

Aktionsbündnis Menschenrechte – Philippinen
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H.E. Benigno S. Aquino III

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Arrest and judicial harassment of Human Rights Defender Temogen “Cocoy” Tulawie

Your Excellency,

The Action Network Human Rights Philippines has been informed by reliable sources, including Asian Human Rights Commission (AHRC) and Organisation Mondiale Contre la Torture (OMCT), about the arrest and judicial harassment of Mr. Temogen “Cocoy” Tulawie, former Provincial Chairperson of the Consortium of Bangsamoro Civil Society (CBCS) in Mindanao, province of Sulu. His longstanding work involved the monitoring and documentation of human rights violation cases affecting Muslim communities in the Autonomous Region of Muslim Mindanao, especially in the province of Sulu.

Mr. Tulawie is facing charges of “multiple frustrated murder” and “attempted murder” at the Regional Court of Jolo, Sulu, filed on July 22, 2009, which is believed to be a fabricated case in order to muzzle the outspoken Human Rights Defender. The evidences against him were based on forced confessions, which are meanwhile recanted. Mr. Tulawie had to go into hiding due to continuous threats and uncertainties that would hamper a fair trial and due process in his province of Sulu. While in hiding he had applied for a transfer of venue of his trial from Sulu and was waiting for a decision of the Court of Appeals (CA).

According to our information, Mr. Tulawie was arrested on January 13, 2012 at about 11:45 in the evening at his rented house in Davao City by combined elements of Military Intelligence Group (MIG) from Region 9 led by Sgt. Reyes, members of Special Action Force (SAF) led by Supt. Fernando Ortega and members of Police Regional Intelligence Group from Region 11 based in Davao City.

On January 16, 2012, Mr. Tulawie was presented to the Regional Trial Court (RTC) of Davao City, where a letter from the Executive and Presiding Judge of Jolo, Sulu RTC Branch 3 (Judge Betlee-Ian Barraquias) to the Executive Judge of Davao City was read, ordering the transfer of Mr. Tulawie back to Jolo within 48 hours, in contravention to a Supreme Court Order dated June 13, 2011 and granting the motion he filed for transfer of venue to the RTC of Davao City.

On January 17, 2012 in the afternoon, Mr. Tulawie was flown by the law enforcers to Zamboanga City and detained at the Criminal Investigation and Detection Group (CIDG)-Region 9. On the same day, the Office of the Court Administrator (Supreme Court) sent an order for immediate action stating that “*said order of Judge Barraquias is contrary to the Resolution dated June 13, 2011 issued by the Third Division*

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of the Supreme Court wherein the transfer of venue of Criminal Case Nos. (07-09) 1648-3 and (07-09) 1649-3, both involving Mr. Tulawie, was decreed to be held at the Regional Trial Court of Davao City. Likewise, be advised that the Motion for Reconsideration of the above Resolution had already been acted upon and this has apparently been DENIED. Thus, with more reason that Judge Barraquias has no authority to issue his supposed order. As such, you are hereby directed to inform the police or jail custodians of Mr. Tulawie that any order contrary to the Resolution dated 13 June 2011 of the Third Division of the Supreme Court cannot be implemented”.

We urge you and all Philippine authorities involved to:

- guarantee, in all circumstances, the physical and psychological integrity of Mr. Temogen “Cocoy” Tulawie as well as of all human rights defenders in the Philippines;
- release Mr. Temogen “Cocoy” Tulawie immediately and unconditionally since his detention is arbitrary as it seems to only aim at sanctioning his human rights activities;
- put an end to all acts of harassment, including at the judicial level, against Mr. Temogen “Cocoy” Tulawie as well as against all human rights defenders in the Philippines, and ensure in all circumstances that they are able to carry out their work without hindrances;
- comply with all the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular its Article 12.2 which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”

We are grateful for your attention and hope that your administration will independently investigate the case of Mr. Tulawie and undertake all necessary steps in order to allow Human Rights Defenders to execute their most needed work.

Yours sincerely,



Michael Schirmer
Chairman

Copy to:

- Hon. Leila de Lima, Secretary, Department of Justice (DOJ), DOJ Bldg., Padre Faura, 1004, Manila, Fax: +63 2 521 1614, Email: soj@doj.gov.ph;
- Hon. Loretta Ann P. Rosales, Chairperson, Commission on Human Rights, SAAC Bldg., UP Complex, Commonwealth Avenue, Diliman, Quezon City, Philippines. Fax: +632 929 0102. Email: chair.rosales.chr@gmail.com / mtm_rodulfo@yahoo.com;
- Hon. Jose Midas Marquez, Court Administrator, Supreme Court of the Philippines, 3rd Flr., New Supreme Court Bldg., Annex, Padre Faura St., Ermita 1000, Manila, Tel: +63 2 522 590 to 94, Fax: +63 2 526 8129, Email: pio@supremecourt.gov.ph / sc.judiciary@gov.ph;
- H.E. M.C.R. Natividad, Ambassador of the Republic of the Philippines, Philippine Embassy Berlin, Uhlandstr.97, 10715 Berlin, Germany;
- H.E. Dr. J.Heidorn, Ambassador of the Federal Republic of Germany, German Embassy Manila, 25/F Tower 2, RCBC Plaza, 6819 Ayala Ave, Makati City, Metro Manila;
- Mr. M. Löning, Federal Government Commissioner for Human Rights Policy and Humanitarian Aid, Federal Foreign Office of Germany, Werderscher Markt 1, 10117 Berlin, Germany;
- Mrs. M. Moltmann, Desk Officer Philippines, Federal Foreign Office of Germany, Werderscher Markt 1, 10117 Berlin, Germany;
- Mr. Philipp Woschitz, Political and Human Rights Officer, Delegation of the European Union to the Philippines, 30/F Tower II RCBC Plaza;6819 Ayala Avenue, Makati City, 1200, Philippines, Email: Philipp.WOSCHITZ@eeas.europa.eu

The Action Network Human Rights - Philippines was formed in August 2007 to promote lobby- and information work in Germany regarding the human rights situation in the Philippines. Through its office, the network coordinates publications, events and lobby activities. Target groups are political decision makers, human rights defenders and social activists as well as the media in Germany and Europe. Member organizations are Amnesty International Germany, Diakonie / Bread for the World, Church Development Service (EED), Misereor, Missio, Philippinenbüro and United Evangelical Mission (UEM). The main focuses of the network are extrajudicial killings and enforced disappearances.

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