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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 June 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Rising impunity in the Philippines**

In the recent past, incidences of impunity have escalated in the Philippines. Assassination of human rights advocates-tribal leaders, environmentalists, anti-mining activists, biodiversity experts, has become a banal part of the mineral rich landscape. Since 2011, there have been at least 10 corroborated accounts of extrajudicial killings in the southern island of Mindanao, carried out by state-backed militias or private armies, the Armed Forces Philippines and their paramilitary groups, under the Aquino government's counter-insurgency campaign Oplan Bayanihan, which aims to end the communist insurgency by 2016. Under this new campaign, the administration continues to organize AFP's Investment Defense Force (IDF) which has become a *de facto* means to protect corporate interests and operations such as large-scale mining and agro-chemical plantations.

The alleged abuses by the paramilitary forces rarely get investigated or prosecuted, thus creating an environment of impunity to continue violations and suppress those who dare to defend their basic rights. As justice evades the victims' families, the perpetrators are yet to be indicted for their crimes despite the international and local pressure on the Aquino government. Moreover, with the enforcement of Oplan Bayanihan, President Aquino has failed to fulfil his fundamental presidential campaign commitment, to uphold human rights and to dismantle the paramilitary outfits and private armies that victimize innocent and unarmed indigenous populations in Mindanao and other mineral rich regions.

To end this trend of impunity in the Philippines, Society for Threatened Peoples would like to emphasise some of the latest cases that highlight the failure of the Philippine government and its judicial system to end impunity in the Philippines:

Jimmy Liguyon (36 yrs): a Lumad (tribal) leader, anti-mining activist, Barangay captain of Dao, San Fernando (Bukidnon) and the vice chairman of KASILO, an organisation of indigenous peoples (Matigsalug-Manobo tribes) from the southern municipalities of Bukidnon, Mindanao. On 5th March'12, Jimmy Linguyon, was shot dead outside his house by Aldy "Butsoy" Salusad, a known leader of NIPAR, a paramilitary group in the province directly under the AFP's 8th Infantry Battalion (IB). Liguyon was firmly opposed to illegal mining activities in his barangay. Despite death threats from NIPAR and San Fernando Matigsalug Tribal Datus, he declined to sign the Free, Prior and Informed Consent agreement to allow the entry of mining companies. On March 20th, NIPAR openly admitted to having killed Liguyon, in a statement read over the dxDB, a local radio station. The following day at a meeting presided over by Bukidnon Vice Gov. Jose Ma. R. Zubiri Jr., the victim's son, Randy Liguyon, a witnessed to this ghastly murder, gave a detailed account of the sequence of events. Salusad and his associates are yet to be arrested. The 8th IB and its paramilitary groups are said to be behind a series of harassment attacks against anti-mining advocates in the area.

Fr. Fausto 'Pops' Tentorio (59 yrs): an Italian Missionary of the Pontifical Institute for Foreign Mission, anti-mining, human rights activist, and the Board Member of the Rural Missionaries of the Philippines Southern Mindanao. On 17th October'11, Fr. Tentorio was assassinated by an unknown assailant in his convent in Arakan Valley, Mindanao. He strongly advocated indigenous rights in Southern Mindanao and actively opposed large scale mining activities particularly the mining project by the Swiss multinational Xstrata-SMI. Xstrata-SMI plans to establish an open pit mine for gold and copper explorations and

** The Kalumbay Regional Lumad Organization; Kalikasan People's Network for the Environment; Task Force Justice for Environmental Defenders, NGOs without consultative status, also share the views expressed in this statement.

its waste facility in Sultan Kudrat. These will negatively impact the forest, watershed and the livelihoods of indigenous communities of Sultan Kudrat. Fr. Tentorio was openly critical of the Aquino govt for the implementation of 'Oplan Bayanihan' in Mindanao. According to Karapatan, a human rights NGO based in the Philippine, Fr. Tentorio's assassination is attributed to paramilitary groups under the AFP's 57th IB.

Dr. Gerardo "Gerry" Ortega (47 yrs): journalist, veterinarian, radio broadcaster, environmentalist board member in Palawan's local government (2001-2004). He used his office to oppose corruption and block anti-people programs in his municipality. He served as project director of Bantay Kalikasan-Palawan, which spearheaded the establishment of community-based ecotourism sites. Dr. Ortega was shot dead in January 24, 2011 by Marlon Recamata, who pleaded guilty but the case is still pending at the Puerto Princesa trial court. Three others were implicated by Recamata in the assassination plot, including Rodolfo Edrad Jr., the erstwhile bodyguard of former Palawan governor Joel Reyes. Edrad implicated Reyes as the mastermind behind the assassination. The Department of Justice has meanwhile cleared Reyes and others accused, prompting the Ortega family to file a motion for reconsideration, citing more than enough evidence presented to validate his role in Ortega's murder. Critics point to Ortega's anti-mining and anti-corruption drive as motivation for Reyes.

