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**Human Rights Council
Working Group on Arbitrary Detention****Opinions adopted by the Working Group on Arbitrary Detention at its 105th session, 23 March–1 April****Opinion No. 22/2026 concerning Frenchie Mae Cumpio, Marielle Domequil and Alexander Abinguna (Philippines)**

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 60/8.

2. In accordance with its methods of work,¹ on 27 October 2025, the Working Group transmitted to the Government of the Philippines a communication concerning Frenchie Mae Cumpio, Marielle Domequil and Alexander Abinguna. The Government has not replied to the communication. The State is a Party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States Parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum-seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination, based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

¹ [A/HRC/36/38](#).

1. Submissions

(a) Communication from the source

4. Frenchie Mae Cumpio is a citizen of the Philippines, born on 23 January 1999. Prior to her arrest, she resided in Tacloban City, Leyte, Philippines.

5. According to the source, Ms. Cumpio is a community journalist and the Executive Director of community media outfit Eastern Vista, an independent local media outlet affiliated with AlterMidya, the self-described People's Alternative Media Network, where she covered human rights issues in the region. She was also a radio anchor of DYVL 819 kHz Aksyon Radyo, where she hosted a show called Bells of Truth in the Waray language, which frequently covered alleged abuses by the police and the military. In addition, she was training to become a station manager at Radyo Tacloban and contributed to the collaborative humanitarian project "Stand with Samar", which was aimed at addressing the plight of farmers in Samar province. She has no prior criminal record.

6. The source informs the Working Group that, prior to her arrest, Ms. Cumpio faced a prolonged campaign of harassment and intimidation by the authorities, which reportedly engaged in "red-tagging", branding Eastern Vista journalists, including her, as members of the New People's Army (NPA), a militant wing of the Communist Party of the Philippines (CPP) (CPP-NPA). She strongly denied these accusations. In December 2019, she was tailed in Tacloban City by unidentified men, believed to be military personnel, on motorcycles without licence plates. In addition, a few days before her arrest, an unidentified man visited her office with a picture of her and a funeral wreath.

7. Marielle Domequil is a citizen of the Philippines, born on 17 September 1997. Prior to her arrest, she resided in Tacloban City, Leyte, Philippines.

8. The source informs the Working Group that Ms. Domequil is a finance officer and lay worker for the Rural Missionaries of the Philippines in the Eastern Visayas region. The Rural Missionaries of the Philippines is a Christian missionary organization, comprising priests and lay people, that provides services to impoverished rural communities. Like Ms. Cumpio, Ms. Domequil reportedly experienced intimidation leading up to her arrest. This included being tailed from Balay Hampangan, the shared offices of the Rural Missionaries of the Philippines, where Ms. Domequil previously resided. In addition, she also observed the presence of unknown men during and after rallies.

9. Mr. Alexander Abinguna is a citizen of the Philippines, born on 26 December 1996. Prior to his arrest, he resided in Catbalogan City, Samar, Philippines.

10. The source informs the Working Group that Mr. Abinguna is a human rights worker and regional coordinator for Katungod, a regional formation of Karapatan, an alliance of individuals, groups and organizations working to promote and protect human rights in the Philippines. He was one of the youngest members of Karapatan.

11. Mr. Abinguna reportedly also experienced prolonged harassment leading to his arrest. This included unknown men asking students for details about him at his university and during his work at Katungod, which was "red-tagged" as CPP-NPA. In addition, on the day prior to the police raids, Mr. Abinguna wrote to the office of the Commission on Human Rights in Region VIII requesting a voluntary inspection of Katungod's office in anticipation of a raid. He also referred to a heightened surveillance in the days leading up to his arrest.

(i) Arrest and detention

12. According to the source, on 7 February 2020, the authorities conducted a series of night raids in Tacloban City between 1:00 a.m. and 2:30 a.m., during which the police reportedly pointed their guns at journalists and human rights activists.

13. The Armed Forces of the Philippines and the Philippine National Police led the raid of Eastern Vista's staff house on Calanipawan Road, Tacloban City, where Ms. Cumpio and Ms. Domequil were residing. The raiding officers kicked down the door of the room where they were sleeping, destroying the lock in the process. They were ordered to lie face down on the floor, where they could see nothing but the officers' boots. Afterwards, they were

physically removed from the room and instructed to face away from it, preventing them from observing what was happening inside. Once brought back to the room, they saw guns and contraband placed on the bed and around the room, including a 45-calibre pistol, two hand grenades and ammunition. The source maintains that these items were planted by the officers conducting the raid.

14. Although the officers conducting the raid had a search warrant issued by Tacloban City Regional Trial Court, it was provided only after police forces removed Ms. Cumpio and Ms. Domequil from their room and began searching. The grounds for their arrest and detention were the illegal possession of firearms and explosives and terrorism financing for the Philippines CPP.

15. In addition to seizing the planted firearms and ammunition, the officers seized Pts557,360 (approximately \$9,628) in cash, as well as cell phones, laptops and other personal belongings. Ms. Cumpio and Ms. Domequil had collected that money, which was not included in the search warrant, as part of a fundraiser to benefit Ms. Cumpio's radio programme and the "Stand with Samar" campaign.

