

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; 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 and the Special Rapporteur on freedom of religion or belief

Ref.: AL PHL 4/2023

(Please use this reference in your reply)

10 October 2023

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; 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 and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 49/10, 52/9, 50/17, 52/4, 51/16 and 49/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of judicial harassment, red-tagging, office raids, and targeted financial sanctions against religious groups, human rights, indigenous and humanitarian organizations, human rights defenders, Indigenous Peoples, journalists, and lawyers in the name of countering terrorism and terrorist financing**, pursuant to, *inter alia*, your Excellency's Government's Anti-Terrorism Act of 2020, Terrorism Financing Prevention and Suppression Act of 2012, and Executive Order 68 of 2018. In particular, we have received information that multiple religious organisations and their members, as well as other direct service non-profit organisations have been affected by the alleged measures, in turn **hindering access to Indigenous Peoples, internally displaced persons, human rights defenders, and women and children to critical human rights and humanitarian services**.

Several concerns regarding the alleged arbitrary arrest, enforced disappearance, killing, fabricated charges and judicial harassment in the counter-terrorism context have been raised with your Excellency's Government by Special Procedures mandate holders in multiple communications, including [PHL 1/2022](#), [PHL 6/2021](#), [PHL 3/2021](#), [PHL 1/2021](#)¹. Furthermore, concerns regarding the broad counter-terrorism regulatory framework of the Philippines have been raised with your Excellency's Government by Special Procedures' mandate holders, and in particular through the [communication PHL 4/2020](#) concerning the designation of individuals and civil society and humanitarian organizations as "terrorists" pursuant to the Anti-Terrorism Act in the context of alleged discrimination directed at religious and other

¹ See Government replies dated 2 February 2022, 16 March 2022, 5 January 2023, 11 and 19 January 2022, 2 September 2021, and 1 February 2021.

minorities. Moreover, concerns over allegations of judicial harassment and red-tagging of seven human rights defenders and Indigenous leaders of the Cordillera Peoples Alliance were similarly directed to your Excellency's Government in the communication PHL 1/2023. We acknowledge your Excellency's Government's comprehensive reply and assurances of international human rights law compliance ([NV-EPG-331-2020](#)). Nevertheless, we reiterate our serious concern that counter-terrorism measures are being used to unduly restrict the legitimate activities of minority groups, human rights defenders and political opponents. We underscore the complementary and mutually reinforcing relationship between compliance with human rights treaties and standards and effective counter-terrorism measures, and we stand ready to provide any technical assistance to ensure full compliance of your Excellency's Government's counter-terrorism laws, policies, and measures with international law, including international human rights law, international humanitarian law, and international refugee law.

According to the information received:

Multiple organizations and individuals have been subject to undue judicial harassment including allegedly fabricated charges, office raids, and targeted financial sanctions, in the name of countering terrorism and pursuant to, *inter alia*, the Anti-Terrorism Act of 2020, the Terrorism Financing Prevention and Suppression Act of 2012, and Executive Order 68 of 2018. It is alleged that the terrorist financing prosecutions and related asset-freezing measures have been adopted by your Excellency's Government to comply with the recommendations of the Financial Action Task Force in particular.

Cases of National Council of Churches in the Philippines

The National Council of Churches in the Philippines (NCCP) is a collective of non-Roman Catholic denominations and service-oriented organizations working across the Philippines for unity in faith. The Council is a faith-based impartial humanitarian organization. The NCCP's members provide direct services, including in remote areas, to Indigenous Peoples and marginalized communities, some of whom are out of reach by other aid organizations. Some of the services provided by the NCCP's membership support communities affected by the ongoing internal armed conflict between the Armed Forces of the Philippines and non-State armed groups, including the New People's Army (NPA), which appears at minimum to reach the threshold of Common Article 3 of the Four Geneva Conventions of 1949. For example, in 2018, following the Marawi siege, an armed conflict that involved the Philippines' Government armed forces and a non-state armed group allegedly affiliated with ISIL, the NCCP provided livelihood assistance, as well as psychosocial support to affected women and children. In 2022, prior to the bombings related to the armed conflict between the Philippines Armed Forces and the NPA, the NCCP arranged the delivery of food packs to affected families in the area. Furthermore, NCCP delivered psychosocial support to Dumagat children whose families were displaced due to the conflict.

On 17 June 2019, elements of the Philippine National Police regional mobile group allegedly entered a Methodist church, member of the NCCP, without a search warrant and ordered **Reverend Glofie Gonzales-Baluntong**, the church's 52-year-old clergywoman and former superintendent (2017–2022), to surrender members of KARAPATAN – an alliance of human rights defenders and organizations working to promote and protect human rights in the Philippines – who had been seeking refuge from the church.

The police accused Reverend Baluntong of unlawfully hosting members of the rebel New People's Army. Reverend Baluntong has long organized relief programs for underprivileged communities in the province and provided sanctuary to internally displaced persons. She was previously “red-tagged” and in August 2021, she was charged with terrorism-related offenses under the Anti-Terrorism Act in relation to an armed encounter between the Philippines Armed Forces and the NPA, which allegedly took place on 25 March 2021, and in which Reverend Baluntog allegedly participated. It is alleged that the charges against Reverend Baluntong are fabricated and that she was in fact performing funeral rites on a deceased church member at the time of the armed encounter.

