



NEW YORK
CITY BAR

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August 28, 2019

H. E. Rodrigo Duterte
President of the Republic of the Philippines
Malacañang Complex
J.P. Laurel Street
San Miguel, Manila
1005 Republic of the Philippines

Re: Continuing Attacks on Judges, Prosecutors, Lawyers, and Other Legal Professionals

Dear Mr. President:

The New York City Bar Association writes to express its profound and ongoing concern in the wake of violent attacks on judges, prosecutors, lawyers, and other legal professionals in the Philippines.

The Association is a 148-year-old organization of more than 24,000 members in New York City, throughout the United States, and in more than fifty countries around the globe. Our members include judges, prosecutors, defense counsel, government lawyers, and public interest/non-governmental organization practitioners, as well as legal academics and attorneys representing nearly every major law firm and corporation in the United States. The Association has a long and distinguished history of promoting the rule of law and human rights (including the rights of legal professionals to fulfill their professional obligations), chiefly through the Association's Committee on International Human Rights, together with its Committee on Asian Affairs (and its other regional committees), as well as its Task Force on the Independence of Lawyers and Judges.

Under the Duterte Administration, legal professionals—which include judges, prosecutors, lawyers, and paralegals—have been harassed, assaulted, and assassinated in connection with your war on drugs (known as Oplan Tokhang).¹ As discussed further in this letter, attacks on Philippine lawyers often correlate with, among others, their representation of

¹ See *The Philippines: Protect, Don't Attack lawyers, Foreign Delegation Tells Duterte* (International Association of People's Lawyers (IAPL) Monitoring Committee on Attacks on Lawyers, March 18, 2019), <https://defendlawyers.wordpress.com/2019/03/18/the-philippines-protect-dont-attack-lawyers-foreign-delegation-tells-duterte/>; see also Nick Aspinwall, *Duterte Turns Death Squads on Political Activists* (Foreign Policy, June 10, 2019) (noting that “tokhang” translates to “knock and plead”), <https://foreignpolicy.com/2019/06/10/duterte-turns-death-squads-on-political-activists/>; see generally Patricia Evangelista, *The Impunity Series: Rappler's series of investigations documents the drug war as it continues to be fought across Duterte's presidency* (Rappler, July 25, 2017), <https://www.rappler.com/newsbreak/investigative/168712-impunity-series-drug-war-duterte-administration>.

clients who are charged with being members of dangerous drug cartels, attorneys' accusations of corruption against the police and army, and for promoting due process rights. Similarly, prosecutors and judges are attacked in connection to their decisions involving prosecutorial discretion and the exercise of due process rights, among other issues.

Your Administration's tacit (often explicit) support for these attacks, your failure to condemn the attacks, and your failure to properly investigate the attacks and bring the perpetrators to justice have fostered a culture of impunity throughout the Philippines.² In short, as outlined in greater detail below, your Administration is waging not only a war on drugs, but also a war on legal professionals and human rights defenders, and a war on the justice system and the Rule of Law itself.

I. THE "WAR ON DRUGS" AND CIVILIAN-TARGETED VIOLENCE

Launched when you took office as President in 2016, your war on drugs is assertedly designed to "neutralize" drug dealers and users, to deliver on your campaign promise to eradicate illegal drugs by whatever means necessary.³ Over the past three years, the implementation of that initiative has been brutal and inhumane. As a result, the Philippines has now been declared the fourth most dangerous country in the world for civilian-targeted violence.⁴ Your most recent official announcement puts the war on drugs' three-year tally at more than 5500 "drug personalities" killed by police, which is, by any measure, a shocking figure.⁵ But independent sources—including the Philippines Human Rights Commission—

² *Id.*; see also Michelle Xu & John Gershman, *Human Rights and Duterte's War on Drugs* (Council on Foreign Relations, December 16, 2016), <https://www.cfr.org/interview/human-rights-and-dutertes-war-drugs>.

³ See Jodesz Gavilan, *What do gov't circulars 'operationalizing' Duterte's war on drugs say?* (Rappler, November 21, 2017) (includes a copy of Command Memorandum Circular (CMC) No. 16-2016, from the Philippine National Police (PNP) Chief General, re: "PNP Anti-Illegal Drugs Campaign – Project 'Double Barrel'" (July 1, 2016), referring to "the neutralization of illegal drug personalities nationwide"), <https://www.rappler.com/newsbreak/fast-facts/189132-philippine-government-circulars-duterte-drug-war>; Report, *"They Just Kill": Ongoing Extrajudicial Executions and Other Violations in the Philippines' "War on Drugs"* at 17 (Amnesty International, July 8, 2019) (explaining that "[n]eutralisation" is widely believed to be the Philippine police's standard euphemism for killing" and that the term is "used in the controversial PNP Command Circular Memorandum (CMC) No. 16-2016—the very first police document operationalising Duterte's anti-drug campaign"), <https://www.justice.gov/eoir/page/file/1180791/download>; *Philippines President Rodrigo Duterte in Quotes* (BBC News, September 30, 2016), <https://www.bbc.com/news/world-asia-36251094>; *Philippines president Rodrigo Duterte urges people to kill drug addicts* (The Guardian/Agence France-Presse, June 30, 2016), <https://www.theguardian.com/world/2016/jul/01/philippines-president-rodrigo-duterte-urges-people-to-kill-drug-addicts>.

⁴ See Rod Austin, *"War on drugs" makes Philippines fourth most dangerous country – report* (The Guardian, July 9, 2019), <https://www.theguardian.com/global-development/2019/jul/09/war-on-drugs-makes-philippines-fourth-most-dangerous-country-report>; Tony S. Bergonia, *US-based data group ranks PH fourth most dangerous place in the world for civilians* (Philippine Daily Inquirer, July 12, 2019), <https://globalnation.inquirer.net/177866/us-based-data-group-ranks-ph-fourth-most-dangerous-place-in-the-world-for-civilians#ixzz5tj944geC>; see also Inday Espina-Varona, *Under Duterte, Philippines ranked Asia's most dangerous country for environment defenders* (ABS-CBN News, July 25, 2019), <https://news.abs-cbn.com/news/07/25/18/under-duterte-philippines-ranked-asias-most-dangerous-country-for-environment-defenders>; Editorial Board, *In the Fight to Save the Planet, Its Defenders Are Being Killed* (New York Times, Aug. 1, 2019), <https://nyti.ms/2MHZED9>.

⁵ See Report, *"They Just Kill": Ongoing Extrajudicial Executions and Other Violations in the Philippines' "War on Drugs"* at 10 (Amnesty International, July 8, 2019) (providing summary explanation of the nature and reliability of the statistics maintained by the Philippine National Police concerning deaths related to the war on drugs), <https://www.justice.gov/eoir/page/file/1180791/download>; Matthew Tostevin & Neil Jerome Morales, *War on numbers: Philippines targets drug killing data* (Reuters, July 18, 2019),

maintain that the death toll is actually more like 27,000 overall.⁶ This rapidly-escalating death toll includes a growing number of legal professionals who have been targeted for no reason other than their roles in ensuring that drug suspects and others are afforded the due process protections guaranteed to all by the Philippine Constitution.

You have publicly confessed to your personal responsibility for the executions that have become the hallmark of your Presidency. During an August 2016 news conference, you stated: “Extrajudicial killing? I will do the explanation in public for international release if you want. For the things that really happened during the criminal and the police in operations—punitive operations, police action—I am willing to answer all of them. I assume full responsibility for what happened because I was the one who ordered it.”⁷ In a September 2018 speech, your admission of culpability was even more blunt: “My only sin is the extrajudicial killings.”⁸

<https://www.reuters.com/article/us-philippines-drugs/war-on-numbers-philippines-targets-drug-killing-data-idUSKCN1UD1CJ>; Ted Regencia, *Philippine authorities contradict own death toll in drugs war* (Al Jazeera, July 18, 2019), <https://www.aljazeera.com/news/2019/07/philippine-authorities-contradict-toll-figure-drugs-war-190718070849564.html>; Romina Cabrera, *PNP: Official death toll from drug war at 5,526* (Philippine Star, July 19, 2019), <https://www.philstar.com/headlines/2019/07/19/1936032/pnp-official-death-toll-drug-war-5526>; Sofia Tomacruz, *Duterte gov't tally: Drug war deaths top 5,500 before SONA 2019* (Rappler, July 21, 2019), <https://www.rappler.com/nation/235712-duterte-government-tally-drug-war-deaths-before-sona-2019>; *PDEA reports lower death toll from Duterte's drug war* (ABS-CBN News, July 18, 2019), <https://news.abs-cbn.com/video/news/07/18/19/pdea-reports-lower-death-toll-from-dutertes-drug-war>.

⁶ See Matthew Tostevin & Neil Jerome Morales, *War on numbers: Philippines targets drug killing data* (Reuters, July 18, 2019), <https://www.reuters.com/article/us-philippines-drugs/war-on-numbers-philippines-targets-drug-killing-data-idUSKCN1UD1CJ>; Ted Regencia, *Philippine authorities contradict own death toll in drugs war* (Al Jazeera, July 18, 2019), <https://www.aljazeera.com/news/2019/07/philippine-authorities-contradict-toll-figure-drugs-war-190718070849564.html>; *High Commissioner Bachelet calls on States to take strong action against inequalities* (Office of the U.N. High Commissioner for Human Rights, March 6, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24265&LangID=E>; Sofia Tomacruz, *Duterte gov't tally: Drug war deaths top 5,500 before SONA 2019* (Rappler, July 21, 2019), <https://www.rappler.com/nation/235712-duterte-government-tally-drug-war-deaths-before-sona-2019>; Davinci Maru, *CHR chief: Drug war deaths could be as high as 27,000* (ABS-CBN News, December 5, 2018), <https://news.abs-cbn.com/focus/12/05/18/chr-chief-drug-war-deaths-could-be-as-high-as-27000>; Nick Cumming-Bruce, *U.N. Rights Council to Investigate Killings in Philippine Drug War* (New York Times, July 11, 2019), <https://nyti.ms/2LgtD0d>; Laila Matar, Hilary Power, & Rosanna Ocampo, *UN Action on Philippines a Glimpse of Hope and Justice* (Human Rights Watch, July 30, 2019), <https://www.hrw.org/news/2019/07/30/un-action-philippines-glimpse-hope-and-justice>.

⁷ See, e.g., Press Conference of President Rodrigo Roa Duterte (August 21, 2016), <https://www.officialgazette.gov.ph/2016/08/21/press-conference-of-president-rodriigo-roa-duterte-august-21-2016/>; Phelim Kine, *Philippines' Duterte Confesses to "Drug War" Slaughter* (Human Rights Watch, September 28, 2018), <https://www.hrw.org/news/2018/09/28/philippines-duterte-confesses-drug-war-slaughter>.

⁸ See, e.g., Felipe Villamor, *Duterte Says, "My Only Sin Is the Extrajudicial Killings"* (New York Times, September 27, 2018), <https://nyti.ms/2NJB8OW>; Alexis Romero, *Duterte says EJKs are his only sin* (Philippine Star, September 27, 2018), <https://www.philstar.com/headlines/2018/09/27/1855285/duterte-says-ejks-are-his-only-sin>; Dharel Placido, *Duterte: "EJKs" my only sin* (ABS-CBN News, September 28, 2018), <https://news.abs-cbn.com/news/09/27/18/duterte-ejks-my-only-sin>; Hannah Ellis-Petersen, *Duterte confesses: "My only sin is the extrajudicial killings"* (The Guardian, September 28, 2019), <https://www.theguardian.com/world/2018/sep/28/duterte-confesses-my-only-sin-is-the-extrajudicial-killings>; Joseph Hincks, *"My Only Sin." Philippine President Rodrigo Duterte Admits Extrajudicial Killings Occurred* (Time, September 28, 2019), <https://time.com/5409425/philippines-duterte-extrajudicial-killings-icc/>; Phelim Kine, *Philippines' Duterte Confesses to "Drug War" Slaughter* (Human Rights Watch, September 28, 2018), <https://www.hrw.org/news/2018/09/28/philippines-duterte-confesses-drug-war-slaughter>.

II. TARGETING OF HUMAN RIGHTS ACTIVISTS, LAWYERS AND JUDGES

On June 30, 2016, mere hours after your Inauguration, you called upon the people of the Philippines to act as vigilantes and to “go ahead and kill” drug addicts.⁹ You later threatened to kill human rights activists, accusing them of obstructing your war on drugs.¹⁰ You have made similar threats against rights lawyers and those who represent drug suspects,¹¹ leading organizations—including the Integrated Bar of the Philippines—to file a report with the United Nations Special Rapporteur on the Independence of Judges and Lawyers charging that your actions “blatantly oppose[]” international principles recognizing and safeguarding the role of lawyers in society.¹² Your “rising rhetoric” and “ongoing intimidation and attacks” against lawyers, among others, have drawn the censure of the U.N. Special Rapporteur and other international human rights experts at the U.N.¹³

The report of the Integrated Bar of the Philippines also documented your attacks on the independence of judges, including, in particular, your campaign of verbal abuse and bullying of Supreme Court Chief Justice Maria Lourdes Sereno.¹⁴ The U.N. Special Rapporteur

⁹ See *Philippines president Rodrigo Duterte urges people to kill drug addicts* (The Guardian/Agence France-Presse, June 30, 2016), <https://www.theguardian.com/world/2016/jul/01/philippines-president-rodrigo-duterte-urges-people-to-kill-drug-addicts>; see also Katerina Francisco, *Shoot to kill? Duterte's statements on killing drug users* (Rappler, October 5, 2016), <https://www.rappler.com/newsbreak/iq/148295-philippines-president-rodrigo-duterte-statements-shoot-to-kill-drug-war>; Rishi Iyengar, *The Killing Time: Inside Philippine President Rodrigo Duterte's War on Drugs* (Time, August 25, 2016), <https://time.com/4462352/rodrigo-duterte-drug-war-drugs-philippines-killing/>.

¹⁰ See Joseph Hincks, *Human-Rights Defenders Are Now in the Philippine President's Crosshairs* (Time, November 29, 2016), <https://time.com/4584478/duterte-threatens-to-kill-human-rights-activists/>; see also Pia Ranada, *Duterte warns he'll order shooting of human rights advocates* (Rappler, August 17, 2017), <https://www.rappler.com/nation/178968-duterte-probe-shoot-human-rights-advocates>; John Paolo Bencito & Maricel V. Cruz, *Duterte vows to kill EU “rights activists”* (Manila Standard, May 20, 2017), <http://manilastandard.net/mobile/article/237140>.

¹¹ Jason Gutierrez, *Philippine Lawyer Who Resisted Duterte's Drug War Is Gunned Down* (New York Times, November 7, 2018), <https://nyti.ms/2D81fZ5>; Virgil Lopez, *IBP: Duterte's threat to lawyers of drug lords creates a 'chilling effect'* (GMA News, December 9, 2016), <https://www.gmanetwork.com/news/news/nation/591903/ibp-duterte-s-threat-to-lawyers-of-drug-lords-creates-a-chilling-effect/story/>.

¹² Jodesz Gavilan, *Law groups to U.N. expert: Probe Duterte threats vs judiciary* (Rappler, April 18, 2018) (including a copy of the 16-page report submitted to the U.N. Special Rapporteur by the Integrated Bar of the Philippines (IBP) and other organizations), <https://www.rappler.com/nation/200518-law-groups-united-nations-rapporteur-duterte-threats-judiciary>; Nicole-Anne C. Lagrimas, *Lawyers' groups ask UN rapporteur to act on Duterte's tirades vs. Sereno* (GMA News, April 18, 2018), <https://www.gmanetwork.com/news/news/nation/650442/lawyers-groups-ask-un-rapporteur-to-act-on-duterte-s-tirades-vs-cj/story/>; Patricia Lourdes Viray, *Lawyers ask UN rapporteur to act on Duterte tirades vs Sereno* (Philippine Star, April 18, 2018), <https://www.philstar.com/headlines/2018/04/18/1807133/lawyers-ask-un-rapporteur-act-duterte-tirades-vs-sereno>; Vincent F. Nonato, *Lawyers ask UN to probe attacks on PH judiciary* (Philippine Daily Inquirer, April 19, 2018), <https://newsinfo.inquirer.net/983522/lawyers-ask-un-to-probe-attacks-on-ph-judiciary>.

¹³ See *UN human rights experts call for independent probe into Philippines violations* (Office of the U.N. High Commissioner for Human Rights, June 7, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24679&LangID=E>.

¹⁴ Jodesz Gavilan, *Law groups to U.N. expert: Probe Duterte threats vs judiciary* (Rappler, April 18, 2018) (including a copy of the 16-page report submitted to the U.N. Special Rapporteur by the IBP and other organizations), <https://www.rappler.com/nation/200518-law-groups-united-nations-rapporteur-duterte-threats-judiciary>; Nicole-Anne C. Lagrimas, *Lawyers' groups ask UN rapporteur to act on Duterte's tirades vs. Sereno*

subsequently denounced your “derogatory statements and threats . . . which have been televised, broadcast on radio, and carried by newspapers” as “a vicious attack on the independence of the judiciary,” expressing “grave concern” that the effect of your remarks has been to send “a chilling message” to all members of the judiciary.¹⁵

In August 2017, you instructed the police to shoot anyone who resists arrest or is otherwise obstructing justice—including activists seeking to document human rights abuses resulting from your war on drugs.¹⁶ In line with this exhortation, the Philippine National Police, and members of the Armed Forces of the Philippines and paramilitary groups, as well as vigilantes linked to them,¹⁷ have targeted legal professionals, who are apparently deemed to be

(GMA News, April 18, 2018), <https://www.gmanetwork.com/news/news/nation/650442/lawyers-groups-ask-un-rapporteur-to-act-on-duterte-s-tirades-vs-cj/story/>; Patricia Lourdes Viray, *Lawyers ask UN rapporteur to act on Duterte tirades vs Sereno* (Philippine Star, April 18, 2018), <https://www.philstar.com/headlines/2018/04/18/1807133/lawyers-ask-un-rapporteur-act-duterte-tirades-vs-sereno>; Vincent F. Nonato, *Lawyers ask UN to probe attacks on PH judiciary* (Philippine Daily Inquirer, April 19, 2018), <https://newsinfo.inquirer.net/983522/lawyers-ask-un-to-probe-attacks-on-ph-judiciary>.

¹⁵ See *Judicial independence in Philippines is under threat, says UN human rights expert* (Office of the U.N. High Commissioner for Human Rights (OHCHR), June 1, 2018), <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23163&LangID=E>; see also *UN human rights experts call for independent probe into Philippines violations* (Office of the U.N. High Commissioner for Human Rights, June 7, 2019) (noting that Duterte “has himself publicly intimidated . . . even Supreme Court judges”), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24679&LangID=E>.

¹⁶ See Oliver Holmes, *Human Rights Group Slams Philippines President Duterte’s Threat to Kill Them* (The Guardian, August 17, 2017), <https://www.theguardian.com/world/2017/aug/17/human-rights-watch-philippines-president-duterte-threat>; *Philippines: Duterte Threatens Human Rights Community* (Human Rights Watch, August 17, 2017), <https://www.hrw.org/news/2017/08/17/philippines-duterte-threatens-human-rights-community>.

