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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by International Association of Democratic Lawyers (IADL), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[04 June 2020]

* Issued as received, in the language(s) of submission only.



Human Rights Situation in the Philippines

The International Association of Democratic Lawyers (IADL), with its Philippine affiliate the National Union of Peoples' Lawyers (NUPL), calls the attention of the United Nations (UN) Human Rights Council (HRC) to the situation of lawyers and judges and other members of the legal profession since the UNHRC Resolution 41/21 passed in July 2019 and in the context of the COVID-19 pandemic and the Report of UN High Commissioner Michelle Bachelet to be taken up before the 44th session of the Council.

It will be recalled that the July 2019 Resolution expressed "grave concern about reports of serious human rights violations and abuses" including persecution of lawyers.

In December 2019, the NUPL through the Ecumenical Voice for Human Rights and Peace in the Philippines submitted a narrative on the various attacks on the legal profession upon the open invitation of the OHCHR.

In that submission, our affiliate pointed out that the prevailing political milieu has made the terrain where lawyers operate more perilous. Lawyers providing services to human rights victims as well as to suspected drug offenders have become targets of the attacks.

From 2016 to 2019, the NUPL has documented at least 72 prima facie work-related attacks on lawyers and lawyers' groups nationwide. From 1 July 2016, it has recorded at least 44 lawyers killed in the Philippines. The motives behind the killings vary; at least 15 of the killings have been linked to the lawyers' work in prosecuting cases of human rights violations and defending alleged drug offenders. Other lawyers survived the attempts on their lives. The NUPL recorded at least five frustrated/attempted murders from 1 July 2016 to 30 November 2019.

Emblematic of these attacks is the cold-blooded murder of human rights lawyer Benjamin Ramos Jr., an NUPL founding member, who was shot and killed by motorcycle-riding gunmen in Negros Occidental in November 2018. Prior to his killing, Ramos was branded as "NPA's lawyer".

Human rights lawyers have been tagged as 'destabilizers', "leftists", "communists", and "terrorists" by State forces and their allies in media and private sectors. Lawyers' groups critical of the government of President Duterte have also been subject of red-tagging by military and law enforcement agencies. Criminal charges have been filed against lawyers while practicing their profession. Several peoples' lawyers who have represented victims of human rights violations likewise face fabricated charges.

The continuing attacks have hampered lawyers, judges and other legal professionals from freely exercising their profession. The result is that lawyers have become afraid to take on the prosecution of human rights violations and defence of alleged drug offenses for fear of reprisal from State forces.

The Philippine government, who is led by a President who himself is a lawyer, has ignored the basic principle that "lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions."

In our December submission, we put forward several recommendations including taking measures against public attacks on lawyers; the creation of an independent, credible and partial body to investigate promptly, effectively, thoroughly and independently all extrajudicial killings and attacks against lawyers; and implementing all measures to guarantee their safety and physical integrity, among others.

In addition to the above, we specifically asked the OHCHR and the Council to undertake all necessary measures to stop the intense vilification and vicious red-tagging of the NUPL and other human rights lawyers and groups particularly led by military general Antonio Parlade Jr., other security forces, high government officials and their proxies, and for them to cease from using the law and legal processes to silence lawyers doing public interest work, all of which have put at great risk the lives, liberties and the exercise of our profession. Finally, we asked the Council to initiate an independent fact-finding mission or a Commission of Inquiry.

During the 43rd Session in March, we said in our oral intervention on the General Debate on Item 3 on Human Rights Defenders that “for many Filipino lawyers, these are the worst of times to practice law in the Philippines.” Indeed, many lawyers especially human rights defenders have been attacked and the perpetrators continue to roam with impunity. In the 47 months of the Duterte administration, at least 48 lawyers now including judges and prosecutors have been murdered.

The pandemic has not stopped the attacks. NUPL officer Angelo Karlo Guillen was among those arrested on May 1, 2020 by Philippine police in the central province of Iloilo. He was implicated after he and other NUPL lawyers responded and provided legal assistance to protesters in a rally protesting the extrajudicial killing of an environmental activist. Guillen together with 41 others are facing various criminal charges including laws on quarantine protocols and emergency measures.

It seems human rights lawyers are especially targeted because of their unflinching conviction and commitment to defend victims and arm them with knowledge and advise on their rights while reconciling with the imperatives of the public health emergency. This is unacceptable. It violates a plethora of domestic laws and international instruments.

Of late, a more intense vilification is currently being waged without let up by the National Task Force to End the Local Communist Armed Conflict and by the military against NUPL, portraying it and its members as so-called front organizations of underground rebel groups. The smear campaign is being waged both in social media and in posters placed in bus stops in the metropolis.

Indeed, because of the pressing situation in the country, the engagement with the Council as a platform for accountability, justice and advocacy is imperative. The UN and other multilateral mechanisms must remain accessible to lawyers as human rights defenders under attack.

We, therefore, welcome the 26-page UN OHCHR Report (HRC/44/22) of Commissioner Bachelet unequivocally declaring the existence of rampant human rights violations. The OHCHR confirms the “failure of domestic mechanisms to ensure accountability” and thus validates the necessity and value of the UN rights mechanisms and platforms as complementary venues for accountability.

The Report amplifies the call to justice and accountability for attacks against lawyers. It recognizes how the attacks on lawyers, which include red-baiting, threats, harassment and extrajudicial killings, have been shrinking civic space in the country.

It describes as “extremely dangerous” the reckless red-baiting and public labelling of lawyers as alleged terrorists or belonging to alleged communist front organizations, while they are merely performing their functions as officers of the court in the defence of human rights.

The report noted that such pervasive and calloused acts from the government have resulted in the killings of lawyers. T. Atty. Ramos’ long record for his human rights work and advocacy, which, eventually earned him the ire of the government, has been further highlighted in the Report regarding his as one of the illustrative cases showing the prevalence of extrajudicial killings and other forms of attacks designed to silence dissent, in the Philippines, particularly among human rights lawyers and defenders, and the culture and structures of impunity that allows state agents to evade criminal liability and responsibility.

With now 48 recorded cases of extrajudicial killings of lawyers and 8 documented incidents of filing of fabricated charges against lawyers for doing their human rights work and advocacy, and several reported instances of unabated red-baiting and public labelling versus legitimate human rights lawyers’ groups, this report will definitely help sustain the lawful and rightful demand for justice and accountability for these attacks against the members of the legal profession.

We, therefore, look forward to further concrete action and specific recommendations and resolutions when the Report is taken up by the UNHR Council and we shall fully engage and actively cooperate in this regard.