Rev. Nathaniel “Dodo” Vallente is an ordained minister of one of the NCCP member churches, the United Church of Christ in the Philippines (UCCP), in Bohol. As a church worker, he has reportedly expressed his faith through championing peasants' rights. On 25 June 2021, Rev. Vallente was the subject of a search warrant at around 2 am, when about 70 police and military operatives reportedly forced their way into the home of Rev. Vallente's father-in-law in Mabini, Bohol, mistaking it for the home of Rev. Vallente himself. After their search of the premises, they learned that Rev. Vallente's house was nearby, and they apprehended him and took him to his father-in-law's house. Rev. Vallente was then arrested for illegal possession of firearms and explosives that the search team claimed to have found in his father-in-law's home. It is reported that not only did authorities allege to have found the supposed contraband in a place not specified in the search warrant, but they also arrested Rev. Vallente based on evidence found in a home where he was not residing. It is thus alleged that the charges of illegal possession of firearms and explosives are fabricated, and that Rev. Vallente's advocacy is believed to be the reason for his arrest and detention. The program coordinator of another Bohol farmers' development organization, named FARDEC, was also arrested using a search warrant in the early hours of the same day of Rev. Vallente's arrest. On 3 May 2023, Rev. Vallente's scheduled trial was postponed. His family was not provided with any notice regarding the subsequent hearings scheduled for 25 May. However, the German Embassy in Manila was notified and was provided a link for this hearing. The law firm representing Rev. Vallente only received this notice on 30 May 2023. The court case against Rev. Vallente is still on-going, and as of 25 June 2023, he had spent two years in detention.

After joining a human rights fact-finding mission in Barangay Saad in Dumingag, Zamboanga del Sur in June 2018, **Rt. Rev. Antonio Ablon**, a

Bishop of the Iglesia Filipina Independiente (IFI) assigned in the Diocese of Pagadian City in Zamboanga del Sur, became the subject of alleged persecution by suspected state agents in the form of threats and harassment. Bishop Ablon was also associated with Karapatan in Mindanao and an active human rights defender. A Philippine Army unit had reportedly encamped in the indigenous Subanen community, which resulted in harassment, intimidation and the arrest of two residents. On the second day of the mission, the soldiers told Bishop Ablon and his team to leave as “they did not coordinate with the military.” After returning to his diocese, an Army Colonel paid Bishop Ablon a “friendly visit” to order him to seek permission from him and the mayor next time, “so as not to disrupt special projects in the area.” The military officer also warned the church leader not to publicize the information they gathered. The soldiers subsequently organized a “mass surrender ceremony” of alleged NPA sympathizers in Barangay Saad in August 2018, which prompted another fact-finding mission by Bishop Ablon with the Commission on Human Rights and [REDACTED]

[REDACTED] After this mission, graffiti with “Bishop Ablon= NPA” was seen on the wall of an IFI church wall and at a bridge and associated highway on 28 September and 10 October 2018, respectively. On 22 February 2019, two sets of flyers were anonymously distributed in Cagayan de Oro City, containing a list of individuals red-tagging them as members or supporters of the CPC-NPA. The names of Bishop Ablon and two other IFI priests were among those on the list. On 26 March 2019, leaders of the IFI wrote an open letter to President Rodrigo Duterte asking him to put an end to red-tagging and other attacks allegedly affecting their members in Mindanao.

In May 2019, while Bishop Ablon attended a conference in Germany, police officers allegedly entered his Pagadian cathedral, looking for him. The armed men confronted his deacon and told him that the bishop was being served with an arrest warrant. When the priest demanded to see the document, he was told it was merely a joke. However, Bishop Ablon decided to stay in Germany in order to ascertain if it was safe to return to the Philippines. On 11 March 2020, leaflets were distributed near an IFI church in Cagayan de Oro City. The leaflets contained pictures of individuals, including Bishop Ablon, accusing them of being members of the CPC and the NPA operating in the Northern Mindanao Region. Due to these incidents, Bishop Ablon decided to seek political asylum in Germany, especially after the anti-terrorism bill was signed into law by President Duterte in July 2020, and he was granted asylum on 16 December 2021.