¹⁷ See, e.g., Report, “*They Just Kill*”: *Ongoing Extrajudicial Executions and Other Violations in the Philippines’ “War on Drugs”* at 5, 10, 22, 40 (Amnesty International, July 8, 2019) (reporting, *inter alia*, that “in many cases the[] unknown armed persons [who carry out executions] have a direct link to the police—they are either paid killers hired by the police or disguised police officers”), <https://www.justice.gov/eoir/page/file/1180791/download>; *UN human rights experts call for independent probe into Philippines violations* (Office of the U.N. High Commissioner for Human Rights, June 7, 2019) (stating that “in many incidents the alleged perpetrators of killings are members of the armed forces, paramilitary groups or individuals linked to them”),

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24679&LangID=E>; Roudabeh Kishi, Melissa Pavlik, Rico La Vina, & Marian Constantino, *Duterte’s War: Drug-Related Violence in the Philippines* (Armed Conflict Location & Event Data Project (ACLED), October 18, 2018) (reporting that anti-drug “vigilantes” “are likely supported by or under the control of Duterte’s regime, despite their unofficial status,” and are “emboldened by the current climate”; further stating that “at least some of the extrajudicial killings carried out by vigilantes were outsourced to them by the police, or may even be police in masks and/or are groups relying on police to secure the perimeter in the lead up to such attacks”), <https://www.acleddata.com/2018/10/18/dutertes-war-drug-related-violence-in-the-philippines/>; Alyssa Mae Clarin, *Under Duterte, attacks against Filipino lawyers escalating* (Bulatlat, March 16, 2019) (noting evidence that attacks/killings are state-sponsored, or, at a minimum, state-condoned and state-encouraged), <https://www.bulatlat.com/2019/03/16/under-duterte-attacks-against-filipino-lawyers-escalating/>;

Dharel Placido, *Duterte: “EJKs” my only sin* (ABS-CBN News, September 28, 2018) (reporting on a September 27, 2018 speech in which Duterte implicated himself in extrajudicial killings, the first time he had ever publicly acknowledged that killings are state-sponsored; in his remarks, Duterte also acknowledged the involvement of “some so-called ‘ninja cops’”), <https://news.abs-cbn.com/news/09/27/18/duterte-ejks-my-only-sin>; *id.* (reporting that, according to human rights groups and government critics—who point to “cases where some policemen were caught in illegitimate operations”—“killings carried out by so-called ‘vigilante groups’ were . . . state-sponsored”); Edu Punay, *SC issues writ of amparo on “Tokhang”* (Philippine Star, February 1, 2017) (quoting two senators who each independently pointed to the fact of zero deaths on the day after

in league with drug syndicates and drug dealers because they defend those accused of drug-related crimes. Lawyers and others also have been the victims of “red-tagging”—*i.e.*, the “branding” as “left-leaning, subversives, communists or terrorists” of “those perceived to be ‘threats’ or ‘enemies of the State’” by “State agents, particularly law enforcement agencies and the military.”¹⁸ “Red-tagging” puts individuals at great risk, exposing them to threats,

responsibility for anti-drug operations was temporarily transferred from the Philippine National Police to the Philippine Drug Enforcement Agency as “strong circumstantial evidence” of police involvement in drug war - related killings), <https://www.philstar.com/headlines/2017/02/01/1667497/sc-issues-writ-amparo-tokhang>; Maricar Cinco, *Ex-Rodriguez, Rizal police chief, 3 other cops charged over lawyer’s slay* (Philippine Daily Inquirer, July 30, 2019) (reporting on the filing of charges against “[a] ranking police officer and three other policemen” in the May 17, 2019 fatal shooting of lawyer Adilberto Golla Jr., apparently “[a]n extrajudicial killing by cops posing as gunmen), <https://newsinfo.inquirer.net/1148118/ex-rodriguez-rizal-police-chief-3-other-cops-charged-over-lawyers-slay>; Kristine Joy Patag, *NBI files murder raps vs cops over killing of QC fiscal* (Philippine Star, September 10, 2018) (reporting on the charging of three police officers in the May 11, 2018 murder of prosecutor Rogelio Velasco), <https://www.philstar.com/nation/2018/09/10/1850311/nbi-files-murder-raps-vs-cops-over-killing-qc-fiscal>; Edu Punay, *DOJ clears 3 cops tagged in QC fiscal’s murder* (Philippine Star, May 28, 2019) (reporting on the dismissal of the charges against three police officers in the murder of prosecutor Rogelio Velasco), <https://www.philstar.com/nation/2019/05/28/1921448/doj-clears-3-cops-tagged-qc-fiscals-murder>; Emily Sullivan, *3 Police Officers Found Guilty Of Murder In Philippines’ War On Drugs* (NPR, November 29, 2018) (reporting on the conviction and sentencing of three police officers in the August 2017 extrajudicial killing of teenager 17-year-old Kian delos Santos), <https://www.npr.org/2018/11/29/671795507/3-police-officers-found-guilty-of-murder-in-philippines-war-on-drugs>.

¹⁸ See Ken E. Cagula, *Human Rights Lawyers Denounce red-tagging of Political Activists* (Ontario Committee for Human Rights in the Philippines, March 4, 2019) (reporting on “red-tagging” of human rights lawyers as members of the Philippine Communist Party and its armed wing, the New People’s Army), <https://ochrp.wordpress.com/2019/03/04/human-rights-lawyers-denounce-red-tagging-of-political-activists/>; *CHR warns of grave implications of red-tagging groups* (Philippine Star, April 17, 2019) (quoting the definition of “red-tagging” set forth in “Philippine jurisprudence”), <https://www.philstar.com/headlines/2019/04/17/1910846/chr-warns-grave-implications-red-tagging-groups>; *VERA Files Fact Sheet: Why “red-tagging” is dangerous* (VERA Files, October 11, 2018) (explaining that, “[i]n his dissenting opinion in Zarate vs. Aquino III, Supreme Court Associate Justice Marvic Leonen cited a 2011 journal article that defined red-baiting” (*i.e.*, “red-tagging”) as quoted above), <https://verafiles.org/articles/vera-files-fact-sheet-why-red-tagging-dangerous>; see also *id.* (noting that the Philippine Commission on Human Rights has adopted the International Peace Observers Network’s definition of “red-tagging,” *i.e.*, “[a]n act of State actors, particularly law agencies, to publicly brand individuals, groups, or institutions as . . . affiliated [with] communist or enforcement leftist terrorists”); Nick Aspinwall, *In the Philippines, activists increasingly face a “living hell”* (The Interpreter, February 15, 2019) (explaining that “red-tagging” refers to “the false branding of activists as communist insurgents”), <https://www.lowyinstitute.org/the-interpreter/philippines-activists-increasingly-face-living-hell>.

harassment, intimidation, physical injury, and even death.¹⁹ The names of legal professionals are also placed on “drug watch lists,” to similar effect.²⁰

Human rights lawyers were further threatened by their inclusion in a “matrix” (hubs-and-spokes) diagram of uncertain origin linking individuals and organizations alleged by the Palace to be working in concert as part of “a plot to discredit the President and destabilize his government.”²¹

¹⁹ See *VERA Files Fact Sheet: Why “red-tagging” is dangerous* (VERA Files, October 11, 2018) (stating that “red-tagging” “in its most extreme can lead to warrantless arrests, torture, enforced disappearances (ED), or worst, extrajudicial killings (EJK)” and that, according to a 2012 study, “many cases of EJK and ED involve [‘red-tagging’]”), <https://verafiles.org/articles/vera-files-fact-sheet-why-red-tagging-dangerous>; Statement of CHR spokesperson, Atty. Jacqueline Ann de Guia, on the right to organize and alleged red-tagging of worker unions (Philippine Commission on Human Rights, April 17, 2019) (emphasizing that “red-tagging” “may have serious implications [for] the security and movement of individuals and groups involved”), <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-right-to-organize-and-alleged-red-tagging-of-worker-unions/>; Teo S. Marasigan, *Red Flag vs. The Red Tag* (Pinoy Weekly, June 11, 2019) (stating that, “[i]n the Philippines, [‘red-tagging’] has always put lives in danger, especially under the regime of Rodrigo Duterte—which has carried out the extra-judicial killing abduction, arrest and detention, harassment and surveillance of numerous activists who are accused of being Communists or Communist supporters working in legal fronts”), <https://www.pinoyweekly.org/2019/06/red-flag-vs-the-redtag/>; Nick Aspinwall, *In the Philippines, activists increasingly face a “living hell”* (The Interpreter, February 15, 2019) (explaining that “red-tagging” “can be fatal in the Philippines”), <https://www.lowyinstitute.org/the-interpreter/philippines-activists-increasingly-face-living-hell/>; *Filipino lawyers at risk by state tagging* (Lawyers for Lawyers, July 10, 2019) (explaining that “the practice of labelling—combined with the culture of impunity—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 since 2001,” and that “[m]any lawyers were labelled as ‘communist’ or ‘terrorist’ prior to being attacked”), <https://lawyersforlawyers.org/en/filipino-lawyers-at-risk-by-state-tagging/>; PJ Orias, *Human rights lawyer decries communist tag* (SunStar, June 27, 2019) (reporting on a recent incident of the “red-tagging” of a lawyer/human rights activist, who is concerned that the “red-tagging” “could be a prelude to physical attack” on her family; noting that the “red-tagging” victim—who is “known for representing incarcerated leaders of progressive organizations in court” —also was “among the 24 persons and organizations . . . included in a list publicly distributed as ‘terrorist members . . . responsible for recruiting residents in the city to join the [New People’s Army]” in February 2019), <https://www.sunstar.com.ph/article/1811851>; Froilan Gallardo, *Red-tagged personalities seek protection of Oro officials* (Minda News, August 7, 2019) (reporting on a recent case in which two human rights lawyers, among others, sought authorities’ protection from “red-tagging,” equating it to “a death warrant”), <https://www.mindanews.com/top-stories/2019/08/red-tagged-personalities-seek-protection-of-oro-officials/>; Nitz Arancon, *Red-Tagging Victims to City Hall: Protect Us* (Mindanao Goldstar Daily, August 7, 2019) (similar), <https://mindanaogoldstardaily.com/red-tagging-victims-to-city-hall-protect-us/>; see also IADL Resolution Protesting the Red-tagging of Human Rights Lawyers in the Philippines (International Association of Democratic Lawyers, April 6, 2019), <https://iadllaw.org/2019/04/iadl-resolution-protesting-the-red-tagging-of-human-rights-lawyers-in-the-philippines/>.

²⁰ See, e.g., Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers’ Rights Watch Canada, July 5, 2019) at 5 (reporting that “President Duterte utilises ‘drug lists’ to ‘red-tag’ defenders with whom the Duterte administration disagrees, including lawyers,” explaining that “[t]hrough these lists, defenders are publicly named, vilified as public enemies and subjected to a high probability of being assassinated”), <https://www.lrwc.org/ws/wp-content/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>; Report, *“They Just Kill”: Ongoing Extrajudicial Executions and Other Violations in the Philippines’ “War on Drugs”* at 6, 26-30, 41, 42 (Amnesty International, July 8, 2019) (describing authorities’ use of “unreliable and illegitimate” “drug watch lists,” drawn up by local officials and police, “as a basis by which people are targeted for unlawful arrest, assault, theft and killings by both state and state-aligned non-state actors,” and explaining that “[t]here is no opportunity for those whose names are included on the lists to be removed”; noting that, of the 20 murders related to the war on drugs which were examined in Amnesty International’s study, 15 of the murder victims had been “watch-listed” prior to their deaths), <https://www.justice.gov/eoir/page/file/1180791/download>.

²¹ See Dante A. Ang, *Oust-Duterte Plot Bared* (Manila Times, April 22, 2019), <https://www.manilatimes.net/oust-duterte-plot-bared/543609/>; see also, e.g., *Palace tags journalists, lawyers in*

Apart from inclusion on “watch lists,” “red-tagging,” the “matrix,” and other forms of harassment and intimidation, dozens of legal professionals have also been victims of physical violence in connection with your war on drugs; and at least 48 legal professionals—including five judges (or former judges), a court clerk, 11 prosecutors (or former prosecutors), 29 lawyers, and two paralegals—have been summarily executed; and lawyer Alwyn Mendoza (not included in these figures) was abducted on February 23, 2019 and has not been seen or heard from since.²² A recent report documents a pattern that suggests the involvement of both the Philippine National Police and the Armed Forces of the Philippines in the deaths of these legal professionals.²³ The failure of your Administration to commission a comprehensive,

alleged ouster plot vs. Duterte; PNP, AFP deny destabilization plan (CNN, April 22, 2019), <https://cnnphilippines.com/news/2019/4/22/Duterte-ouster-plot-journalists-lawyers.html>; Azer Parrocha, *Palace bares ‘Oust-Duterte matrix’* (Philippine News Agency, April 22, 2019), <https://www.pna.gov.ph/articles/1067790>; *Philippine government accuses journalists and lawyers of plotting to oust President Rodrigo Duterte* (The Independent, April 23, 2019), <http://theindependent.sg/philippine-government-accuses-journalists-and-lawyers-of-plotting-to-oust-president-rodrigo-duterte/>; Catherine S. Valente, *Palace confirms Times’ story on ‘Oust-Duterte’ matrix, warns plotters* (Manila Times, April 22, 2019), <https://www.manilatimes.net/palace-confirms-times-story-on-oust-duterte-matrix-warns-plotters/543734/>; Rambo Talabong, *PNP to probe journalists, lawyers in Duterte ‘ouster matrix’* (Rappler, April 23, 2019/May 6, 2019, 2019), <https://www.rappler.com/nation/228773-pnp-to-probe-journalists-lawyers-duterte-ouster-plot-matrix>; Lian Buan, *DOJ: No basis to probe lawyers, journalists in ‘oust Duterte’ matrix for now* (Rappler, April 23, 2019), <https://www.rappler.com/nation/228773-pnp-to-probe-journalists-lawyers-duterte-ouster-plot-matrix>; Mike Navallo, *NUPL raises “Oust-Duterte” matrix before SC* (ABS-CBN News, April 25, 2019), <https://news.abs-cbn.com/news/04/25/19/nupl-raises-oust-duterte-matrix-before-sc>; Ray E. Requejo, *Lawyers seek SC writ vs “matrix”* (Manila Standard, April 26, 2019), <http://manilastandard.net/news/top-stories/293249/lawyers-seek-sc-writ-vs-matrix-.html>; *Lawyers’ group seeks SC protection, files Duterte matrix as proof* (Abogado, July 26, 2019, <https://abogado.com.ph/lawyers-group-seeks-sc-protection-files-duterte-matrix-as-proof/>); Press Release, *SC Issues Writ of Amparo and Habeas Data in Favor of NUPL* (Supreme Court of the Philippines, May 3, 2019), <http://sc.judiciary.gov.ph/3302/>; Nicole-Anne C. Lagrimas, *Supreme Court issues writ of amparo for NUPL* (GMA News, May 3, 2019), <https://www.gmanetwork.com/news/news/nation/693245/supreme-court-issues-writ-of-amparo-for-nupl/story/>; see generally Report, *“They Just Kill”: Ongoing Extrajudicial Executions and Other Violations in the Philippines’ “War on Drugs”* at 9 (Amnesty International, July 8, 2019) (reporting that, in the “matrix” controversy, “journalists and human rights lawyers were threatened with charges after being accused by the Office of the President, without credible proof, of plotting to destabilise the government”), <https://www.justice.gov/eoir/page/file/1180791/download>.

²² See List of Lawyers and Law Workers Attacked with Murderous Intent Under Duterte Regime – As of 23 July 2019 (International Association of People’s Lawyers (IAPL) Monitoring Committee on Attacks on Lawyers, July 23, 2019) (does not include the July 28, 2019 murder of lawyer Nicolas Gomez Jr.), <https://defendlawyers.files.wordpress.com/2019/07/attacks-on-filipino-lawyers-and-law-workers-23-7-19-1.docx>; see also Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers’ Rights Watch Canada, July 5, 2019) (including Appendix, “Jurists killed in the Philippines since July 2016 in date order of murder – As of 10 June 2019”) (does not include the July 2019 murders of lawyers Anthony H. Trinidad and Nicolas Gomez Jr.), <https://www.lrwc.org/ws/wp-content/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>; Jodesz Gavilan, *List: Judges, Prosecutors, Lawyers Killed under Duterte Gov’t* (Rappler, July 29, 2019) (does not include the July 2019 murder of lawyer Nicolas Gomez Jr., or the March 2019 murder of lawyer Charmaine Pelayo Mejia, or the December 2018 murders of Nasser M. Laban and Rodel Batocabe), <https://www.rappler.com/newsbreak/iq/216239-list-judges-prosecutors-lawyers-killed-under-duterte-government>.

²³ See *Mission Finds ‘Patterns of State Sanctioned Violence’ Against Filipino Lawyers* (Bulatlat, March 19, 2019), <https://www.bulatlat.com/2019/03/19/mission-finds-patterns-of-state-sanctioned-violence-against-filipino-lawyers/>; see also Alyssa Mae Clarin, *Under Duterte, attacks against Filipino lawyers escalating* (Bulatlat, March 16, 2019), <https://www.bulatlat.com/2019/03/16/under-duterte-attacks-against-filipino-lawyers-escalating/>; Report, *“They Just Kill”: Ongoing Extrajudicial Executions and Other Violations in the Philippines’ “War on Drugs”* at 5, 10, 22, 40 (Amnesty International, July 8, 2019), <https://www.justice.gov/eoir/page/file/1180791/download>; UN impunityhuman rights experts call for

independent, high-level, intensive investigation into the mounting death toll bolsters the conclusion that the murders are, in at least many (if not most) cases, the product of state or state-sanctioned action.²⁴

III. EXTRAJUDICIAL KILLINGS OF LEGAL PROFESSIONALS

A review of the facts of some individual cases serves to put a human face on the grim statistics.

a. Rogelio Bato, Jr.

The first of the extrajudicial killings of legal professionals associated with your war on drugs occurred on August 23, 2016, when attorney Rogelio Bato Jr. and a 15-year-old girl were shot dead by unidentified assailants in Tacloban City.²⁵ Bato was counsel for Albueria Mayor Rolando Espinosa Sr. and his son Kerwin Espinosa,²⁶ who were both accused of drug trafficking and assisting drug lords.²⁷ The Philippine National Police later confirmed that they had classified Bato as a level 2 high-value target, without providing justification, and accused

independent probe into Philippines violations (Office of the U.N. High Commissioner for Human Rights, June 7, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24679&LangID=E>; Roudabeh Kishi, Melissa Pavlik, Rico La Vina, & Marian Constantino, *Duterte's War: Drug-Related Violence in the Philippines* (Armed Conflict Location & Event Data Project (ACLED), October 18, 2018), <https://www.acleddata.com/2018/10/18/dutertes-war-drug-related-violence-in-the-philippines/>; Dharel Placido, *Duterte: "EJKs" my only sin* (ABS-CBN News, September 28, 2018), <https://news.abs-cbn.com/news/09/27/18/duterte-ejks-my-only-sin>; Edu Punay, *SC issues writ of amparo on "Tokhang"* (Philippine Star, February 1, 2017), <https://www.philstar.com/headlines/2017/02/01/1667497/sc-issues-writ-amparo-tokhang>; Maricar Cinco, *Ex-Rodriguez, Rizal police chief, 3 other cops charged over lawyer's slay* (Philippine Daily Inquirer, July 30, 2019), <https://newsinfo.inquirer.net/1148118/ex-rodriguez-rizal-police-chief-3-other-cops-charged-over-lawyers-slay>; Kristine Joy Patag, *NBI files murder raps vs cops over killing of QC fiscal* (Philippine Star, September 10, 2018), <https://www.philstar.com/nation/2018/09/10/1850311/nbi-files-murder-raps-vs-cops-over-killing-qc-fiscal>; Edu Punay, *DOJ clears 3 cops tagged in QC fiscal's murder* (Philippine Star, May 28, 2019), <https://www.philstar.com/nation/2019/05/28/1921448/doj-clears-3-cops-tagged-qc-fiscals-murder>; Emily Sullivan, *3 Police Officers Found Guilty Of Murder In Philippines' War On Drugs* (NPR, November 29, 2018), <https://www.npr.org/2018/11/29/671795507/3-police-officers-found-guilty-of-murder-in-philippines-war-on-drugs>.

²⁴ See, e.g., Alyssa Mae Clarin, *Under Duterte, attacks against Filipino lawyers escalating* (Bulatlat, March 16, 2019) (noting indicators that attacks are state-sponsored, or, at a minimum, state-condoned, including the fact that "victims were publicly vilified by the President himself; the killings were committed as if the perpetrators were not afraid of being caught; and, there was complete lack of interest to investigate the killings"), <https://www.bulatlat.com/2019/03/16/under-duterte-attacks-against-filipino-lawyers-escalating/>; Huw Watkin, *A Lot of Mini-Dutertes: Drugs War Blamed as Murders Soar* (South China Morning Post, June 15, 2019), <https://www.scmp.com/week-asia/society/article/3014601/lot-mini-dutertes-drugs-war-blamed-murders-soar-philippines>; Alan Robles, *One More Death in Duterte's War on Drugs: Trust in Philippine Police* (South China Morning Post, December 19, 2018), <https://www.scmp.com/week-asia/politics/article/2178574/one-more-death-dutertes-war-drugs-trust-philippine-police>.

