

I.P.O.N.
International Peace
Observers Network
Ruiz St.
Brgy. Sumpong
Malaybalay, Bukidnon



I.P.O.N. Mindanao, Ruiz St., Brgy Sumpong, Malaybalay

Hon. Leila de Lima
Secretary
Department of Justice
Padre Faura Street
Ermita, Manila 1000

www.ipon-philippines.info
observer.mindanao@ipon-
philippines.org
phone: +63 9393205776

Manila, 08/24/2013

Subject: Criminal case against human rights defender Temogen “Cocoy” Tulawie

Dear Secretary Leila de Lima,

we are writing to you on the behalf of the International Peace Observers Network (IPON). IPON is a German independent, non-governmental organization that establishes partnerships with local human rights defenders (HRDs) and monitors the human rights situation in the Philippines. Following a non-intervening strategy that aims at the empowerment and protection of our partner HRDs, IPON observers accompany them, document occurring human rights violations, and inform the international public about the observed developments.

Since February 2013, we observe the trial of human rights defender Temogen “Cocoy” Tulawie because we consider him a prisoner of conscience. We address ourselves to you, Hon. Secretary de Lima, to kindly inquire about the case against him, as he is facing charges of multiple frustrated murder and multiple attempted murder (Crim. Case No. [07-09] 1649-3).

On July 30, 2009, Mr. Tulawie filed a Petition for Review to the Department of Justice (DOJ) questioning among others the jurisdiction of the Acting Regional Prosecutor of Sulu in conducting the preliminary investigation and filing of the Information in said criminal case. If the existence of such grave procedural errors was established, this had an immense impact on the entire proceedings. However, in February 2011, the DOJ denied said Petition for lack of documentary attachments. Within one month and thus in due time, Mr. Tulawie filed a Motion for Reconsideration praying that the DOJ may reverse its previous Resolution and decide on the merits rather than on technicalities of procedure. However, up to this date the Motion for Reconsideration has not yet been resolved. Regarding the up-coming pre-trial we consider it to be essential that the validity of the preliminary investigation will be sufficiently established as soon as possible. To follow the steps from the inception of custodial investigation up to rendition of

The project is promoted by the Federal Foreign Office (AA) and the Institute for Foreign Cultural Relations (ifa)
IPON Germany
Netzwerk Bildung und Projektarbeit e.V., Nernstweg. 32, 22765 Hamburg Email: contact@ipon-philippines.org
IPON Philippines
Negros: 68 Florida St, Brgy. Villamonte, Bacolod City, Negros Occidental Email: observer.negros@ipon-philippines.org
Mindanao: IPON c/o Cyrus A. Ellorin, Ruiz Street, Sumpong 87000 Malaybalay, Email: observer.mindanao@ipon-philippines.org



judgment orderly and accurately as they are laid down in criminal law is a precondition to guarantee the constitutional right on due process¹.

In view of these facts and with reference to the rights of the accused on speedy trial and liberty, we respectfully request you, Honorable Secretary, to resolve with finality the above mentioned Petition for Review of Cocoy Tulawie.

In doing so, we put our trust in your earnest will to fulfill your duty as a representative of the Philippine state by ensuring the observance of the human rights as they are implemented in the Philippine Constitution.

Yours sincerely,

IPON Mindanao, Regional Observer Team
Coordinator

IPON Manila, Country-

Copy furnished:

National Level

Amnesty International Philippines

Section Director **Aurora Parong**
18-A Marunon Street, Brgy. Central
Quezon City, Makati

Balay Rehabilitation Center, Inc.

Board of Directors **Sr. Arnold Maria Noel, SSpS**
25 Maalindog Street, UP Village, Diliman
Quezon City, Manila

Commission of Human Rights

Chairperson **Hon. Etta Rosales**
SAAC Building, Commonwealth Avenue
UP Complex, Diliman,
Quezon City

Department of Justice (DOJ)

Head Executive Assistant **Atty. Martin T. Menez**
Ground Floor, Forum Building, Padre Faura Street
Ermita, Manila 1000

Philippine Alliance of Human Rights Advocates (PAHRA)

Chairperson **Max de Mesa**
53-B Maliksi Str., Brgy. Pinyahan
Quezon City, Philippines 1100

International Level

Action Network Philippines

Coordinator **Jan Pingel**
c/o philippinenbüro e.V.
Asienhaus
Hohenzollernring 52
50672 Köln

Amnesty International London **Hazel**

1 Easton Street
London
WC1X 0DW, UK

ASEAN Intergovernmental Commission on Human Rights (AICHR)

70A Jl. Sisingamangaraja
Jakarta 12110, Indonesia

Delegation of the European Union to the Philippines

Programme Officer Operation Section **Margarito Raynera, Jr.**
30/F Tower 2, RCBC Plaza, 6819 Ayala Ave.
Makati City, Manila

European Union Subcommittee on Human Rights (DROI)

Chairperson **Barbara Lochbihler**
droi-secretariat@europarl.europa.eu

German Commissioner on Human Rights

Markus Löning

Deutscher Bundestag
Platz der Republik 1
11011 Berlin

German Federal Committee on Human Rights and Humanitarian Aid

Jürgen Klimke

Deutscher Bundestag
Platz der Republik 1
11011 Berlin

Hans Seidel Foundation (HSF)

Unit 4D, Cypress Gardens Bldg.
112 VA Rufino St., Legaspi Village
1229 Makati City, Philippines