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HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of 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; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on violence against women, its causes and consequences.

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) Indigenous (2001-8) G/SO 214 (33-27) G/SO 214 (89-15)
PHL 7/2012

28 December 2012

Excellency,

We have the honour to address you in our capacity as 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; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights of indigenous peoples; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 16/4, 15/21, 16/5, 15/14, 17/5, and 16/7.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **continued reports of alleged killings of and acts of harassment, stigmatization and threats against human rights defenders, in particular environmental and indigenous rights defenders, many of whom are women human rights defenders and indigenous leaders.**

We acknowledge the recent significant steps taken by your Excellency's Government to address the issue of impunity surrounding alleged violations committed against human rights defenders, which are also in line with the recommendation made by the Human Rights Committee to this effect following the review of the fourth periodic report of the Philippines in October 2012. We acknowledge in particular Administrative Order No. 35 issued on 22 November 2012, which establishes an Inter-Agency Committee on extra-legal killings, enforced disappearances, torture, and other grave violations of the right to life, liberty and security of persons. We note that the mandate of the Committee is to conduct an inventory of cases; to investigate unsolved cases and to actively monitor developments on these cases; to investigate new cases and prosecute where necessary; to take immediate action upon cases and to submit a report to the

President every six months. We welcome this step and look forward to receiving information on when the Committee will be set up and in a position to commence its work.

We also acknowledge the establishment of a National Monitoring Mechanism, a tripartite agreement consisting of the Government, the Commission on Human Rights, and civil society, mandated to review all pending cases of serious human rights violations and to recommend solutions for the resolution of these cases. We welcome the recent Universal Periodic Review recommendation accepted by your Excellency's Government to "allocate adequate resources to the National Monitoring Mechanism and to ensure it effectively carries out its mandate" (A/HRC/21/12, para. 129.27) and look forward to receiving further information on the functioning of the National Monitoring Mechanism and when it will be created.

In this regard, we would like to draw the attention of your Excellency's Government to the following information received concerning serious violations committed against human rights defenders in 2011 and 2012.

According to the information received:

Mr. Rudy Dejos and Mr. Rudyric Dejos

On 27 February 2011, the lifeless bodies of Mr. Rudy Dejos and Mr. Rudyric Dejos, son of Mr. Rudy Dejos, were found in their home in Santa Cruz, Davao del Sur. It is reported that both bodies had several gunshot wounds and bruises, while rope burns were found around the hands of Mr. Rudy Dejos, and his neck had been cut with a sharp object. Mr. Rudy Dejos, a farmer and indigenous rights defender, was the Tribal Chieftain of the indigenous B'laan community, the Human Rights Action Officer for Santa Cruz Barangay and Vice-Chairperson of Zone-1 Farmers Association (ZOFA). His son Mr. Rudyric Dejos was also a member of ZOFA. Mr. Rudy Dejos was also one of the founders of former farmer organization Patulangon Farmers Association.

According to the information received, Mr. Rudy Dejos has been subjected to harassment and threats by soldiers of the 39th Infantry Battalion since 2010, due to his involvement in farmer organizations. Sources report that on 26 February 2011, soldiers of the 39th Infantry Battalion were conducting military operations in the area of Santa Cruz and were searching for Mr. Rudy Dejos.

Mr. Santos V. Manrique

On 12 April 2011, at approximately 6:00 p.m., Mr. Santos V. Manrique was allegedly shot dead by four unknown individuals at his home in Brgy. Kingking, Pantukan. Mr. Santos V. Manrique was a leader of two small scale mining groups, Boringot Small Scale Miners' Cooperative and Federation of Miners' Aggrupation in Pantukan. He was also the Chairperson of the Pantukan branch of

Panalipdan and a Council Member of Compostela Valley Federation of Small Scale Miners. He had been an active opponent of large scale mining projects and had lobbied the local government against the entry of such companies. It is reported that in 2011, Mr. Manrique was subjected to acts of harassment by soldiers of the 1001st Infantry Battalion, during an attempted negotiation of the relocation of mining activities in the local area.

Mr. Rabenio Sungit

On 5 September 2011, at approximately 1:30 p.m., Mr. Rabenio Sungit, a leader of Tagusao Outreach Congregation of the United Church of Christ in the Philippines (UCCP) and of the indigenous group PAGESAMBATAN (Pagkakaisa ng mga Katutubo) in Palawan province, was reportedly shot dead in Quezon by two unknown individuals on motorcycles. An indigenous rights defender, Mr. Sungit opposed large scale mining and other potentially environmentally harmful projects on ancestral lands. Prior to his killing, Mr. Sungit, whose brother Mr. Avenio Sungit was the victim of an alleged extrajudicial killing in 2005, had reportedly attended a human rights education seminar in Puerto Princesa, organised by UCCP.