16. At the time of the raid on 7 February 2020, Mr. Abinguna was sleeping on the second floor of Karapatan's offices in Region VIII, Tacloban City, when the simultaneous raids carried out between 1:00 a.m. and 2:30 a.m. began. There were no other people on that floor of the building at the time. Mr. Abinguna initially attempted to resist the raid and assert his rights, but he was forced to lie down, and his hands were tied behind his back. He was then brought downstairs while officers remained on the second floor. Elsewhere in the Karapatan office building, the authorities found and detained other members of the organization. During the raid, the officers claimed to have found and seized firearms and an improvised explosive device on or near the respective beds where Mr. Abinguna and his colleagues were resting.

17. A search warrant for the Karapatan office was only presented after the search. The officers then arrested Mr. Abinguna and his colleagues, citing illegal possession of firearms and explosives and alleging involvement with CPP-NPA. Mr. Abinguna and his colleagues were all taken into police custody.

18. Approximately 150 police and military officers conducted each raid. Ms. Cumpio, Ms. Domequil, Mr. Abinguna and his two colleagues, known as the Tacloban 5, were taken to Palo Provincial Jail, where they were held in detention.

(ii) *Trial proceedings*

19. On 10 February 2020, the Office of the Tacloban City Prosecutor filed two separate cases against the Tacloban 5. The first case charged Ms. Cumpio and Ms. Domequil with illegal possession of firearms. The second case charged Mr. Abinguna and his two colleagues for the same crime. The Office recommended that bail be set in the amount of Pts120,000 (approximately \$2,073) for Mr. Abinguna's two colleagues, but recommended no bail for Ms. Cumpio, Ms. Domequil and Mr. Abinguna. The Court agreed with the prosecution's recommendation; as a result, Mr. Abinguna's two colleagues were released on bail, while Ms. Cumpio, Ms. Domequil and Mr. Abinguna remained in custody.

20. Ms. Cumpio, Ms. Domequil and Mr. Abinguna were subsequently transferred from Palo Provincial Jail to Tacloban City Jail. During the coronavirus disease (COVID-19) pandemic lockdown, Tacloban City Jail imposed a no-visitation rule for prisoners. As a result, Ms. Cumpio's only contact with her family was through five-minute telephone calls each day and short video chats on weekends.

21. On 23 June 2020, the Tacloban City Regional Trial Court held the first hearing in the case against Ms. Cumpio and Ms. Domequil. It is reported that, despite the authorities failing to perform any substantive investigation to justify the search warrant used during the raid, the court denied the defendants' motion to quash the search warrant. The court also rejected the defendants' motion to quash the information filed against them, reject evidence seized during the raid and return seized items that were not included in the search warrant.

22. In September 2021, the Office of the Catbalogan City Prosecutor began an investigation into new charges of financing terrorism against Ms. Cumpio and Ms. Domequil in connection with money found during the search of Eastern Vista's staff house. On 7 February 2022, the authorities charged them with terrorist financing, charges initially filed before the Catbalogan Regional Trial Court but subsequently transferred to the Tacloban City Regional Court in early 2022 and joined with the existing case against Ms. Cumpio and Ms. Domequil for illegal possession of firearms.

23. On 23 January 2023, the Tacloban City Court held the first hearing for the additional charges of alleged terrorism financing against Ms. Cumpio and Ms. Domequil. On the day of the hearing, the Tacloban City Police Director, Michael Pineda Palermo, entered the jail minutes before 6:00 a.m. and summoned and intimidated Ms. Cumpio and Ms. Domequil. A similar event occurred later in 2024, when a colonel in the Civil-Military Operations Regiment of the 8th Infantry Division of the Philippine Army insisted on having an audience with Ms. Cumpio and Ms. Domequil who were "forced to consent". The source submits that these events illustrate the unfair treatment that the defendants continued to experience while awaiting the resolution of their respective trials.

24. According to the source, the trial of Ms. Cumpio and Ms. Domequil is still ongoing, while the proceedings against Mr. Abinguna have yet to begin. Moreover, all three defendants remain in detention in Tacloban City Jail. Despite repeated calls for their release, the Department of Justice refuses to dismiss the criminal case brought against the Tacloban 5.

(iii) *Legal analysis*

25. The source submits that the cases of Ms. Cumpio, Ms. Domequil and Mr. Abinguna fall under categories II, III and V.

a. *Category II*

26. The source submits that the Government targeted and detained Ms. Cumpio, Ms. Domequil and Mr. Abinguna for their exercise of the right to freedom of expression under article 19 of the Universal Declaration of Human Rights, article 19 (2) of the Covenant and article III, section 4, of the Constitution.

27. In its general comment No. 34 (2011) on the freedoms of opinion and expression, the Human Rights Committee reiterated that article 19 (2) of the Covenant encompassed all forms of expression and the means of their dissemination, including all audiovisual, electronic and Internet-based forms of expression (para. 12). The right to freedom of expression under article 19 is of special importance for human rights defenders,² and it is also a right which has been explicitly defined by the United Nations to encompass journalists who report on human rights abuses.³

28. The Working Group has confirmed that human rights defenders have a right to investigate, gather information and report on human rights violations.⁴ The Human Rights Committee has also specifically recognized that article 19 (2) of the Covenant protects the work of journalists,⁵ including the right to criticize or openly and publicly evaluate their Government without fear of interference or punishment.⁶ In fact, the imprisonment of human rights defenders for speech-related reasons is subject to heightened scrutiny, as the Working Group has recognized the necessity to subject intervention against individuals who may qualify as human rights defenders to particularly intense review.⁷ This heightened standard of review by international bodies is especially appropriate where there is a pattern of harassment by national authorities targeting such individuals.⁸

² General Assembly resolution 53/144.