On several occasions, **Rev. Edwin Egar**, an ordained clergy of the UCCP and interim officer of human rights organization Karapatan Alliance – Southern Tagalog, has allegedly been threatened, harassed and subjected to reputational harm by members of the Armed Forces of the Philippines. He is accused of being a supporter of the Communist Party of the Philippines-New People’s Army-National Democratic Front of the Philippines (CPP-NPA-NDFP). On 28 October 2022, Rev. Egar along with a former Barangay (village) Captain was summoned by a local government official who warned them that their names were included in a list. This list was sent via SMS by an unknown

number, and the SMS message included a warning that “there will be an operation to serve search warrants and ‘documents, firearms and explosives will be planted’, ‘[authorities] will stage that you fought back’ and, ‘the [Philippine] army will kill you, they will lead the operation’”. There have subsequently been several instances where Rev. Egar and the former Barangay Captain have been summoned by army officials, accused of being supporters of rebel groups and asked to surrender to the 59th Infantry Battalion of the Philippine Army (59th IBPA). They have also being forced to join an oath-taking process on 3 November 2022 for rebel returnees in exchange of a certification of their allegiance to the government. Rev. Egar was mentioned on the Facebook pages of the 59th IBPA as well as the 201st Infantry Brigade of the Philippine Army on several instances. On 28 November 2022, Rev. Egar, his wife and the former Barangay Captain filed for a writ of amparo due to the persistent red tagging and the subjection to reputational harm by the members of the Philippine Army. In December 2022, the Supreme Court granted the said petition, preventing members of the military from going within a one-kilometre radius of the petitioners, including their immediate families.

Ruperta “Peti” Enriquez has worked as a senior bookkeeper at NCCP since September 2021. She is a well-known human rights defender in her home province of Batangas and has led campaigns for a safe and healthy environment, she notably contributed to the declaration of Mount Lobo as a no-mining zone. Her husband is also a land rights defender involved in organizing farmers. In 2008, Peti co-founded the Bukluran para sa Inang Kalikasan (Unity for Mother Earth or BUKAL), an environmental organization in the province, which is against the extractive and open-pit mining operations in the mountain ranges of Banoi, Lobo and Naguiling. In 2015, when the pro-environmental campaign was gaining ground, the red-tagging against Peti allegedly started. She was allegedly wrongly accused by the 730th combat group of the Philippine Air Force by being linked to the NPA, and consequently, she was reportedly followed, surveilled and visited by different state agents.

In 2019, Peti and her husband were charged in a case of frustrated murder. The case was later dismissed. In August 2020, men on motorcycles allegedly handed Peti’s son-in-law a note, together with a sum of two hundred pesos. The note came from a person allegedly named Jerome and instructed Peti to call certain numbers and to talk to him, failing which she would be placed on a terrorist list.

Following the incident, she reportedly decided to seek sanctuary alone outside her place of residence. It is reported that in her absence, men on motorcycles or cars with no plate numbers were constantly surveilling her family house, and one of Peti’s relative was followed by a car without a plate number. On 30 November 2022, officers from the 59th IBPA with high-powered caliber guns visited Peti’s home. This situation was deeply traumatic for the family. On 9 February 2023, Peti and her husband learned that a case was filed against them at the Department of Justice in Batangas, where they were accused of

recruiting a minor to be a child soldier on 26 December 2015. Peti and her husband are preparing a petition for the writ of amparo with their legal team.

Most Rev. Gerardo A. Alminaza D.D., a Roman Catholic Bishop in the Diocese of San Carlos in Negros Occidental, has been a vocal advocate for the protection and promotion of human dignity and the resumption of the peace negotiations between the Government of the Republic of the Philippines and the NDFP. He has also been active in his Diocese's ministry for the poor and the farmers. Bishop Alminaza was allegedly recently subjected to reputational harm in the platforms of the Sonshine Media Network International (SMNI), a media organization based in the Philippines, as well as other pro-government platforms. In October 2022, the Armed Forces of the Philippines (AFP) and SMNI reportedly signed a Memorandum of Partnership Agreement (MOPA) to "boost" the Philippine Government's efforts to "expose" organizations considered by the Philippine Government as "Communist-Terrorist Groups" and "Front Organizations of the CPP-NPA-NDFP". It is alleged that in the course of the operation to "expose Communist-Terrorist Groups", SMNI had wrongfully subjected to reputational harm several organizations and personalities such as civil society organizations, personalities from local government units, community organizers and even church people.

On 24 February 2023, SMNI News posted a 27-minute video on Youtube from a television-broadcasted show called "Laban Kasama Ang Bayan" entitled "Lenten statement ni Bishop Alminaza, linyahan ng CPP-NPA-NDF (Bishop Alminaza's Lenten Statement, [uses the] similar line as the CPP-NPA-NDF)", which would have been posteriorly aired in a television platform and published on SMNI's social media accounts. Recently, Bishop Alminaza was allegedly also subjected to reputational harm by the Regional Task Force to End the Local Communist Armed Conflict in Region 6 (RTF6-ELCAC) in a statement posted on Facebook on 1 March 2023. The post has garnered a significant number of shares, reactions and comments, including shares from Philippine Government-owned and operated Facebook Pages and several other Facebook Groups. Aside from Bishop Alminaza, the UCCP has also been "featured" in nine episodes/shows of SMNI in a span of eight months in an alleged campaign against UCCP to damage its reputation, where it has been tagged as a "CPP-NPA-NDF[P] controlled and captured church". In addition, several personalities and clergy of the UCCP has even been named and tagged by the hosts and resource persons as "CPP-NPA operatives", "Cadres or the CPP-NPA-NDF", and other inappropriate labels.