Ms. Bae Adelfa Belayong

A leader of the Lumad indigenous community, Ms. Bae Adelfa Belayong was reportedly forcibly displaced from her ancestral land due to repeated death threats and acts of harassment, as a result of her work as an indigenous rights defender and her opposition to large scale mining operations on Lumad ancestral lands. Ms. Bae Adelfa Belayong is currently based in Butuan City and is one of the leaders of KASALO (Kahugpungan sa Lumadnong Organisasyon). Ms. Belayong's husband and brother were reportedly killed in 2009 and in 2011 respectively by paramilitaries. It is further reported that Ms. Belayong's four year old child was decapitated after being shot by paramilitaries on the neck while being carried on her mother's back.

Ms. Bebeth Calinawan Enriquez

Ms. Bebeth Calinawan Enriquez is a member of the Mamanwa tribe and of APOGAN, a Mamanwa organization based in Cabadbaran, Agusan del Norte, which is affiliated to KASALO. In her work as an indigenous rights defender, she has defended her community against large scale mining and hydroelectric projects.

On 10 September 2011, at approximately 4:00 p.m., soldiers of the 36th Infantry Battalion allegedly opened fire on Ms. Bebeth Calinawan Enriquez and other members of her family at their home. Ms. Enriquez reportedly sustained four gunshot and four shrapnel wounds as a result of the attack, and was subsequently brought by the soldiers to their military camp, where she was allegedly forced to

sign a document declaring that she was a member of the New People's Army (NPA). According to the information transmitted, when Ms. Enriquez refused to do so, she was denied adequate medical care and food. It is reported that she was detained one month in the camp, and was released upon the efforts of her father. Ms. Enriquez and her family subsequently reportedly filed charges against the Armed Forces of the Philippines before the Commission on Human Rights (CHR) in Butuan City.

Sr. Stella Matutina

Sr. Stella Matutina is a Missionary Benedictine nun and a human rights defender who has been based in Mati, Davao Oriental, in Mindanao since 2007. Secretary General of Panalidan! Mindanao, a network of environmental and land rights defenders, Sr. Matutina is involved in community organizing, grassroots education and advocacy and lobbying efforts in order to defend communities, in particular indigenous communities, from commercial logging and large scale mining projects. Panalidan! also supports environmental rights defenders who are victims of death threats and acts of harassment due to their human rights activities. It is alleged that Sr. Matutina has been the subject of several incidents of threats and harassment in the course of her work as a missionary and a defender in Mindanao.

Sr. Stella Matutina was involved in the founding of Justice for Father Tentorio Movement, which works to ensure justice for the perpetrators behind the killing of the Italian Catholic Missionary and human rights defender, who was fatally shot by an unknown individual on 17 October 2011. The killing of Father Fausto Tentorio was the subject of a letter of allegation sent to your Excellency's Government on 24 October 2011 by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the right to freedom of opinion and expression, and the Special Rapporteur on extrajudicial, summary or arbitrary executions. We acknowledge the reply transmitted on 15 December 2011 in response to the letter and kindly ask your Excellency's Government for information regarding the current status of the investigation into Father Tentorio's killing and, if available, the results.

In February 2009, Sr. Matutina and three co-workers from Panalipdan! Davao Oriental were staying overnight in Tatayan, Cateel municipality, following an environmental education session held with local communities on the effects of mining. At 3:30 a.m. that morning, soldiers of the 67th Infantry Battalion reportedly entered the building where Sr. Matutina and her colleagues were sleeping and held them at gunpoint. The individuals, whose personal items were searched, were allegedly interrogated for eight hours in relation to the above mentioned environmental training and were accused of being members of the New People's Army (NPA). It is further reported that Sr. Matutina was accused of pretending to be a nun.

Following the successful efforts of the Davao Oriental community in July 2010 to prevent the hauling of illegally cut logs by a private company, Sr. Matutina was allegedly followed on a number of occasions by vehicles belonging to the private company. It is also alleged that during this time, a radio broadcaster declared on air that Sr. Matutina was an NPA supporter.

In late 2011, unknown individuals on tandem motorcycles reportedly parked close to Sr. Matutina's home and stayed for a long period of time, while in an earlier incident, unknown individuals on motorcycles were reportedly witnessed asking for the whereabouts of Sr. Matutina. It is reported that the individuals cited Sr. Matutina's name as it appears on her passport, a name reportedly unknown within the local community and among the colleagues and fellow missionaries of Sr. Matutina. In November 2011, Sr. Matutina was delivering an environmental education session in Barangay San Isidro in Lupon municipality, when a soldier from the 28th Infantry Battalion reportedly declared that Panalipdan! was connected to the NPA.

