**Questionnaire for Civil Society by the**

**UN Special Rapporteur on the situation of human rights defenders**

**Mary Lawlor, August 2020**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor invites you or your organization to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of killings of human rights defenders, which will be presented to the UN Human Rights Council in March 2021.

The questionnaire and related concept cote on the report are available at OHCHR website in English (original language) as well as in French, Spanish, Russian and Arabic (unofficial translations): (<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>).

All submissions received will be published in the aforementioned website, unless you/your organization clearly indicated that you did not wish to have your input be made publicly available when submitting your response.

There is a word limit of 2500 words per questionnaire. Please submit the completed questionnaire to defenders@ohchr.org

Deadline for submissions: **5 October 2020**

**Contact Details**

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional. (Edited for public release)

|  |  |
| --- | --- |
| Type of Stakeholder (please select one) | [x]  Civil Society Group or Organisation[ ]  Individual human rights defender[ ]  Academic/training or research institution[ ]  Other (please specify): |
| Name of Stakeholder/Organization (if applicable)Name of Survey Respondent | Task Force Detainees of the Philippines (TFDP) |
| Email |  |
| Telephone |  |
| Address |  |
| Can we attribute responses to this questionnaire to you or your organization publicly? | [x]  Yes [ ]  NoComments (if any): |

**Questions**

Human rights defenders are persons, who individually or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental freedoms, in accordance with the UN Declaration on Human Rights Defenders.

1) Have you, any of your colleagues or your organization received online/offline threats and attacks since 1 January 2019 up 30 June 2020?

Yes.

2) If yes, can you please detail and in the case of Facebook preferably provide screenshot with URL?

* Ramiel Aballe, former TFDP Research Documentation and Information Program (RDIP) Staff based in Cebu City was harassed through a threatening text message on his cellular phone number 09099131128 on July 23, 2019, around 9:06 p.m. by an unknown sender with cellular phone number 09125055826.

Twelve hours before the incident, Aballe went to Barangay Buenavista, Himamaylan City, Negros Occidental to document the illegal arrest and detention of United Church of Christ in the Philippines (UCCP) Pastor Jimmy Teves and six other persons from Barangay Buenavista.

According to Aballe, he was able to talk to the barangay officials, particularly the one in charge of the committee on human rights in the barangay. Aballe gave his calling cards to the three barangay officials.

At around 1:00 p.m., Aballe and the three barangay officials visited and talked to Pastor Teves and his companion at the Bureau of Jail Management and Penology (BJMP) in Kabankalan City, Negros Occidental. After the jail visit, Aballe went back to Barangay Buenavista to document the alleged harassment and red-tagging of the barangay officials by the members of 62nd Infantry Battalion Philippine Army. They were tagged as supporters of the New People’s Army (NPA) because of helping Pastor Teves and company.

At around 9:00 p.m., while Aballe was riding his single motorcycle from Barangay Buenavista, Himamaylan City to Kabankalan City where he was staying, he received a text message. He stopped for a while and read the text message, “NA SITE ANG TASK FORCE NINYO SA AREA ITIGIL NINYO GINAGAWA NINYO KKNG DI PU2LAN KO NG 45 ULO NINYO TASK FORCE TASK FORCE PA KAYO”. (“YOUR TASK FORCE WAS SIGHTED IN THE AREA, STOP WHAT YOU ARE DOING OR I WILL FILL YOUR HEAD WITH 45 *(note: probably caliber pistol bullets?)* YOU HAVE SOME GALL CALLING YOURSELF A TASK FORCE”)

Aballe narrated that upon reading the text message, he immediately called the three barangay officials to whom he gave his calling card. He asked them if they gave his number to anyone because someone texted him and threatened his life. The officials told him that they did not give his number to anyone. Then, Aballe continued travelling to the pension house where he stayed. When Aballe arrived at the pension house, he saw that he had a missed call and a text message from his co-worker, Brenda de Guzman. He immediately called her after he read her message. De Guzman told Aballe that she received a death threat through text message and asked him if he received the same message. De Guzman also told Aballe that she replied and asked the sender’s identity. According to De Guzman, she called the number but the person on the other line did not talk. She allegedly heard a sound, as if the trigger of the gun being pulled.

On the following day, Aballe received a message from De Guzman who told him that their other colleague, Christine Grace Ongos, received the same message.

On July 30, 2019 at around 6:45 a.m. De Guzman received another text message from the same number. The message read, “RAMEL ANG IMONG GRUPO GAMAY KAAYO UG DALI MAPAPAS 45 UNAHON NIMO” (“RAMEL YOUR GROUP IS TOO SMALL AND EASY TO ELIMINATE, 45 STARTS WITH YOU”) When Aballe arrived at the Cebu office from his documentation in Negros, De Guzman showed the message to him.

Aballe worked with TFDP for seven years. He went around the entire Visayas islands and documented cases of human rights violations.

* On April 13, 2019 at around 1:00 p.m., TFDP Visayas staff Brenda De Guzman and former staff members Ramiel Aballe and Christine Grace Ongos were allegedly harassed by Provincial Police Director Romeo Baleros at Negros Occidental Provincial Police Office (NOPPO) in Bacolod City.

On that day, TFDP Board member dropped off the three at the NOPPO to interview nine farmers who were arrested by members of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) in Barangay Sebucauan, Municipality of Isabela, Negros Occidental for their counter affidavits. The three were able to enter the compound then they went to the Criminal Investigation and Detection Group (CIDG) where the farmers were temporarily detained. Since there was no personnel in charge, the three waited at the canteen beside the CIDG office.

