fabricated criminal charges have also been made by, among others, various UN special procedures,⁶ Front Line Defenders,⁷ and FIDH.⁸

Human rights obligations accepted by the Philippines

We wish to recall that the Philippine Government has guaranteed a range of human rights pursuant to international standards and national laws. Specifically, as party to the International Covenant on Civil and Political Rights, the Philippines is obliged to uphold the following human rights, among others: the rights to peaceful assembly and of association; the right to liberty and security of person, including freedom from arbitrary arrest or detention; and the right to equality before the courts, including the

⁵ Observatory for the Protection of Human Rights Defenders: "The Philippines: Human Rights Defenders at the Forefront Despite an Ongoing Culture of Violence and Impunity. International Fact-Finding Mission Report" http://www.omct.org/files/2015/07/23254/v1.3_en_w_rprrtphilippines_obs15.pdf, page 23

⁶ United Nations Office of the High Commissioner on Human Rights. Philippines: UN experts urge probe into killings of three Indigenous peoples' rights defenders <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16481&LangID=E>

⁷ Front Line Defenders. Overview: Philippines. <https://www.frontlinedefenders.org/philippines>

⁸ FIDH. "Women Human Rights Defenders are Targeted for Legitimate Human Rights Advocacy. August 15. <https://www.fidh.org/en/region/asia/philippines/the-philippines-women-human-rights-defenders-are-targeted-for>

entitlement to a fair and public hearing by a competent, independent and impartial tribunal established by law.

As party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Philippines has also guaranteed the right of everyone to form trade unions and join the trade union of his choice, and the right of trade unions to function freely subject to no limitations other than those prescribed by law and necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others. The ICESCR also guarantees, among others: the right to work; the right of everyone to the enjoyment of just and favourable conditions of work (including fair wages and safe and healthy working conditions) and the right to an adequate standard of living.

We also recall the UN Declaration on the Rights of Human Rights Defenders, which establishes the State obligations to ensure that everyone has the right, among others: to conduct human rights work individually and in association with others; to form associations and non-governmental organisations; to effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights. Further, States are obliged to, among other actions: take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of the above rights; to conduct prompt and impartial investigations of alleged violations of human rights; and to provide an effective remedy for persons who claim to have been victims of a human rights violation. Finally, the former UN Special Rapporteur on the situation of human rights defenders has underscored serious concern with the growing use of laws and other measures of judicial harassment, arrests, arbitrary detentions and convictions in order to restrict, criminalize and discredit human rights defenders, concerns that have been echoed by the current mandate-holder.⁹

Requests for action by the Government of the Philippines

In light of information received, we have significant concerns that the rights mentioned above, among others, have been and continue to be violated by the Philippine Government, both directly by State agents and through a government failure to take appropriate action to protect against rights violation by non-State actors.

Accordingly, we respectfully request that the Philippine Government take immediate steps to carry out the following measures:

- 1) Undertake prompt, effective, independent and impartial investigations into the circumstances leading to the charges against Mr Gamara, Ms Bravante-Gamara, and Mr Velez, including investigation into any undue corporate influence which has led to the criminalisation of their lawful activities to defend and promote labour and human rights;
- 2) In the event that the charges against these persons are maintained, ensure the protection of all rights while in custody or detention including, among others, the rights: to have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing; to be tried without undue delay; and to a fair and public hearing by a competent, independent and impartial tribunal established by law;
- 3) Undertake prompt, effective, independent and impartial investigations into the incidents mentioned in this letter as occurring prior to and after the detention of Mr Gamara, to clarify responsible parties and ensure appropriate remedies;
- 4) Cease, and take all necessary steps to ensure that all actors, including agents of the State and company representatives, refrain from all further acts of surveillance, harassment, intimidation, and violence against the staff of Defend Job, other family members and persons associated with Mr Gamara, Ms Bravante-Gamara, and Mr Velez, and any person in the Philippines involved in legitimate and peaceful human rights work; and
- 5) Take appropriate measures to fully respect, protect and fulfil labour and human rights, in law, policy and practice, in all development and related activities, including protection against

⁹ Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders, Report to the UN General Assembly A/70/217 Global trends in risks and threats facing human rights defenders 30 July 2015. Paras.47 and 49, p.10.

forced evictions and measures to allow local people to sustain their livelihoods and live in dignity, by safeguarding genuine democratic space open to all members of the society.

Finally, we would be grateful if you could keep us informed as to the development of this situation.

A handwritten signature in black ink, appearing to read 'C. Grove', is centered on the page. The signature is fluid and cursive, with a horizontal line extending to the right.

Chris Grove, Director of ESCR-Net