²⁵ See Jazmin Bonifacio, *Eastern Visayas Lawyers Condemn Killing of Rogelio Bato Jr* (Rappler, August 24, 2016), <https://www.rappler.com/nation/144008-eastern-visayas-condemn-lawyer-bato-killing>.

²⁶ See *Gunmen Kill Leyte Mayor's Lawyer, High School Student* (Rappler, August 24, 2016), <https://www.rappler.com/nation/143972-gunmen-roelio-bato-rolando-espinosa-sr>.

²⁷ See Joey A. Gabieta, *Slain Leyte Lawyer High Value Target in War vs Drugs – PNP* (Philippine Daily Inquirer, August 25, 2016), <https://newsinfo.inquirer.net/809794/slain-leyte-lawyer-high-value-target-in-war-vs-drugs-pnp>.

him of being a member of the Espinosa Syndicate.²⁸ Immediately following Bato’s murder, a group of lawyers led by the former President of the Leyte Chapter of the Integrated Bar of the Philippines condemned the attack and called for an in-depth investigation by the authorities.²⁹ In March of this year, the Integrated Bar of the Philippines renewed its condemnation, and urged the Supreme Court to “conven[e] a dialogue among the Supreme Court, the IBP, State security forces, and other relevant organizations” concerning lawyers’ safety and security.³⁰

b. Geronimo Marave, Jr. and Judge Edmundo Pintac

Other legal professionals who have been murdered include retired prosecutor Geronimo Marave Jr. and Judge Edmundo Pintac. Both were shot dead after being involved in cases concerning Reynaldo Parojinog Sr., a former Mayor of Ozamiz City whom your Administration had on an official Government watchlist.³¹ On July 30, 2017, the Philippine National Police raided the Parojinog estate, killing 15 members of the Parojinog family, including Reynaldo Parojinog Sr. Attorney Marave represented brother and sister Reynaldo Parojinog Jr. and Nova Princess Parojinog, who were subsequently arrested on drug charges.³² On May 22, 2018, Marave was gunned down by motorcycle-riding assailants in Ozamiz City, apparently in connection with his representation of the Parojinog siblings.³³

Subsequently, on October 8, 2018, the judge hearing the Parojinog case—Judge Pintac—was shot and killed by motorcycle-riding attackers as he was heading home from Ozamiz.³⁴ Following the assassination of Judge Pintac, then-Supreme Court Chief Justice

²⁸ See *id.*; see also Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers’ Rights Watch Canada, July 5, 2019), at Appendix, “Jurists killed in the Philippines since July 2016 in date order of murder – As of 10 June 2019” (does not include the murders of lawyers Anthony H. Trinidad and Nicolas Gomez Jr.) (noting that Bato served as counsel to Mayor Espinosa in a 2014 murder case and that the Philippine National Police (‘PNP’) have confirmed that they had him on a “drugs watch list”), <https://www.lrwc.org/ws/wp-content/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>.

²⁹ See Jazmin Bonifacio, *Eastern Visayas Lawyers Condemn Killing of Rogelio Bato, Jr.* (Rappler, August 24, 2016), <https://www.rappler.com/nation/144008-eastern-visay-as-condemn-lawyer-bato-killing>.

³⁰ See Jeffrey Damicog, *IBP Asks SC to Probe Continued Killing of Lawyers* (Manila Bulletin, March 16, 2019), <https://news.mb.com.ph/2019/03/16/ibp-asks-sc-to-probe-continued-killing-of-lawyers/>.

³¹ See *The Duterte List: Judges, Mayors, Police Officials Linked to Drugs* (Rappler, August 7, 2016); <https://www.rappler.com/nation/142210-duterte-list-lgu-police-officials-linked-drugs>.

³² See Third Anne Peralta-Malonzo, *Parojinog Lawyer Gunned Down in Ozamiz* (SunStar, May 22, 2018), <https://www.sunstar.com.ph/article/1744352>.

³³ *Id.*; see also Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers’ Rights Watch Canada, July 5, 2019), at Appendix, “Jurists killed in the Philippines since July 2016 in date order of murder – As of 10 June 2019” (does not include the murders of lawyers Anthony H. Trinidad and Nicolas Gomez Jr.) (noting that Marave had served as the prosecutor in “several cases involving the Parojinog family who are currently detained on drug and illegal possession of firearms cases,” that their parents “were among the 15 persons killed in a raid on the Parojinog compound” in July 2017, and that their father was “on the government’s drug watchlist”), <https://www.lrwc.org/ws/wpcontent/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>.

³⁴ See Rambo Talabong, *Judge Handling Parojinog Cases Shot Dead in Ozamiz City* (Rappler, October 8, 2018), <https://www.rappler.com/nation/213825-judge-edmundo-pintac-shot-dead-october-8-2018>; see also Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers’ Rights Watch Canada, July 5, 2019), at Appendix, “Jurists killed in the Philippines since July 2016 in date order of murder – As of 10 June 2019” (does not include the murders of lawyers Anthony H. Trinidad and Nicolas Gomez Jr.) (indicating that Pintac “was the judge that handled the drug and firearms cases against Ozamiz Vice Mayor Nova Princess Parojinog and her brother Reynaldo Parojinog Jr before the[] cases were transferred to a Quezon City court,” in

Teresita Leonardo-de Castro urged the Philippine National Police to make every effort to arrest the perpetrators.³⁵

c. Jonah John Ungab

Jonah John Ungab is yet another one of the dozens of lawyers and other legal professionals who have lost their lives to this Administration's war on drugs.³⁶ On February 19, 2018, unidentified assailants shot Ungab in Cebu City.³⁷ At the time, Ungab was driving his car after attending a court hearing in the prosecution of suspected drug lord Kerwin Espinosa, who was acquitted of the charge of illegal possession of firearms.³⁸ According to Ungab's wife, her husband received death threats just hours before the shooting and was asked to choose between his own life and that of his client.³⁹ She grieves that Ungab was killed for simply "doing his job as a lawyer."⁴⁰ When asked about Ungab's murder, the former police chief of Albueria, Leyte, opined that the Government should "only express condemnation for the killing of lawyers who have done good"—in essence, declaring open season on lawyers like Ungab, who are perceived not to "do good" because they represent those accused of drug offenses.⁴¹ Remarks such as these by you and your allies evidence the existing widespread contempt for due process and the rule of law in the Philippines today.

d. Rex Jasper Lopez and Rolando Lopez Acido

On March 13, 2019, attorney Rex Jasper Lopez was executed by unknown assailants in Tagum City.⁴² According to the Southern Mindanao Police, Lopez was gunned down by a

addition to "other high-profile cases that [Pintac] was handling prior to his death"), <https://www.lrwc.org/ws/wp-content/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>.

³⁵ See Rambo Talabong, *Judge Handling Parojinog Cases Shot Dead in Ozamiz City* (Rappler, October 8, 2018), <https://www.rappler.com/nation/213825-judge-edmundo-pintac-shot-dead-october-8-2018>.

³⁶ See Atty. Rupil S. Bañoc, *Adios, Atty. Jonnah John Ungab* (Philippine Daily Inquirer, February 22, 2018), <https://cebudailynews.inquirer.net/164701/adios-atty-jonnah-john-ungab>.

³⁷ See *Kerwin Espinosa's Lawyer Killed in Ambush near Cebu City Courthouse* (Rappler, February 19, 2018), <https://www.rappler.com/nation/196388-kerwin-espinosa-lawyer-ambushed-near-cebu-city-courthouse>.

³⁸ See *id.*; see also Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers' Rights Watch Canada, July 5, 2019), at Appendix, "Jurists killed in the Philippines since July 2016 in date order of murder – As of 10 June 2019" (does not include the murders of lawyers Anthony H. Trinidad and Nicolas Gomez Jr.) (reporting that Ungab "was the lawyer for suspected drug lord Rolando Kerwin Espinosa Jr. and his father Rolando Espinosa Sr., which led [Ungab] to be tagged as [a] 'drug protector' by Albueria police," and, further, that "Ungab was charged (subsequently dismissed) in respect to his relationship with Espinosa Jr.," also stating that Ungab "served as counsel [to] suspected Danao City-based drug lord Alvaro 'Barok' Alvaro, and controversial businessman Kenneth Dong who was tagged in the P6.4-billion shabu shipment confiscated by the Bureau of Customs"), <https://www.lrwc.org/ws/wpcontent/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>.

³⁹ See Annie Perez, *Alleged Drug Lord's Slain Lawyer Got Death Threats before Ambush, Says Wife* (ABS-CBN News, February 21, 2018), <https://news.abs-cbn.com/news/02/21/18/alleged-drug-lords-slain-lawyer-got-death-threats-before-ambush-says-wife>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² See Carlos H. Conde, *Philippine Lawyer Possible Victim of 'Drug War' Murder* (Human Rights Watch, March 15, 2019), <https://www.hrw.org/news/2019/03/15/philippine-lawyer-possible-victim-drug-war-murder>.

sniper located a few meters away from where Lopez parked his vehicle.⁴³ At the time of the killing, Lopez was representing defendants in drug cases.⁴⁴ Lopez's brother, attorney Arvin Dexter Lopez, attributes his death to your war on drugs.⁴⁵ Both Supreme Court Chief Justice Lucas Bersamin and the Integrated Bar of the Philippines condemned the murder.⁴⁶ In addition, more generally, the Integrated Bar of the Philippines called on the Supreme Court to launch a "thorough and impartial investigation into all the killings" by opening a dialogue between the Supreme Court, the Integrated Bar of the Philippines, and the state.⁴⁷ Neither of these actions have occurred.

Attorney Rex Jasper Lopez was the second lawyer in the Lopez family to lose his life as a result of your war on drugs.⁴⁸ Lopez's cousin, Rolando Lopez Acido, was shot dead by gunmen in front of the Mati City Hall of Justice on October 26, 2016.⁴⁹ Acido had withstood unrelenting pressure by Government agents following his appointment as a public prosecutor and is just one of a number of prosecutors who have been slain during your Presidency.⁵⁰ In an interview, Arvin Lopez described the members of his family as victims of your Administration's culture of impunity.⁵¹

⁴³ See *Groups Denounce Killing of Lawyer in Davao del Norte* (Rappler, March 15, 2019), <https://www.rappler.com/nation/225787-groups-denounce-lawyer-rex-lopez-killing-march-2019>.

⁴⁴ See Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers' Rights Watch Canada, July 5, 2019), at Appendix, "Jurists killed in the Philippines since July 2016 in date order of murder – As of 10 June 2019" (does not include the murders of lawyers Anthony H. Trinidad and Nicolas Gomez Jr.) (stating that Lopez "was representing defendants in drug cases"), <https://www.lrwc.org/ws/wp-content/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>.

⁴⁵ See Mart Sambalud, *Slain Tagum lawyer was victim of impunity, says brother* (Philippine Daily Inquirer, March 15, 2019), <https://newsinfo.inquirer.net/1096048/slain-tagum-lawyer-was-victim-of-impunity-says-brother>.

⁴⁶ See Mart Sambalud, *Chief Justice, IBP Urge Probe on Killing of Lawyer in Tagum* (Mindanews, March 15, 2019), <https://www.mindanews.com/top-stories/2019/03/chief-justice-ibp-urge-probe-on-killing-of-lawyer-in-tagum/>.

⁴⁷ *Id.*; *Groups Denounce Killing of Lawyer in Davao del Norte* (Rappler, March 15, 2019), <https://www.rappler.com/nation/225787-groups-denounce-lawyer-rex-lopez-killing-march-2019>.

⁴⁸ *Id.*

⁴⁹ See Mart Sambalud & Matthew Reysio-Cruz, *Int'l Group in Philippines to Investigate Killing of Lawyers* (Philippine Daily Inquirer, March 16, 2019), <https://newsinfo.inquirer.net/1096432/intl-group-in-philippines-to-investigate-killing-of-lawyers>.

⁵⁰ See Mart Sambalud, *Slain Tagum Lawyer was Victim of Impunity, Says Brother* (Philippine Daily Inquirer, March 15, 2019), <https://newsinfo.inquirer.net/1096048/slain-tagum-lawyer-was-victim-of-impunity-says-brother>; see also Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers' Rights Watch Canada, July 5, 2019), at Appendix, "Jurists killed in the Philippines since July 2016 in date order of murder – As of 10 June 2019" (does not include the murders of lawyers Anthony H. Trinidad and Nicolas Gomez Jr.) (stating that "[i]t is believed that Acido stepped on some powerful person's toes as a prosecutor or as a [Department of Agrarian Reform] lawyer"), <https://www.lrwc.org/ws/wp-content/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>.

⁵¹ See Mart Sambalud, *Slain Tagum Lawyer was Victim of Impunity, Says Brother* (Philippine Daily Inquirer, March 15, 2019), <https://newsinfo.inquirer.net/1096048/slain-tagum-lawyer-was-victim-of-impunity-says-brother>.

e. Mary Ann Castro and Josephine Caranzo Olivar

Including Acido, a total of 11 prosecutors or former prosecutors have been slain during your Presidency.⁵² The most recent is Mary Ann Castro, who served as an Assistant Prosecutor in the cities of Cebu and Talisay for nearly 20 years before transferring to the Office of the Provincial Prosecutor in Masbate.⁵³

Castro was fatally shot in Cebu City while driving home alone at approximately 10:00 p.m. on January 17, 2019.⁵⁴ The motorcycle-riding gunman ambushed her, pulling up alongside her car and firing through the driver's side window.⁵⁵ Castro was shot five times in the jaw and neck.⁵⁶ Her caseload included the prosecution of drug cases⁵⁷; and she was a close friend of the late attorney Jonah John Ungab, who was assassinated earlier, in February 2018.⁵⁸

In addition, Provincial Prosecutor Josephine Caranzo Olivar was left fighting for her life after being ambushed in broad daylight on the morning of June 10, 2019, as she was about

⁵² See [Ador Vincent Mayol](#) & [Nestle Semilla](#), *Cebu attack adds to list of slain prosecutors* (Philippine Daily Inquirer, January 19, 2019) (reporting on the Castro murder, identifying her as “the 10th state prosecutor killed” under the Duterte Administration), <https://newsinfo.inquirer.net/1074793/cebu-attack-adds-to-list-of-slain-prosecutors>; Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers’ Rights Watch Canada, July 5, 2019), at Appendix, “Jurists killed in the Philippines since July 2016 in date order of murder – As of 10 June 2019” (does not include the murders of lawyers Anthony H. Trinidad and Nicolas Gomez Jr.) (in addition to Castro, listing as prosecutors Rolando Acido, Johanne Noel Mingoa, Diosdado Azarcon, Maria Ronatay, Pablito Ganol, Reymund Luna, Rogelio Velasco, Geronimo Marabe Jr., and Madonna Joy Ednaco Tanyag; treating Ramy Tagnong, “Chief of the Calabarzon police legal affairs office,” as an 11th prosecutor), <https://www.lrwc.org/ws/wp-content/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>.

⁵³ See *Ex-Cebu City prosecutor shot dead* (GMA News, January 19, 2019), <https://www.gmanetwork.com/news/news/regions/681858/ex-cebu-city-prosecutor-shot-dead/story/>; [Ador Vincent Mayol](#) & [Nestle Semilla](#), *Cebu attack adds to list of slain prosecutors* (Philippine Daily Inquirer, January 19, 2019), <https://newsinfo.inquirer.net/1074793/cebu-attack-adds-to-list-of-slain-prosecutors>.

⁵⁴ See Mylen P. Manto & Mae Clydyl L. Avila, *Who killed Mary Ann Castro? NBI, CHR set parallel probe* (Philippine Star/The Freeman, January 19, 2019), <https://www.philstar.com/the-freeman/cebu-news/2019/01/19/1886386/who-killed-mary-ann-castro-nbi-chr-set-parallel-probe>.

⁵⁵ See Delta Dyrecka Letigio, *Police: Fiscal Castro killed by expert shooter* (Daily News Inquirer, January 18, 2019), <https://cebudailynews.inquirer.net/212937/police-fiscal-castro-killed-by-expert-shooter>.

⁵⁶ See *id.*

⁵⁷ See *id.* (reporting that police identified “Castro’s job as a prosecutor as one of the major motives for her killing,” but had not yet ruled out “the involvement of drugs with Castro’s past affiliation with [a] controversial cop”); *Ex-Cebu City prosecutor shot dead* (GMA News, January 19, 2019) (indicating that “possible angles” included not only “personal grudge,” but also “work-related issues since Castro [had] actively prosecut[ed] drug cases in the past”), <https://www.gmanetwork.com/news/news/regions/681858/ex-cebu-city-prosecutor-shot-dead/story/>; Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers’ Rights Watch Canada, July 5, 2019), at Appendix, “Jurists killed in the Philippines since July 2016 in date order of murder – As of 10 June 2019” (does not include the murders of lawyers Anthony H. Trinidad and Nicolas Gomez Jr.) (stating that, according to police, “possible motives ranged from personal grudge, family conflict, [Castro’s] work as a prosecutor or her involvement with a person linked to illegal drugs”), <https://www.lrwc.org/ws/wp-content/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>.

⁵⁸ See [Ador Vincent Mayol](#) & [Nestle Semilla](#), *Cebu attack adds to list of slain prosecutors* (Philippine Daily Inquirer, January 19, 2019), <https://newsinfo.inquirer.net/1074793/cebu-attack-adds-to-list-of-slain-prosecutors>.

to enter her home in Calapan City.⁵⁹ She survived the attack but suffered a total of five gunshot wounds, including two in the head.⁶⁰ Authorities believe that the assault is tied to her work.⁶¹

f. Benjamin Ramos

One of the more high profile assassinations of legal professionals during your tenure is the November 6, 2018 murder of prominent human rights lawyer Benjamin Ramos, a founding member of the National Union of People's Lawyers and the Secretary General of the organization's Negros Occidental chapter.⁶² Ramos had just finished drafting a motion in one of his cases and was taking a break at about 10:30 p.m., smoking a cigarette and talking with a shopkeeper, when he was gunned down by two assailants riding in tandem on a motorcycle, in Kabankalan City.⁶³ Hit three times in the chest, at close range, Ramos was pronounced dead on arrival at the hospital.⁶⁴ The shopkeeper was unharmed.⁶⁵

A lifelong advocate for the poor and disenfranchised, political prisoners, environmentalists, activists, dissidents, and civil rights and human rights organizations (especially those involved in land/agrarian reform), at the time of his death Ramos was handling two particularly high-profile matters which are believed to have led to his murder.⁶⁶

⁵⁹ See William Depasupil, *Mindoro prosecutor critical after ambush* (Manila Times, June 11, 2019), <https://www.manilatimes.net/mindoro-prosecutor-critical-after-ambush/567394/>; Rambo Talabong, *Oriental Mindoro provincial prosecutor ambushed at home* (Rappler, June 10, 2019), <https://www.rappler.com/nation/232685-oriental-mindoro-provincial-prosecutor-ambushed-june-2019>.

⁶⁰ See Vann Marlo M. Villegas, *Provincial prosecutor survives shooting in Oriental Mindoro* (Business World, June 10, 2019), <https://www.bworldonline.com/provincial-prosecutor-survives-shooting-in-oriental-mindoro/>; Emmanuel Tupas, *Mindoro prosecutor wounded in gun attack* (Philippine Star, June 11, 2019), <https://www.philstar.com/nation/2019/06/11/1925377/mindoro-prosecutor-wounded-gun-attack>.

⁶¹ See Aaron Recuenco, *2 suspects in the shooting of Mindoro Oriental fiscal killed in Calapan* (Manila Bulletin, June 7, 2019), <https://news.mb.com.ph/2019/06/17/2-suspects-in-the-shooting-of-mindoro-oriental-fiscal-killed-in-calapan/>; Emmanuel Tupas, *Mindoro prosecutor wounded in gun attack* (Philippine Star, June 11, 2019), <https://www.philstar.com/nation/2019/06/11/1925377/mindoro-prosecutor-wounded-gun-attack>.

⁶² See Consuelo Marquez, *PNP to probe killing of human rights lawyer in Negros Occidental* (Philippine Daily Inquirer, November 7, 2018), <https://newsinfo.inquirer.net/1051345/pnp-to-probe-killing-of-human-rights-lawyer-in-negros-occidental>; *Lawyer's slay leaves Negros farmers in fear* (Philippine Daily Inquirer, November 9, 2018), <https://newsinfo.inquirer.net/1052044/lawyers-slay-leaves-negros-farmers-in-fear>; Marty Go, *Lawyer of slain Negros farmers shot dead* (ABS-CBN News, November 7, 2018), <https://news.abs-cbn.com/news/11/07/18/slain-negros-farmers-lawyer-shot-dead>.

