

Bugnau, 23 November 2012

His Excellency Benigno Simeon Aquino III
President of the Republic of the Philippines
Malacanang Palace
San Miguel, Manila
The Philippines

Dear President Aquino,

The **ICCA Consortium** is an **international association recognized under Swiss law**. We have Member organizations and individual Honorary Members from over forty countries, including many from the Philippines. We are a partner organization of the Secretariat of the Convention on Biological Diversity (CBD), the United Nations Development Programme (UNDP GEF SGP) and the International Union for the Conservation of Nature (IUCN). In March this year, we attended an important conference co-sponsored in Manila by your Ministry of Environment, the University of the Philippines and 'Koalisyon Katutubo at Samahan Ng Pilipinas' (KASAPI), one of the largest indigenous peoples organizations in your country.

We write this letter to communicate our **profound concern and outrage regarding the massacre of a B'laan mother and her children by members of the Armed Forces of the Philippines's 27th Infantry Battalion under the command of Colonel Alexis Bravo**.

The massacre took place at 6:30 a.m. on 18 October in Datal Aliong, Kiblawan, Davao del Sur, Philippines. Juvy (27), the wife of B'laan leader Daguil Capion was shot in cold blood together with her two sons Jordan (13) and John (8). The youngest daughter Vicky (4) escaped, but was wounded.

We have been nothing less than shocked that this can happen in a democratic country such as the Philippines. And all the more so as the motives behind the killings appear to relate to **intimidation of indigenous peoples willing to defend their ancestral land and biodiversity against the ravage of mining operations**—a violation of both human rights and indigenous peoples' rights.

Colonel Bravo called a press conference a few hours after the massacre announcing the incident was an 'encounter' with the New Peoples' Army, implying the Capion family were merely caught in the cross fire. Plenty of evidence, however, suggests a willful intent from the 27th Infantry Battalion to kill these innocent people to intimidate their community into submission to an impending mining operation. **Daguil Capion, the father and husband of the massacred people is a leader of the B'laan tribal community actively opposing the entry of Xstrata-Sagittarius Mines, Inc. (SMI).** His wife, Juvy, was a member of KALGAD, an organization also opposed to the entry of the mega gold and copper project ready to displace about 30,000 B'laan people from their ancestral lands.

The 27th Infantry Battalion talk of suspected 'communist rebels' as a means to justify their presence and claim they are 'protecting the people' from these rebels. However, thus far, they have managed to only kill instead of protect. Before multinational companies like Xstrata-Sagittarius Mines came, there was peace in Tampakan.

The ICCA Consortium strongly supports the request of the Tampakan Forum— a coalition of NGOs and Church institutions acting as a technical working group on the Tampakan mining issue—that the Human Rights Council (HRC) and the National Commission on Indigenous Peoples (NCIP) conduct **a thorough investigation of the facts.**

With the Tampakan Forum, we urge you, President Aquino, also in your role as Commander-in-Chief of the Armed Forces, to order:

- **An investigation of the broader conditions and motives that brought the 27th Infantry Battalion to cause the massacre;**
- **The eventual prosecution of the guilty in the 27th Infantry Battalion to bring justice for the victims and families of the Tampakan massacre;**
- **The pullout of the 27th Infantry Battalion from Tampakan. Their presence puts innocent lives in jeopardy and will most likely provoke further violence;**
- **The cessation of operation/presence of Xstrata-Sagittarius Mines in Tampakan in order to diffuse and relieve the deep-seated enmity among the B'laans. SMI has not actually obtained an Environmental Compliance Certificated to carry out 'development' activities in the area, so the legality of their intentions is highly questionable.**


We commend you for being committed to a **reformation of mining policies in your country**, and would like to encourage you to make sure that the new policies include **specific mechanisms to safeguard the rights and safety of Filipino people opposed to mining.**

The ICCA Consortium believes the only way to cease the killings and conflicts related to mining is to consider human rights and the rights of your indigenous peoples, President Aquino, as fundamentally important and non-negotiable. We urge you to make sure that the right-based approach, which we dare to believe it is your own, is demonstrated in practice in your country through timely resolve for justice and the cessation of impunity. If the Philippines will stand firm against the perpetrators of this odious crime it will send **a strong message to mining companies and violent people, wherever they are**, that your government is bringing lasting positive change to the country.

We thank you very much in advance for your kind consideration of our concerns. We look forward to hearing from you on any development towards a positive resolution of the case, as well as on lasting change in the broader conditions that made it possible,



Dr. M. Taghi Farvar
President, The ICCA Consortium



Dr. Grazia Borrini-Feyerabend
Global Coordinator, The ICCA Consortium

Copies of this letter are been sent to **Secretary Teresita Quintos-Deles, Ret. Lt. Gen. Voltaire T. Gazmin, Hon Leila De Lima and Hon. Loretta Ann P Rosales.** The letter is also shared with all ICCA Consortium Members, Honorary members and Partners—including **UN organizations**, with representatives of **Xstrata-Sagittarius Mines in Switzerland**, as well as to the **Swiss Ambassador in the Philippines** and **relevant authorities and NGOs in Switzerland** and other **Europe-based organizations** – including finance-related companies -- **concerned with the behavior of international companies affiliated with Switzerland** and Europe in general.