

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Friday, August 18, 2017

H.E. Rodrigo Duterte
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The Honorable Vitaliano N. Aguirre II
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Dear President Duterte and Secretary of Justice Aguirre

Re: Intimidation of Cristina “Tinay” Palabay

Lawyers’ Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote human rights and the rule of law internationally through advocacy, legal research and education. LRWC also campaigns for lawyers and other human rights defenders in danger because of their advocacy. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.

LRWC is gravely concerned for the safety of human rights defender Cristina “Tinay” Palabay, after she was threatened for her work with the non-governmental organization Karapatan. On 20 July 2017 Ms. Palabay received a phone call from an unidentified man who ordered her to cease her human rights work. He told her that she was on a “list” of people considered “courageous” and that she was part of his “AOR” (area of responsibility). The caller repeatedly enquired about her whereabouts, and threatened he would meet her soon. The caller also accused Ms. Palabay of playing a role in the alleged ambush of 19 June 2017, where members of the Presidential Security Group members were allegedly attacked by members of the New People’s Army (NPA). Ms. Palabay denied these accusations, stating that she has been in Manila at that time organizing peaceful protests ahead of President Duterte’s State of the Nation address. The

number where the call originated is believed to belong to a member of the Armed Forces of the Philippines Safety Battalion.

LRWC believes these threats made against Ms. Palabay are in response to her criticism of the government and her work in exposing human rights violations in the Philippines. This is part of a larger trend in the Philippines, where tactics of intimidation are being used to suppress dissent, block opposition to government actions and prevent exposure of government wrongdoing.

As a member of the United Nations (UN), the Government of the Philippines has obligations under international law to protect human rights defenders and their freedom of speech and of association. The *UN Declaration on Human Rights Defenders* states:

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 present Declaration (art.12.2).

Failing to investigate the threats and put in place measures to effectively ensure the safety of Ms. Palabay would also be in direct violation of the *UN HRC Resolution protecting human rights defenders addressing economic, social and cultural rights*, which calls upon all States to “take all measures necessary to ensure the rights and safety of human rights defenders” (art. 2). Furthermore, Article 6

Calls upon all States to combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights, including against family members, associates and legal representatives, and by condemning publically all cases of violence, discrimination, intimidation and reprisals (art. 6).

In light of the international law obligations, LRWC calls on the Government of the Philippines to:

1. Provide Ms Cristina “**Tinay**” Palabay with the protection she needs to continue her human rights work safe from reprisals, threats, intimidation and harassments.
2. Conduct a thorough investigation into the threats made against Ms. Palabay
3. Guarantee in all circumstances Ms. Palabay’s right to exercise internationally protected rights and freedoms to expression, movement, peaceful assembly and association without fear or harm;

4. Immediately investigate and determine the involvement of state of state-sanctioned actors in the threatening action against Ms Palabay outlined above and both the cessation of such actions and the appropriate accountability measures;

LRWC will continue to monitor the situation of Ms Palabay and other members of Karapatan. We look forward to receiving a reply from your office indicating the measures taken to ensure the personal and professional safety of Ms Palabay and ensure accountability of the perpetrator(s) of the threat.

Sincerely,



Gail Davidson, Executive Director, LRWC



Miranda Cheng, Administrative Assistant, LRWC

Copied to:

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