³ See <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders>.

⁴ Opinion No. 8/2009, para. 18.

⁵ Human Rights Committee, *Movlonov and Sa'di v. Uzbekistan*, (CCPR/C/95/D/1334/2004).

⁶ Human Rights Committee, *Marques de Morais v. Angola* (CCPR/C/83/D/1128/2002), para. 6.7

⁷ Opinion No. 62/2012, para. 39.

⁸ Opinion No. 39/2012, para. 43.

29. The source argues that, in the present cases, the Government arbitrarily detained Ms. Cumpio, Ms. Domequil and Mr. Abinguna because they exercised their right to freedom of expression, specifically in their capacities as human rights workers or reporters. According to the source, the simultaneous arrests of the Tacloban 5, amid the wider context of red-tagging, also presents a clear pattern of harassment which justifies a heightened review.

30. Ms. Cumpio was arrested following a campaign of threats and intimidation from local authorities in response to her journalistic reporting on alleged police and military abuses. Ms. Cumpio's arrest and lengthy detention are reportedly an attempt by the Government to silence and penalize her for publicizing human rights issues, an activity which is expressly protected as free expression.

31. Ms. Domequil and Mr. Abinguna were similarly targeted by the Government for their work as human rights activists. The Government's detention of Ms. Cumpio, Ms. Domequil and Mr. Abinguna for their critical expression also fits directly into a well-documented pattern of attacking and attempting to silence journalists through arbitrary detention.

32. Furthermore, it is argued that the Government targeted and detained Ms. Cumpio, Ms. Domequil and Mr. Abinguna due to their exercise of the right to freedom of association, contrary to article 20 (1) of the Universal Declaration of Human Rights, article 22 of the Covenant and article III, sections 3 and 8, of the Constitution.

33. Contrary to these international and domestic standards, the Government has criminalized and imprisoned individuals for associating with journalists and human rights organizations that are critical of the Government. According to the source, this is evidenced by the simultaneous raid of the Eastern Vista staff house and the Karapatan office during which the Tacloban 5 were arrested.

34. Ms. Cumpio was specifically targeted for her position as Executive Director of Eastern Vista, which has reported on the alleged marginalization and oppression in the Eastern Visayas region, including such issues as the continuing plight of victims of Hurricane Yolanda and the militarization of farming communities. Ms. Domequil was similarly targeted for her association with Eastern Vista and the Rural Missionaries of the Philippines, and Mr. Abinguna for his association with Karapatan. The source argues that these organizations have been specifically targeted by the Government. For example, a spokesperson of the National Task Force to End Local Communist Armed Conflict denounced Eastern Vista as a CPP-NPA organization, among simultaneous claims that, contrary to its registration details, CPP-NPA had founded it. In addition, the source recalls that two cashiers working at the Rural Missionaries of the Philippines were previously prosecuted by the Task Force on similarly unsubstantiated grounds of financing terrorism, and the Task Force has taken legal action against Karapatan to quash a petition for writs. As noted by Karapatan, with the Task Force habitually tagging as "red" anyone expressing dissent, its accusations of "communist links" have come out as baseless, frivolous and arbitrary.⁹

35. The source argues that the restrictions on freedom of expression and association enumerated under articles 19 (3) and 22 (2) of the Covenant do not apply to the present cases.

36. The source noted that Ms. Cumpio, Ms. Domequil and Mr. Abinguna are among 319 prisoners being held on trumped-up charges for the illegal possession of firearms and explosives, illustrating their charges within a wider context of systemic oppression. According to the source, the authorities used the charges as a pretext to undermine and silence the Government's critics.

b. Category III

37. The source asserts that the authorities violated the right of Ms. Cumpio, Ms. Domequil and Mr. Abinguna to be brought before a judge and their right to habeas corpus, in breach of article 9 (3) and (4) of the Covenant. The source recalls that the Human Rights Committee has interpreted that, for the purposes of article 9 (3), the individual must be brought to an officer authorized by law to exercise judicial power within 48 hours, barring exceptional

⁹ See https://www.karapatan.org/media_release/karapatan-on-the-ntf-elcacs-lies-at-the-un-cesr-in-geneva.

circumstances,¹⁰ and has noted that this right is to be observed even before formal charges have been asserted, so long as the person is arrested or detained on suspicion of criminal activity.¹¹ The right to habeas corpus is reiterated in principles 4, 11, 32 (1) and 37 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Aside from acting as a check on arbitrary detention, these provisions also safeguard other related rights such as the freedom from torture.¹²

38. Article 9 (3) of the Covenant also enshrines the right to an individual's release pending trial. The Human Rights Committee has found that detention pending trial must be based on an individualized determination that such detention is reasonable and necessary, taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime, and that pretrial detention should not be mandatory for all defendants charged with a particular crime, without regard to individual circumstances.¹³ In principles 38 and 39 of the Body of Principles, it is further confirmed that, except in special cases, a criminal detainee is entitled to release pending trial.