⁶³ See *id.*; Anna Felicia Bajo, *Founding NUPL member shot dead in Negros Occidental* (GMA News, November 7, 2018), <https://www.gmanetwork.com/news/news/regions/673816/founding-nupl-member-shot-dead-in-negros-occidental/story/>; *Lawyer for 9 slain farmers shot dead* (Philippine Daily Inquirer, November 8, 2018), <https://newsinfo.inquirer.net/1051626/lawyer-for-9-slain-farmers-shot-dead>.

⁶⁴ See Anna Felicia Bajo, *Founding NUPL member shot dead in Negros Occidental* (GMA News, November 7, 2018), <https://www.gmanetwork.com/news/news/regions/673816/founding-nupl-member-shot-dead-in-negros-occidental/story/>; Ador Vincent S. Mayol, *Lawyer's group slams killing of founding member in Negros Occidental* (Philippine Daily Inquirer, November 7, 2018), <https://newsinfo.inquirer.net/1051266/lawyers-group-slams-killing-of-founding-member-in-negros-occidental>.

⁶⁵ See Marty Go, *Lawyer of slain Negros farmers shot dead* (ABS-CBN News, November 7, 2018), <https://news.abs-cbn.com/news/11/07/18/slain-negros-farmers-lawyer-shot-dead>.

⁶⁶ See *Lawyer's slay leaves Negros farmers in fear* (Philippine Daily Inquirer, November 9, 2018), <https://newsinfo.inquirer.net/1052044/lawyers-slay-leaves-negros-farmers-in-fear>; Ted Regencia, *34 lawyers killed since Duterte became president: lawyers' group* (Al Jazeera, November 7, 2018), <https://www.aljazeera.com/news/2018/11/philippines-human-rights-lawyer-shot-dead-negros-island-181107072451909.html>; Ted Alcuitas & Amber Heckelman, *Gunmen Kill Rights Lawyer Ben Ramos*

Specifically, Ramos was advising farmers and the families of the victims in connection with the infamous “Sagay 9 Massacre,” in which armed gunmen opened fire and fatally shot nine sugarcane farm workers (including three women and two minors) while they were eating supper inside their tents, in late October 2018, less than three weeks before Ramos’ murder.⁶⁷ At the time of the Massacre, the workers were engaged in the traditional collective farming practice known as *bungkalan*, planting vegetables and root crops on sugar land that would otherwise be left idle after the sugarcane harvest.⁶⁸ Similarly, in the “Mabina 6” case, Ramos was defending six young activists who were arrested by the Philippine military in March 2018, as the activists were peacefully investigating the plight of local farmers.⁶⁹ The military claimed that the young activists were heavily-armed members of the New People’s Army (the armed wing of the Communist Party) and purportedly seized assault weapons and explosives from the six, although there was no evidence of any such affiliation and all six tested negative for gunpowder residue.⁷⁰

(Philippine Canadian News, November 9, 2018), <https://philippinecanadiannews.com/canada/gunmen-kills-rights-lawyer-ben-ramos/>; Marty Go, *Lawyer of slain Negros farmers shot dead* (ABS-CBN News, November 7, 2018), <https://news.abs-cbn.com/news/11/07/18/slain-negros-farmers-lawyer-shot-dead>; Ador Vincent Mayol & Morexette Marie Erram, *Two versions of ‘Mabina 6’ lawyer’s final moment emerge* (Philippine Daily Inquirer, November 7, 2018), <https://newsinfo.inquirer.net/1051514/two-versions-of-mabina-6-lawyers-final-moment-emerge>.

⁶⁷ See Ted Alcuitas & Amber Heckelman, *Gunmen Kill Rights Lawyer Ben Ramos* (Philippine Canadian News, November 9, 2018), <https://philippinecanadiannews.com/canada/gunmen-kills-rights-lawyer-ben-ramos/>; *Lawyer for 9 slain farmers shot dead* (Philippine Daily Inquirer, November 8, 2018), <https://newsinfo.inquirer.net/1051626/lawyer-for-9-slain-farmers-shot-dead>; Vancouver District and Labour Council: Statement on Sagay 9 Massacre (Philippine Reporter, November 23, 2018), <http://philippinereporter.com/2018/11/23/statement-on-sagay-9-massacre/>; see also Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers’ Rights Watch Canada, July 5, 2019), at Appendix, “Jurists killed in the Philippines since July 2016 in date order of murder – As of 10 June 2019” (does not include the murders of lawyers Anthony H. Trinidad and Nicolas Gomez Jr.) (reporting that Ramos “provided legal assistance to the families of the victims of the ‘Sagay 9 massacre’ . . . and other . . . poor clients whose families have been targeted by the police, soldiers and death squads associated with the . . . drug war”; noting that “[t]he National Union of People’s Lawyers . . . said Ramos’ work had angered local policemen and the military”; and highlighting the fact that “Ramos’ picture was included by local police in a list of people accused of having ties to the underground communist movement, a claim that the group has . . . denied”), <https://www.lrwc.org/ws/wp-content/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>.

⁶⁸ See *Lawyer for 9 slain farmers shot dead* (Philippine Daily Inquirer, November 8, 2018), <https://newsinfo.inquirer.net/1051626/lawyer-for-9-slain-farmers-shot-dead>.

⁶⁹ See House Resolution No. 1801, Resolution Directing the House Committee on Human Rights to Investigate, in Aid of Legislation, the Illegal Arrest of the Mabina 6 and Harassment of Their Counsel and Relatives (Republic of the Philippines House of Representatives, filed March 21, 2018), http://www.congress.gov.ph/legisdocs/basic_17/HR01801.pdf.

⁷⁰ See Marchel P. Espina, ‘Mabina 6’ lawyer shot dead in Negros Occidental (Rappler, November 7, 2018), <https://www.rappler.com/nation/216091-human-rights-lawyer-benjamin-ramos-shot-dead-november-6-2018>; *Murdered NUPL lawyer was ‘red-tagged’ earlier in 2018* (Philippine Star, November 7, 2018), <https://www.philstar.com/headlines/2018/11/07/1866774/murdered-nupl-lawyer-was-red-tagged-earlier-2018>; House Resolution No. 1801, Resolution Directing the House Committee on Human Rights to Investigate, in Aid of Legislation, the Illegal Arrest of the Mabina 6 and Harassment of Their Counsel and Relatives (Republic of the Philippines House of Representatives, filed March 21, 2018), http://www.congress.gov.ph/legisdocs/basic_17/HR01801.pdf.

In the days before his assassination, Ramos had been tailed by men on a motorcycle,⁷¹ and had received death threats via text message.⁷² Earlier in 2018, he had been targeted in a major “red-tagging” campaign, widely attributed to police.⁷³ In what amounted to a “poster/hit-list,” Ramos’ name and face were included together with those of 60 others identified as alleged members of the Communist Party-New People’s Army-National Democratic Front, effectively inviting reprisals against them.⁷⁴ His murder drew condemnation throughout the Philippines and beyond, from the European Union,⁷⁵ Human Rights Watch,⁷⁶ the International Commission of Jurists,⁷⁷ the New York State Bar Association,⁷⁸ the European Association of Lawyers for Democracy and World Human Rights,⁷⁹ the International Association of Democratic Lawyers,⁸⁰ Lawyers for Lawyers,⁸¹ and The Observatory for the

⁷¹ See *Lawyer’s slay leaves Negros farmers in fear* (Philippine Daily Inquirer, Nov. 9, 2018), <https://newsinfo.inquirer.net/1052044/lawyers-slay-leaves-negros-farmers-in-fear>.

⁷² See *Lawyer for 9 slain farmers shot dead* (Philippine Daily Inquirer, Nov. 8, 2018), <https://newsinfo.inquirer.net/1051626/lawyer-for-9-slain-farmers-shot-dead>; *Two versions of ‘Mabinyay 6’ lawyer’s final moment emerge* (Philippine Daily Inquirer, Nov. 7, 2018), <https://newsinfo.inquirer.net/1051514/two-versions-of-mabinyay-6-lawyers-final-moment-emerge>; *Lawyer’s slay leaves Negros farmers in fear* (Philippine Daily Inquirer, Nov. 9, 2018), <https://newsinfo.inquirer.net/1052044/lawyers-slay-leaves-negros-farmers-in-fear>.

⁷³ See *Murdered NUPL lawyer was ‘red-tagged’ earlier in 2018* (Philippine Star, Nov. 7, 2018), <https://www.philstar.com/headlines/2018/11/07/1866774/murdered-nupl-lawyer-was-red-tagged-earlier-2018>; Ted Alcuitas & Amber Heckelman, *Gunmen Kill Rights Lawyer Ben Ramos* (Philippine Canadian News, Nov. 9, 2018), <https://philippinecanadiannews.com/canada/gunmen-kills-rights-lawyer-ben-ramos/>; Ted Regencia, *34 lawyers killed since Duterte became president: lawyers’ group* (Al Jazeera, Nov. 7, 2018), <https://www.aljazeera.com/news/2018/11/philippines-human-rights-lawyer-shot-dead-negros-island-181107072451909.html>; Anna Felicia Bajo, *Founding NUPL member shot dead in Negros Occidental* (GMA News, Nov. 7, 2018), <https://www.gmanetwork.com/news/news/regions/673816/founding-nupl-member-shot-dead-in-negros-occidental/story/>.

⁷⁴ See Ted Alcuitas & Amber Heckelman, *Gunmen Kill Rights Lawyer Ben Ramos* (Philippine Canadian News, Nov. 9, 2018), <https://philippinecanadiannews.com/canada/gunmen-kills-rights-lawyer-ben-ramos/>; *Murdered NUPL lawyer was ‘red-tagged’ earlier in 2018* (Philippine Star, Nov. 7, 2018), <https://www.philstar.com/headlines/2018/11/07/1866774/murdered-nupl-lawyer-was-red-tagged-earlier-2018>.

⁷⁵ See *Local Statement on the Killing of Attorney Benjamin Tarug Ramos on 6 November 2018* (Delegation of the European Union to the Philippines, Nov. 9, 2018), https://eeas.europa.eu/delegations/philippines/53502/local-statement-killing-attorney-benjamin-tarug-ramos-6-november-2018_en.

⁷⁶ See *Human rights lawyer, founding member of NUPL killed* (CNN, Nov. 7, 2018), <https://cnnphilippines.com/news/2018/11/07/Founding-member-of-NUPL-killed-Negros-Occidental.html>.

⁷⁷ See *Philippines: Government must act to ensure justice in killing of lawyer Benjamin Ramos* (International Commission of Jurists, Nov. 15, 2018), <https://www.icj.org/philippines-government-must-act-to-ensure-justice-in-killing-of-lawyer-benjamin-ramos/>.

⁷⁸ See *Statement From State Bar Association President Michael Miller Regarding Violent Attacks on Attorneys in the Philippines* (New York State Bar Association, Nov. 20, 2018), <https://www.nysba.org/CustomTemplates/SecondaryStandard.aspx?id=88100&css=print>.

⁷⁹ See *ELDH Statement: Condemnation and Outrage at the Murder of People’s Lawyer Ben Ramos in the Philippines* (Nov. 22, 2018), <https://eldh.eu/en/2018/11/22/condemnation-and-outrage-at-the-murder-of-peoples-lawyer-ben-ramos-in-the-philippines/>.

⁸⁰ See *IADL Resolution calling on the Philippine Government to Stop the Attacks on Lawyers* (International Association of Democratic Lawyers, Dec. 2, 2018), <https://nlginternational.org/2018/12/iadl-resolution-calling-on-the-philippine-government-to-stop-the-attacks-on-lawyers/>.

⁸¹ See *Letter to H.E. Rodrigo Duterte from Lawyers for Lawyers* (Nov. 23, 2018), <https://lawyersforlawyers.org/wp-content/uploads/2018/12/Benjamin-Ramos-Lt-President-Duterte.pdf>; Lawyer

Protection of Human Rights Defenders,⁸² to members of the Philippine Congress⁸³ the Philippine Commission on Human Rights,⁸⁴ and Chief Justice Maria Lourdes Sereno,⁸⁵ as well as the Integrated Bar of the Philippines,⁸⁶ the National Union of People’s Lawyers,⁸⁷ the Free Legal Assistance Group,⁸⁸ the Philippine human rights organization Karapatan,⁸⁹ and MASIPAG, a Philippine NGO promoting sustainable agriculture,⁹⁰ among many others.⁹¹

Benjamin Ramos shot and killed (Lawyers for Lawyers, Nov. 26, 2018), <https://lawyersforlawyers.org/en/lawyer-benjamin-ramos-shot-and-killed/>.

⁸² See Philippines: Killing of human rights lawyer Benjamin Ramos (Observatory for the Protection of Human Rights Defenders, Nov. 9, 2018), <https://www.fidh.org/en/issues/human-rights-defenders/philippines-killing-of-human-rights-lawyer-benjamin-ramos>.

⁸³ See Ted Regencia, *34 lawyers killed since Duterte became president: lawyers' group* (Al Jazeera, Nov. 7, 2018), <https://www.aljazeera.com/news/2018/11/philippines-human-rights-lawyer-shot-dead-negros-island-181107072451909.html>; *Lawyer's slay leaves Negros farmers in fear* (Philippine Daily Inquirer, Nov. 9, 2018), <https://newsinfo.inquirer.net/1052044/lawyers-slay-leaves-negros-farmers-in-fear>; Ador Vincent Mayol & Morexette Marie Erram, *Two versions of 'Mabinay 6' lawyer's final moment emerge* (Philippine Daily Inquirer, Nov. 7, 2018), <https://newsinfo.inquirer.net/1051514/two-versions-of-mabinay-6-lawyers-final-moment-emerge>; Nathaniel Mariano & Macon Ramos-Araneta, *Rody strikes back over lawyer's slay* (Manila Standard, Nov. 9, 2018), <http://manilastandard.net/news/top-stories/280142/rody-strikes-back-over-lawyer-s-slay.html>; Press Release, *De Lima condemns killing of 'Sagay 9 massacre' lawyer* (Senate of the Philippines, Nov. 9, 2018), https://www.senate.gov.ph/press_release/2018/1109_delima3.asp.

⁸⁴ See Statement of CHR spokesperson, Atty. Jacqueline Ann de Guia, on the killing of Atty. Benjamin Ramos (Philippine Commission on Human Rights, Nov. 7, 2018), <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-killing-of-atty-benjamin-ramos/>

⁸⁵ See *Lawyer for 9 slain farmers shot dead* (Philippine Daily Inquirer, Nov. 8, 2018), <https://newsinfo.inquirer.net/1051626/lawyer-for-9-slain-farmers-shot-dead>; *Human rights lawyer, founding member of NUPL killed* (CNN, Nov. 7, 2018), <https://cnnphilippines.com/news/2018/11/07/Founding-member-of-NUPL-killed-Negros-Occidental.html>.

⁸⁶ See *Human rights lawyer, founding member of NUPL killed* (CNN, Nov. 7, 2018), <https://cnnphilippines.com/news/2018/11/07/Founding-member-of-NUPL-killed-Negros-Occidental.html>.

⁸⁷ See Press Statement, *On the cold-blooded murder of NUPL officer Atty. Ben Ramos: Who Will Defend the Defenders?* (National Union of People’s Lawyers, Nov. 7, 2018), <https://www.facebook.com/nuplphilippines/posts/press-statement7-november-2018on-the-cold-blooded-murder-of-nupl-officer-atty-be/10156006878503683/>; Ador Vincent S. Mayol, *Lawyer's group slams killing of founding member in Negros Occidental* (Philippine Daily Inquirer, Nov. 7, 2018), <https://newsinfo.inquirer.net/1051266/lawyers-group-slams-killing-of-founding-member-in-negros-occidental>.

⁸⁸ See Jason Gutierrez, *Philippine Lawyer Who Resisted Duterte's Drug War Is Gunned Down* (Nov. 7, 2018), <https://nyti.ms/2D81fZ5>.

⁸⁹ See *Murdered NUPL lawyer was 'red-tagged' earlier in 2018* (Philippine Star, Nov. 7, 2018), <https://www.philstar.com/headlines/2018/11/07/1866774/murdered-nupl-lawyer-was-red-tagged-earlier-2018>; *About Karapatan* (Oct. 21, 2007), <https://www.karapatan.org/about>.

⁹⁰ See Ted Alcuities & Amber Heckelman, *Gunmen Kill Rights Lawyer Ben Ramos* (Philippine Canadian News, Nov. 9, 2018), <https://philippinecanadiannews.com/canada/gunmen-kills-rights-lawyer-ben-ramos/>; Consuelo Marquez, *PNP to probe killing of human rights lawyer in Negros Occidental* (Philippine Daily Inquirer, Nov. 7, 2018), <https://newsinfo.inquirer.net/1051345/pnp-to-probe-killing-of-human-rights-lawyer-in-negros-occidental>.

⁹¹ See, e.g., Ted Alcuities & Amber Heckelman, *Gunmen Kill Rights Lawyer Ben Ramos* (Philippine Canadian News, Nov. 9, 2018) (reporting on “an outpour[ing] of statements by individuals, communities, and organizations across the Philippines and abroad . . . condemning the murder of Ramos,” and quoting statements by organizations including Victims United for Justice and the League of Filipino Students), <https://philippinecanadiannews.com/canada/gunmen-kills-rights-lawyer-ben-ramos/>; Ador Vincent Mayol & Morexette Marie Erram, *Two versions of 'Mabinay 6' lawyer's final moment emerge* (Philippine Daily Inquirer, Nov. 7, 2018) (reporting on “indignation rally” by “members of militant groups. . . demand[ing] justice on the death of Ramos”), <https://newsinfo.inquirer.net/1051514/two-versions-of-mabinay-6-lawyers-final-moment-emerge>.

g. Judge Reymar Lacaya, Adilberto Golla, Jr. and Val Crisostomo

Recent developments have only intensified concerns about the independence, safety, and security of legal professionals in the Philippines. Two of the latest assassinations—the May 2019 murders of Judge Reymar Lacaya and lawyers Adilberto Golla Jr. and Val Crisostomo—demonstrate that the culture of impunity is now spreading beyond the war on drugs.⁹²

On the afternoon of May 9, 2019, Judge Lacaya became the fifth judge to be executed during your Administration.⁹³ As the judge left the courthouse in Liloy, a shooter emerged from a nearby vacant building, stalked him, and then fired two bullets from behind—one at the judge’s back and a second at the base of his skull.⁹⁴ Local sources suggest the murder was likely related to the judge’s decisions revoking bail and reinstating arrest warrants in a number of cases.⁹⁵

Mere days later, on May 17, 2019, attorneys Adilberto Golla Jr. and Val Crisostomo were both shot dead by unidentified gunmen in separate attacks.⁹⁶ Gunmen shot Golla as he was on his way to his office in Barangay San Isidro Rodriguez, Rizal.⁹⁷ At the time of his death, Golla was representing a group of police officers being prosecuted for alleged links to the 2009 Maguindanao massacre, the country’s worst case of election-related violence.⁹⁸

That same day, Crisostomo was found dead in front of the Hall of Justice in Barangay Bonuan Tondaligan, shot several times by an unknown assailant.⁹⁹ At the time of his murder, Crisostomo had been representing gaming technology firm Globaltech Mobile Online

⁹² See Ted Regencia, “They Are Now Killing Judges in the Philippines” (TRT World, May 20, 2019), <https://www.trtworld.com/magazine/they-are-now-killing-judges-in-the-philippines-26785>; see also *Two Lawyers Killed in Separate Incidents* (Rappler, May 18, 2019), <https://www.rappler.com/nation/230959-adilberto-golla-jr-gunned-down-rodriguez-rizal-may-18-2019>.

⁹³ See Ted Regencia, “They Are Now Killing Judges in the Philippines” (TRT World, May 20, 2019), <https://www.trtworld.com/magazine/they-are-now-killing-judges-in-the-philippines-26785>.