In March 2012, Sr. Matutina joined the Philippine UPR Watch delegation to discuss the human rights situation in Mindanao in the context of the 19th session of the United Nations Human Rights Council in Geneva. It is alleged that since her participation with the UN human rights body in March, Sr. Matutina has been cited by members of the Armed Forces of the Philippines as being a member of the NPA.

Mr. Moises Fuentes

Mr. Moises C. Fuentes was a member of the Bukidnon chapter of Human Rights Defenders - Pilipinas and was a leader of the farmers' organisation Kuya Christian Farmers Association, based in Barangay Kuya, Maramag, Bukidnon. This organisation, along with other farmers' groups, had been engaged for a number of years in a struggle to defend the land on which they till, which is located in a former forest area subsequently converted into a cattle ranch. This land was eventually granted to the farmers in 2011 under the Comprehensive Agrarian Reform Programme (CARP), a land reform policy that allows the Government of the Philippines to acquire and redistribute farmland.

It is reported that in June 2012, a message was read on a local radio station in Maramag, Bukidnon, listing the names of persons who were to be killed. The list reportedly contained the names of leaders of farmers' groups, including the Kuya Christian Farmers Association, which successfully petitioned the Department of Agrarian Reform (DAR) to place the Ocaya ranch under CARP. On 22 February 2010, DAR distributed fifty hectares out of the 820-hectare Ocaya ranch to five farmer organisations, including the Kuya Christian Farmers Association. In May 2010 however, the farmers were allegedly forced to leave the area awarded to them following acts of harassment by armed guards of the cattle ranch. In December 2011, the farmers were re-installed in the area by the Provincial Agrarian Reform Officer (PARO) of the DAR.

According to the information received, on 16 June 2012, at approximately 1:00 p.m., Mr. Fuentes was shot and killed by an unknown individual at his residence in Barangay Kuya, Maramag, Bukidnon.

Mr. Lucenio Manda

On 4 September 2012, at approximately 7:20 a.m., Mr. Lucenio Manda was travelling on a motorbike with his eleven year-old son when he was allegedly stopped and shot by unknown persons. Mr. Manda was wounded but survived the shooting, while his son sustained a fatal gunshot wound to his back. Mr. Manda is an indigenous Subanen man and a Timuay, or chieftain, as well as the head claimant of Bayog Ancestral Domain in Zamboanga del Sur. He is a vocal defender of the rights of the Subanen indigenous peoples, and has opposed the operation of large scale mining and logging on ancestral land. According to the information received, Mr. Manda often participated in meetings with local leaders as well as in meetings sponsored by the National Commission on Indigenous Peoples.

Prior to this alleged attack, in August 2012, Mr. Manda reportedly headed a group of Timuays from the Bayog area in calling for a moratorium on mining in Subanen ancestral domain until the group was able to obtain a Certificate of Ancestral Domain Title and an Ancestral Domain Sustainable Development and Protection Plan. Mr. Manda also coordinated Subanen people from the Zamboanga Peninsula around efforts to protect the Pinukis Range Forest against mining claims, including Mount. Pinukis, which Subanen people of the Zamboanga Peninsula consider being a sacred site.

Ms. Julia Manlus-ag

Ms. Julia Manlus-ag is an indigenous and land rights defender and a member of KASILO (Kahugpungan sa Lumadnong Organisasyon) Lumad, a regional organization of Lumads based in Mindanao which protects and promotes the traditional culture and practices of indigenous peoples. KASILO Lumad promotes the sustainable use of environmental resources, including small-scale mining and rattan-harvesting, and opposes the entry of large-scale mining operations and logging on indigenous lands.

In March 2012, Ms. Manlus-ag and her family were reportedly forcibly displaced from their community due to harassment by a paramilitary group, following the killing of indigenous rights defender and village chief Mr. Jimmy Liguyon, who was shot dead on 5 March 2012. The killing of Mr. Liguyon was the subject of a letter of allegation sent your Excellency's Government on 30 May 2012 by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the right to freedom of opinion and expression, and the Special Rapporteur on extrajudicial, summary or arbitrary executions. We acknowledge the reply sent by your Excellency's Government on 27 July 2012 in relation to this letter, and kindly request information regarding the current status of the

investigation into the killing of Mr. Liguyon and, if available, the results of such investigation.

