

Hon. Vitaliano Aguirre
Secretary, Department of Justice

c/o philippinenbüro e.V. im Asienhaus
Hohenzollernring 52
D-50672 Köln/ Germany
Ph.: 0049 [221] 7161 21 22
Fax: 0049 [221] 7161 21 10
e-Mail: icking@amp.ngo

Cologne, July 13, 2017

Honorable Secretary Aguirre,

The Aktionsbündnis Menschenrechte – Philippinen (AMP – Action Network Human Rights – Philippines) is deeply concerned about Mr. Temogen “Cocoy” Tulawie, a human rights defender and local politician from Jolo, Sulu, who faces charges for kidnapping which appear to be politically motivated and without factual basis. This is already the second time Mr. Tulawie faces spurious criminal charges. He already had spent several years in prison after he was falsely accused of a bomb attack against the former provincial governor Abdulsakar Tan in May 2009. We assume that both charges were fabricated by Mr. Tan to silence him.

As a member of the human rights group Bawgbug, Mr. Tulawie uncovered numerous human rights abuses and violations on the part of the local government in Sulu, among them mass rapes of women and girls allegedly committed by the sons of prominent politicians and their paramilitary forces. He also denounced the declaration of a state of emergency of the province by Governor Tan as unconstitutional.

Mr. Tulawie is now charged with being the mastermind behind the kidnapping of the German journalist Andreas Lorenz. Mr. Lorenz was abducted himself in 2000 while reporting for the German magazine Der Spiegel on the Sidapan hostage crisis and the kidnapping of the German family Wallert by members of the Abu Sayyaf Group.

During Lorenz’s kidnapping, Mr. Tulawie facilitated contact between the hostages and international journalists. Two of these journalists, Olaf Ihlau and David McIntyre, who worked with Tulawie during this time however maintain that he was not involved in the kidnapping and testified to his innocence. Prosecutor Annie Ledesma did not only ignore this exculpatory evidence when she filed charges against Tulawie on May 8, 2017, she also did so despite an evident conflict of interest since Tulawie had previously had filed administrative charges against her.

Mr. Tulawie already spent over three years in prison after he was wrongfully accused of being involved in a bombing attack on Governor Tan in the municipality of Patikul, Sulu, on 13 May 2009. A trial was opened even though several incriminating witnesses had withdrawn their original statements and admitted that they had been forced into giving false testimony. The last remaining witness against Tulawie, a confessed member of the Islamist terrorist group Abu Sayyaf, had himself been released from prison, allegedly at the directive of then Governor Tan. Mr. Tulawie was only acquitted in May, 2015 after a lengthy trial.

The continuous legal harassment of Cocoy Tulawie is an example of the systematic criminalization faced by many human rights defenders in the Philippines. Many Philippine human rights organizations believe that such instances of criminalization have been on the rise in recent years. So-called “trumped-up charges”, in

which falsified evidence is used to accuse victims of crimes that they have not committed are a particularly insidious form of criminalization of human rights defenders. These kinds of charges are most frequently filed by members of the military, but also by local politicians or private-sector actors as a means of discrediting human rights defenders and having them kept in custody during the trial. In many cases, the plaintiffs are not necessarily interested in a conviction. Instead they exploit the fact that legal proceedings in the dysfunctional and overloaded judicial system of the Philippines tend to drag on for years. During this time, the accused have to invest a great deal of time and money in their legal defense—time and resources that they must divert away from their actual work. If the defendants are accused of certain crimes for which bail cannot be posted, they often remain imprisoned for several years.

Criminalization of human rights defenders is only effective because prosecutors file charges and judges allow trials to proceed even in cases in which the charges are manifestly fabricated. This is in violation of Article 14 of the United Nations Guidelines on the Role of Prosecutors which states that “prosecutors shall not initiate or continue prosecution, or shall make every effort to stay proceedings, when an impartial investigation shows the charge to be unfounded.” In other cases, prosecutors and judges are pressured into upholding unfounded charges against human rights defenders. The Philippine government thus violates its duties to protect the independence of the judiciary, an obligation which arises under ICCPR Article 14(1).

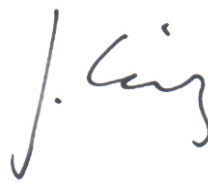
The Aktionsbündnis Menschenrechte – Philippinen (AMP) therefore urges the Philippine authorities to:

- Immediately drop the charges against Temogen “Cocoy” Tulawie and to put an end to all acts of harassment, including via legal means, against him.
- Ensure that prosecutors and judges do not open trial proceedings in cases of manifestly fabricated charges against human rights defenders.
- Guarantee in all circumstances that all human rights defenders in the Philippines are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.

Yours sincerely,



Elmar Noé
Chair



Johannes Icking
Coordinator

The Aktionsbündnis Menschenrechte – Philippinen (AMP – Action Network Human Rights - Philippines) is an initiative of seven major German church-based agencies and human rights organizations to promote advocacy and information work in Germany and the EU regarding the human rights situation in the Philippines. Member Organizations of the AMP are Amnesty International Germany, Bread for the World – Protestant Development Service, International Peace Observers Network (IPON), MISEREOR, Missio Munich, philippinenbüro e.V. im Asienhaus, and the United Evangelical Mission (UEM). The main focus of the network lies on the core human rights issues of extrajudicial killings, enforced disappearances, and fabricated charges against political activists.

Members: Amnesty International, Brot für die Welt – Evangelischer Entwicklungsdienst, IPON, Misereor, missio, philippinenbüro e.V., Vereinte Evangelische Mission



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