39. In this regard, the source recalls that, for over five years, since their arrests on 7 February 2020, Ms. Cumpio, Ms. Domequil and Mr. Abinguna have been held in the Tacloban City Jail, while being denied the right to bail and enduring restricted communication with their family, friends and legal counsel. Their prolonged pretrial detention periods thus violated international and domestic law, depriving them of the right to due process and a trial without delay. By refusing to bring Ms. Cumpio, Ms. Domequil and Mr. Abinguna promptly before a judge to challenge the legality of their detentions, and by denying their release pending trial, the authorities have violated article 9 (3) and (4) of the Covenant and principles 11, 32, 37, 38 and 39 of the Body of Principles.

40. Furthermore, the source submits that the authorities violated the right of Ms. Cumpio, Ms. Domequil and Mr. Abinguna to be tried without undue delay, contrary to article 14 (3) (c) of the Covenant. The source notes that the Human Rights Committee has emphasized that expeditiousness is an important aspect of the fairness of a hearing¹⁴ and that in cases where the accused are denied bail by the court, they must be tried as expeditiously as possible.¹⁵ In addition, this right relates not only to the time between the formal charging of the accused and the time by which a trial should commence, but also the time until the final judgment on appeal. The right to be tried without undue delay is reiterated in principle 38 of the Body of Principles and is guaranteed in sections 14 and 16 of the Bill of Rights.

41. The Human Rights Committee also provides that the reasonable amount of time in which a trial must be held is to be assessed in the circumstances of each case, taking into account mainly the complexity of the case, the conduct of the accused and the manner in which the matter was dealt with by the administrative and judicial authorities.¹⁶

42. In this context, the source notes that Ms. Cumpio, Ms. Domequil and Mr. Abinguna were arrested on 7 February 2020 and that it then took more than four years for the authorities to build a case against them, with their substantive trial beginning only in November 2024. The authorities reportedly did not provide any explanation for why it took so long to build the cases.

¹⁰ Human Rights Committee, general comment No. 35 (2014) on liberty and security of person, para. 33.

¹¹ Ibid., para. 32.

¹² Ibid., para. 34.

¹³ Ibid., para. 35.

¹⁴ Human Rights Committee, general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, para. 27.

¹⁵ Ibid., para. 35.

¹⁶ Ibid., para. 30.

43. The source recalls that, more than five years since the arrests, the trials are still only in the early stages of prosecution due to further delays, the absence of witnesses and the rescheduling of trial dates. As of March 2025, Mr. Abinguna's case was still on the third prosecution witness of over 10 witnesses. Throughout this time, Ms. Cumpio, Ms. Domequil and Mr. Abinguna have been held in custody at the Tacloban City Jail. The source notes that the need for a trial without undue delay was exacerbated by the fact that the defendants were denied bail and have been forced to remain in detention for over five years. The source concludes that the authorities have therefore violated article 14 (3) (c) of the Covenant, principle 38 of the Body of Principles and article 3 of the Constitution, defying international norms relating to the right to a fair trial.

c. Category V

44. The source submits that the authorities violated articles 2 and 7 of the Universal Declaration of Human Rights and articles 2 and 26 of the Covenant by targeting Ms. Cumpio, Ms. Domequil and Mr. Abinguna on the basis of their political expression and by detaining them on the basis of unsubstantiated allegations of links to CPP-NPA. The use of detention in retaliation for their legitimate political expression amounts to discrimination based on their political opinions.

45. Moreover, red-tagging supports the political discrimination of silencing criticism of the authorities and stopping their human rights and humanitarian work. The source concludes that the authorities have not provided Ms. Cumpio, Ms. Domequil and Mr. Abinguna with the full protection of the law due to their political beliefs, resulting in a violation of the non-discrimination provisions of the Universal Declaration of Human Rights and the Covenant.

(b) Response from the Government

46. On 27 October 2025, the Working Group transmitted allegations concerning Ms. Cumpio, Ms. Domequil and Mr. Abinguna to the Government and requested it to provide, by 26 December 2025, detailed information to clarify the factual and legal grounds for their detention.

47. The Working Group regrets that it did not receive a response from the Government, nor did the Government request an extension of the time limit for its reply, as provided for in paragraph 15 of the Working Group's methods of work.

(c) Additional information from the source

48. On 22 January 2026, after six years in prison, Ms. Cumpio and Ms. Domequil were acquitted of charges related to the illegal possession of firearms and explosives, but convicted on a terrorism financing charge and sentenced to serve a minimum of 12 years, five months and 11 days, and a maximum of 18 years, eight months and one day, in prison. They appealed their conviction and their bail application was denied on 16 February 2026.¹⁷

49. There has been little progress in the separate case concerning the alleged illegal possession of firearms against Mr. Abinguna, who remains in pretrial detention, and his two colleagues released on bail.¹⁸ The trial has stalled because the prosecution's third of over 10 witnesses still refuses to appear before the court, which has repeatedly postponed the proceedings because of the absence of this witness. The trial is likely to take months, if not years, to complete.