On 7 October 2012, Ms. Manlus-ag and her four young children were allegedly forcibly held by members of the above mentioned paramilitary group, as they passed by the village where they were forcibly displaced from in order to visit her parents. Reports state that when Ms. Manlus-ag's husband arrived at the scene to assist his family, he was held at gunpoint by the paramilitary group, who threatened to kill him and informed him that they would only release Ms. Manlus-ag and her children on the condition that he convinced those persons who had fled the village to return. At the time of writing, sources report that Ms. Manlus-ag and her four children are yet to be released by the paramilitary group.

Ms. Juvy Capion

Ms. Juvy Capion, a human rights defender from the indigenous B'laan community in Mindanao, was a member of Kalgad, a local indigenous organization, and was involved in peacefully defending the rights of her community against mining operations. Ms. Capion strongly denounced the impact of a large-scale mining project on B'laan ancestral lands, including the alleged destruction of burial grounds, forced displacement, and reported acts of harassment and intimidation against B'laan communities.

At approximately 6:30 a.m. on 18 October 2012, thirteen soldiers of the 27th Infantry Battalion of the Armed Forces of the Philippine reportedly entered Ms. Capion's home in Sitio Fayahlob, Barangay, Datal-Alyong, Kiblawan, Davao del Sur, Mindanao, and shot her multiple times. Ms. Capion, who died on the scene from her wounds, was two months pregnant at the time. According to the information received, Ms. Capion's two young sons were also killed during the shooting while her daughter were wounded but managed to escape. Mr. Deguil Capion, Juvy Capion's husband, was not in their home during the incident. Mr. Capion is a prominent B'laan leader and is reportedly being sought by the authorities in relation to his role in an armed struggle to defend B'laan lands and the threats posed by the above mentioned large scale mining project.

Following the attack, Ms. Erita Capion-Dialang, Mr. Daguil Capion's sister and chairperson of Kalgad, has allegedly been under threat and fears for her personal safety. She is reportedly targeted because of her criticism of the 27th Infantry Battalion of the Armed Forces of the Philippines and mining activities in the region.

Mr. Genesis Ambason

On 13 September 2012, Mr. Genesis Ambason, a 23-year old Banwaon tribal leader in Agusan del Sur, Mindanao, was travelling from Barangay Balit to Sitio Tambo with other family members. When the motorcycle they were travelling on

broke down, the group continued their journey on foot. At approximately 8:00 p.m., they stopped close to Sitio Tambo and within sight of the 26th Infantry Battalion military detachment, when they heard approaching footsteps. Shots were subsequently fired at the group.

While his family members escaped, Mr. Ambason was reportedly hit by a bullet and was unable to flee. On 14 September, at approximately 6:00 a.m., Mr. Ambason's body was found 136 metres from the 26th Infantry Battalion detachment by the tribal chief of Sitio Tambo. Reports indicate that Mr. Ambason's corpse had received six gunshot wounds, that there was bruising on his face and chest and that none of his teeth remained. It is alleged that Mr. Ambason may have been subjected to torture prior to his killing.

Mr. Ambason was the secretary general of Tagdumahan, an indigenous organization that challenges the development of large-scale mining in Banwaon ancestral lands. On 25 June 2012, Mr. Ambason led Tagdumahan officials and village chiefs in a dialogue with the 26th Infantry Battalion regarding the arbitrary detention of Tagdumahan community members charged with alleged arson. It is reported that as a result of the dialogue, the detainees were subsequently released.

Mr. Antonio Norte and Ms. Carolyn Borja

Mr. Antonio Norte and Ms. Carolyn Borja are both strong opponents of illegal mining operations in the municipality of Salcedo, Province of Eastern Samar. Mr. Norte is a member of the village council, while Ms. Borja is Programme Officer with Carapdapan Movement for Development Association (CAMADA), an organization which advocates for sustainable livelihoods, including food security and agricultural development, while also campaigning for the protection of the environment and opposing illegal mining activities.

Alleged acts of intimidation against Ms. Borja and the killing of former CAMADA member Mr. Francisco Canayong on 1 May 2012 were referred to in an urgent appeal transmitted to your Excellency's Government on 29 June 2012 by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on violence against women, its causes and consequences. We regret that a reply in relation to this urgent appeal has not been received to date from your Excellency's Government.

As stated in the above mentioned urgent appeal, on 17 March 2012, a Terrestrial Mining Corporation (TMC) employee was reportedly overheard expressing the intention to kill those individuals opposing mining operations in Salcedo and the Province of Eastern Samar. Several individuals were allegedly mentioned by name, including Mr. Canayong, who was subsequently stabbed and killed on 1 May 2012. New information transmitted since then reports that Ms. Carolyn Borja and Mr. Antonio Norte were among the other names mentioned by the TMC

employee in question of people threatened to be killed if they did not cease their opposition to mining activities in the area.

