



Today - the Day of the Endangered Lawyer 2015 – the Signatory organizations call on the Aquino government to investigate and prevent the killings and harassment of lawyers in the Philippines.

Number of killings and harassment

At least 38 lawyers have been killed in the Philippines since 2004 for reasons apparently related to their profession. Many more lawyers have been threatened, harassed, intimidated, labeled as 'enemies of the state' or subjected to surveillance or other forms of attacks.

Victims

Most of the lawyer victims were handling high profile cases in which the interests of the upper layer of society are at stake, such as land reforms, corruption and election-related issues.

Perpetrators

Of the known perpetrators recorded, 65% have been identified as members of the military and 20% as members of the police service. In over 50% of cases involving attacks on lawyers, no suspected perpetrator(s) have been identified.

Underlying causes for extrajudicial killings

The practice of labeling (classifying victims as 'enemies of the state'), the involvement of the military in politics, the proliferation of private armies and vigilante groups and the culture of impunity have been identified by national and international fact finding bodies as the main root causes for the alarming rate of extrajudicial killings, including the extrajudicial killings of lawyers, in the Philippines.

Track record of the Aquino administration

The Aquino administration has failed to achieve any fundamental changes. The harassment and labeling of lawyers continues unabated and the number of extrajudicial killings of lawyers has risen. Suspected perpetrators are seldom arrested and rarely identified and held accountable through prosecutions.

Consequences

The harassment and killings of lawyers and the impunity shielding perpetrators impair the ability of lawyers to provide legal representation and consequently severely undermines the proper functioning of the rule of law and the adequate protection of human rights and fundamental freedoms.

International obligations

The Philippines were part of the voting when the United Nations Basic Principles on the Role of Lawyers was adopted by the General Assembly in 1990 and therefore have a positive duty to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and to adequately safeguard lawyers where their security is threatened due to their job. This duty is an integral part of The Philippines' obligations under the International Covenant on Civil and Political Rights to ensure rights including the right to remedies and to a fair trial.

Recommendations

In view of the above Lawyers for Lawyers urge the Philippine government to take necessary and effective measures:

- (1) to prevent extrajudicial killings and all forms of harassment of lawyers,
- (2) ensure that suspected perpetrators of crimes against lawyers are effectively investigated, prosecuted and, if convicted, punished with appropriate sanctions, and
- (3) duly support and protect the personal and professional independence and safety of lawyers in accordance with the Basic Principles on the Role of Lawyers adopted by the General Assembly of the United Nations in 1990.

Co-signing organizations in alphabetical order:

Asian Human Rights Commission (AHRC)

Day of the Endangered Lawyer Foundation

Fair Trial Watch (FTW)

Freedom House

German Bar Association

Haldane Society of Socialist Lawyers

International Association of Democratic Lawyers

International Association for Peoples' Lawyers

International Bar Association Human Rights Institute

Lawyers Beyond Borders Canada

Lawyers for Lawyers (L4L)

Lawyers Rights' Watch Canada (LRWC)

Özgürlükçü Hukukcular Derneği (ÖHD)

Solicitors International Human Rights Group (SIHRG)

The Law Society of England and Wales

Union Internationale des Avocats (UIA)