⁹⁴ See Julie Alipala & Tetch Torres-Tupas, *Zamboanga del Norte judge shot dead* (Philippine Daily Inquirer, May 9, 2019), <https://newsinfo.inquirer.net/1116241/judge-in-zamboanga-del-norte-shot-dead>; see also Kristine Joy Patag, *Zamboanga del Norte Judge Killed* (Philippine Star, May 9, 2019), <https://www.philstar.com/headlines/2019/05/09/1916445/zamboanga-del-norte-judge-killed>.

⁹⁵ See Gualberto Laput, *RTC Judge Shot Dead in Zambo Norte Town* (Philippine News Agency, May 10, 2019), <https://www.pna.gov.ph/articles/1069400>.

⁹⁶ See Aika Rey, *Two Lawyers Killed In Separate Incidents* (Rappler, May 18, 2019), <https://www.rappler.com/nation/230959-adilberto-golla-jr-gunned-down-rodriguez-rizal-may-18-2019>.

⁹⁷ See *Lawyer Dies in Rizal Ambush* (Philippine Daily Inquirer, May 17, 2019), <https://newsinfo.inquirer.net/1120302/lawyer-dies-in-rizal-ambush>.

⁹⁸ See Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers’ Rights Watch Canada, July 5, 2019), at Appendix, “Jurists killed in the Philippines since July 2016 in date order of murder – As of 10 June 2019” (does not include the murders of lawyers Anthony H. Trinidad and Nicolas Gomez Jr.) (noting that Golla was serving as “defense counsel for 10 policemen included in the dozens accused in the 2009 ‘Mindanao massacre,’” also known as the “Maguindanao massacre”), <https://www.lrwc.org/ws/wp-content/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>.

⁹⁹ See Aika Rey, *Two Lawyers Killed In Separate Incidents* (Rappler, May 18, 2019), <https://www.rappler.com/nation/230959-adilberto-golla-jr-gunned-down-rodriguez-rizal-may-18-2019>.

Corporation in a case concerning Peryahan ng Bayan, one of Globaltech's games.¹⁰⁰ Crisostomo was pursuing action against agents of the National Bureau of Investigation and other law enforcement officers who allegedly engaged in illegal raids on Globaltech facilities and unlawfully arrested Globaltech staff operating the games at issue.¹⁰¹ Per Globaltech's head of legal operations, "[t]he attack was not just on [Crisostomo] and [Globaltech and its gaming operations], but also on the country's justice system as it seemed to send a message that [their] enemies . . . do not subject themselves to the laws of men, and the Rule of Law."¹⁰²

h. Anthony H. Trinidad and Nicolas Gomez, Jr.

The two latest legal professionals to fall to assassinations are lawyers Anthony H. Trinidad and Nicolas Gomez Jr.

Gomez was gunned down in Valencia City, Bukidnon, at 6:30 p.m. on July 28, 2019, as he was walking alone on the street near a bakery.¹⁰³ Masked motorcycle-riding men fired at him at least five times.¹⁰⁴ He sustained multiple gunshot wounds and was declared dead on

¹⁰⁰ See Christopher Lloyd Caliwan, *PNP Forms Task Group to Probe Killing of Lawyers* (Canadian Daily Inquirer, May 20, 2019), <http://www.canadianinquirer.net/2019/05/20/pnp-forms-task-group-to-probe-killing-of-lawyers/>.

¹⁰¹ *Id.*; see also Sofia Tomacruz, *De Lima seeks Senate probe into killings of lawyers, judges under Duterte gov't* (Rappler, July 27, 2019) (noting that "Crisostomo was among the lawyers who fled a case against the National Bureau of Investigation over supposedly illegal raids in Peryahan ng Bayan games in Pangasinan"), <https://www.rappler.com/nation/236438-de-lima-senate-probe-killings-lawyers-judges-under-duterte-government>.

¹⁰² See Christopher Lloyd Caliwan, *PNP Forms Task Group to Probe Killing of Lawyers* (Canadian Daily Inquirer, May 20, 2019), <http://www.canadianinquirer.net/2019/05/20/pnp-forms-task-group-to-probe-killing-of-lawyers/>.

¹⁰³ See Emmanuel Tupas, *Lawyer slain in Bukidnon* (Philippine Star, July 30, 2019), <https://www.philstar.com/nation/2019/07/30/1939018/lawyer-slain-bukidnon>; Emmanuel Tupas, *Seek police help, lawyers with death threats told* (Philippine Star, July 31, 2019), <https://www.philstar.com/nation/2019/07/31/1939268/seek-police-help-lawyers-death-threats-told>; Jeannette I. Andrade, Jigger J. Jerusalem, & Nestle L. Semilla, *Another lawyer gunned down in Bukidnon* (Philippine Daily Inquirer, August 1, 2019), <https://newsinfo.inquirer.net/1147676/yet-another-lawyer-gunned-down-by-motorcycle-assassins-in-bukidnon>; *Land dispute eyed as motive behind lawyer's slay in Bukidnon* (CNN, July 30, 2019), <https://www.cnnphilippines.com/regional/2019/7/30/lawyer-shor-dead-valencia-bukidnon-land-dispute.html>; Jigger J. Jerusalem, *Persons of interest in killing of lawyer in Bukidnon identified, police says* (Davao Today, July 31, 2019), <http://davaotoday.com/main/headline/persons-of-interest-in-killing-of-lawyer-in-bukidnon-identified-police-says>; Jigger J. Jerusalem, *UPLM decries lawyer's killing in Valencia* (Mindanao Goldstar Daily, July 31, 2019), <https://mindanaogoldstardaily.com/uplm-decries-lawyers-killing-in-valencia/>.

¹⁰⁴ See Emmanuel Tupas, *Lawyer slain in Bukidnon* (Philippine Star, July 30, 2019), <https://www.philstar.com/nation/2019/07/30/1939018/lawyer-slain-bukidnon>; Jeannette I. Andrade, Jigger J. Jerusalem, & Nestle L. Semilla, *Another lawyer gunned down in Bukidnon* (Philippine Daily Inquirer, August 1, 2019), <https://newsinfo.inquirer.net/1147676/yet-another-lawyer-gunned-down-by-motorcycle-assassins-in-bukidnon>; *Land dispute eyed as motive behind lawyer's slay in Bukidnon* (CNN, July 30, 2019), <https://www.cnnphilippines.com/regional/2019/7/30/lawyer-shor-dead-valencia-bukidnon-land-dispute.html>; Jigger J. Jerusalem, *UPLM decries lawyer's killing in Valencia* (Mindanao Goldstar Daily, July 31, 2019), <https://mindanaogoldstardaily.com/uplm-decries-lawyers-killing-in-valencia/>.

arrival at the hospital.¹⁰⁵ He had been scheduled to attend a hearing in Malaybalay Regional Trial Court the following day.¹⁰⁶

Although authorities believe that Gomez's death was related to a dispute involving land that he owned,¹⁰⁷ media coverage pointed out that his murder nevertheless "serve[s] to underscore the phenomenon of extrajudicial killings [that now includes] lawyers among the fatalities—a public concern also expressed by the country's bar."¹⁰⁸

Less than a week before Gomez's death, Trinidad was slain in broad daylight on the afternoon of July 23, 2019, in Guihulngan City, Negros Oriental.¹⁰⁹ Trinidad had just left a court hearing in La Libertad and was on the highway with his wife en route to their home in

¹⁰⁵ See Emmanuel Tupas, *Lawyer slain in Bukidnon* (Philippine Star, July 30, 2019), <https://www.philstar.com/nation/2019/07/30/1939018/lawyer-slain-bukidnon>; Jeannette I. Andrade, Jigger J. Jerusalem, & Nestle L. Semilla, *Another lawyer gunned down in Bukidnon* (Philippine Daily Inquirer, August 1, 2019), <https://newsinfo.inquirer.net/1147676/yet-another-lawyer-gunned-down-by-motorcycle-assassins-in-bukidnon>; *Land dispute eyed as motive behind lawyer's slay in Bukidnon* (CNN, July 30, 2019), <https://www.cnnphilippines.com/regional/2019/7/30/lawyer-shor-dead-valencia-bukidnon-land-dispute.html>; Jigger J. Jerusalem, *UPLM decries lawyer's killing in Valencia* (Mindanao Goldstar Daily, July 31, 2019), <https://mindanaogoldstardaily.com/uplm-decries-lawyers-killing-in-valencia/>.

¹⁰⁶ See *The Philippines: Yet another lawyer gunned down by motorcycle assassins in Bukidnon* (IAPL Monitoring Committee on Attacks on Lawyers, July 29, 2019), <https://defendlawyers.wordpress.com/2019/07/29/the-philippines-yet-another-lawyer-gunned-down-by-motorcycle-assassins-in-bukidnon/>; Emmanuel Tupas, *Lawyer slain in Bukidnon* (Philippine Star, July 30, 2019), <https://www.philstar.com/nation/2019/07/30/1939018/lawyer-slain-bukidnon>; *Land dispute eyed as motive behind lawyer's slay in Bukidnon* (CNN, July 30, 2019), <https://www.cnnphilippines.com/regional/2019/7/30/lawyer-shor-dead-valencia-bukidnon-land-dispute.html>; Jigger J. Jerusalem, *Persons of interest in killing of lawyer in Bukidnon identified, police says* (Davao Today, July 31, 2019), <http://davaotoday.com/main/headline/persons-of-interest-in-killing-of-lawyer-in-bukidnon-identified-police-says/>.

¹⁰⁷ See Emmanuel Tupas, *Lawyer slain in Bukidnon* (Philippine Star, July 30, 2019), <https://www.philstar.com/nation/2019/07/30/1939018/lawyer-slain-bukidnon>; Emmanuel Tupas, *Seek police help, lawyers with death threats told* (Philippine Star, July 31, 2019), <https://www.philstar.com/nation/2019/07/31/1939268/seek-police-help-lawyers-death-threats-told>; Jeannette I. Andrade, Jigger J. Jerusalem, & Nestle L. Semilla, *Another lawyer gunned down in Bukidnon* (Philippine Daily Inquirer, August 1, 2019), <https://newsinfo.inquirer.net/1147676/yet-another-lawyer-gunned-down-by-motorcycle-assassins-in-bukidnon>; *Land dispute eyed as motive behind lawyer's slay in Bukidnon* (CNN, July 30, 2019), <https://www.cnnphilippines.com/regional/2019/7/30/lawyer-shor-dead-valencia-bukidnon-land-dispute.html>; Jigger J. Jerusalem, *Persons of interest in killing of lawyer in Bukidnon identified, police says* (Davao Today, July 31, 2019), <http://davaotoday.com/main/headline/persons-of-interest-in-killing-of-lawyer-in-bukidnon-identified-police-says/>; Jigger J. Jerusalem, *UPLM decries lawyer's killing in Valencia* (Mindanao Goldstar Daily, July 31, 2019), <https://mindanaogoldstardaily.com/uplm-decries-lawyers-killing-in-valencia/>; Press Release, *De Lima "tweets" Senate to probe lawyers' killings* (Senate of the Philippines, July 31, 2019), https://www.senate.gov.ph/press_release/2019/0731_delima4.asp.

¹⁰⁸ See, e.g., Jeannette I. Andrade, Jigger J. Jerusalem, & Nestle L. Semilla, *Another lawyer gunned down in Bukidnon* (Philippine Daily Inquirer, August 1, 2019), <https://newsinfo.inquirer.net/1147676/yet-another-lawyer-gunned-down-by-motorcycle-assassins-in-bukidnon>; see also Press Release, *De Lima "tweets" Senate to probe lawyers' killings* (Senate of the Philippines, July 31, 2019), https://www.senate.gov.ph/press_release/2019/0731_delima4.asp.

¹⁰⁹ See Teresa D. Ellera, *Lawyer dead, wife wounded in Negros ambush* (SunStar, July 23, 2019), <https://www.sunstar.com.ph/article/1815529>; Jeffrey Damicog, *IBP calls on authorities to find out who killed Negros Oriental lawyer* (Manila Bulletin, July 29, 2019), <https://news.mb.com.ph/2019/07/29/ibp-calls-on-authorities-to-find-out-who-killed-negros-oriental-lawyer/>; Joviland Rita, *HRW urges end to "unlawful" Negros Oriental killings* (GMA News, July 30, 2019), <https://www.gmanetwork.com/news/news/nation/702856/hrw-urges-gov-t-mpa-to-end-unlawful-negros-oriental-killings/story/>.

San Carlos City, when a gunman riding in tandem on a motorcycle pulled up alongside the couple's SUV and fired at least nine times at close range.¹¹⁰ Trinidad sustained mortal wounds to his head and neck, and was pronounced dead on arrival at the hospital.¹¹¹ His wife was seriously injured with a gunshot wound to the shoulder.¹¹² Also injured was a pedicab driver, whose vehicle was clipped when Trinidad lost control of his SUV after being shot.¹¹³

Like the assassinations of so many other Philippine legal professionals, Trinidad's execution is attributed directly to his work as a lawyer.¹¹⁴ One of the few practicing attorneys in the Guihulngan City area, Trinidad was known for representing the poor and the socially-marginalized, often accepting chickens in payment for his services.¹¹⁵ As a human rights

¹¹⁰ See Teresa D. Ellera, *Lawyer dead, wife wounded in Negros ambush* (SunStar, July 23, 2019), <https://www.sunstar.com.ph/article/1815529>; Raffy Cabristante, *Lawyer dead, wife hurt in Negros Oriental ambush* (GMA News, July 23, 2019), <https://www.gmanetwork.com/news/news/regions/702117/lawyer-dead-wife-hurt-in-negros-oriental-ambush/story/>; Gilbert Bayoran, *Lawyer killed, wife hurt in Negros ambush* (Philippine Star, July 25, 2019), <https://www.philstar.com/nation/2019/07/25/1937576/lawyer-killed-wife-hurt-negros-ambush>; Ryan Macasero, *Lawyer killed in Negros Oriental ambush* (Rappler, July 24, 2019), https://www.rappler.com/nation/236207-lawyer-anthony-trinidad-killed-negros-oriental-ambush-july-2019#cxrecs_s; Juancho Gallarde, *Lawyer killed, wife hurt in NegOr ambush* (Philippine News Agency, July 24, 2019), <https://www.pna.gov.ph/articles/1075867>.

¹¹¹ See Teresa D. Ellera, *Lawyer dead, wife wounded in Negros ambush* (SunStar, July 23, 2019), <https://www.sunstar.com.ph/article/1815529>; Ryan Macasero, *Lawyer killed in Negros Oriental ambush* (Rappler, July 24, 2019), https://www.rappler.com/nation/236207-lawyer-anthony-trinidad-killed-negros-oriental-ambush-july-2019#cxrecs_s.

¹¹² See Teresa D. Ellera, *Lawyer dead, wife wounded in Negros ambush* (SunStar, July 23, 2019), <https://www.sunstar.com.ph/article/1815529>; Ador Vincent Mayol & Nestle Semilla, *Lawyer linked to Reds killed in Negros ambush* (Philippine Daily Inquirer, July 23, 2019), <https://newsinfo.inquirer.net/1145513/lawyer-killed-in-negros-oriental-ambush>.

¹¹³ See Teresa D. Ellera, *Lawyer dead, wife wounded in Negros ambush* (SunStar, July 23, 2019), <https://www.sunstar.com.ph/article/1815529>; Raffy Cabristante, *Lawyer dead, wife hurt in Negros Oriental ambush* (GMA News, July 23, 2019), <https://www.gmanetwork.com/news/news/regions/702117/lawyer-dead-wife-hurt-in-negros-oriental-ambush/story/>; Gilbert Bayoran, *Lawyer killed, wife hurt in Negros ambush* (Philippine Star, July 25, 2019), <https://www.philstar.com/nation/2019/07/25/1937576/lawyer-killed-wife-hurt-negros-ambush>; Juancho Gallarde, *Lawyer killed, wife hurt in NegOr ambush* (Philippine News Agency, July 24, 2019), <https://www.pna.gov.ph/articles/1075867>.

¹¹⁴ See, e.g., Ryan Macasero, *Central Visayas police identify 3 motives in killing of Negros Oriental lawyer* (Rappler, July 29, 2019) (identifying three possible motives for killing, all related to Trinidad's work as a lawyer), <https://www.rappler.com/nation/236559-possible-motives-behind-killing-lawyer-negros-oriental>.

¹¹⁵ See Ador Vincent Mayol & Nestle Semilla, *Lawyer linked to Reds killed in Negros ambush* (Philippine Daily Inquirer, July 23, 2019), <https://newsinfo.inquirer.net/1145513/lawyer-killed-in-negros-oriental-ambush>.

lawyer,¹¹⁶ he also served as counsel for political prisoners and others who had suffered human rights violations¹¹⁷; and he handled sensitive drug cases as well.¹¹⁸

Trinidad's high-profile, controversial former clients included peasant leaders/siblings Maricris, Emilia, and Rene Quirante.¹¹⁹ Emilia was municipal chair of Kaugmaon, a peasant organization affiliated with the militant movement KMP, while her brother Rene was head of the local chapter of Anakpawis Party-list (the national party founded in 2002 "whose goal is to promote the patriotic and democratic aspirations of the toiling masses").¹²⁰ Rene was shot dead in Guihulngan in 2010.¹²¹ At the time of his death, Trinidad was representing Arthur Bayawa (a school principal) and his sister Ardale (a Department of Education official) in a land dispute.¹²² Both were assassinated in their Negros Oriental home on July 25, 2019, just two days after Trinidad, and both had previously been "red-tagged."¹²³

Before his death, Trinidad had too been a target of "red-tagging."¹²⁴ Over the last several months, he had also received repeated death threats linked to cases that he was

¹¹⁶ See Sofia Tomacruz, *De Lima seeks Senate probe into killings of lawyers, judges under Duterte gov't* (Rappler, July 27, 2019), <https://www.rappler.com/nation/236438-de-lima-senate-probe-killings-lawyers-judges-under-duterte-government>; Anne Marxze D. Umil, *Lawyer included in "hit list" killed* (Bulatlat, July 26, 2019), <https://www.bulatlat.com/2019/07/26/lawyer-included-in-hit-list-killed/>.

¹¹⁷ See Ador Vincent Mayol & Nestle Semilla, *Lawyer linked to Reds killed in Negros ambush* (Philippine Daily Inquirer, July 23, 2019), <https://newsinfo.inquirer.net/1145513/lawyer-killed-in-negros-oriental-ambush>; Pia Ranada, *Duterte orders probe into murder of lawyer in Negros Oriental* (Rappler, July 26, 2019), <https://www.rappler.com/nation/236353-duterte-orders-probe-murder-lawyer-negros-oriental>; Anne Marxze D. Umil, *Lawyer included in "hit list" killed* (Bulatlat, July 26, 2019), <https://www.bulatlat.com/2019/07/26/lawyer-included-in-hit-list-killed/>; Ryan Macasero, *Lawyer killed in Negros Oriental ambush* (Rappler, July 24, 2019), https://www.rappler.com/nation/236207-lawyer-anthony-trinidad-killed-negros-oriental-ambush-july-2019#cxrecs_s; Joe Torres, *Prelate condemns killing of rights lawyer in Philippines* (UCA News, July 25, 2019), <https://www.ucanews.com/news/prelate-condemns-killing-of-rights-lawyer-in-philippines/85725>.

¹¹⁸ See Teresa D. Ellera, *Lawyer dead, wife wounded in Negros ambush* (SunStar, July 23, 2019), <https://www.sunstar.com.ph/article/1815529>.

¹¹⁹ See Ador Vincent Mayol & Nestle Semilla, *Lawyer linked to Reds killed in Negros ambush* (Philippine Daily Inquirer, July 23, 2019), <https://newsinfo.inquirer.net/1145513/lawyer-killed-in-negros-oriental-ambush>.

¹²⁰ See *id.*; see also Anakpawis Party-list (Facebook, last accessed August 1, 2019), https://www.facebook.com/pg/anakpawis.partylist/about/?ref=page_internal.

¹²¹ See Ador Vincent Mayol & Nestle Semilla, *Lawyer linked to Reds killed in Negros ambush* (Philippine Daily Inquirer, July 23, 2019), <https://newsinfo.inquirer.net/1145513/lawyer-killed-in-negros-oriental-ambush>.