¹⁷ Amnesty International, "Philippines: Further information: Journalist and community worker convicted: Alexander Philip 'Chakoy' Abinguna, Frenchie Mae Cumpio and Marielle Domequil", 26 February 2026, available at <https://www.amnesty.org/en/documents/asa35/0758/2026/en>.

¹⁸ Gavin Butler, "Philippine journalist found guilty of financing terrorism", BBC, 22 January 2026, available at <https://www.bbc.com/news/articles/cr7jjnl49nro>.

50. Moreover, several months ago, the Government revealed that, in 2020, the police had secretly filed a case in the regional trial court in Laoang, Northern Samar, alleging that Mr. Abinguna and Ms. Cumpio had committed two counts of murder and one count of attempted murder. The case purportedly concerned a 2019 incident in which two Philippine soldiers in Northern Samar Province were killed. Once the authorities revealed the existence of the pending murder case, both Mr. Abinguna and Ms. Cumpio filed a motion to quash the case. On 6 November 2025, the trial court granted Ms. Cumpio's motion to quash, but the court denied Mr. Abinguna's motion. Accordingly, the murder and attempted murder charges against Ms. Cumpio have been dropped. However, these charges remain pending against Mr. Abinguna.

2. Discussion

51. In the absence of a response from the Government, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

52. In determining whether the detention of Ms. Cumpio, Ms. Domequil and Mr. Abinguna was arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has established a *prima facie* case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.¹⁹ In the present case, the Government has chosen not to challenge the *prima facie* credible allegations made by the source.

(a) Category I

53. The Working Group will first consider whether there have been violations under category I, which concerns deprivation of liberty without any legal basis being invoked.

54. According to the source's uncontested submission, the authorities presented search warrants to Ms. Cumpio, Ms. Domequil and Mr. Abinguna only after the search which resulted in their trumped-up in *flagrante delicto* arrests. The Working Group recalls the distinction between issuing a warrant and serving a warrant. In the absence of the proper presentation of search warrants, which in and of itself constitutes a serious violation of legally prescribed procedures, their arrest, which was based on the resultant illegal search, is incompatible with articles 3, 9 and 12 of the Universal Declaration of Human Rights and articles 9 (1) and 17 (1) of the Covenant.

55. The Working Group also notes a striking lack of any factual or legal substantiation for the criminal charges against the three, especially in the light of the acquittal of Ms. Cumpio and Ms. Domequil for charges related to the illegal possession of firearms and explosives and the dismissal of the murder and attempted murder case against Ms. Cumpio, which renders their arrest, detention and prosecution a thinly veiled pretext for politically motivated persecution that is devoid of any legal basis.²⁰ The Working Group therefore finds that their arrest lacked a legal basis, in violation of articles 3 and 9 of the Universal Declaration of Human Rights and article 9 (1) of the Covenant.

56. Moreover, Ms. Cumpio and Ms. Domequil were denied bail and held in prolonged pretrial detention for almost six years from their arrest on 7 February 2020 until their conviction on 22 January 2026, while Mr. Abinguna was also denied bail and has been held in prolonged pretrial detention for almost six years and two months since his arrest on 7 February 2020. Article 9 (3) of the Covenant requires that pretrial detention must be the exception, rather than the rule, and that release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and for execution of the judgment. A detainee must be entitled to meaningful periodic judicial review. Pretrial detention without an individualized determination of the risk of flight, interference with evidence or the recurrence of crime, as well as consideration of less intrusive alternatives, such as bail,

¹⁹ A/HRC/19/57, para. 68.

²⁰ Opinions No. 11/2024, paras. 60 and 61; No. 22/2024, paras. 64–49; No. 61/2024, paras. 50 and 51; and No. 40/2025, paras. 50–54.

electronic bracelets or other conditions in accordance with the principles of reasonableness, necessity and proportionality, is devoid of legal basis.²¹

57. In the present case, in the absence of a response from the Government, the Working Group concludes that there was no periodic judicial review or individualized determination of the circumstances of Ms. Cumpio, Ms. Domequil and Mr. Abinguna that justified their prolonged pretrial detention. Their detention therefore lacked a legal basis, in violation of articles 3 and 9 of the Universal Declaration of Human Rights, article 9 (1) and (3) of the Covenant and principles 38 and 39 of the Body of Principles.

58. The Working Group notes that, on 5 March 2026, United Nations experts issued a press release condemning the court ruling against Ms. Cumpio and Ms. Domequil and urging the two defendants' release on bail as they pursue their appeal.²²

59. The Working Group therefore concludes that the deprivation of liberty of Ms. Cumpio, Ms. Domequil and Mr. Abinguna lacks a legal basis and is thus arbitrary under category I.

(b) Category II

60. The Working Group will now examine whether the deprivation of liberty of Ms. Cumpio, Ms. Domequil and Mr. Abinguna is arbitrary under category II, in relation to which the source submits that their arrest, detention and conviction stem from the legitimate exercise of their fundamental rights guaranteed under the Universal Declaration of Human Rights and the Covenant, and is in retaliation for their public criticism of government policy.

61. The source contends, and the Government does not contest, that Ms. Cumpio, Ms. Domequil and Mr. Abinguna have been detained for their various activities as journalists and human rights defenders, including concerning police and military abuses and the plight of farmers in Samar province.