Whilst acknowledging the above mentioned significant steps taken by your Excellency's Government to investigate and address cases of serious human rights violations, grave concern is expressed at continued reports of alleged killings, threats and harassment of human rights defenders. We also express concern at the allegation that these acts may be related to the individuals' peaceful and legitimate human rights work. Furthermore, concern is expressed at the allegation that those individuals and organizations working to defend the right to the enjoyment of a clean, safe, healthy and sustainable environment, as well as those working to defend the right to protect ancestral domain, including women indigenous leaders, are particularly targeted. In addition, concern is expressed at allegations of the increased stigmatization of environmental, farmer and indigenous rights defenders, in particular those who campaign peacefully against large scale mining projects which infringe on the rights of communities, who are reportedly accused by the Armed Forces of the Philippines as being supporters, sympathizers or members of the New People's Army or other armed groups.

We reiterate the concern expressed by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions in their public statement issued on 9 July 2012 on increased reports of acts of violence committed against human rights defenders, in particular environmental rights defenders in Mindanao and in Eastern Visayas. We reiterate the call of the Special Rapporteurs on your Excellency's Government to adopt urgent measures to protect the life of human rights defenders, including the realization of prompt, impartial and independent investigations into the reported acts of violence, and measures to ensure an environment where human rights defenders can carry out their peaceful and valuable work without fear of violence and repression. We remain available to provide any technical support or guidance that your Excellency's Government may require in relation to the steps taken to address such violations and other measures which could be envisaged to this end.

While we do not wish to prejudge the accuracy of these allegations, 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, 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, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations;

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12 paragraphs 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We also wish to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which, inter alia, “condemns all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (OP 2) and “calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...)” (OP 3).

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on

Civil and Political Rights (ICCPR), which the Philippines acceded to on 23 October 1986, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We would further like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that “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”.

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

The Special Rapporteurs would also like to draw the attention of the Government to Article 22(2) of the UN Declaration on the Rights of Indigenous Peoples which stipulates that States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination. In addition, the Commission on Human Rights Resolution 2005/41 on the Elimination on Violence against Women calls on States to address the specific circumstances facing indigenous women and girls in relation to gender-based violence, especially sexual violence, arising from multiple, intersecting and aggravated forms of discrimination, including racism, paying particular attention to the structural causes of violence. In this respect the Special Rapporteur recalls Article 21(2) of the UN Declaration on the Rights of Indigenous Peoples, which recognises that States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of the economic and social conditions of indigenous peoples, and that particular attention shall be paid to the rights and special needs of women, youth and children, among others.

With regard to the death threats and killings reported against the said human rights defenders, we would like to remind your Excellency's Government that every human being has the inherent right to life and no one shall be arbitrarily deprived of his or her life, in accordance with article 6(1) of the ICCPR. We urge your Excellency's Government to adopt measures to provide swift and effective protection to the human rights defenders who received death threats and may be at risk of losing their lives. In this regard, we would like to refer to paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the

Economic and Social Council resolution 1989/65, according to which it is incumbent upon States to provide “effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats”.

In respect of the killings committed either by the security officers or unidentified individuals, we would like to stress that the Human Rights Committee has said that “The protection against arbitrary deprivation of life which is explicitly required by the third sentence of article 6 (1) is of paramount importance. The Committee considers that States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity.”

We would like therefore to remind your Excellency’s Government of the duty to investigate, prosecute, and punish all violations of the right to life. In accordance with paragraph 9 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, the investigation of such cases “shall be thorough, prompt and impartial ... The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death”.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summaries of the cases accurate?
2. Has any complaint been lodged by or on behalf of the alleged victims?
3. Please provide details of the measures undertaken to provide effective protection of the human rights defenders who fear for their lives and security. If such measures have not been taken, please explain why.
4. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place in certain cases, please explain why.
5. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on any of the alleged perpetrators in the above cases?

6. Please clarify whether compensation has been made available to the victims' families.

7. Please provide further information on the mandates of the Inter-Agency Committee and the National Monitoring Mechanism, and how these mechanisms can assist in addressing the cases outlined in this communication, by way of ensuring that the perpetrators of the alleged violations are brought to justice in accordance with international standards, and that urgent protection measures are made available to those human rights defenders whose physical and psychological integrity remains at risk.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the lives, rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of
association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

James Anaya
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Rashida Manjoo
Special Rapporteur on violence against women, its causes and consequences