¹²² See *Guevarra orders NBI to unmask, arrest Negros abogado's killers* (Politiko, July 26, 2019), <https://visayas.politics.com.ph/guevarra-orders-nbi-to-unmask-arrest-negros-abogados-killers/>; Ryan Macasero, *Only 3 cases filed so far vs suspects in Negros Oriental shootings* (Rappler, August 5, 2019), <https://www.rappler.com/nation/237130-cases-filed-suspects-negros-oriental-shootings>.

¹²³ See *Guevarra orders NBI to unmask, arrest Negros abogado's killers* (Politiko, July 26, 2019), <https://visayas.politics.com.ph/guevarra-orders-nbi-to-unmask-arrest-negros-abogados-killers/>; Ryan Macasero, *Only 3 cases filed so far vs suspects in Negros Oriental shootings* (Rappler, August 5, 2019), <https://www.rappler.com/nation/237130-cases-filed-suspects-negros-oriental-shootings>.

¹²⁴ See Ador Vincent Mayol & Nestle Semilla, *Lawyer linked to Reds killed in Negros ambush* (Philippine Daily Inquirer, July 23, 2019), <https://newsinfo.inquirer.net/1145513/lawyer-killed-in-negros-oriental-ambush>; Anne Marxze D. Umil, *Lawyer included in "hit list" killed* (Bulatlat, July 26, 2019), <https://www.bulatlat.com/2019/07/26/lawyer-included-in-hit-list-killed/>; Joe Torres, *Prelate condemns killing of rights lawyer in Philippines* (UCA News, July 25, 2019), <https://www.ucanews.com/news/prelate-condemns-killing-of-rights-lawyer-in-philippines/85725>; Katrina Hallare, *NUPL: Lawyer's death shows hazard of being 'baselessly' linked to NPA* (Philippine Daily Inquirer, July 25, 2019),

handling.¹²⁵ Trinidad's uncle Mario, a judge, survived an assassination attempt in November 2008, also in Guihulngan City.¹²⁶ The judge's companion, however, was killed.¹²⁷

IV. CONDEMNATION BY DOMESTIC AND INTERNATIONAL RIGHTS ORGANIZATIONS

The cases that are highlighted here are merely a sampling of the dozens of attacks on legal professionals that have occurred on your watch over the past three years. Each of those dozens of cases is individually compelling. Each case is a devastating loss to the victim's family, friends, and colleagues, as well as the legal profession and the law as a whole. But, in addition, each case represents a loss to those who turn to legal professionals for justice.

As Human Rights Watch has aptly put it: "The killing of lawyers who represent members of the poorest, most marginalized parts of Philippine society, including many of the victims of the 'drug war' and their families, has a devastating impact on access to justice in the Philippines. By silencing a lawyer, many victims are also silenced. But then perhaps that is the

<https://newsinfo.inquirer.net/1146320/nupl-lawyers-death-shows-hazard-of-being-baselessly-linked-to-npa>; Ryan Macasero, Lawyer killed in Negros Oriental ambush (Rappler, July 24, 2019), https://whighlww.rappler.com/nation/236207-lawyer-anthony-trinidad-killed-negros-oriental-ambush-july-2019#cxrecs_s:13_killings_in_5_days_stoke_martial_law_talk_in_Negros (Cebu Daily News/Philippine Daily Inquirer, July 28, 2019), <https://cebudailynews.inquirer.net/247802/13-killings-in-5-days-stoke-martial-law-talk-in-negros>; Ryan Macasero, Central Visayas police identify 3 motives in killing of Negros Oriental lawyer (Rappler, July 29, 2019), <https://www.rappler.com/nation/236559-possible-motives-behind-killing-lawyer-negros-oriental>; Marit Stinus-Cabugon, The killing machine in Negros Oriental (The Manila Times, July 29, 2019), <https://www.manilatimes.net/the-killing-machine-in-negros-oriental/591617/>; Raffy Cabristante, *Lawyer dead, wife hurt in Negros Oriental ambush* (GMA News, July 23, 2019), <https://www.gmanetwork.com/news/news/regions/702117/lawyer-dead-wife-hurt-in-negros-oriental-ambush/story/>; National Union of People's Lawyers, *On the murder of Atty. Anthony Trinidad* (Panay News, July 29, 2019), <https://www.panaynews.net/on-the-murder-of-atty-anthony-trinidad/>; Pia Ranada, *Duterte orders probe into murder of lawyer in Negros Oriental* (Rappler, July 26, 2019), <https://www.rappler.com/nation/236353-duterte-orders-probe-murder-lawyer-negros-oriental>; *Duterte orders probe on Negros lawyer slay case* (ABS-CBN News, July 25, 2019), <https://news.abs-cbn.com/news/07/25/19/duterte-orders-probe-on-negros-lawyer-slay-case>; Satur C. Ocampo, *Spotlight once more on extrajudicial killings* (Philippine Star, July 27, 2019), <https://www.philstar.com/opinion/2019/07/27/1938164/spotlight-once-more-extrajudicial-killings>; Nico Delfin, *Abogado patay sa pamamaril sa Negros Oriental* (ABS-CBN News, July 23, 2019), <https://news.abs-cbn.com/news/07/23/19/abogado-patay-sa-pamamaril-sa-negros-oriental>.

¹²⁵ See Anne Marxze D. Umil, *Lawyer included in "hit list" killed* (Bulatlat, July 26, 2019), <https://www.bulatlat.com/2019/07/26/lawyer-included-in-hit-list-killed/>; Joe Torres, *Prelate condemns killing of rights lawyer in Philippines* (UCA News, July 25, 2019), <https://www.ucanews.com/news/prelate-condemns-killing-of-rights-lawyer-in-philippines/85725>; Ador Vincent Mayol & Nestle Semilla, *Lawyer linked to Reds killed in Negros ambush* (Philippine Daily Inquirer, July 23, 2019), <https://newsinfo.inquirer.net/1145513/lawyer-killed-in-negros-oriental-ambush>; Evelyn Macairan & Christina Mendez, *Duterte orders probe of Negros lawyer's slay* (Philippine Star, July 27, 2019), <https://www.philstar.com/nation/2019/07/27/1938112/duterte-orders-probe-negros-lawyers-slay>; National Union of People's Lawyers, *On the murder of Atty. Anthony Trinidad* (Panay News, July 29, 2019), <https://www.panaynews.net/on-the-murder-of-atty-anthony-trinidad/>; *Duterte orders probe on Negros lawyer slay case* (ABS-CBN News, July 25, 2019), <https://news.abs-cbn.com/news/07/25/19/duterte-orders-probe-on-negros-lawyer-slay-case>.

¹²⁶ See Gilbert Bayoran, *Lawyer killed, wife hurt in Negros ambush* (Philippine Star, July 25, 2019), <https://www.philstar.com/nation/2019/07/25/1937576/lawyer-killed-wife-hurt-negros-ambush>

¹²⁷ See *id.*

purpose.”¹²⁸ It is no secret: Autocrats and strongmen the world over know that silencing lawyers and other legal professionals is one of the most effective and efficient means of silencing opposition voices and forces. The ongoing attacks are thinning the ranks of lawyers who handle drug cases and other politically-sensitive matters; and the attacks have a chilling effect on some (if not many) legal professionals who might otherwise step into the shoes of their fallen colleagues.

As U.N. human rights officials pointed out in early June, there have been “[v]ery few independent and effective investigations” of the extrajudicial killings during your term in office.¹²⁹ That is even more true vis-à-vis the executions of legal professionals. As recently as March 2019, the Chairman of the National Union of People’s Lawyers expressed frustration

¹²⁸ See Carlos H. Conde, *Philippine Lawyer Possible Victim of “Drug War” Murder* (Human Rights Watch, March 15, 2019), <https://www.hrw.org/news/2019/03/15/philippine-lawyer-possible-victim-drug-war-murder>; see also Sofia Tomacruz, *De Lima seeks Senate probe into killings of lawyers, judges under Duterte gov’t* (Rappler, July 27, 2019), <https://www.rappler.com/nation/236438-de-lima-senate-probe-killings-lawyers-judges-under-duterte-government>; Faye Orellana, *HRW: Killing pro-poor lawyers is silencing the voice of poor people* (Philippine Daily Inquirer, March 16, 2019), <https://newsinfo.inquirer.net/1096476/hrw-killing-lawyers-is-silencing-the-voice-of-poor-people>.

¹²⁹ *UN human rights experts call for independent probe into Philippines violations* (Office of the U.N. High Commissioner for Human Rights, June 7, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24679&LangID=E>; see also *High Commissioner Bachelet calls on States to take strong action against inequalities* (Office of the U.N. High Commissioner for Human Rights, March 6, 2019) (quoting the U.N. High Commissioner’s remarks to the U.N. Human Rights Council, stating that “[d]espite serious allegations of extra-judicial killings, only one case—the widely reported killing of a teenage boy—has been subject to investigation and prosecution”), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24265&LangID=E>; Report, *Killing the lawyers: 43 jurists murdered in the Philippines since 2016* (Lawyers’ Rights Watch Canada, July 5, 2019) at 5 (stating that “[t]he Duterte administration has made failure to investigate a matter of policy,” and noting that, as of July 2018, “President Duterte stated he would not allow the Commission on Human Rights or Ombudsman to investigate alleged human rights violations committed by police or military without his permission,” which “impairs the ability of authorities to conduct prompt, effective, independent[,] . . . impartial, and transparent investigations”), <https://www.lrwc.org/ws/wpcontent/uploads/2019/07/Philippines.Statement.5July2019.F.pdf>; *Philippines: “They Just Kill”: Ongoing Extrajudicial Executions and Other Violations in the Philippines’ “War on Drugs”* (Amnesty International, July 8, 2019) (stating that “only one unlawful killing, that of a 17 year old, has resulted in the prosecution and conviction of police officers”), <https://www.amnesty.org/en/documents/asa35/0578/2019/en/>; Report, *“They Just Kill”: Ongoing Extrajudicial Executions and Other Violations in the Philippines’ “War on Drugs”* at 33 (Amnesty International, July 8, 2019) (stating that, “[d]espite at least 6,600 killings in police operations, few if any effective investigations are believed to have taken place since the ‘war on drugs’ began in 2016”), <https://www.justice.gov/eoir/page/file/1180791/download>; *id.* at 6 (reporting that “[t]here has been no meaningful accountability at the national level for the thousands of extrajudicial executions,” and that “[o]nly a single case—caught on video—has been brought to justice, leading to the conviction in November 2018 of three police officers who murdered 17 year old Kian delos Santos”); *id.* at 32 (stating that “just one case among thousands has been brought to justice, resulting in the conviction in November 2018 of the three police officers who murdered 17-year-old Kian delos Santos,” and that “Amnesty International knows of no other conviction of a police officer for a murder related to the ‘war on drugs’”); Lian Buan, Rambo Talabong, & Jodesz Gavilan, *Duterte gov’t allows “drug war” deaths to go unsolved* (Rappler, January 14, 2019), <https://www.rappler.com/newsbreak/in-depth/220595-duterte-government-drug-war-deaths-unsolved>. Cf. Elizabeth Witchel, *Getting Away with Murder* (Committee to Protect Journalists, October 2018) (reporting that, on the 2018 Global Impunity Index (calculating the number of unsolved murders of journalists over a 10-year period as a percentage of a country’s population), the Philippines ranks fifth worst in the world—ahead of only Somalia, Syria, Iraq, and South Sudan), <https://cpj.org/reports/2018/10/impunity-index-getting-away-with-murder-killed-justice.php>.

with your Administration’s lack of interest in investigating such murders.¹³⁰ Moreover, absent successful investigations, there can be no prosecutions. An international delegation’s March 2019 report on the assassination of legal professionals found that “only a few identified perpetrators have been prosecuted,” which contributes to the culture of impunity toward the legal profession.¹³¹ To date, none of those perpetrators has been brought to justice.¹³²

V. THE WAR ON DRUGS AND THE PHILIPPINES SUPREME COURT

In stark contrast to the hostility exhibited by your Administration, the decisions of the Philippines’ Supreme Court have marked a single avenue of relief for embattled legal professionals and rights defenders more generally.

Notably, in 2017, the Center for International Law filed a petition for a writ of amparo—a remedy available to enforce constitutional rights against the actions of public officials, among others—on behalf of victims of police operations in Payatas.¹³³ The Supreme Court granted the writ and issued restraining orders against the police.¹³⁴

That same year, the Free Legal Assistance Group submitted a petition challenging the constitutionality of the Philippine National Police’s command memorandum “operationalizing” the war on drugs.¹³⁵ The Free Legal Assistance Group argued that the PNP’s

¹³⁰ See Mike Navallo, *Colmenares Blames Duterte for Threats, Attacks vs Lawyers* (ABS-CBN News, March 14, 2019), <https://news.abs-cbn.com/news/03/14/19/colmenares-blames-duterte-for-threats-attacks-vs-lawyers>; see also Lian Buan, Rambo Talabong, & Jodesz Gavilan, *Duterte gov’t allows “drug war” deaths to go unsolved* (Rappler, January 14, 2019), <https://www.rappler.com/newsbreak/in-depth/220595-duterte-government-drug-war-deaths-unsolved>.

¹³¹ *Preliminary Findings of International Delegation of Lawyers* (International Association of Democratic Lawyers (IADL), International Association of Lawyers (UIA), & Day of the Endangered Lawyer Foundation (DELF), March 18, 2019), https://www.uianet.org/sites/default/files/preliminary_findings_march182019_the_philippines.pdf; International Association of Lawyers, *International Delegation of Lawyers - Mission to the Philippines* (reporting that the international delegation included nine lawyers, from Belgium, Italy, Japan, South Korea, the Netherlands, and the United States), <https://www.uianet.org/en/actions/international-delegation-lawyers-mission-philippines>.

¹³² See National Union of People’s Lawyers, *On the murder of Atty. Anthony Trinidad* (Panay News, July 29, 2019), <https://www.panaynews.net/on-the-murder-of-atty-anthony-trinidad/>.

¹³³ See Lian Buan, *1st petition vs Oplan TokHang filed at SC* (Rappler, January 27, 2017), <https://www.rappler.com/nation/159549-first-petition-oplan-tokhang-filed-supreme-court>.

¹³⁴ See *SC issues writ of amparo favoring anti-Oplan TokHang petitioners* (Rappler, January 31, 2017), <https://www.rappler.com/nation/160105-supreme-court-writ-amparo-anti-tokhang-petition>; Virgil Lopez, *SC issues writ of amparo in favor of kin of slain drug suspects* (GMA News, January 31, 2017), <https://www.gmanetwork.com/news/news/nation/597757/sc-issues-writ-of-amparo-in-favor-of-kin-of-slain-drug-suspects/story/>; see also Lian Buan, *CA issues permanent protection order for ‘Tokhang’ victims in Payatas* (reporting on a Court of Appeals decision making permanent the earlier decision of the Supreme Court) (Rappler, February 12, 2017), <https://www.rappler.com/nation/161208-ca-permanent-protection-tokhang-victims-payatas>.

¹³⁵ See Lian Buan, *Lawyers File Petition to Declare Drug War Circulars Unconstitutional* (Rappler, October 11, 2017), <https://www.rappler.com/nation/184909-flag-petition-drug-war-circular>; see also Jodesz Gavilan, *What do gov’t circulars ‘operationalizing’ Duterte’s war on drugs say?* (Rappler, November 21, 2017) (includes a copy of Command Memorandum Circular (CMC) No. 16-2016), <https://www.rappler.com/newsbreak/fast-facts/189132-philippine-government-circulars-duterte-drug-war>; see generally Report, “*They Just Kill*”: *Ongoing Extrajudicial Executions and Other Violations in the Philippines’ “War on Drugs”* at 17 (Amnesty International, July 8, 2019) (explaining that “[b]oth Amnesty International and Philippine human rights groups have . . . criticized [the controversial PNP Command Circular Memorandum (CMC) No. 16-2016 – the very

use of terms such as “neutralize” and “negate” in the command memorandum are without legal effect as they “expressly authorize the police to kill . . . ‘illegal drug personalities’ in the guise of ‘neutralizing’ or ‘negating’ them” rather than gathering evidence and building solid cases against suspects.¹³⁶ The petition also requested that the Philippine National Police and the National Police Commission report monthly to the Supreme Court on the status of investigations into *nanlaban* cases—cases in which a suspect allegedly “fought back” against the police and was killed as a result.¹³⁷ Raising similar concerns, the Philippine Commission on Human Rights has also urged further investigation into such killings, rejecting authorities’ stock assertions of “self-defense” as nothing more than “[a]n overused narrative claimed by state agents in the middle of the campaign against illegal drugs.”¹³⁸

Following public hearings on the two petitions, the Supreme Court ordered Solicitor General Jose Calida to submit all records related to police anti-drug operations for the period from July 1, 2016 through November 30, 2017.¹³⁹ While the Solicitor General initially agreed to provide the documents, he later appealed citing national security concerns.¹⁴⁰ The Solicitor General’s Office subsequently classified the documents into two categories: category (1) includes the list of individuals and operations recorded during the relevant period, and category (2) covers information on cases which the two petitions have cited.¹⁴¹ The Solicitor General

first police document operationalising Duterte’s anti-drug campaign’] and other related documents, including before the courts”), <https://www.justice.gov/eoir/page/file/1180791/download>.

¹³⁶ See Lian Buan, *Lawyers File Petition to Declare Drug War Circulars Unconstitutional* (Rappler, October 11, 2017), <https://www.rappler.com/nation/184909-flag-petition-drug-war-circular>; see also Jodesz Gavilan, *What do gov’t circulars ‘operationalizing’ Duterte’s war on drugs say?* (Rappler, November 21, 2017) (includes a copy of Command Memorandum Circular (CMC) No. 16-2016, referring to, *inter alia*, “the neutralization of illegal drug personalities nationwide”), <https://www.rappler.com/newsbreak/fast-facts/189132-philippine-government-circulars-duterte-drug-war>.

¹³⁷ See Lian Buan, *Lawyers File Petition to Declare Drug War Circulars Unconstitutional* (Rappler, October 11, 2017), <https://www.rappler.com/nation/184909-flag-petition-drug-war-circular>; see also Krissy Aguilar, *CHR calls on government to probe other ‘nanlaban’ cases* (Philippine Daily Inquirer, April 5, 2019), <https://newsinfo.inquirer.net/1103567/chr-to-govt-probe-other-nanlaban-cases-in-war-vs-drugs>.

¹³⁸ *Id.*; see also Report, “*They Just Kill*”: *Ongoing Extrajudicial Executions and Other Violations in the Philippines’ “War on Drugs”* at 6, 12-18 (Amnesty International, July 8, 2019) (analyzing and decimating the pattern of alleged “self-defense” claims by authorities in *nanlaban* cases, concluding that the authorities’ assertions of “self-defense” do not “meet the feeblest standards of credibility,” and noting that—as one forensic expert put it—the claims are “so consistent, it’s a script”), <https://www.justice.gov/eoir/page/file/1180791/download>; Patricia Denise M. Chiu, *Unique killings, same language, lawyers say of Philippines drug war reports* (Philippine Daily Inquirer, April 5, 2019) (reporting that “[t]he language used in the [official/police] reports on the killings of suspects who alleged resisted arrest is ‘nearly identical’”), <https://newsinfo.inquirer.net/1103440/unique-killings-same-language-lawyers-say-of-drug-war-reports>.

¹³⁹ See Kristine Joy Patag, *SC Tells Calida: Thousands of Deaths in Drug War of ‘Grave’ Public Concern* (Philippine Star, April 17, 2019), <https://www.philstar.com/headlines/2019/04/17/1910829/sc-tells-calida-thousands-deaths-drug-war-grave-public-concern#aLrdv71KiXm6pTKT.99>.

¹⁴⁰ See *id.*; *Philippine Supreme Court Orders Release of Drug War Evidence* (VOA News, April 3, 2019), <https://www.voanews.com/a/philippine-supreme-court-orders-release-of-drug-war-evidence/4859759.html>; Jason Gutierrez, *Philippine Supreme Court Orders Release of Documents in Duterte’s Drug War* (New York Times, April 2, 2019), <https://www.nytimes.com/2019/04/02/world/asia/philippines-duterte-drug-war.html>.