Additionally, in March 2021, pursuant to Resolution No. TF-36, the Anti-Money Laundering Council froze the bank account and real property in the name of the Haran Mission Center in Davao City of the **United Church of Christ in the Philippines** (UCCP Haran), another member of the NCCP, as well as Brokenshire Integrated Health Ministries, Inc. UCCP Haran has served as a refuge for internally displaced persons since the 1990s. The Council alleged that UCCP Haran was providing financial assistance to terrorist activities.

The Councils also froze two bank accounts of UCCP Fatima, an affiliate church in Ubay, Bohol, which runs a scholarship program for underprivileged school children. As a result, 290 children were allegedly deprived of basic child development services from the UCCP Ubay Child Christian Development Center. UCCP Fatima has since filed a petition with the Supreme Court challenging the constitutionality of section 11 of the Terrorism Financing Prevention and Suppression Act, alleging that the provision fails to provide adequate notice or hearing prior to the freezing of bank accounts and assets.

Case of Rural Missionaries of the Philippines

In 2019, pursuant to Resolution No. TF-18, the Anti-Money Laundering Council froze the assets and bank accounts of the Rural Missionaries of the Philippines (RMP) and RMP-Northern Mindanao Region in accordance with the Terrorism Financing Prevention and Suppression Act of 2012. The RMP is an inter-diocesan and inter-congregational religious organization that provides grassroots support to the rural poor, including school programs. The Council alleged that the 50-year-old non-profit RMP was providing financial assistance to the Communist Party of the Philippines-New People's Army.

After the designation of the Communist Party of the Philippines-New People's Army as a terrorist organization pursuant to the Anti-Terrorism Act in December 2020, the Anti-Money Laundering Council adopted further targeted financial sanctions. To date, the Council has frozen 15 bank accounts, including accounts frozen for being "related accounts." As a result, RMP was forced to shut down its office in Quezon City and its national programming including membership recruitment has since been paralyzed.

In February 2021, the Philippine National Police allegedly seized P557,360 of cash from RMP lay worker Mariel A. Domequil and Eastern Vista journalist Frenchie Mae C. Cumpio. It is alleged that the police unlawfully seized this cash from a safety deposit box while implementing search warrants for illegal possession of firearms and explosives at Domequil and Cumpio's office on 7 February 2021, pursuant to Resolution No. TF-27 and the Terrorism Financing Prevention and Suppression Act. A civil forfeiture proceeding was initiated against Cumpio and Domequil, in which they were not allowed to participate for failing to timely answer the petition. During the civil proceedings, an alleged former NPA rebel claimed that both Cumpio and Domequil were regional finance officers of the Communist Party of the Philippines. Such claim sustained that, in March 2019, Cumpio and Domequil were witnessed distributing funds and other logistical supplies to the Communist Party of the Philippines. Both have denied the allegations. Furthermore, despite that the financial investigator of the Anti-Money Laundering Council testified that Cumpio and Domequil had no reported transactions, as no bank accounts were found under their names, he stated that his investigation confirmed that Cumpio and Domequil were affiliated with the CPP-NPA, and this was sufficient to conclude that the money seized from them was related to terrorist financing. On 7 December 2022, the trial court

ordered the money forfeited in favor of the Government.

On 30 September 2021, the Department of Justice issued a resolution finding probable cause to indict Domequil and Cumpio for allegedly violating section 8(ii) of the Terrorism Financing Prevention and Suppression Act by making available funds or property to designated persons, *i.e.*, unidentified members of the Communist Party of the Philippines-New People's Army. On 15 August 2022, 16 alleged directors, officers and bank signatories of the RMP- Northern Mindanao Region—including lawyer Czarina Golda Selim Musni, Ms. Emma Teresita E. Cupin, Ms. Mary Jane C. Caspillo, Emilio Gabales, [REDACTED], were indicted for the same offense. It is alleged that the charges involve incidents that took place before the Anti-Terrorism Council was granted the power to designate terrorist organizations under the Anti-Terrorism Act.

The case of The Cordillera Peoples Alliance

The Cordillera Peoples Alliance (CPA) is a non-governmental organisation that incorporates multiple grassroots organisations, based in the indigenous communities in the Cordillera Region of the Philippines. Founded in 1984, it seeks to promote indigenous human rights, social justice, and democracy through public information campaigns, education and training, international advocacy, and socio-economic services.

Mr Florence Kang, Mr Nino Joseph Oconer, Ms Lucia Lourdes Gimenez, Ms Jennifer Awingan-Taggaoa, Mr Windel Bolinget, Mr Stephen Taulin and Ms Sarah Abellon Alikes are human rights defenders and CPA members. Between them, they represent Indigenous communities such as the Kankanaey and Bontok Indigenous peoples, the Limos Indigenous community, and the Igorot Indigenous peoples. Concerns regarding the targeting, designation and red-tagging of these human rights defenders were previously brought to the attention of Your Excellency's government in a letter sent on 8 May 2023 (AL PHL 1/2023), as well as on 22 January 2021 (AL PHL 1/2021).