62. The Working Group recalls that the Human Rights Committee has recognized freedom of expression as the foundation stone for every free and democratic society and the right of peaceful assembly, together with other related rights, as constituting the very foundation of a system of participatory governance based on democracy, human rights, the rule of law and pluralism.²³ The Committee has reiterated that freedom of expression includes the right of individuals to criticize or openly and publicly evaluate their Governments without fear of interference or punishment.²⁴ Even statements considered by the authorities to be unacceptable, disrespectful and in very bad taste are entitled to protection.²⁵

63. Restrictions on the freedom of expression, of assembly and of association are permissible only when they meet the conditions listed in articles 19 (3), 21 and 22 (2) of the Covenant. Such limitations must not only have legal basis, but should be necessary and proportionate to achieving legitimate aims in a democratic society.

64. In the Working Group's view, the principle of necessity and proportionality inheres equally in all fundamental human rights. The Working Group has confirmed that the notion of "arbitrary" *sensu stricto* includes both the requirement that a particular form of deprivation of liberty is taken in accordance with the applicable law and procedure and that it is proportional to the aim sought, reasonable and necessary.²⁶ In its jurisprudence on the application of the principle of proportionality, the Working Group has applied the four-pronged test of: (a) whether the objective of the measure is sufficiently important to

²¹ Opinions No. 24/2015, para. 37; No. 61/2018, para. 50; No. 72/2019, para. 47; and No. 49/2025, para. 49. See also Human Rights Committee, general comment No. 35 (2014), para. 38.

²² OHCHR, "Philippines: UN experts decry Frenchie Cumpio and Marielle Domequil's condemnation, call for their provisional release", 5 March 2026, available from <https://www.ohchr.org/en/press-releases/2026/03/philippines-un-experts-decry-frenchie-cumpio-and-marielle-domequils>.

²³ Human Rights Committee, general comment No. 34 (2011), para. 2; and general comment No. 37 (2020) on the right of peaceful assembly, para. 1.

²⁴ *Marques de Morais v. Angola* (CCPR/C/83/D/1128/2002), para. 6.7.

²⁵ Opinions No. 10/2018, para. 63; No. 61/2018, para. 56; No. 14/2020, para. 65; No. 43/2020, para. 74; No. 11/2022, para. 52, footnote 28; No. 67/2025, para. 81; and No. 68/2025, para. 53.

²⁶ A/HRC/22/44, para. 61.

justify the limitation of a protected right; (b) whether the measure is rationally connected to the objective; (c) whether a less intrusive measure could have been used without unacceptably compromising the achievement of the objective; and (d) whether, balancing the severity of the measure's effects on the rights of the persons to whom it applies against the importance of the objective, to the extent that the measure will contribute to its achievement, the former outweighs the latter.²⁷

65. The Working Group notes that Ms. Cumpio, Ms. Domequil and Mr. Abinguna were subjects of allegation letters sent to the Government by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on 27 September 2024²⁸ and 4 December 2025.²⁹

66. More broadly, the Human Rights Committee, in its concluding observations on the fifth periodic report of the Philippines under the Covenant, raised concerns about the Government's use of the Anti-Terrorism Act of 2020 to legitimize the targeting of government critics, human rights defenders and journalists, including by red-tagging, and the consequent chilling effect on the freedom of expression, peaceful assembly and association, and recommended that it should refrain from using counter-terrorism legislation to limit and repress the freedom of expression, assembly and association of government critics, human rights defenders and journalists.³⁰

67. The present communication prompts the Working Group to reaffirm that the work of human rights defenders is fundamental to the strengthening of democracy.³¹ According to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and to draw public attention to the observance of human rights.³²

68. For these reasons, the Working Group concludes that Ms. Cumpio, Ms. Domequil and Mr. Abinguna's detention resulted from the exercise of their right to freedom of expression and of assembly and of association, contrary to articles 19 and 20 (1) of the Universal Declaration of Human Rights and articles 19 (1) and (2) and 22 (1) of the Covenant, with no legitimate aim or objective in a democratic society that may justify interference with their rights and freedoms. The Working Group adds that the actions for which they were deprived of their liberty also constituted the exercise of their right to take part in the conduct of public affairs under article 21 (1) of the Universal Declaration of Human Rights and article 25 (a) of the Covenant, pursuant to which citizens have the right to exert influence through public debate and dialogue with their representatives or through their capacity to organize

²⁷ Opinions No. 54/2015, para. 89; No. 41/2017, para. 86; No. 56/2017, para. 51; No. 58/2017, para. 48; No. 76/2017, para. 68; No. 82/2018, para. 38; No. 87/2018, para. 64; No. 32/2020, para. 49; No. 89/2020, para. 63; No. 92/2020, para. 63; No. 25/2021, para. 57; No. 59/2024, para. 53; No. 67/2025, para. 83; and No. 68/2025, para. 55.

²⁸ See PHL 5/2024. All communications mentioned in the present document are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

²⁹ See PHL 7/2025.

³⁰ CCPR/C/PHL/CO/5, paras. 13 (e) and 14 (e).

³¹ Opinions No. 30/2024, para. 86; No. 13/2025, para. 94; No. 67/2025, para. 90; and No. 68/2025, para. 60.

