



BY AIRMAIL

H.E. Rodrigo Duterte
President of the Republic
Malacañang Palace,
JP Laurel St., San Miguel
MANILA, **PHILIPPINES**

E-mail: op@president.gov.ph

Amsterdam, 23 November 2018

Your Excellency,

Re: our colleague, Atty. Benjamin Ramos from the Philippines

Lawyers for Lawyers (“L4L”) is an independent and non-political Dutch foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We support lawyers worldwide who face reprisals, improper interferences or unreasonable restrictions in the execution of their profession. L4L was granted Special Consultative status with the UN Economic and Social Council in July 2013.

Lawyers for Lawyers has been closely monitoring the situation of lawyers and the legal profession in the Philippines for many years. We would like to draw your urgent attention to the killing of our colleague, Atty. Benjamin Ramos from the Philippines.

Benjamin Ramos was a prominent lawyer and a founder of the National Union of People’s Lawyers (NUPL). In his work with the NUPL, Atty. Ramos had previously provided legal assistance to the families of the victims of the ‘Sagay 9 massacre’, which involved the killing of nine sugarcane farmers from the National Federation of Sugar Workers by unidentified armed men on 20 October 2018 in Negros Occidental, a province in the central part of the Philippines.

On 6 November 2018, Atty. Ramos was shot by two unidentified men in the public plaza of Barangay 5, Kabankalan City. Earlier, Atty. Ramos had been tagged in a public poster by the Philippine police as among the so-called personalities of the underground armed movement.

The case of Atty. Ramos is not isolated. On 23 August 2018, Atty. Raphael Atotubo was killed in front of his house in Barangay 20, Bacolod, when a gunman alighted from a motorcycle and shot him twice at close range. Atty. Atotubo succumbed to a bullet wound on the head. It has been reported that Atty. Atotubo was mainly representing clients in drug-related cases. We have reason to believe that these killings are connected to their legitimate activities as lawyers.



According to our information, there have been at least twenty-four (24) lawyers killed since 2016, under Your administration.

The practice of labeling

Since taking office in 2016, Your administration has carried out a “war on drugs” that has led to the deaths many Filipino’s, mostly urban poor. Moreover, at a public event in Manila on December 7, 2016, Your Excellency stated that drug suspects were able to post bail and avoid prosecution because they have “good, high-profile lawyers,” warning, “even their lawyers, I will include them.”¹

We were informed that a number of lawyers have received threats for handling cases of political prisoners, suspected rebels, environmentalists, and suspected poor drug users. These lawyers are subjected to various forms of attacks ranging from surveillance, labelling, intimidation, harassment, threats, prosecution on fabricated charges to killings.

We would like to recall that the practice of labeling – combined with the culture of impunity – has in the past been identified by national and international fact-finding commissions² as one of the main root causes for the spate of extrajudicial killings in the Philippines since 2001. Many lawyers were labeled as ‘enemies of the state’ prior to being attacked, apparently because they were identified with their clients or their clients’ causes as a result of performing their professional duties.

We would like to draw your attention to the UN Basic Principles on the Role of Lawyers³, and more in particular Articles 16, 17 and 18:

16 *Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; ... (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

¹ <http://newsinfo.inquirer.net/852028/duterte-warns-drug-lords-lawyers>

² “From facts to action” – Report on the attacks against Filipino lawyers and judges, the International Fact Finding Mission (IFFM), released by the Dutch Lawyers for Lawyers Foundation on 24 July 2006, available on: https://docs.google.com/viewer?url=https://lawyersforlawyers.org/wp-content/uploads/rapport_Filippijnen-2006.pdf&embedded=true, and “The measures measured” – report of the International Verification and Fact Finding Mission (IVFFM) on attacks against lawyers and judges in the Philippines, 4-12 November 2008, available on : REPORT OF

4-12 November 2008, available on : https://docs.google.com/viewer?url=https://lawyersforlawyers.org/wp-content/uploads/Report_of_the_IVFFM_2008.pdf&embedded=true

³ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly “welcomed” the Basic Principles in their ‘Human rights in the administration of justice’ resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.



- 17 *Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.*
- 18 *Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.*

In view of the above, Lawyers for Lawyers urges your government to:

- make sure that prompt, thorough, impartial and transparent investigations into the killing of Atty. Ramos as well as into the killings of other lawyers are carried out, with the aim of identifying all those responsible, bringing them before a competent and impartial tribunal and applying to them the sanctions provided by the law;
- guarantee in all circumstances the physical and psychological integrity and safety of lawyers in the Philippines;
- consistently condemn all forms of threats and attacks against lawyers publicly, at all levels and in strong terms; and
- create awareness for the core values underlying the legal profession, amongst others by bringing the UN Basic Principles on the Role of Lawyers to the attention of lawyers as well as other stakeholders, especially judges, prosecutors, and members of the executive and the legislature.

Thank you for your attention to this very important matter. Where appropriate, we are willing to support your administration constructively in addressing these serious problems in order to improve the position of members of the legal profession and safeguard their independence and we will continue to closely monitor this case.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Yours sincerely,

LAWYERS FOR LAWYERS (L4L)



Judith Lichtenberg, Executive Director



Letter concerning the same topic were sent to:

- Ret. Maj. Gen. Delfin Lorenzana, Secretary, Department of National Defense
- Police Chief Inspector Robert Mansueto
- PCSUPT John C. Bulalacao, Regional Director
- Gen. Carlito Galvez Jr, Chief of Staff of the Armed Forces of the Philippines
- Hon. Menardo Guevarra, Secretary, Department of Justice
- Hon. Alfredo G. Marañon Jr, Governor, Negros Occidental
- Hon. Alfredo D. Marañon III, Mayor, Sagay City

Copies of these letters were sent to:

- H.E. Mr. Evan P. Garcia, Ambassador, Permanent Mission of the Philippines to the United Nations Office in Geneva, Switzerland, Email: mission@genevapm.ph
- Hon. Jose Luis Martin Gascon, Chairperson, Commission on Human Rights. Email: chairgascon.chr@gmail.com
- Justice Antonio T. Carpio, Acting Chief Justice, Supreme Court