Mr. Windel B. Bolignet has a history of cooperation with the United Nations, its representatives, and mechanisms in the field of human rights on behalf of the CPA by providing information and testimony to different UN bodies and mechanisms about indigenous peoples, land, and the environmental impact of business operations. Mr. Bolignet has actively engaged with several UN bodies and mechanisms over the years, most recently with the UN Business and Human Rights Forums (2018 and 2022), and also as part of the Philippine UPR Watch or delegation of human rights defenders engaging in the 4th cycle of the Universal Periodic Review of the Philippines. As a result of his cooperation with the United Nations in the field of human rights, Mr. Bolignet has reportedly been subject to surveillance, harassment, and reputational damage. In 2021, the National Task Force to End Local Communist Armed Conflict (NTF- ELCA) referred to him and the NGO CPA as having “infiltrated the United Nations”.

On 24 January 2023, the Regional Trial Court in Bangued issued an arrest warrant for the seven aforementioned human rights defenders under charges of “rebellion” (article 134 of the Revised Penal Code), levelled against the human rights defenders for their alleged involvement in an ambush on the Philippines Army on 27 October 2022.

On 11 May 2023, the Regional Trial Court, Branch 2, dismissed these cases for lack of probable cause and quashed the arrest warrants against them.

In spite of this Court decision, four of the Indigenous Peoples’ rights defenders, namely Ms Jennifer Awingan-Taggaoa, Mr. Windel Bolignet, Mr. Stephen Taulin and Ms Sarah Abellon Alikes were subsequently designated as terrorist individuals affiliated with the Communist Party of the Philippines, the New People’s Army (CPP-NPA), in a resolution issued by the Anti-Terrorism Council on 7 June 2023.

Pursuant to this decision, the Anti-Money Laundering Council issued a notice on 30 June ordering the freezing of the property of funds owned or controlled by the designated individuals.² The CPA bank accounts and the personal bank accounts of the four indigenous human rights defenders were subsequently frozen on 12 July 2023. This freezing of assets has also targeted the spouse of at least one the victims.

On 23 June 2023, CPA leaders filed an appeal with the Supreme Court to seek legal protection in the form of a “writ of amparo”, given the risk they felt this resolution now poses to their security.

Cases of Other Direct Service Organizations

Lastly, it is reported that pursuant to Resolution No. TF-38, Series of 2021, eight bank accounts belonging to non-profit organizations have also been

² Notice of Anti Money Laundering Council Resolution Number TF-67, series of 2023. Issued 30 June 2023.

frozen by the Anti-Money Laundering Council.

While we do not wish to prejudge the accuracy of the above allegations, we express our serious concern over the allegations of judicial harassment, office raids, targeted financial sanctions, asset freezing and other administrative sanctions against religious groups, Indigenous Peoples and organizations. We note with concern that there appears to be an observable trend in the Philippines, whereby individuals and groups associated with churches, who are living out their faith through development and humanitarian work, have been linked by the government to CPP-NPA-NDFP. We also express serious concern about the seemingly broad and unchecked executive powers implicated by the allegations—particularly the discretion of the Anti-Terrorism Council to designate individuals and organizations as “terrorist” and the Anti-Money Laundering Council to adopt targeted financial sanctions thereafter. The information received raises concerns that your Excellency’s Government has employed its counter-terrorism financing oversight powers in a broad and arbitrary manner against non-profit organisations and individuals, thus violating the Philippines’ human rights obligations under international law. We are concerned that such measures risk obstructing the delivery of vital and well-protected humanitarian, human rights and development services.

With regard to the alleged designation and red-tagging of the victims - including religious organizations, human rights defenders, Indigenous Peoples, journalists, lawyers, and non-profit service organizations - as “terrorists”, we reiterate our prior concerns expressed in the communication PHL 4/2020 regarding the overbroad and vague definition of terrorism under the Anti-Terrorism Act of 2020 which is incompatible with your Excellency’s Government’s international human rights law obligations, and recall the definition proposed in this context by the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

In addition, while we do not wish to prejudge the veracity of the charges against several human rights defenders and religious leaders, including **Ms. Reverend Baluntong, Mariel A. Domequil, Frenchie Mae C. Cumpio** and **Rev. Nathaniel “Dodo” Vallente**, we emphasize the importance of ensuring the requisite due process and fair trial safeguards under international human rights law. We remind your Excellency’s Government that article 14 of the ICCPR, ratified by the Philippines on 23 October 1986, provides *inter alia* for the principle of equality before competent, independent, and impartial courts and tribunals, the presumption of innocence, provision of adequate time and facilities for the preparation of the defense, and the right of accused persons to communicate with counsel of their own choosing. The charges lodged against the alleged directors, officers and bank signatories of RMP-Northern Mindanao Region also raise serious concerns relating to the general principle of non-retroactivity, as they concern acts committed prior to the entry into force of the Anti-Terrorism Act. In this connection, we reiterate the Human Rights Committee’s call for your Excellency’s Government to “[e]nsure that individuals suspected of or charged with terrorist acts or related crimes are provided, in law and in practice, with all appropriate legal safeguards, in particular the right to be informed of the charges against them, to be brought promptly before a judge and to have access to legal counsel” (CCPR/C/PHL/CO/5, para. 14(b)).