Leonard Co (57 yrs): considered as among the finest ethnobotanist in the Philippines. On November 15, 2010, during one of his field trips, Leonard Co and his teammate forester Sofronio Cortez and guide Julius Borromeo were killed in an alleged "crossfire" between the New People's Army (NPA) and elements from the 19th IB, 4th Infantry Division of the Philippine Army. Despite evidence to the contrary, the military insists that they had an encounter with the NPA and that Leonard was killed by their enemy's bullets. Leonard Co was among the Marcos-era scientists who undertook the daunting task of studying the medicinal plants of the Philippines.

Roy Bagtikan Gallego: a Manobo tribal leader, anti-mining activist, radio commentator, and the incumbent leader of the Banyanihan Council of Datus (BACODA) Caragan Region. On October 14th, 2011, he was shot dead by two unidentified suspects in southern Surigao del Sur province, Mindanao. He had been critical of illegal mining practices in the region as well as the mismanagement of Lumads by the National Commission of Indigenous People (NCIP). On several occasions, BACODA had filed complaints against government officials of the NCIP, Bureau of Mines and Geo-Sciences and Department of Environment and Natural Resources, for issuing mining permits to small and large scale mining companies on protected areas, thus violating indigenous peoples' rights. The local police have neither reached a conclusion regarding the motive for the killing, nor have they identified the suspects.

Florita Caya (58 yrs): vice president of the national rural peasants women organisation (Lakambini), affiliated to the Pakisama confederation and the General Manager of Unified Tribal Council of Elders and Leaders, a local organization of indigenous peoples (Mandaya, Manobo, Mangguangan & Dibabawon), residing in 14 Barangays of Monkayo, Compostela Valley, Mindanao. On April 27th, 2011, Caya was shot dead by an unknown assailant while she was tending her store in Monkayo. Caya was the third national leader of Pakisama, all hailing from Mindanao, gunned down in a span of two and a half years. Vicente Paglinawan from Davao City, on November 22, 2008 and Renato Penas from Sumilao, Bukidnon on July 5, 2009, were assassinated in their respective villages at the height of a campaign for the passage of the Comprehensive Agrarian Reform Program Extension with Reforms law. Until now, their killers have not been brought to justice.

Arpe Belayong (40 yrs): a tribal leader and a member of the local Higaonon organisation Linundigan in Agusan Del Sur, Mindanao. In the wee hours of 30th June, 2011, Belayong along with his 21 yr old nephew, Solte San-ogan, was assassinated in Calabuan village,

Municipality of Esperanza. The assailants entered the victim's home and fired at point blank range, killing them instantly, also injuring Belayong's two children, aged 14 and 4. Belayong was among the Linundugan members who was opposed to logging, mining and large scale plantations in their ancestral land. Following this incident, 23 families from the area, and six leading members of Linundugan went into hiding after feeling extremely threatened by members of the paramilitary group, 'Salakawan'. The identified assailants are also members of the Special Civilian Active Auxiliaries and paramilitary group, 'Salakawan' formerly known as the Manpatilan private army called Wild Dogs. One of the perpetrators is allegedly a part of the security entourage of the current mayor of Esperanza, Nida Manpitan. No arrests have been made so far.

Society for Threatened Peoples calls on the Human Rights Council to urge the Government of Philippines to:

- address human rights violations across the country and more specifically take immediate action to put an end to numerous inhuman extrajudicial killings in Mindanao and other regions of the Philippines, and ensure that perpetrators are properly held accountable for their crimes thus guaranteeing speedy justice to the victims;
- withdraw the "counter insurgency" program Oplan Bayanihan ; disarm and dismantle all paramilitary groups that victimize many innocent and unarmed indigenous and defenceless citizens;
- recognise and uphold Indigenous Peoples' rights as per the UN Declaration on the Rights Indigenous Peoples, and summarily end the violations of indigenous peoples' rights over lands and natural resources;
- stop the military and other agencies from labelling and targeting genuine indigenous human rights defenders as "members of front organizations of the communists" and "enemies of the state" and integrate them into the political mainstream of the country.
