



BY AIRMAIL

Hon. Mr. Benigno S. Aquino III
President of the Republic of the Philippines
Malacañang Palace
J.P. Laurel Street, San Miguel
NRC 1005, MANILA, **THE PHILIPPINES**

Fax: 0063 2 736 1010
@ corres@op.gov.ph, opnet@ops.gov.ph

Amsterdam, 31 July 2013

Re: Threats to the legal profession in the Philippines

Your Excellency,

Lawyers for Lawyers (L4L) would like to draw once more your urgent attention to the ongoing threats against members of the legal profession in the Philippines.

By letter of July 27, 2010, we pointed out that the harassment and killings of members of the legal profession and the culture of impunity surrounding those acts, undermine the independence of lawyers and judges and, consequently, also the proper functioning of the judicial system and the adequate protection of human rights and fundamental freedoms.

Despite your pledges to prioritize judicial reform and strengthening of the judicial system and to track down assassins involved in extrajudicial killings, the harassment of lawyers seems to continue unabated since you assumed office, while no perpetrators of the earlier crimes committed against lawyers have been convicted, so impunity is still the rule rather than the exception.

Today, lawyers increasingly fear for being silenced by fabricated charges that seem to be produced through the subversion of court procedures and rules on evidence. The practice of labelling lawyers as 'enemy of the state' by the military also still continues.

Recently, we have been informed that there is an imminent threat that our colleague Edre Olalia, a prominent human rights lawyer and a founding member of the National Union of Peoples' Lawyers (NUPL), faces clearly false charges as a result of exercising his legal profession.

Earlier this month, Army chief Lt. Gen. Noel Coballes reportedly branded the NUPL as an 'enemy' in reaction to the NUPL's criticism on the promotion of an army general who is



facing credible charges of human rights violations. Gen. Coballes was quoted as saying: "You don't expect any positive statement from the enemy".¹

Atty. Olalia, together with other lawyers from the NUPL, deals with high profile cases in the field of extrajudicial killings, enforced disappearances, demolitions of houses of the urban poor, privatization of government hospitals as well as cases related to various mass and people's organizations.

Lawyers for Lawyers is concerned about these reported developments and will continue to closely monitor and act upon them.

Even if cases of fabricated charges are later in court dismissed because of apparent lack of substance, the accused is always hampered in his work, since the warrants of arrest are reportedly always for non-bailable offences; he or she will be in jail or forced to go in hiding. No (substantive) damage money is paid afterwards.

The practice of labelling - combined with the culture of impunity and the military involvement in politics - has in the past been identified by national and international fact finding commissions as one of the main root causes for the spate of extrajudicial killings in the Philippines.

When considering the motive for those killings, the Melo Commission noted that *'the military has continued to classify the victims as 'enemies of the state', while referring to statements of Gen. Esperon and Gen. Palparan, who 'admitted themselves' that 'the armed forces considers the so-called left wing and some party list organizations, and their members, 'enemies of the state' who should be 'neutralized'.*²

Lawyers for Lawyers is particularly worried about the recent labelling of the NUPL. It appears that it is still common practice in the Philippines that lawyers are identified with their clients or their clients' causes as a result of discharging their functions. The reports of two international fact finding missions in the Philippines organized by Lawyers for Lawyers in 2008 and 2006 showed that at the time many of the lawyers who received (death) threats or were actually killed were, prior to these attacks, labelled as 'communists' or 'enemies of the state'.³

Despite your encouraging announcement at the beginning of your term as President to form a "truth commission" that would pursue "any and all issues, including extrajudicial killings" and "prosecute cases to make sure those who committed crimes against the

¹ Visayan Daily Star, 10 July 2013, "Baladad to assume 3ID command," by Gilbert Bayoran. <http://www.visayandaily.com/2013/July/10/topstory7.htm>

² Report of Independent Commission to Address Media and Activist Killings, January 22, 2007 ('Melo-report'), p 54-55.

³ *'The Measures Measured. Report of the International Verification and fact finding mission (IVFFM) on attacks against lawyers and judges in the Philippines, 4-8 November 2008'*. Released by Lawyers for Lawyers on 4 June 2009, p. 22, 25-30, 46-50, 62-64, 96. *'From Facts to Action. Report of the International Fact Finding Mission (IFFM)'*. Released by Lawyers for Lawyers on 24 July 2006, p. 17-22.



people will be made to pay”, your administration failed to achieve any fundamental changes: No truth commission was formed and the culture of impunity remains the order of the day. Lawyers for Lawyers looked into tens of cases of murdered lawyers and judges. So far, only one person has been convicted for these killings and this occurred in 2006.

Lawyers for Lawyers recalls that your government is under an obligation to duly protect and support all lawyers in the Philippines.

In view of the above, Lawyers for Lawyers calls on your administration to:

1. Consistently condemn all forms of threats and attacks against lawyers publicly, at levels and in strong terms.
2. Fully comply with the Basic Principles on the Role of Lawyers, in particular articles 16, 17 and 18, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.
3. Take all measures needed to end the culture of impunity and to demonstrate that the people can have faith in the functioning of the constitutional state and the rule of law.

Lawyers for Lawyers would like to 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.

Sincerely,

ADVOCATEN VOOR ADVOCATEN / LAWYERS FOR LAWYERS

Atty. Phon van den Biesen,
President of Lawyers for Lawyers

** 1 enclosure: Open letter from L4L to President Aquino, 27-07-2010*