



BY (PRIORITY) AIRMAIL

H.E. Rodrigo Roa Duterte

President of the Republic of the Philippines

Malacañang Palace,

JP Laurel St., San Miguel

1005 MANILA, **PHILIPPINES**

E-mail: op@president.gov.ph

Amsterdam, October 18, 2021

Re: Attacks against lawyers in the Philippines

Your Excellency,

I am writing to you on behalf of Lawyers for Lawyers, an independent and non-political organization, which seeks to promote and protect the freedom and independence of the legal profession. We support lawyers worldwide who face reprisals, improper interferences, or unreasonable restrictions for doing their job.

Lawyers for Lawyers has been closely monitoring the situation of lawyers in the Philippines for many years. We remain deeply concerned about the oppressive working environment for lawyers in your country, and we urge you again to adequately protect the safety and independence of lawyers

According to the United Nations Basic Principles on the Role of Lawyers, your administration should ensure that all persons within the territory of the Philippines have effective and equal access to lawyers of their own choosing, and that lawyers are able to perform their professional functions without intimidation, hindrance, harassment, or improper interference. The Basic Principles require that lawyers are adequately protected when their security is threatened because of carrying out their legitimate professional duties, and not be identified with their clients or their clients' causes. The Basic Principles affirm that lawyers, like other citizens, are entitled to freedom of expression and assembly. The duty to respect and guarantee these freedoms forms an integral part of the Philippines' international legal obligations under the [International Covenant on Civil and Political Rights](#).

Since the start of your administration, however, an unprecedented number of lawyers have been killed; very often after being threatened, harassed, and publicly labelled as 'communist', 'terrorist', or 'enemies of the State' by state agents and officials. This labelling takes place regardless of actual political beliefs or



affiliations of the targeted individuals and is aimed at making lawyers legitimate targets. Attacks against lawyers are carried out across your country in an apparent climate of institutional impunity. As of today, the attacks against lawyers continue unabated.

On September 15, 2021, our colleague Atty. Juan Macababad, was shot dead by two unidentified gunmen in front of his home in Surrallah, south Cotabato. According to our information, he had been receiving death threats prior to the attack. Atty. Macababad was a public interest lawyer, who handled several cases, including environmental cases. He served as the legal counsel to indigenous people, amongst others. He was also a member of the National Union of Peoples' lawyers (NUPL), and the Vice Chair of the Union of Peoples' Lawyers in Mindanao (UPLM).

Atty. Macababad is the second lawyer killed in the last months, and the third lawyer killed in Cebu in less than a year). On August 26, Atty. Rex Fernandez was shot dead in an ambush while aboard his car in Cebu City on his way home. Atty Fernandez served as legal counsel in numerous human rights cases in Central Visayas. Until his death, he represented Carbon-hanong Alyansa alang sa Reporma ug Bahandianong Ogma, an alliance of 13 Carbon vendors associations, in its protest against the planned modernization of the Cebu's oldest and largest farmers' market. He was also the lawyer of several political prisoners and a founding member of the NUPL. And on July 14, 2021, Atty. Sitti Gilda Mahinay-Sapie and her husband were gunned down by an unidentified suspect outside their home at Solariega Subdivision in Barangay Talomo, Davao City. Atty. Mahinay-Sapie was known for handling cases related to land disputes.

The cases of Attys. Macababbad, Fernandez, and Mahinay-Sapie are not isolated. At least 65 lawyers, prosecutors and (retired) judges, including 38 practicing lawyers, have been killed in the Philippines since your administration took office on June 30, 2016.

The attacks against 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 in your country, and the adequate protection of rights, including the right to remedies and fair trial.

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

- Investigate promptly, effectively, thoroughly, and independently all extrajudicial killings and attacks against lawyers, and other jurists, with the aim of identifying those responsible and bringing them to justice in proceedings that respect international fair trial standards.

Take all reasonable measures to guarantee the independence, safety, and physical integrity of lawyers, including the provision of adequate protection measures, in consultation with the persons concerned, to allow them to perform their duties without fear, harassment, and retribution.



- Consistently condemn all forms of threats and attacks against lawyers publicly, at all political levels and in strong terms; and,
- Fully comply with and create awareness about the core values underlying the legal profession, amongst others by bringing the UN Basic Principles on the Role of Lawyers to the attention of relevant stakeholders, especially members of the executive, police, and the military.

Thank you for your attention to this very important matter. 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

Letter concerning the same topic were sent to:

- Ret. Maj. Gen. Delfin Lorenzana, Secretary Department of National Defense
- Hon. Menardo Guevarra, Secretary, Department of Justice
- Justice Alexander G. Gesmundo, Chief Justice, Supreme Court of the Philippines
- Brig. General Roberto S. Capulong, Chief of Staff, Armed Forces of the Philippines
- Police General Guillermo Lorenzo Eleazar, Chief, Philippine National Police
- Police Chief Inspector Robert Mansueto
- PCSUPT John C. Bulalacao, Regional Director
- Hon. Eugenio Jose Lacson, Governor, Negros Occidental
- Hon. Alfredo D. Marañon III, Mayor, Sagay City
- Chief of Staff of the Armed Forces of the Philippines
- Salvador Medialdea, Executive Secretary Office of the President

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@genevaph.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*
Public Information Office (PIO), Atty. Brian Keith F. Hosaka, Chief, Public Information Office
Email: pio.sc@judiciary.gov.ph



- *Atty Remigio P.Rojas*, President, IBP South Cotabato-General Santos City Chapter, IBP Bldg., Hall of Justice, Lagao, General Santos City, Inquiries and concerns may be coursed through <https://ibpsocgen.org/#contact> or their Facebook page: <https://www.facebook.com/ibpsocgenchapter>
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- *Hon. Jose Luis Gascon*, Chairperson, Commission on Human Rights, SAAC Building, UP Complex, Commonwealth Avenue, Diliman, Quezon City, 1101
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