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Hon. Leila M. De Lima
Chairperson
Commission on Human Rights of the Philippines
SAAC Bldg., Commonwealth Avenue
UP Complex, Diliman, Quezon City, Philippines

**AMNESTY
INTERNATIONAL**



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Dear Commissioner

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CASE OF MR. OLIVER GIMENEZ, MD

I am writing to you regarding the case of Dr. Oliver Gimenez, a medical doctor, human rights activist and development worker in Cebu City, central Philippines, whom we have reason to believe is in imminent danger of being killed or abducted after being labelled by the Inter-Agency Legal Advisory Group (IALAG) as a suspected high-ranking member of the Communist Party of the Philippines-New Peoples Army (CPP-NPA). Mr. Gimenez has also been recently charged with murder, in a case that may be related to this move. He has been subpoenaed to present himself for preliminary investigation on 23 January 2009 at the Sta. Catalina Police Station, where the Chief of Police is also the complainant in this case. Mr. Gimenez's lawyers have filed a motion to transfer the preliminary investigation to the fiscal's office.

Amnesty International shares the concern expressed by local NGOs as well as Mr Gimenez's colleagues who fear for his safety, and is calling for his protection. He has been in hiding in a different province since 2006, after three other activists were killed in Mr. Gimenez's local area, and having received death threats saying "you will be next".

Several NGOs from the Philippines as well as a German NGO that has projects in the Philippines have expressed concern that this murder charge on Mr. Gimenez may be politically-motivated. Further, this could be part of a systematic attack by the Philippine Government against NGOs through a series of criminal cases brought against activists, political dissidents and other conscientious objectors in the country, on what appears to be spurious grounds. Mr. Gimenez told Amnesty International, that the allegations against him were false.

Amnesty International has received information that:

- Three soldiers from the Philippine Army have accused Mr. Gimenez of committing murder of a certain PFC Reynaldo Ramos in an alleged ambush on 8 September 2008.
Six other individuals have been charged with murder together with Mr. Gimenez; three of them currently work as staff of different NGOs. Ms. Cristy Munoz works for the Community Empowerment Resource Network in which Mr. Gimenez is the executive director, Ms. Paz Silva works for Karapatan and Ms. Preciosa Dano works for Bayan-Muna. The Community Empowerment Resource Network is a development NGO linked to and supported by the Evangelischer Entwicklungsdienst (EED) which is funded by the German Government. Karapatan is a Philippine NGO and Bayan Muna is a party list with representation in Philippine Congress, both are widely perceived as very vocal in their criticism of the government.
- Philippine group Karapatan has provided information that in 2007, 36 individuals, including their own activists, have been charged with multiple murders and that in 2008 several members of the said organisation had been charged with kidnapping. Both of these cases have been dismissed.
- Mr. Gimenez, a medical doctor with many years of experience in working with various development organisations in Visayas, central Philippines, has been labelled by the Inter-Agency Legal Advisory Group (IALAG) as being a suspected high-ranking member of the Communist Party of the Philippines- New Peoples Army (CPP-NPA).

Amnesty International's research and monitoring of the human rights situation in the Philippines confirms that the national counter-insurgency policy of the government, which has the stated aims to rid the country of the NPA by 2010, does not, in practice, differentiate between NPA fighters and activists in legal organisations. This has led to continued allegations of enforced disappearances and extrajudicial executions in the country.

In December 2007, the Philippine Senate issued a resolution directing certain senate committees "to investigate on the role and responsibility" of the IALAG in the "pattern of summary killings and enforced disappearances of activists".

Following an earlier visit to the Philippines, in April 2008, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated in his report that "killings have eliminated civil society leaders, including human rights defenders, trade unionists and land reform advocates, intimidated a vast number of civil society actors, and narrowed the country's political discourse".¹ He further stated: "Senior Government officials are attempting to use prosecutions to dismantle the numerous civil society organizations and party list groups that they believe to be fronts for the CPP."² In particular, the Rapporteur identified the Inter-agency Legal Action Group (IALAG) as an ad hoc mechanism comprised of representatives of several executive branch agencies including the AFP and the Department of Justice (DOJ), which was "established for bringing charges against members of these civil society organizations and party list groups" because "they have seldom committed any obvious criminal offence".³ In one of his recommendations, the UN Rapporteur recommended that the IALAG be dissolved.⁴

Amnesty International is deeply concerned that charging NGO and left-leaning political activists with serious crimes on reportedly questionable grounds may be another form of persecution, intimidating such activists from peacefully exercising their human rights to freedom of expression and association, and exposing them to further dangers, in violation of international law and standards.

Guideline 13 of the UN Guidelines on the Role of Prosecutors states, among other things, that "In the performance of their duties, prosecutors shall... Carry out their functions impartially and avoid all political, social, religious, racial, cultural, sexual or any other kind of discrimination",⁵

If it is true that Mr. Gimenez has been branded "red" by the IALAG, then he is in danger of possibly being abducted or killed by the members of the Philippine Army as part of their counter-insurgency measures. The charge of alleged murder of a soldier compounds this and puts him into further risk of retaliation from members of the armed forces.

Amnesty International urges the Commission on Human Rights of the Philippines to

- conduct an inquiry into prosecution policies to ensure that they are conducted in accordance with international law and standards, including freedom from arbitrary detention and the right to be presumed innocent;
- investigate in particular cases in which the Philippine government has allegedly used politically-motivated prosecutions to intimidate or punish political activists, trade union leaders and NGO workers, and specifically the "multiple frustrated murder" and murder charges filed against Oliver Gimenez, et al.;

¹ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Addendum: Mission to the Philippines, UN Doc. A/HRC/8/3/Add.2, 16 April 2008, para. 11.

² *Ibid.*, para. 46.

³ *Ibid.*, para. 47.

⁴ *Ibid.*, para. 70.


⁵ Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990,

- ensure that he and his co-accused are protected from enforced disappearance, extrajudicial killings and any threats thereof;
- monitor the police investigation on his case, with the aim that the police investigation be done expeditiously, in a transparent manner and in accordance with international standards.

We will send you updates on the case of Mr.Gimenez as we receive them. Please do not hesitate to contact us if you have further questions.

Many thanks.

Sincerely yours



~~Madhu Malhotra~~

Deputy Programme Director
Asia Pacific Programme