We also express our concern regarding the alleged raids of Dangay United Methodist Church and the offices of Domequil and Cumpio and the possible arbitrary and unlawful interference with the victims' right to privacy, family and home under Article 17 of the ICCPR and Article 12 of the UDHR—particularly in the former case where it is alleged that no search warrant was issued. We are further concerned by the alleged raid targeting members of KARAPATAN, who were seeking refuge from the church, and the consequences of such a raid on the enjoyment of the rights to peaceful assembly and association and the other fundamental freedoms and protections due to human rights defenders. In this context, we note that in communication PHL 3/2021 Special Procedures' mandate holders have expressed serious concern with regard to the reported pattern of physical raids of the homes of human rights defenders seemingly aimed at intimidating and subjecting to reputational damage human rights defenders. Special Procedures mandate holders have also expressed particular concerns about the potential downstream harms of counter-terrorism practices on religious practice and belief (see PHL 4/2020), particularly of relevance where the provision of shelter may be related to religious practice. We remind your Excellency's Government that in its Fifth Periodic Report of the Philippines, the Human Rights Committee stressed that any interference with the right to privacy, whether through digital or physical surveillance “requires prior authorization from a court and is subject to effective, regular and independent oversight and that affected persons are, where possible, notified of the surveillance and interception activities to which they are being subjected and have access to effective remedies in cases of abuse” (CCPR/C/PHL/CO/5, para. 14(d)).

With regard to the alleged asset freezing and countering the financing of terrorism (CFT) measures, we underscore that any rights limitations in the name of the fight against terrorism and the financing of terrorism must meet the objective criteria of proportionality, necessity, legality and non-discrimination under international law. Moreover, pursuant to the Financial Action Task Force (FATF) Recommendations, CFT measures must comport with a risk-based approach whereby “measures to prevent or mitigate money laundering and terrorist financing are commensurate with the risks identified” (FATF recommendation 1). Where non-profit organizations are regulated in the name of countering the financing of terrorism, only “focused and proportionate measures, in line with the risk-based approach” should be adopted—and only to the *subset* of NPOs identified as being vulnerable to terrorist financing (FATF recommendation 8). In this context, we note that the Asia-Pacific Group on Money Laundering previously cautioned in the 2019 Mutual Evaluation Report for the Philippines that the reported failure to implement countering the financing of terrorism measures specifically tailored to the subset of non-profit organizations vulnerable to terrorist financing “may discourage or disrupt legitimate [non-profit organization] activities.”³ The assessment team also noted at the time that there were reportedly repetitive regulatory requirements that some non-profit organizations found “burdensome.”

³ APG (2019), Anti-money laundering and counter-terrorist financing measures - Philippines, Third Round Mutual Evaluation Report, APG, Sydney <http://www.apgml.org/includes/handlers/get-document.aspx?d=c0fe3714-bfcf-475e-8ff3-47e9c3cfe496>, p. 99, para. 310.

We caution against the significant downstream harms that can result from asset freezing and other CFT measures, in turn hampering the future financial and reputational viability of the impacted organizations. In addition, in accordance with international human rights law, we emphasize that any terrorism-related listing and asset freezing procedure must comport with due process and procedural rights, including the right to fair trial, the presumption of innocence, the right to appeal, and a right to effective protection by the courts.

We are particularly concerned that as a consequence of asset freezing measures, vital humanitarian and human rights services—including health, food, shelter, and education services—have allegedly been hampered or in some cases, altogether foreclosed, with potentially detrimental impacts on the fundamental social, economic, and cultural rights of Indigenous Peoples, internally displaced persons, human rights defenders, religious minorities, and women and children. In this context, we emphasize the importance of adopting an intersectional approach to accurately reflect the experiences and impacts as determined by gender, religion, age, indigeneity, and beyond.

We reiterate that impartial humanitarian action and assistance are vital to ensuring adequate protection for a range of fundamental rights (*see, e.g.*, PHL 4/2020, p. 8). We underscore the positive interplay between human rights and international humanitarian law in the context of counter-terrorism and we echo the observation by the Special Rapporteur on the promotion and protection of human rights while countering terrorism that “designating certain non-State armed groups in non-international armed conflicts as terrorists and linking the provision of humanitarian activities – protection and assistance – as a form of support for terrorism or to persons or entities designated as terrorists result[s] in the lowering of fundamental human rights and humanitarian protections for the weakest and most vulnerable.” (A/75/337, p. 13)

We also express shared concern with regard to the potential detrimental impacts of the use of counter-terrorism and broader preventing or countering violent extremism tools in the context of freedom of thought, conscience, religion and belief. We underscore in this regard the findings of the former Special Rapporteur on freedom of religion or belief that “strategies to prevent violent extremism have tended to alienate a range of religious or belief communities, undermining the enjoyment of several fundamental freedoms and defeating the ultimate objectives of enhancing public safety, tolerance and mutual understanding” and “[i]n many cases, State responses to violent extremism pose serious challenges to the defence of freedom of religion or belief,” including by “scrutinizing religious organizations and intruding into the religious affairs of religious communities” (A/73/362, paras. 10, 14).

