

The Philippines: assassination of Mr. Gilbert Paborada

Friday 12 October 2012, by [FIDH](#), [OMCT](#) (Date first published: 12 October 2012).

URGENT APPEAL - THE OBSERVATORY

PHL 005 / 0712 / OBS 094

Assassination

Philippines

October 12, 2012

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in The Philippines.

Brief description of the situation:

The Observatory has been informed by Karapatan of the killing of Mr. Gilbert Paborada, an indigenous leader, in the province of Misamis Oriental, Mindanao, Southern Philippines.

According to the information received, on October 3, 2012, in the afternoon, Mr. Paborada was shot by two unknown assailants on a motorcycle when he was about to alight from a tricycle in front of his house in Cagayan de Oro city. According to witnesses, one gunman shot Mr. Paborada in the head while he was already on the ground. Mr. Paborada sustained five gunshot wounds and died on the spot.

Mr. Paborada, a member of the Higaonon tribe (one of the 17 Lumad ethnolinguistic groups) and a resident of Bagoceboc village in Opol municipality, was the chair of Pangalasag (literally meaning "indigenous shield"), a community-based Lumad organization that is resisting the expansion of a palm oil plantation owned by the A. Brown Company, a US corporation.

Background information:

On February 10, 2011, guards of the A. Brown Company threatened to shoot Mr. Paborada. In another incident, another Lumad leader reported that a Brown Company representative, Mr. Raffy Magbanua, had threatened Mr. Paborada and had ordered him to stop his campaigns or he would "regret what happens to his life." In March 2011, following those incidents, and after local indigenous leaders were also subjected to surveillance, threats and harassment, Mr. Paborada relocated to Cagayan de Oro City for safety reasons, but he continued to lead a campaign against the palm oil plantation from there.

Mr. Paborada reported those threats to his life to an international fact-finding mission of the Pesticide Action Network-Asia and the Pacific (PAN-AP), Peasant Movement of the Philippines and

the Kalumbay Regional Lumad organization (Kalumbay). In a dialogue with Kalumbay held on June 4, Opol Mayor, Mr. Dexter Yasay, claimed that Mr. Paborada was with the New People's Army (NPA), an armed opposition group fighting the Government. The Observatory expresses its concerns at the fact that public officials may defame the work of human rights defenders and assimilate them to armed opposition groups, thus seriously endangering their life in the context prevailing in the Philippines.

Actions requested:

Please write to the Philippines authorities urging them to:

Order an immediate, thorough, effective and impartial investigation into the assassination of Mr. Gilbert Paborada, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply the penal sanctions provided by the law;

Provide adequate reparation and protection to Mr. Paborada's family;

Guarantee, in all circumstances, the physical and psychological integrity of all human rights defenders in The Philippines;

Ensure that the government representatives at all echelons stop labelling and targeting of human rights defenders as "enemies of the state."

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 1, which states that "everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels",
- its Article 6.a, which states that "everyone has the right individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems",
- Article 12.1, which foresees that "everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms",
- and 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."

Guarantee the respect of human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other international human rights instruments ratified by the Philippines.

Addresses:

· H.E. Benigno S. Aquino III, President of the Republic of the Philippines, New Executive Building, Malacañang Palace, JP Laurel St., San Miguel, Manila 1005, Philippines. Fax: +63 2 736 1010, Fax: / 929-3968 Tel: +63 2 735 6201 / 564 1451 to 80 Fax: +(632) 742-1641 Tel: +63 2 735 6201 / 564

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· Hon. Leila M. De Lima Secretary, Department of Justice (DOJ) Padre Faura Street, Ermita, Manila, 1000 Philippines Fax: (+632) 521-1614 Tel: + 521-8344; 5213721 Trunkline 523-84-81 loc.214 Email: lmdelima.doj.gov.ph / doj.delima@gmail.com : soj.doj.gov.ph

· Ret. Lt. Gen. Voltaire T. Gazmin Secretary, Department of National Defense Room 301 DND Building, Camp Emilio Aguinaldo, E. de los Santos Avenue, Quezon City Voice: +63(2) 911-9281 / 911-0488 Fax: +63(2) 911 6213 Email: osnd.philonline.com

· Sec. Teresita Quintos-Deles Presidential Adviser on the Peace Process Office of the Presidential Adviser on the Peace Process (OPAPP) 7th Floor Agustin Building I Emerald Avenue Pasig City 1605 Voice: +63 (2) 636 0701 to 066 Fax: +63 (2) 638 2216 osec.opapp.gov.ph

· Chairperson Loretta Ann P. Rosales, Commission on Human Rights (CHR), SAAC Bldg., Commonwealth Avenue, U.P. Complex, Diliman, Quezon City, Philippines Tel: +63 2 928 5655, +63 2 926 6188 Fax: +63 2929 0102 Email: rosales.chr@gmail.com

· Police Director Nicanor Bartolome Chief, Philippine National Police Camp General Rafael Crame Quezon City, Philippines Fax: +63 2 724 8763/ +63 2 723 0401 Tel: + 63 2 726 4361/4366/8763 Email: feedback.pnp.gov.ph

· Hon. Emilio Gonzalez Deputy Ombudsman Office of the Deputy Ombudsman for the Military And other Law Enforcement Offices 3rd Flr., Ombudsman Bldg., Agham Road, Diliman, 1004 Quezon City Fax: +63 2 926 8747 Tel: +63 2 926 9032

· H.E. Mr. Evan P. Garcia, Ambassador, Permanent Mission of the Philippines to the United Nations in Geneva, 47 Avenue Blanc, 1202 Geneva, Switzerland, Fax: +41 22 716 19 32, Email: geneva.pm.dfa.gov.ph

· Embassy of the Philippines in Brussels, 297 Avenue Moliere, 1050 Brussels, Belgium, Tel: +32 2 340 33 77 / 2 340 33 78, Fax: +32 2 345 64 25.

Please also write to the diplomatic representations of the Philippines in your respective countries.

Geneva-Paris, October 12, 2012

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, an OMCT and FIDH venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

· Email: Appeals.fidh-omct.org

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