¹⁴¹ See Kristine Joy Patag, *SC Tells Calida: Thousands of Deaths in Drug War of ‘Grave’ Public Concern* (Philippine Star, April 17, 2019), <https://www.philstar.com/headlines/2019/04/17/1910829/sc-tells-calida-thousands-deaths-drug-war-grave-public-concern#aLrdv71KiXm6pTKT.99>.

agreed to submit both categories of documents to the Supreme Court but refused to share the category (1) documents with the petitioners.¹⁴²

On April 2, 2019, the Supreme Court reaffirmed its earlier decision and again ordered the Solicitor General to release all police reports on anti-drug operations from July 1, 2016, through November 30, 2017, to both the Center for International Law and the Free Legal Assistance Group.¹⁴³ In its decision, the Supreme Court emphasized that it is an “undeniable fact” that thousands of ordinary citizens have been killed during police drug operations and that it is a matter of “grave public concern” requiring public transparency under Article III, Section 7 of the Philippines Constitution.¹⁴⁴

The head of the Free Legal Assistance Group has hailed the Supreme Court’s decision as “a big step forward for transparency and accountability” which will help human rights defenders better scrutinize police operations in connection with your war on drugs and the resulting human carnage.¹⁴⁵ The President of the Center for International Law has similarly praised the decision as sending a clear message that the Supreme Court will not permit your Administration’s war on drugs to triumph over the rule of law.¹⁴⁶

In another recent lawsuit filed by the National Union of People’s Lawyers seeking a writ of amparo on behalf of Philippines human rights lawyers generally, your Administration has continued to insist that there have been “no extralegal killing[s] and [no] enforced disappearances” in the ranks of the country’s legal professionals.¹⁴⁷ Suffice it to say that all evidence is to the contrary. The Supreme Court granted the requested writ and referred the

¹⁴² *Id.*

¹⁴³ *Id.*; see also Report, “*They Just Kill*”: *Ongoing Extrajudicial Executions and Other Violations in the Philippines’ “War on Drugs”* at 35 (Amnesty International, July 8, 2019) (explaining that “[t]he problem of obtaining police or other reports to file cases has gone all the way to the Supreme Court”; that, [i]n April 2019, legal organisations Free Legal Assistance Group and CenterLaw Philippines won a victory when the Solicitor General’s Office was ordered to furnish both with copies of police reports relating to victims they are representing, following a battle which lasted almost two years”; and that “FLAG and CenterLaw are still waiting to be provided copies of documents [in] over 20,000 cases believed to be related to the ‘war on drugs,’ which[,] according to them, the Solicitor General’s office[] is delaying”), <https://www.justice.gov/eoir/page/file/1180791/download>.

¹⁴⁴ See *Almora v. Director General Ronald Dela Rosa, et al., Sr. Ma. Juanita R. Daño, et al. v. The Philippine National Police, et al.*, G.R. No. 234359, G.R. No. 234484, April 2, 2019, <http://sc.judiciary.gov.ph/2692/>; see also Jim Gomez, *Philippine Supreme Court orders release of drug war evidence* (StarTribune/Associated Press, April 2, 2019), <http://www.startribune.com/philippine-supreme-court-orders-release-of-drug-war-reports/508000682/>; Constitution of the Republic of the Philippines (1987), Art. III, §7 (providing that “[t]he right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions shall be afforded the citizen.”), <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>.

¹⁴⁵ Jim Gomez, *Philippine Supreme Court orders release of drug war evidence* (StarTribune/Associated Press, April 2, 2019), <http://www.startribune.com/philippine-supreme-court-orders-release-of-drug-war-reports/508000682/>.

¹⁴⁶ *Id.*

¹⁴⁷ See Lian Buan, *Duterte Gov’t Says Human Rights Lawyers Don’t Need SC Protection Order* (Rappler, May 9, 2019), <https://www.rappler.com/nation/230065-duterte-government-says-human-rights-lawyers-do-not-need-sc-protection-order>; cf. Felipe Villamor, *Duterte Says, ‘My Only Sin Is the Extrajudicial Killings’* (New York Times, September 27, 2018), <https://nyti.ms/2NJB8OW>.

matter to the Court of Appeals for further proceedings.¹⁴⁸ The NUPL is seeking Supreme Court review of the appellate court's July 26, 2019 ruling denying additional relief.¹⁴⁹

VI. THE 2019 ELECTION SHOULD NOT BE CONSTRUED AS AN ENDORSEMENT OF THE DUTERTE ADMINISTRATION'S TACTICS

Some observers have expressed fear that the results of the May 13, 2019 national elections—which gave your allies control of both houses of Congress—may be read as an endorsement of the scorched earth tactics of your war on drugs that have made victims of so many, including scores of legal professionals and human rights defenders. Any such interpretation, however, would be a serious miscalculation.¹⁵⁰

a. Standing of the Philippines in the Global Community

As a threshold matter, the standing of the Republic of the Philippines in the global community has plummeted since you took office, as evidenced most recently by the June 7, 2019 statement by 11 U.N. international human rights experts,¹⁵¹ the June 24, 2019 remarks of the U.N. High Commissioner for Human Rights opening the 41st session of the U.N. Human Rights Council,¹⁵² the resolution calling for a report on the human rights situation in the Philippines, adopted by the U.N. Human Rights Council on July 11, 2019,¹⁵³ and the July 25, 2019 U.S. Congressional subcommittee hearing addressing human rights in the Philippines.¹⁵⁴

¹⁴⁸ See Press Release, *SC Issues Writ of Amparo and Habeas Data in Favor of NUPL* (Supreme Court of the Philippines, May 3, 2019), <http://sc.judiciary.gov.ph/3302/>; Lian Buan, *Lawyers score SC victories vs army harassment, West PH Sea neglect* (Rappler, May 3, 2019), <https://www.rappler.com/nation/229619-supreme-court-issues-writs-amparo-kalikasan-human-rights-groups-may-20198>.

¹⁴⁹ See Nicole-Anne C. Lagrimas, *NUPL asks Supreme Court to reverse CA dismissal of amparo suit* (GMA News, August 6, 2019), <https://www.gmanetwork.com/news/news/nation/703673/nupl-asks-supreme-court-to-reverse-ca-dismissal-of-amparo-suit/story/>; Rey Panaligan, *Lawyers' group asks SC to reverse CA ruling on 'Amparo' case* (Manila Standard, August 7, 2019), <https://news.mb.com.ph/2019/08/07/lawyers-group-asks-sc-to-reverse-ca-ruling-on-amparo-case/>; Mike Navallo, *Lawyers' group appeals CA amparo dismissal to Supreme Court* (ABS-CBN News, August 7, 2019), <https://news.abs-cbn.com/news/08/07/19/lawyers-group-appeals-ca-amparo-dismissal-to-supreme-court>; Kristine Joy Patag, *NUPL seeks Supreme Court review of junked plea for protection* (Philippine Star, August 7, 2019), <https://www.philstar.com/headlines/2019/08/07/1941356/nupl-seeks-supreme-court-review-junked-plea-protection>; Tetch Torres-Tupas, *NUPL to SC: Stand by your lawyers* (Philippine Daily Inquirer, August 7, 2019), <https://newsinfo.inquirer.net/1151329/nupl-to-sc-stand-by-your-lawyers>.

¹⁵⁰ See, e.g., *Philippines: Senate must adopt Human Rights Defenders Bill, after landmark adoption by House of Representatives* (International Federation for Human Rights (fidh), June 11, 2019), <https://www.fidh.org/en/issues/human-rights-defenders/philippines-senate-must-adopt-human-rights-defenders-bill-after>.

¹⁵¹ See *UN human rights experts call for independent probe into Philippines violations* (Office of the U.N. High Commissioner for Human Rights, June 7, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24679&LangID=E>.

¹⁵² See Opening statement by UN High Commissioner for Human Rights Michelle Bachelet (Office of the U.N. High Commissioner for Human Rights, June 24, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24724&LangID=E>.

¹⁵³ See U.N. Human Rights Council, 41st Session, Resolution, Promotion and protection of human rights in the Philippines, A/HRC/41/L.20 (adopted by U.N. Human Rights Council July 11, 2019, as proposed by Iceland July 5, 2019), <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G19/205/53/PDF/G1920553.pdf?OpenElement>.

¹⁵⁴ See Hearing, *Human Rights in Southeast Asia: A Regional Outlook* (including a link to video of the hearing) (Subcommittee on Asia, the Pacific, and Non-Proliferation, U.S. House of Representatives Committee on Foreign Affairs, July 25, 2019), <https://foreignaffairs.house.gov/2019/7/human-rights-in-southeast-asia-a->

In addition, in February 2018, Prosecutor Fatou Bensouda of the International Criminal Court (ICC) announced that her office was opening a preliminary examination into deaths linked to your war on drugs,¹⁵⁵ to determine whether there is a reasonable basis for charges that your Government is complicit in crimes against humanity.¹⁵⁶ In protest, you issued a declaration withdrawing from the Rome Statute (which governs the ICC), accusing the Court of “baseless, unprecedented and outrageous attacks” on your Administration.¹⁵⁷ Notwithstanding your withdrawal, however, the ICC retains the authority to probe actions taken by your Administration in conjunction with the war on drugs through March 17, 2019, when the withdrawal became effective.¹⁵⁸

More broadly, other governments, international institutions, and human rights organizations worldwide have roundly condemned your Administration’s murderous policies and practices, including your attacks on legal professionals and on human rights defenders more generally.¹⁵⁹

[regional-outlook](#); see also Sofia Tomacruz, *U.S. lawmakers “deeply troubled” by human rights abuses in PH* (Rappler, July 31, 2019), <https://www.rappler.com/nation/236699-us-lawmakers-deeply-troubled-human-rights-abuses-philippines>; Jon Melegrito, *U.S. House Subcommittee: Human rights situation in PH “appalling”* (Philippine Daily Inquirer, July 30, 2019), <https://usa.inquirer.net/35437/u-s-house-subcommittee-human-rights-situation-in-ph-appalling>.

¹⁵⁵ See Emily Rauhala, *The International Criminal Court Moved to Investigate Duterte. Now He Wants Out* (Washington Post, March 14, 2018), https://www.washingtonpost.com/world/asia_pacific/the-international-criminal-court-moved-to-investigate-duterte-now-he-wants-out/2018/03/14/eccb2b44-2753-11e8-ab19-06a445a08c94_story.html?noredirect=on&utm_term=.aab688ed72b0.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *ICC prosecutor: examination of Philippines continues despite withdrawal* (Reuters, March 18, 2019), <https://www.reuters.com/article/us-icct-philippines/icc-prosecutor-examination-of-philippines-continues-despite-withdrawal-idUSKCN1QZ29A>; ICC Statement on The Philippines’ notice of withdrawal: State participation in Rome Statute system essential to international rule of law (March 20, 2018), <https://www.icc-cpi.int/Pages/item.aspx?name=pr1371>.

¹⁵⁹ See, e.g., *European Parliament resolution of 19 April 2018 on the Philippines (2018/2662(RSP))* (condemning “the high number of extrajudicial killings . . . related to the anti-drug campaign,” and more specifically condemning “all threats, harassment, intimidation and violence against . . . human rights defenders . . . and activists” and calling upon the Government of the Philippines “to ensure that human rights defenders . . . and activists can carry out their work in an enabling environment and without fear of reprisals”), http://www.europarl.europa.eu/doceo/document/TA-8-2018-0175_EN.html; Hearing, *The Human Rights Consequences of the War on Drugs in the Philippines* (includes video of the hearing, as well as links to written statements and testimony) (U.S. Congress, Tom Lantos Human Rights Commission, July 20, 2017), <https://humanrightscommission.house.gov/events/hearings/human-rights-consequences-war-drugs-philippine>; Proposed U.S. Senate Resolution “[c]ondemning the Government of the Philippines for its continued detention of Senator Leila De Lima, calling for her immediate release, and for other purposes” (introduced April 4, 2019, following U.S. House of Representatives’ adoption of similar legislation) (stating that the U.S. Department of State’s 2017 Human Rights Report on the Philippines “notes numerous human rights concerns including the persecution of human rights defenders,” condemning “the arrest and detention of human rights defenders,” and urging the Government of the Philippines “to recognize the importance of human rights defenders and their work and [to] allow them to operate freely without fear of reprisal”), <https://www.congress.gov/bill/116th-congress/senate-resolution/142>; *UN human rights experts call for independent probe into Philippines violations* (Office of the U.N. High Commissioner for Human Rights, June 7, 2019) (calling on the U.N. Human Rights Council “to establish an independent investigation into human rights violations” in the country, highlighting “a staggering number of unlawful deaths and police killings in the context of the so-called war on drugs, as well as killings of human rights defenders,” and indicating that “the independence of the judiciary [has been] undermined”), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24679&LangID=E>; *Philippines: Crackdown Against Critics Intensifies* (Human Rights Watch, January 17, 2019) (announcing

b. Domestic Public Opinion and Legislative Action

Even domestically, there is compelling evidence that—whatever they may think of your war on drugs in general—the Philippine people recognize the unique and vital role that legal professionals and other human rights defenders play in society, and recognize the importance of affording them special protections to help ensure their independence, safety, and security.

Specifically, three weeks after the May 13, 2019 elections, on June 3, 2019, the Philippine House of Representatives unanimously approved House Bill No. 9199, the proposed Human Rights Defender Protection Act (with 183 voting in favor, no votes in opposition, and no abstentions).¹⁶⁰ The legislation largely parallels the U.N. Declaration on Human Rights Defenders and, in essence, would codify key provisions of the U.N. Declaration as the national, domestic law of the Philippines.¹⁶¹ In particular, the legislation defines a wide range of rights for human rights defenders, and, in addition, obligates the Government to respect and protect human rights defenders and to facilitate their work, to penalize intimidation and reprisals, and to refrain from “red-tagging” and other derogatory labeling.¹⁶²

Although the proposed legislation’s ultimate fate is uncertain, the House of Representatives’ unanimous vote in favor of the bill refutes any suggestion that the recent national elections reflect a mandate for your Administration’s targeted persecution of legal professionals and human rights defenders.

release of organization’s World Report 2019, which documents, *inter alia*, “violent attacks against human rights activists[] [and] lawyers”), <https://www.hrw.org/news/2019/01/17/philippines-crackdown-against-critics-intensifies#>; *Philippines: Murder of prominent human rights lawyer 'a new low'* (Amnesty International, November 7, 2018) (condemning the November 6, 2018 assassination of Benjamin Ramos and calling on the Philippine Government “to swiftly launch a thorough and impartial investigation into the killing of Ramos, as well as [the killings] of the numerous other lawyers and judges since the beginning of the [Duterte] administration”); *Preliminary Findings of International Delegation of Lawyers* (International Association of Democratic Lawyers (IADL), International Association of Lawyers (UIA), & Day of the Endangered Lawyer Foundation (DELF), March 18, 2019) (finding that lawyers and other legal professionals are being subjected to “[s]evere human rights violations,” that such violations—particularly extrajudicial killings—have increased sharply under the current Administration, that the violations go unpunished in the prevailing “culture of impunity,” and that “the killings, harassment, surveillance and criminalization of lawyers prevent them from fully and freely exercising their profession”), https://www.uanet.org/sites/default/files/preliminary_findings_march182019_the_philippines.pdf.

¹⁶⁰ *Human Rights Defender Protection Law Passed by House of Representatives in Philippine Congress* (Front Line Defenders, June 7, 2019), <https://www.frontlinedefenders.org/en/statement-report/human-rights-defender-protection-law-passed-house-representatives-philippine>; see also Mara Cepeda, *House approves bill protecting human rights defenders* (Rappler, June 3, 2019), <https://www.rappler.com/nation/232154-house-representatives-3rd-reading-human-rights-defenders-protection>; *Philippines: Senate must adopt Human Rights Defenders Bill, after landmark adoption by House of Representatives* (International Federation for Human Rights (fidh), June 11, 2019), <https://www.fidh.org/en/issues/human-rights-defenders/philippines-senate-must-adopt-human-rights-defenders-bill-after>; Joe Torres, *Philippine activists welcome bill to protect rights defenders* (UCA News, June 4, 2019), <https://www.ucanews.com/news/philippine-activists-welcome-bill-to-protect-rights-defenders/85337>.

¹⁶¹ See *Human Rights Defender Protection Law Passed by House of Representatives in Philippine Congress* (Front Line Defenders, June 7, 2019), <https://www.frontlinedefenders.org/en/statement-report/human-rights-defender-protection-law-passed-house-representatives-philippine>.

¹⁶² See *id.*

c. Continuing Condemnation by the United Nations

Significantly, June 19, 2019 marked the first anniversary of the removal of Chief Justice Maria Lourdes Sereno from the Supreme Court of the Philippines.¹⁶³ Chief Justice Sereno was removed from office by a controversial 8-6 decision of the Supreme Court, ruling on a quo warranto petition filed by Solicitor General Calida.¹⁶⁴ As noted by the U.N. Special Rapporteur on the Independence of Judges and Lawyers, the Chief Justice was removed a mere two days after you publicly declared her to be your “enemy” and threatened that “she should be removed from her job or resign.”¹⁶⁵ Moreover, the ouster came amidst a series of politically-motivated allegations of corruption leveled after the Chief Justice publicly criticized your attacks on the legal profession and the judiciary, describing “[t]he current state of the nation” as “one where perceived enemies of the dominant order are considered fair game for harassment, intimidation and persecution.”¹⁶⁶

In the year since Chief Justice Sereno’s removal, there have been continued attacks on legal professionals involving lawyers’ representation of defendants in drug-related cases,¹⁶⁷ prosecutors investigating and charging defendants in drug-related crimes,¹⁶⁸ and judges’ rulings in drug-related cases, as well as other politically-sensitive (but non-drug-related) matters.¹⁶⁹ In the words of the President of the Integrated Bar of the Philippines, the growing number of unsolved crimes against legal professionals has created “a dark halo of fear that has paralyzed the most important pillars of the justice system.”¹⁷⁰

The virtually unprecedented June 7, 2019 statement issued jointly by 11 of the U.N.’s top international human rights officials speaks volumes to the gravity of the situation.¹⁷¹ Citing

¹⁶³ See *Philippines’ Top Judge Maria Lourdes Sereno Ousted After Clashing with President Rodrigo Duterte* (South China Morning Post, May 11, 2018), <https://www.scmp.com/news/asia/southeast-asia/article/2145671/philippines-top-judge-maria-lourdes-sereno-ousted-after>.

¹⁶⁴ *Id.*

¹⁶⁵ See *Judicial Independence in the Philippines is Under Threat, says UN human rights expert* (Office of the U.N. High Commissioner for Human Rights, June 1, 2018), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23163&LangID=E>.

¹⁶⁶ See Jim Gomez, *Filipino chief justice asks people to fight authoritarianism* (Associated Press, March 7, 2019), <https://www.apnews.com/9421874241e64b73bc8bae9526853bb9>.

¹⁶⁷ See, e.g., Alyssa Mae Clarin, *Under Duterte, attacks against Filipino lawyers escalating* (Bulatlat, March 16, 2019) (reporting that the President of the Integrated Bar of the Philippines stated that “new lawyers are afraid to handle drug cases for fear of being subjected to the same treatment as their clients”), <https://www.bulatlat.com/2019/03/16/under-duterte-attacks-against-filipino-lawyers-escalating/>.

¹⁶⁸ See, e.g., *id.* (reporting that “[the] president of the Philippine Judges Association . . . admitted that some prosecutors, for fear of antagonizing police officers, proceed with filing drug cases even without probable cause”).

¹⁶⁹ See, e.g., Joseph Hincks, *Duterte is Assassinating Opponents Under the Cover of the Drug War, Philippine Rights Groups Say* (Time, July 5, 2018) (reporting that Duterte is using the war on drugs to settle political scores and to silence critics), <https://time.com/5330071/philippines-mayors-political-assassination-duterte/>.

¹⁷⁰ See Jeffrey Damicog, *IBP Asks SC to Probe Continued Killing of Lawyers* (Manila Bulletin, March 16, 2019), <https://news.mb.com.ph/2019/03/16/ibp-asks-sc-to-probe-continued-killing-of-lawyers/>.

