



BY AIR/PRIORITY MAIL

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

Amsterdam, 16 April 2020

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, and the oppressive working environment they face under your presidency.

Since your administration took office on June 30, 2016, at least 48 lawyers, prosecutors and (retired) judges have been killed. The severity of the situation has forced many bar associations and organizations to publicly express their concerns and urge the Philippine authorities to inter alia take urgent measures to ensure safety and security of legal professionals in fulfilment of their responsibilities and to immediately cease all public attacks directed at them. Nevertheless, the killings have continued and the perpetrators are often left unpunished. In the first two months of this year, again four lawyers were murdered, including Atty. Bayani P. Dalangin.

According to our information, on February 28, 2020, our colleague Atty. Dalangin, was murdered by an unknown gunman at his office in Talavera, Nueva Ecija. Atty. Dalangin was in a meeting with clients when the perpetrator entered his office, shot him and then fled by motorcycle.

The Integrated Bar of the Philippines (IBP) has also repeatedly expressed its concern about the current situation for lawyers in the Philippines. In a statement of 29 February, IBP Nueva Ecija Chapter president Wilson Chua condemned the attack on Atty. Dalangin stating that the murder “was not only an attack against a member of the Philippine Bar, it is also an attack against the legal order and justice system”.

Extrajudicial killings and the practice of labelling

The attacks against lawyers, as well as prosecutors, judges and the extrajudicial killings of other human rights defenders in the Philippines during the past four 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 labelled 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. For example, Atty. Anthony Trinidad, killed on July 23 2019 in Guihulngan City, was connected by police officials to the deaths of Arthur Bayawa and his sister Ardal Bayawa. The latter two were both identified as communist supporters and defended by Atty. Trinidad. Furthermore, state agents have also indicated that lawyers handling drugs cases hinder your administration’s ‘war on drugs’. With regards to Atty. Jonah John Ungab, killed on February 19 2018, the Albuera police had tagged him as a ‘drug protector’. The red-tagging is feared to put lawyers in danger for performing their legal profession and make them subject to various forms of attacks.

We would like to recall that the practice of labelling (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.

In this context, we would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers². According to these principles 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, 18 and 23:

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.

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

23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

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_Filippijnen2006.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.



Under the International Covenant on Civil and Political Rights, these duties are an integral part of the Philippines' obligations.

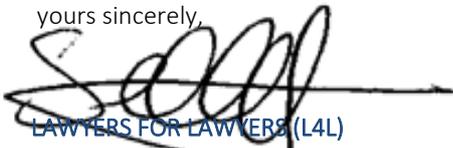
In view of the above, Lawyers for Lawyers urges your government to:

- Make sure that prompt, thorough, impartial and transparent investigations into the killing of Atty. Dalangin 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, Ms. Irma van den Berg,

yours sincerely,



LAWYERS FOR LAWYERS (L4L)
Sophie de Graaf, executive director