



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, 13 August 2019

Your Excellency,

Lawyers for Lawyers is an independent and non-political 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. Lawyers for Lawyers 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 are deeply concerned about the increasing attacks against lawyers, the labelling of lawyers as ‘enemy of the State’, and the oppressive working environment they face since the start of your administration. We have reason to believe that these attacks are connected to their legitimate activities and professional duties as lawyers.

On July 23, 2019, our colleague Atty. Anthony Trinidad, was killed in an attack by unidentified motorcycle-riding men in Guihulngan City in Negros Oriental. He was on his way home from a court hearing. Prior to being attacked, Atty Trinidad had been receiving death threats in connection to the cases he was handling, some of which are that of political prisoners in the region. Atty. Trinidad had also been tagged as a supporter of communist rebels on Negros Island. Earlier in 2018, his name was said to be included in a ‘hit list’ of an alleged anti-communist group called Kawsa Guihulnganon Batok Komunista (KAGUBAK).

The same happened to Atty. Benjamin Ramos Jr. who was killed in Kabankalan City, Negros Occidental on November 6, 2018. He also reportedly received death threats in relation to cases he was handling and was tagged by the Philippine police in a public poster as among the members of an underground armed movement. Atty. Ramos was a prominent pro-bono lawyer in Negros representing peasants, environmentalists, activists and political prisoners. He was also a founder of the National Union of People’s Lawyers (NUPL) and the Secretary General of its Chapter in Negros Occidental Province.

The cases of Atty. Trinidad and Atty. Ramos are not isolated. At least 45 lawyers, prosecutors and (retired) judges have been killed in the Philippines since your administration took office in July 2016.



Extrajudicial killings and the practice of labeling

The attacks against lawyers, as well as prosecutors, judges and the extrajudicial killings of other human rights defenders in the Philippines during the past three years have occurred within the context of the so-called ‘war on drugs’ and are being carried out across the country in an apparent climate of institutional impunity.

In addition to being killed, lawyers are harassed and intimidated. They have been threatened, discredited or subjected to surveillance or prosecution on fabricated charges. According to our information, various lawyers have received (death) threats for handling cases of political prisoners, suspected rebels, environmentalists, and suspected poor drug users or suspected drug dealers.

Prior to being attacked, some lawyers were labeled as ‘communist’ or ‘terrorist’ by state agents, because they were identified with their clients or their clients’ causes as a result of performing their professional duties. State agents have also indicated that lawyers handling drugs cases hinder your administration’s ‘war on drugs’.

We would like to recall that the practice of labeling (i.e. qualifying persons as enemies of the State) – combined with the culture of impunity – has been identified¹ by national and international fact-finding missions as one of the main root causes for the spate of extrajudicial killings in the Philippines in the past.

The attacks against and extra-judicial killings of lawyers and the impunity shielding perpetrators impair the ability of lawyers to provide effective legal representation, make lawyers increasingly wary of working on sensitive cases, and consequently severely undermine the proper functioning of the rule of law and the adequate protection of rights, including the right to remedies and fair trial.

According to the United Nations Basic Principles on the Role of Lawyers², your administration should ensure that all persons within the territory of the Philippines have effective and equal access to lawyers, and that lawyers are able to perform their professional functions safely and independently. In particular, we would like to draw your attention to 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.

17 Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

¹ “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 : https://docs.google.com/viewer?url=https://lawyersforlawyers.org/wp-content/uploads/Report_of_the_IVFFM_2008.pdf&embedded=true

² 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.



18 Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

These duties are an integral part of the Philippines' obligations under the International Covenant on Civil and Political Rights.

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. Trinidad 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.
- Comply with 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 members of the executive and the military.

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, Irma van den Berg.

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
- Chief of Staff of the Armed Forces of the Philippines
- Hon. Menardo Guevarra, Secretary, Department of Justice
- Hon. Eugenio Jose Lacson, 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, Padre Faura St., Ermita, 1000 Manila, Philippines