³² See also General Assembly resolutions 70/161, 72/247, 74/146, 76/174 and 78/216, in which the Assembly called upon States to take concrete steps to prevent and put an end to arbitrary arrest and detention, including of human rights defenders, and strongly urged the release of persons detained or imprisoned, in violation of the obligations and commitments of States under international human rights law, for exercising their human rights and fundamental freedoms, such as the rights to freedom of expression, peaceful assembly and association. As the Independent Expert on the promotion of a democratic and equitable international order, Alfred-Maurice de Zayas, observed, Juvenal's question *quis custodiet ipsos custodes* (who guards the guardians?) remains a central concern of democracy, since the people must always watch over the constitutional behaviour of the leaders and impeach them if they act in contravention of their duties. Constitutional courts must fulfil this need and civil society should show solidarity with human rights defenders and whistle-blowers who, far from being unpatriotic, perform a democratic service to their countries and the world. (A/HRC/24/38, para. 52) cited in opinion No. 89/2020, para. 66, footnote 28; and No. 68/2025, para. 60, footnote 24.

themselves.³³ The Working Group recalls that the Human Rights Committee has acknowledged that participation in public debate, whether through elected representatives or through their associations by activists, amounts to the exercise of the right to take part in the conduct of public affairs under article 25 (a) of the Covenant.³⁴

69. The Working Group thus finds that the deprivation of liberty of Ms. Cumpio, Ms. Domequil and Mr. Abinguna is arbitrary and falls within category II.

(c) Category III

70. Given its finding that the deprivation of liberty of Ms. Cumpio, Ms. Domequil and Mr. Abinguna is arbitrary under category II, the Working Group wishes to emphasize that no trial should have taken place. However, Ms. Cumpio, Ms. Domequil and Mr. Abinguna were put on trial and the former two were convicted. In the light of the above, the Working Group will now consider whether the alleged violations of the right to a fair trial and due process were grave enough to give their deprivation of liberty an arbitrary character, such that it falls within category III.

71. The Working Group observes that Ms. Cumpio and Ms. Domequil were held in prolonged pretrial detention for almost six years, from their arrest on 7 February 2020 until their conviction on 22 January 2026, while Mr. Abinguna has been held in prolonged pretrial detention for almost six years and two months, since his arrest on 7 February 2020.

72. The Working Group recalls that the right of the accused to be tried without undue delay, set out in article 14 (3) (c) of the Covenant, is designed not only to avoid keeping persons too long in a state of uncertainty about their fate and, if held in detention during the period of the trial, to ensure that such deprivation of liberty does not last longer than necessary in the circumstances of the specific case, but also to serve the interest of justice.

73. The Working Group has not been presented with any justification for the delay, nor any information that would refute the allegations. It therefore finds a violation of article 14 (3) (c) of the Covenant.

74. Moreover, the source submits that a no-visitation rule for prisoners was imposed during the COVID-19 pandemic lockdown, while the Government has failed to explain how the access of Ms. Cumpio, Ms. Domequil and Mr. Abinguna to legal counsel was assured during that time period. In the Working Group's view, if the exigencies of a prevailing public health emergency require restrictions on physical contact, States must ensure the availability of other ways for legal counsel to communicate with their clients, including secured online communication or communication over the telephone, free of charge and in circumstances in which privileged and confidential discussions can take place, and that the introduction of blanket measures restricting access to legal counsel cannot be justified and could render the deprivation of liberty arbitrary.³⁵ The Working Group notes that all persons deprived of their liberty have the right to legal assistance by counsel of their choice at any time during their detention, including immediately after their apprehension and that such access must be provided without delay.³⁶ The right to legal assistance is an essential element of the right to a fair trial, as it serves to ensure that the principle of equality of arms is duly observed.³⁷ In

³³ Human Rights Committee, general comment No. 25 (1996) on participation in public affairs and the right to vote, para. 8; general comment No. 34 (2011), paras. 11 and 20; and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, art. 8.

³⁴ See opinion No. 67/2025, para. 91, citing Human Rights Committee, *Beydon et al. v. France* (CCPR/C/85/D/1400/2005), para. 4.5; and *Brun v. France* (CCPR/C/88/D/1453/2006), para. 6.4.

³⁵ Deliberation No. 11 on prevention of arbitrary deprivation of liberty in the context of public health emergencies (A/HRC/45/16, annex II), para. 21.

³⁶ A/HRC/45/16, paras. 51 and 52; United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, principle 9 and guideline 8; Basic Principles on the Role of Lawyers, paras. 16–22. See also opinions No. 17/2022, para. 69; and No. 59/2024, para. 102.

³⁷ Opinions No. 50/2021, para. 87; No. 6/2022, para. 41; and No. 21/2025, para. 95. See also opinion No. 29/2025, para. 28.

the absence of the Government's satisfactory explanation, the Working Group therefore finds violation of article 14 (3) (b) and (d) of the Covenant.

75. The source's un rebutted allegation that the Tacloban City Police and 8th Infantry Division officials summoned and intimidated Ms. Cumpio and Ms. Domequil in prison raises grave concerns and violates the right to equality of arms under articles 10 and 11 (1) of the Universal Declaration of Human Rights and article 14 (1) of the Covenant and the right not to be compelled to confess guilt under article 14 (3) (g) of the Covenant.