At around 2:00 p.m., the person at the canteen referred them to the two persons in civilian clothes outside the CIDG office. The three approached the said persons and showed them an authorization letter signed by the farmers’ legal counsel. They asked the two persons if they could talk to the detained farmers. The two persons received the authorization letter and brought it inside the CIDG office, then told the TFDP staff that they will first consult their supervisor. The TFDP staff went inside the office while waiting for the approval of the office head.

After a while, the person who took the letter came out of the head’s office and informed the TFDP staff that they were not permitted to document what happened to the farmers. No reason was given to them as to why they were not allowed. The three asked to talk to the head of the office, but the personnel said that they were not allowed to do so, and if they wanted, they should talk to the NOPPO provincial director in another office.

The three left the CIDG office to look for the NOPPO provincial director’s office. They asked an unidentified man in civilian clothes for directions. The man looked at them from head to toe then asked why they wanted to talk to the provincial director. They replied that the legal counsel of the farmer detainees advised them to talk to the farmers and get their statements for the counter affidavits with regard the case filed against them. Then, they showed the man the authorization letter signed by the lawyer. The man took their IDs and brought it to the provincial director’s office. When he returned, he told them to go to the kiosk where the director would meet them.

After a while, Provincial Director Romeo Baleros went out and talked to the TFDP staff. They were not able to explain their purpose for visiting the detainees because Baleros told them right away that they are supporters of the New People’s Army (NPA) because they are helping them. The three denied this and said that they were just asked by the lawyer and the bishop of the diocese to assist with regard the case. Baleros asked them why they were helping the detainees who are NPA members and were involved in the killing of Sangguniang Bayan Member Jolomar Hilario in Moises Padilla town. Witnesses and Hilario’s wife actually pinpointed the detainees as the ones involved. Baleros told the TFDP staff that they did not even feel the grief of the victim’s wife and family.

Baleros added that the TFDP staff are not capable of getting the statements of the detainees because they are just paralegals. He said that it should be the legal counsel because he will be the one to appear in court. The TFDP staff explained that the lawyer just had an important appointment in Manila and requested them to talk to the detainees. He would later see them and file their counter affidavits at the fiscal’s office. Baleros did not listen to them and insisted that the lawyer, not the paralegals, is the only authorized person to talk to the detainees. Baleros even said that the lawyer should come and document the detainees because it was his work, not the paralegals’. He further said that five of his men went to the Department of Justice in Manila because the NPA (he was referring to ACT Teacher, Bayan Muna, Anak Pawis, etc.) filed a case against them in relation to the Sagay massacre. Baleros said that this cost a lot of money for transportation, so the lawyer should do the same and sacrifice all his appointments because he was paid in handing the case.

Minutes after, Baleros pointed a finger at Ongos and asked if she graduated from the University of the Philippines (UP). Aballe and Ongos replied that there were no UP schools in Mindanao. Baleros continued that the students from UP were given scholarship by the government, but they are the ones trying to pull down the government.

Later, De Guzman tried to explain to Baleros the negotiation of the Social Action Center (SAC) of San Carlos together with the bishop, but Baleros cut her off and said that they do not believe the church because even the churches are already communist group supporters for interfering in the case of the NPA. Baleros did not listen to De Guzman and instead shifted his attention to Ongos. He convinced her to be part of the government troops and that he will help her in her application, and if she will not pass, she could be a police’s wife.

After talking with Baleros for an hour and a half, the TFDP staff were finally permitted to visit and talk to the detainees, but not to get their statements on what happened. Two policemen guarded them during the interview. One of the CIDG personnel informed the TFDP staff to go individually and to take turns for only five minutes each.

On the following day, at around 2:00 p.m., Ongos and De Guzman returned to the NOPPO with a lawyer in order to finally get the statements of the detainees. They were again referred to Baleros. Later, Baleros came out to talk to them.

The lawyer introduced herself and handed her ID to Baleros, but he did not even look at the ID. He focused his attention to De Guzman and told her that she is an NPA recruiter. He asked De Guzman how come she was in Negros when in fact she is from Luzon. (Baleros knew this because of the address indicated in De Guzman’s ID.) De Guzman replied that it was part of her job as a paralegal and that she was assigned in the Visayas. Baleros did not listen to her and continued saying that De Guzman is an NPA recruiter.

After a while, Ongos interrupted their conversation and asked Baleros if they could already go to the detention area. At around 2:30 p.m., they were permitted to talk to the detainees while they were guarded by three personnel who also listened to the conversation. The interview with the detainees lasted for almost two (2) hours. At around 4:30 p.m., Ongos, De Guzman, and Atty. De Torres left the CIDG Office.

3) Did any of these threats/attacks escalate into killings - can you please chart the path as you see it?

No.

4) Have any of your colleagues been killed since 1 January 2019 up to 30 June 2020?

No.

5) If so in what context did the killing(s) occur? Have there been any convictions for the killing(s)?

N/A

6) Do you normally report death threats? If so, where?

Yes. With regard to the threats against Aballe, De Guzman, and Ongos, they were supposed to file a complaint at the Commission on Human Rights (CHR), but decided not to push through for personal reasons.

7) What in your/Organization’s experience has worked well to respond to death threats? And to prevent them from escalating into the actual killing(s) of human rights defenders?

Our organization has security protocols in place such as security risk analysis and assessment, constant monitoring of each one’s whereabouts, “buddy” system, as much as possible, during travels/field work is also employed. CCTV cameras have also been installed in our offices – at the national center and the island offices, when travelling in risky areas they need to change itinerary plan or vary the times and deviate from routes to go to work, to go home, and to go to public internet spaces when accessing email and social media accounts in public spaces. We also encourage staff who received threats to document, monitor and report them also through urgent action/petition letter to the authorities and concerned government agencies. In a particular situation, provision of support services such as psychosocial and temporary relocation.