We further express our concern about the Memorandum of Association Agreement reportedly signed by the AFP and SMNI, as well as the alleged campaigns to harm the reputation of several human rights and religious organisations and the possible implications it may have on its right to privacy, including the right to be protected against unlawful attacks on their honour and reputation, enshrined in article 17 of the ICCPR. In this regard, we would like to bring your attention to the CCPR General Comment 16, according to which provision must also be made for everyone

effectively to be able to protect himself against any unlawful attacks that do occur and to have an effective remedy against those responsible.

Finally, we express concerns on the alleged reprisals that Mr. Bolinget, from the Cordillera People's Alliance, has reportedly been subject to as a result of his cooperation with the United Nations in the field of human rights, which have taken the form of surveillance, harassment, and reputational damage and red-tagging.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the due process and fair trial safeguards available to Reverend Glofie Gonzales-Baluntong, Mariel A. Domequil, Frenchie Mae C. Cumpio, Rev. Nathaniel "Dodo" Vallente and the 16 alleged directors, officers and bank signatories of the RMP-Northern Mindanao Region in their prosecutions, including in accordance with the international human rights law requirements of trial without undue delay, the presumption of innocence, and principle of non-retroactivity.
3. Please provide information as to the factual and legal basis for the designation of Indigenous leaders Jennifer Awingan-Taggaoa, Windel Bolinget, Stephen Tauli and Sarah Abellon Alikes as terrorists by ATC resolution number 41 dated 7 June 2023. Please provide updates on any legal proceedings against them or review procedures for the designation.
4. Please provide detailed information as to the specific measures that have been put in place to ensure religious organizations, human rights defenders, direct service organizations, including for internally displaced persons, journalists, lawyers, and other members of civil society in the Philippines can carry out their legitimate work in a safe and enabling environment, without fear of harassment and intimidation from the authorities or any other agent acting on their behalf or with their acquiescence.
5. Please explain what, if any, terrorist financing risk assessment was relied upon in the adoption of the alleged asset freezing and other CFT measures. Please provide information as to how these measures and the underlying regulations adopted by the Anti-Terrorism Council and Anti-Money Laundering Council comport with the international human rights law requirements of proportionality, necessity, and non-discrimination, as well as the risk-based and proportionate approach stipulated in the FATF Recommendations.

6. Please provide information about any existing notice or hearing mechanism prior to the regulations and related asset freezing, as well as any appeals and complaints mechanisms available to individuals and entities after such measures are implemented.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

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

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

José Francisco Cali Tzay
Special Rapporteur on the rights of Indigenous Peoples

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles and international standards applicable to this communication. Should the above-mentioned allegations prove to be true, they would appear to be in violation of articles 17, 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986, which guarantee the rights to privacy, freedom of thought, conscience and religion, freedom of opinion and expression, peaceful assembly, freedom of association.

We underscore in particular Article 18 of the ICCPR which stresses that “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” General Comment No. 22 of the Human Rights Committee has clearly stressed that article 18 “distinguishes the freedom of thought, conscience, religion or belief from the freedom to manifest religion or belief. It does not permit any limitations whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice. These freedoms are protected unconditionally” (see paragraph 3, HRI/GEN/1/Rev.1). The Committee reminded that “article 18.3 permits restrictions on the freedom to manifest religion or belief only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.” The Committee observed that paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security.

We also recall article 21 of the ICCPR, which recognises that the right to freedom of peaceful assembly should be enjoyed by everyone, as provided for by article 2 of the Covenant and resolutions 15/21, 21/16 and 24/5 of the Human Rights Council. In its resolution 24/5, the Council reminded 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 and human rights defenders (A/HRC/26/29, para. 22.). We also recall article 22 of the ICCPR protects the right to freedom of association, which protects the rights of everyone to associate with others, to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and the restrictions must be a necessary and proportionate means of achieving that purpose within a democratic society, with a strong and objective justificatio

Although article 22 (2) recognizes national security as a permissible ground for restrictions that may be placed on the exercise of the right to freedom of association, such restrictions must be prescribed by law, necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others, proportionate, and non-discriminatory. The Human Rights Committee has further affirmed that recognition of the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure its exercise without discrimination (CCPR/C/GC/37, para. 8).

Article 27 of the ICCPR provides that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language. The 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities establishes the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end (article 1), recognizes that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination (article 2) and requires States to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law (article 4.1)

With regard to the downstream harms of the alleged asset freezing measures, we would like to underscore the core social and economic rights provided for in the International Covenant on Economic, Social, and Cultural Rights, ratified by the Philippines on 7 June 1974, including the rights to work, health and education stipulated in articles 6, 12 and 13.

