

PRESS RELEASE - THE OBSERVATORY

Philippines: Dismissal of the case filed against Mr. Bacalso and Mr. Fortaleza for their peaceful protest

Geneva-Paris, January 29, 2015 – The Observatory for the Protection of Human Rights Defenders, an OMCT-FIDH joint programme, welcomes the decision of the Regional Trial Court to dismiss false charges filed against two human rights defenders, Mr. Edcil Bacalso and Mr. Wilson Fortaleza, in relation to their legitimate activities in defence of labour rights.

The Observatory has just been informed that in a decision dated October 27, 2014, Branch 67 of the Regional Trial Court of Pasig City dismissed the judicial case against Mr. **Edcil Bacalso**, member of NAGKAISA, a coalition of labour groups, and Mr. **Wilson Fortaleza**, member of the Partido ng Manggagawa (Workers Party), by dropping all the charges against them. In a landmark decision, the judges recognised the fundamental democratic role of freedom of assembly and expression and argued that “the right to peacefully assemble and petition for redress of grievances is, together with freedom of speech, of expression and of the press, a right that enjoys primacy in the realm of constitutional protection” and “constitute the very basis of a functional democratic polity, without which all the other rights would be meaningless and unprotected”¹. AsiaPro Cooperative has however submitted a motion for reconsideration for all charges they had filed against Mr. Bacalso and Mr. Fortaleza.

On September 2, 2014 the Observatory strongly condemned the judicial harassment of Mr. Edcil Bacalso and Mr. Wilson Fortaleza, and called on the Philippines authorities to drop the case and charges against them, as they seemed to be only aimed at obstructing their human rights activities and at weakening their campaign against the exploitation of workers².

On April 25, 2014, Messrs. Bacalso and Fortaleza had taken part in a peaceful rally along with other 200 workers against AsiaPro Cooperative, a company that supplies contract workers to several large corporations, for violating the labour rights of its members and employees, including through the non-payment of wages and other mandatory benefits such as social security allowances. In March 2014, the Supreme Court had ruled that AsiaPro must comply with core labour standards and other labour-related laws, but the organisation continued its illicit activities.

On July 14, 2014, Mr. Bacalso and Mr. Fortaleza were both charged with defamation, illegal assembly, alarm and scandal in connection with the April-25 protest. The case was filed against them by officials of the AsiaPro Cooperative, who accused them of distributing defamatory materials to the public, of obstructing the flow of traffic and blocking the pedestrians and, finally, of disturbing the public affairs with the loud speaker system used in the protest.

The Observatory expresses its hope that the decision of the Regional Trial Court will represent an important step towards strengthening the protection of human rights defenders' right to peaceful assembly and demonstration in the Philippines and that this decision will be confirmed when the Court decides on the new motion filed by AsiaPro Cooperative .

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¹ Regional Trial Court, branch 67, Resolution Civil Case 74422, p.6.

² See Observatory's Urgent Appeal PHL 004 / 0914 / OBS 074 of September 2, 2014.