76. The Working Group also expresses grave concern about the source's credible and uncontested allegation of the weaponization of the criminal justice system against Ms. Cumpio, Ms. Domequil and Mr. Abinguna, in violation of their right to a fair trial. The source has submitted that the authorities planted weapons at their residence to falsely arrest and prosecute them for illegal possession, fabricated terrorism financing charges against Ms. Cumpio and Ms. Domequil and falsely accused Mr. Abinguna and Ms. Cumpio of killing two Philippine soldiers in 2019. According to the source, the court denied the motion of Ms. Cumpio and Ms. Domequil to quash the search warrant or the evidence seized during the raid and that this judicial misconduct allowed the use of unlawfully seized evidence in trial. The Government has provided no explanation for the source's allegation of such extensive perversion of justice. The Working Group therefore find a violation of the right to a fair trial by a competent, independent and impartial tribunal as guaranteed by article 10 of the Universal Declaration of Human Rights and article 14 (1) of the Covenant.

77. Given the above observations, the Working Group concludes that numerous violations of the right to a fair trial and due process are of such gravity as to give the deprivation of liberty of Ms. Cumpio, Ms. Domequil and Mr. Abinguna an arbitrary character that falls within category III.

(d) Category V

78. The Working Group recalls several non-cumulative indicators that serve to establish the discriminatory nature of detention. They include: the deprivation of liberty was part of a pattern of persecution against the detained person, including through previous detention; other persons with similarly distinguishing characteristics have also been persecuted; or the context suggests that the authorities have detained a person on discriminatory grounds or to prevent them from exercising their human rights.³⁸

79. With regard to these non-cumulative indicators, the Working Group notes a broader pattern of intimidation against Ms. Cumpio, Ms. Domequil and Mr. Abinguna in relation to their activities as advocates for human rights. According to the source, they have been targets of red-tagging, or branding of them and their groups as members of CPP-NPA, which was designated as a terrorist organization by the Government in 2017.³⁹

80. Ms. Cumpio, Ms. Domequil and Mr. Abinguna were reportedly followed and harassed constantly by unidentified men. Mr. Abinguna even requested a voluntary inspection by the office of the Commission on Human Rights in Region VIII of his group Katungod's office the day before the police raid the day before.

81. Moreover, in the discussion above concerning category II, the Working Group established that the detention of Ms. Cumpio, Ms. Domequil and Mr. Abinguna resulted from the peaceful exercise of their human rights under international law. When detention results from the active exercise of civil and political rights, there is a strong presumption that the detention also constitutes a violation of international law on the grounds of discrimination based on political or other views.⁴⁰

³⁸ A/HRC/36/37, para. 48.

³⁹ Proclamation No. 374 of 5 December 2017.

⁴⁰ Opinions No. 88/2017, para. 43; No. 13/2018, para. 34; No. 59/2019, para. 79; No. 39/2024, para. 69; No. 51/2024, para. 117; No. 67/2025, para. 106; and No. 68/2025, para. 75.

82. For these reasons, the Working Group finds that Ms. Cumpio, Ms. Domequil and Mr. Abinguna were deprived of their liberty on discriminatory grounds, on the basis of their political opinions and their status as human rights defenders. The deprivation of their liberty was in violation of articles 2 and 7 of the Universal Declaration of Human Rights and articles 2 (1) and 26 of the Covenant, and was arbitrary under category V.

3. Disposition

83. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Frenchie Mae Cumpio, Marielle Domequil and Alexander Abinguna, being in contravention of articles 2, 3, 7, 9, 10, 11 (1), 12, 19, 20 (1) and 21 (1) of the Universal Declaration of Human Rights and articles 2 (1), 9 (1) and (3), 14 (1) and (3) (b), (c), (d) and (g), 17 (1), 19 (1) and (2), 22 (1), 25 (a) and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II, III and V.

84. The Working Group requests the Government of the Philippines to take the steps necessary to remedy the situation of Ms. Cumpio, Ms. Domequil and Mr. Abinguna without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Working Group encourages the Government to ratify or accede to the Rome Statute of the International Criminal Court.

85. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Ms. Cumpio, Ms. Domequil and Mr. Abinguna immediately and accord them an enforceable right to compensation and other reparations, in accordance with international law.

86. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Ms. Cumpio, Ms. Domequil and Mr. Abinguna and to take appropriate measures against those responsible for the violation of their rights.

87. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, for appropriate action.

88. The Working Group requests the Government to translate, publish and disseminate the present opinion through all available means and as widely as possible.

4. Follow-up procedure

89. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

- (a) Whether Ms. Cumpio, Ms. Domequil and Mr. Abinguna have been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Ms. Cumpio, Ms. Domequil and Mr. Abinguna;
- (c) Whether an investigation has been conducted into the violation of Ms. Cumpio, Ms. Domequil and Mr. Abinguna's rights and, if so, the outcome of the investigation;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of the Philippines with its international obligations in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

90. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

91. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as of any failure to take action.

92. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.⁴¹

[Adopted on 27 March 2026]

⁴¹ Human Rights Council resolution 60/8, paras. 6 and 9.