With regard to the allegations that religious organizations, human rights defenders, Indigenous Peoples, journalists, lawyers, and non-profit service organizations have been targeted, we refer to articles 19, 21 and 22 of the ICCPR, which guarantee the rights to freedom of opinion and expression, freedom of peaceful assembly, and freedom of association. We would also 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, also known as the UN Declaration on Human Rights Defenders. In particular, we refer to articles 1 and 2 of the Declaration which state that everyone has the right 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. We also wish to refer to articles 5(a), 6(c), 9 and 12, which state that everyone has the right, individually and in association with others, to meet or assemble peacefully for the purpose of promoting and protecting human rights; to study, discuss, form or hold opinions on the observance of all human rights and fundamental freedoms and to draw public attention to these matters; to benefit from an effective remedy and be protected in the event of the violation of these rights; and to participate in peaceful activities against violations of human rights and fundamental

freedoms.

We furthermore wish to refer to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007, which elaborated on existing rights in their specific cultural, historical and social context. Article 7 of the UNDRIP, provides that indigenous individuals have the rights to life, physical and mental integrity, liberty and security of the person. Article 26 asserts the right of Indigenous Peoples to the “lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired”.

UNDRIP states in article 32 that “Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources” and that “States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources”. Article 32 also affirms that “States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.”

We would also like to refer to Human Rights Council Resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We recall that while there is no agreement on a multilateral treaty on terrorism which *inter alia* defines terrorism, States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly and precisely defined on the basis of the provisions of international counter-terrorism instruments and is strictly guided by the principles of legality, necessity and proportionality. The definition of terrorism in national legislation should be guided by the model definition proposed in Security Council resolution 1566 (2004) and also by the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, which were approved by the General Assembly (S/RES/1566; A/RES/51/210). We recall the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, which provides clear guidance to States on appropriate conduct to be proscribed and best practice (A/59/565 (2004), para. 164 (d)). As explained by the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in his report (E/CN.4/2006/98, para 37), the model definition includes acts that have the following cumulative characteristics:

- a) Acts, including against civilians, committed with the intention of causing death or serious bodily injury, or the taking of hostages; and
- b) Irrespective of whether motivated by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar

nature, also committed for the purpose of provoking a state of terror in the general public or in a group of persons or particular persons, intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act; and

- c) Such acts constituting offences within the scope of and as defined in the international conventions and protocols relating to terrorism.

We respectfully refer your Excellency's Government of the relevant provisions of the United Nations Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); as well as Human Rights Council resolution 35/34 and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180 which require that any measures taken to combat terrorism and violent extremism, including incitement of and support for terrorist acts, comply with States' obligations under international law, in particular international human rights law, refugee law and international humanitarian law. Counter-terrorism measures must conform to fundamental assumptions of legality, proportionality, necessity and non-discrimination. Wholesale adoption of security and counter-terrorism regulations without due regard for these principles can have exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities and civil society.

We would also like to remind your Excellency's Government that your human rights obligations apply in full force in the context of counter-terrorism, including when enacting countering the financing of terrorism measures. The financing of terrorism has long been a concern for States as evidenced by the negotiation and agreement on the 1999 International Convention for the Suppression of the Financing of Terrorism, which was designed to criminalize acts of financing terrorism, and which was ratified by Philippines on 7 January 2004. Since then, a number of Security Council resolutions have expressly called for the criminalization of terrorism financing, including the landmark Security Council Resolution 1373 and Security Council Resolution 2462, the first comprehensive resolution addressing the prevention and suppression of terrorism financing. The latter resolution "[d]emands that Member States ensure that all measures taken to counter terrorism, including measures taken to counter the financing of terrorism [. . .] comply with their obligations under international law, including international humanitarian law, international human rights law and international refugee law."

In parallel, the Financial Action Task Force (FATF) has set forth international practices and guidelines aimed at preventing global money laundering and terrorist financing. The FATF recommendations, while non-binding, provide recognized international guidance for the countering of terrorism financing. Recommendation 1 states that "countries should apply a risk-based approach (RBA) to ensure that measures to prevent or mitigate money laundering and terrorist financing are commensurate with the risks identified". Recommendation 8 provides guidance to States on the laws and regulations that should be adopted to oversee and protect NPOs that have been identified as being vulnerable to terrorist financing concerns. Such measures must be "focused and proportionate"; "a 'one size fits all' approach to

address all NPOs is not appropriate.” FATF has reaffirmed that State compliance with recommendation 8 and the other FATF Recommendations “should not contravene a country’s obligations under the Charter of the United Nations and international human rights law to promote universal respect for, and observance of, fundamental human rights and freedoms, such as freedom of expression, religion or belief and freedom of peaceful assembly and of association.” Despite such recognition, we observe that, as the Special Rapporteur on the promotion and protection of human rights while countering terrorism has documented, there are ongoing challenges stemming from overregulation of the NPO sector pursuant to soft law standards like the FATF Recommendations (A/74/335, para. 36).