¹⁷¹ *UN human rights experts call for independent probe into Philippines violations* (Office of the U.N. High Commissioner for Human Rights, June 7, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24679&LangID=E>; see also, e.g., Nick Cumming-Bruce, *Rights Expert Urge U.N. Inquiry Into “Staggering” Killings in Philippines* (New York Times, June 7, 2019), <https://nyti.ms/2IsFEeS>; *U.N. rights experts seek inquiry into Philippines killings* (Al Jazeera, June 7, 2019), <https://www.aljazeera.com/news/2019/06/rights-experts-seek-inquiry-philippines->

“a staggering number of unlawful deaths and police killings in the context of the so-called war on drugs, as well as killings of human rights defenders,” the U.N. experts called on the U.N. Human Rights Council “to establish an independent investigation into the human rights violations in the Philippines.”¹⁷² The experts specifically noted the many “attacks against the independence of judges and lawyers” and the “ongoing intimidation and attacks against voices who are critical of the Government, including . . . human rights defenders[] [and] lawyers.”¹⁷³ The experts further observed that “in many incidents the alleged perpetrators of killings are members of the armed forces, paramilitary groups or individuals linked to them.”¹⁷⁴ Decrying the “apparent climate of official, institutional impunity,” the experts emphasized that “[v]ery few independent and effective investigations have taken place” and that “[t]he Government has shown no indication that they will step up to fulfill their obligation to conduct prompt and full investigations . . . , and . . . hold perpetrators accountable.”¹⁷⁵ Noting that—to no avail— “[i]ndependent human rights experts appointed by the Human Rights Council have raised their concerns with the Government of the Philippines on 33 occasions” since you took office as President, the 11 experts concluded that, as a last resort, “[i]t is time for the Human Rights Council to take action.”¹⁷⁶

In her remarks opening the U.N. Human Rights Council’s session on June 24, 2019, the U.N. High Commissioner for Human Rights “welcome[d]” the 11 U.N. experts’ call for action by the Council, stating that her office is following the human rights situation in the Philippines “very closely.”¹⁷⁷ She noted that “[h]uman rights defenders . . . ; . . . lawyers; . . . and others who have spoken out . . . have received threats, sometimes publicly, from senior Government officials . . . creat[ing] a very real risk of violence against them” and “undermin[ing] rule of law.”¹⁷⁸ The High Commissioner urged your Administration to provide “comprehensive and transparent information . . . on the circumstances around the deaths [resulting from your war on drugs], and investigations related to allegations of [human rights]

[killings-190607085340077.html](#); Jee Y. Geronimo, *U.N. experts call for probe into human rights violations in the Philippines* (Rappler, June 7, 2019), <https://www.rappler.com/nation/232524-un-experts-call-probe-human-rights-violations-philippines>.

¹⁷² *UN human rights experts call for independent probe into Philippines violations* (Office of the U.N. High Commissioner for Human Rights, June 7, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24679&LangID=E>.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ See Opening statement by UN High Commissioner for Human Rights Michelle Bachelet (Office of the U.N. High Commissioner for Human Rights, June 24, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24724&LangID=E>; Gaea Katreena Cabico, *UN rights chief closely monitoring situation in Philippines* (Philippine Star, June 24, 2019), <https://www.philstar.com/headlines/2019/06/24/1929171/un-rights-chief-closely-monitoring-situation-philippines>; Jodesz Gavilan, *U.N. rights chief: Deaths in PH anti-drug operations a “most serious concern”* (Rappler, June 25, 2019), <https://www.rappler.com/nation/233803-united-nations-human-rights-chief-deaths-police-anti-drug-operations-serious-concern>.

¹⁷⁸ See Opening statement by UN High Commissioner for Human Rights Michelle Bachelet (Office of the U.N. High Commissioner for Human Rights, June 24, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24724&LangID=E>.

violations,” emphasizing that such information “could dispel any false allegations and help regain trust for the authorities.”¹⁷⁹

Heeding the concerns voiced by the U.N. High Commissioner and the 11 U.N. international human rights experts, the U.N. Human Rights Council’s July 11, 2019 resolution requests that the High Commissioner “prepare a comprehensive written report on the situation of human rights in the Philippines,” to be reviewed, “followed by an enhanced interactive dialog,” at the Council’s 44th session in June 2020.¹⁸⁰ As to your Administration, the resolution

¹⁷⁹ See *id.*

¹⁸⁰ See U.N. Human Rights Council, 41st Session, Resolution, Promotion and protection of human rights in the Philippines, A/HRC/41/L.20 (adopted by U.N. Human Rights Council July 11, 2019, as proposed by Iceland July 5, 2019), <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G19/205/53/PDF/G1920553.pdf?OpenElement>; Nick Cumming-Bruce, *U.N. Rights Council to Investigate Killings in Philippine Drug War* (New York Times, July 11, 2019) (referring to “wide-ranging abuses, including killings, enforced disappearances, arbitrary arrests, and persecution of *rights activists*, journalists, *lawyers* and members of the political opposition”) (emphases added), <https://nyti.ms/2LgtD0d>; *UN council adopts resolution to probe human rights situation in Philippines* (video) (ABS-CBN News, July 12, 2019) (referring to “sustained attacks on human rights defenders”), <https://news.abs-cbn.com/video/news/07/12/19/un-council-adopts-resolution-to-probe-human-rights-situation-in-philippines>; Dona Z. Pazzibugan, *About time, EU says of UN reviewing PH drug killings* (Philippine Daily Inquirer, July 14, 2019) (reporting that the U.N. Human Rights Council “expressed concern over allegations of killings, enforced disappearances, arbitrary arrest and detention, [and] attacks against activists, human rights defenders, . . . [and] lawyers”), <https://globalnation.inquirer.net/177912/about-time-eu-says-of-un-reviewing-ph-drug-killings>; *UN Human Rights Council stands firm on LGBTI violence, Syria detainees and Philippines “war on drugs”* (UN News, July 12, 2019), <https://news.un.org/en/story/2019/07/1042381>; *UN rights council launches probe on slays blamed on Duterte’s war on drugs* (GMA News, July 11, 2019), <https://www.gmanetwork.com/news/news/nation/700725/un-launches-probe-into-deaths-blamed-on-duterte-s-war-on-drugs/story/>; Christia Marie Ramos, *Greater scrutiny on PH killings gets UN rights council’s nod* (Philippine Daily Inquirer, July 11, 2019), <https://globalnation.inquirer.net/177763/action-on-ph-killings-gets-un-nod#ixzz5tTM2D50>; John Gabriel Agcaoli, *UN rights body OKs resolution seeking report on PH rights situation* (ABS-CBN News, July 11, 2019), <https://news.abs-cbn.com/news/07/11/19/un-rights-body-oks-investigation-on-ph-drug-killings-rights-situation>; Stephanie Nebhay & Marina Depetris, *U.N. to probe Philippines drug war deaths* (Reuters, July 11, 2019), <https://www.reuters.com/article/us-philippines-drugs/un-launches-investigation-into-philippines-drug-war-deaths-idUSKCN1U61FV>; Jake Maxwell Watts, *U.N. Calls for Probe on Philippines Drug War* (Wall Street Journal, July 11, 2019), <https://www.wsj.com/articles/u-n-calls-for-probe-on-philippines-drug-war-11562850757>; Hannah Ellis-Petersen, *UN launches “comprehensive” review of Philippine drug war* (The Guardian, July 11, 2019), <https://www.theguardian.com/world/2019/jul/12/un-launches-comprehensive-review-of-philippine-drug-war>; *UN To Investigate Philippines’ Antidrug War* (National Public Radio (NPR), July 11, 2019), <https://www.npr.org/2019/07/11/740894175/u-n-human-rights-council-to-investigate-abuses-in-philippines-antidrug-war>; *UN rights body launches probe into Philippines drug war deaths* (Deutsche Welle, July 11, 2019), <https://www.dw.com/en/un-rights-body-launches-probe-into-philippines-drug-war-deaths/a-49560449-0>; Jodesz Gavilan, *U.N. rights council adopts resolution vs PH drug war killings* (Rappler, July 11, 2019), <https://www.rappler.com/nation/235172-un-human-rights-council-adopts-resolution-against-drug-war-killings-philippines>; Gaea Katreena Cabico, *UN rights council adopts resolution on Philippines drug war killings* (Philippine Star, July 11, 2019), <https://www.philstar.com/headlines/2019/07/11/1933886/un-rights-council-adopts-iceland-resolution-drug-war-killings>; Ted Regencia, *UN approves resolution to probe Duterte’s “war on drugs”* (Al Jazeera, July 12, 2019), <https://www.aljazeera.com/news/2019/07/approves-resolution-probe-duterte-war-drugs-19071111144270.html>; *Philippines drugs war: UN votes to investigate killings* (BBC News, July 11, 2019), <https://www.bbc.com/news/world-asia-48955153>; *UN council adopts resolution calling for probe into PH human rights situation* (CNN, July 11, 2019), <https://cnnphilippines.com/news/2019/7/11/UN-council-probe-human-rights-resolution-PH.html>; Satur C. Ocampo, *UN human rights body presses Phl gov’t on EJKs* (Philippine Star, July 13, 2019), <https://www.philstar.com/opinion/2019/07/13/1934244/un-human-rights-body-presses-phl-govt-ejks>; Arienne Merez, *Duterte on UN human rights probe: Tell me your purpose first* (ABS-CBN News, July 11, 2019), <https://news.abs-cbn.com/news/07/11/19/duterte-on-un-human-rights-probe-tell-me-your-purpose-first>; *Locsin: PH won’t cut ties with Iceland or leave UN Human Rights Council* (video) (ABS-CBN News, July 16, 2019), <https://news.abs-cbn.com/video/news/07/16/19/locsin-ph-wont-cut-ties-with>

urges the Government “to take all necessary measures to prevent extrajudicial killings and enforced disappearances, to carry out impartial investigations and to hold perpetrators accountable, in accordance with international norms and standards, including on due process and the rule of law.”¹⁸¹ In addition, the resolution “[c]alls upon [your] Government . . . to cooperate with the Office of the . . . High Commissioner . . . and the mechanisms of the Human Rights Council,” by, *inter alia*, “facilitating country visits and preventing and refraining from all acts of intimidation or retaliation.”¹⁸²

VII. THE ADMINISTRATION’S ACTIONS ARE IN VIOLATION OF DOMESTIC AND INTERNATIONAL LAW

Under both domestic law and international law, the Philippines is obligated to do no less.

Article II, Section 2 of the 1987 Constitution of the Republic of the Philippines expressly “adopts the generally accepted principles of international law as part of the law of the land” and states that the Philippines “adheres to the policy of . . . cooperation[] and amity with all nations”¹⁸³; and Section 11 establishes that “the State values the dignity of every human person and guarantees full respect for human rights.”¹⁸⁴

Article III of the Constitution sets out the Bill of Rights. As a threshold matter, pursuant to Article III, Section 19(1), the Philippines has abolished the death penalty.¹⁸⁵ Thus, even as

[iceland-or-leave-un-human-rights-council](https://news.abs-cbn.com/news/07/12/19/minority-senators-welcome-un-rights-council-resolution-on-ph-drug-war); Dharel Placido, *Minority senators welcome UN rights council resolution on PH drug war* (ABS-CBN News, July 12, 2019), <https://news.abs-cbn.com/news/07/12/19/minority-senators-welcome-un-rights-council-resolution-on-ph-drug-war>; Chito Chavez, *CHR debunks insinuations that UNHCR resolution reeks of politics* (Manila Bulletin, July 14, 2019) (reporting that Philippine Commission on Human Rights “ask[ed] the Duterte administration ‘to fully cooperate with the Commission on Human Rights, Victims’ Groups, and other local and international stakeholders by demonstrating to the world that . . . local mechanisms are genuinely working’” and that, “[r]ather than maintaining acrimony and hurling threats of possible consequences, . . . the administration should ‘show that it has nothing to hide and is willing to adhere to the global standards expected of a member of the UN Human Rights Council’”), <https://news.mb.com.ph/2019/07/14/chr-debunks-insinuations-that-unhcr-resolution-reeks-of-politics/>; Emerlynne Gil, *The UN rights resolution on Philippines killings has been adopted—what now?* (Philippine Star, July 17, 2019), <https://www.philstar.com/other-sections/news-feature/2019/07/17/1935480/un-rights-resolution-philippines-killings-has-been-adopted-what-now>; Tony S. Bergonia, *In war of words over UNHRC probe, clarity is lost* (Philippine Daily Inquirer, July 12, 2019), <https://globalnation.inquirer.net/177862/in-war-of-words-over-unhrc-probe-clarity-is-lost>; *Philippines: UN Takes Critical Step Toward Accountability* (Human Rights Watch, July 11, 2019), <https://www.hrw.org/news/2019/07/11/philippines-un-takes-critical-step-toward-accountability-0>; *Philippines: UN resolution builds pressure on architects of deadly “war on drugs”* (Amnesty International, July 11, 2019), <https://www.amnesty.org/en/latest/news/2019/07/philippines-un-resolution-builds-pressure-architects-deadly-war-drugs/>.

¹⁸¹ See U.N. Human Rights Council, 41st Session, Resolution, Promotion and protection of human rights in the Philippines, A/HRC/41/L.20 (adopted by U.N. Human Rights Council July 11, 2019, as proposed by Iceland July 5, 2019), <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G19/205/53/PDF/G1920553.pdf?OpenElement>.

¹⁸² See *id.*

¹⁸³ See Constitution of the Republic of the Philippines (1987), Art. II, § 2.

¹⁸⁴ See *id.*, Art. II, § 11.

¹⁸⁵ See *id.*, Art. III, § 19(1); see also Hannah Ellis-Petersen, *Philippines: mid-terms clear way for Duterte to reinstate death penalty* (The Guardian, May 22, 2019) (explaining that “[t]he Philippines outlawed capital punishment in 1987, reinstated it six years later and then abolished it again in 2006”),

to an accused who has been properly tried and convicted of the most heinous crime imaginable, execution is constitutionally prohibited. Sections 19(1) and (2) similarly proscribe the infliction of “cruel, degrading or inhuman punishment,” as well as “physical, psychological, or degrading punishment.”¹⁸⁶

Section 1 of Article III of the Constitution mandates that “[n]o person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws”¹⁸⁷—a commitment that is underscored by Article III, Section 14(1), which provides that “[n]o person shall be held to answer for a criminal offense without due process of law.”¹⁸⁸ Section 12(1) of Article III establishes that “[a]ny person under investigation for the commission of an offense” has the right to counsel.¹⁸⁹ Sections 12(2) and (3) prohibit the use of “torture, force, violence, threat, intimidation, or any other means which vitiate the free will” and provide that any confession or admission so obtained is inadmissible.¹⁹⁰ Section 12(4) further provides that any violation of the prohibition is punishable by “penal and civil sanctions,” and, indeed, specifically provides for “compensation to and rehabilitation of victims of torture or similar practices, and their families.”¹⁹¹ And Section 14(2) guarantees the presumption of innocence and entitles an accused to an impartial, public trial, with protections including the right to be heard (personally and by counsel) and the right to present and confront witnesses.¹⁹²

The Philippine Constitution also establishes the national Commission on Human Rights, in Article XIII. Article XIII, Section 18 sets forth the powers and functions of the Commission, which include investigating “all forms of human rights violations involving civil and political rights” and “provid[ing] for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection.”¹⁹³ In addition, notably, Section 18(7) charges the Commission with “[m]onitor[ing] the Philippine Government’s compliance with international treaty obligations on human rights.”¹⁹⁴

Quite apart from the provisions of its Constitution, the Philippines, like all nations, has an independent obligation to respect and to ensure for all of its people the fundamental rights and freedoms set forth in the Universal Declaration of Human Rights, which, in relevant part, “enshrines . . . the principles of equality before the law, of the presumption of innocence and of the right to a fair and public hearing by a competent, independent and impartial tribunal.”¹⁹⁵

<https://www.theguardian.com/world/2019/may/22/philippines-mid-terms-clear-way-for-duterte-to-reinstate-death-penalty>.

¹⁸⁶ See Constitution of the Republic of the Philippines (1987), Art. III, §§ 19(1)-(2).

¹⁸⁷ See *id.*, Art. III, § 1.

¹⁸⁸ See *id.*, Art. III, § 14(1).

¹⁸⁹ See *id.*, Art. III, § 12(1).

¹⁹⁰ See *id.*, Art. III, §§ 12(2)-(3).

¹⁹¹ See *id.*, Art. III, § 12(4).

¹⁹² See *id.*, Art. III, § 14(2).

¹⁹³ See *id.*, Art. XIII, §§ 18(1) & 18(3).

¹⁹⁴ See *id.*, Art. XIII, § 18(7).

¹⁹⁵ See Universal Declaration of Human Rights, <https://www.un.org/en/universal-declaration-human-rights/index.html>; see also Preamble, U.N. Basic Principles on the Independence of the Judiciary (summarizing

Moreover, the Philippines belongs to the United Nations, which provides in its Charter that all members “affirm, *inter alia*, their determination to establish conditions under which justice can be maintained to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms.”¹⁹⁶ Further, as a State Party to the International Covenant on Civil and Political Rights (ICCPR), the Philippines is bound to comply with that instrument, including the Optional Protocol.¹⁹⁷

Article 6.1 of the ICCPR guarantees the right to life and expressly prohibits its arbitrary deprivation.¹⁹⁸ Article 7 bars “torture” and “cruel, inhuman [and] degrading treatment [and] punishment.”¹⁹⁹ Article 9.1 guarantees all “the right to liberty and security of person,” prohibits “arbitrary arrest [and] detention,” and specifies that “[n]o one shall be deprived of . . . liberty except on such grounds and in accordance with such procedure as . . . established by law.”²⁰⁰ Article 10.1 requires that “[a]ll persons deprived of their liberty . . . be treated with humanity” and with “inherent dignity.”²⁰¹ Article 14 entitles every individual charged with a crime to “a fair and public hearing by a competent, independent and impartial tribunal,” at which the defendant has “the right to be presumed innocent until proved guilty according to law.”²⁰² A defendant is also entitled to be represented by counsel,²⁰³ to present defense witnesses and to examine all witnesses for the prosecution,²⁰⁴ and to appeal any conviction.²⁰⁵ Further, Article 17 prohibits unlawful attacks on a person’s “honour and reputation” and requires that the law “protect[] . . . against such interference or attacks.”²⁰⁶ Lastly, Article 2 mandates that States Parties to the ICCPR take all “measures as may be necessary to give effect to the rights recognized in the . . . Covenant,” that they provide and enforce effective remedies for all violations of the established rights, and that such remedies be afforded even where the violation at issue has been committed by an agent of the state.²⁰⁷

some of the salient points of the Universal Declaration),
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>.

¹⁹⁶ See Charter of the United Nations, <https://www.un.org/en/charter-united-nations/index.html>; List of U.N. Member States, <https://www.un.org/en/member-states/>; see also Preamble, U.N. Basic Principles on the Independence of the Judiciary (summarizing certain of the salient points in the U.N. Charter), <https://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>.

¹⁹⁷ See International Covenant on Civil and Political Rights (ICCPR), https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf; Optional Protocol to the ICCPR, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCCPR1.aspx>; List of Signatories and States Parties to the ICCPR, https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND.

¹⁹⁸ See International Covenant on Civil and Political Rights, Art. 6.1, https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf.

¹⁹⁹ See *id.*, Art. 7.

²⁰⁰ See *id.*, Art. 9.1.

²⁰¹ See *id.*, Art. 10.1.

²⁰² See *id.*, Arts. 14.1 & 14.2.

²⁰³ See *id.*, Arts. 14.3(b) & 14.3(d).

²⁰⁴ See *id.*, Art. 14.3(e).

²⁰⁵ See *id.*, Art. 14.5.

²⁰⁶ See *id.*, Arts. 17.1 & 17.2.

²⁰⁷ See *id.*, Arts. 2.2 & 2.3(a)-(c).

Other relevant international norms, principles, and standards are set forth in the U.N. Basic Principles on the Role of Lawyers, which establish, *inter alia*, that governments are to ensure that lawyers “are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference” and that lawyers’ security is to be adequately safeguarded²⁰⁸; the U.N. Basic Principles on the Independence of the Judiciary, which specify, *inter alia*, that there is to be no “inappropriate or unwarranted interference with the judicial process” and that judges’ safety “shall be adequately secured by law”²⁰⁹; and the U.N. Guidelines on the Role of Prosecutors, which state, *inter alia*, that prosecutors are to be able to perform their professional duties “without intimidation, hindrance, harassment, [and] improper interference,” and that they and their families are entitled to the protection of authorities.²¹⁰

In addition, the U.N. Declaration on Human Rights Defenders provides that legal professionals and other human rights defenders have, *inter alia*, the right to information about human rights and the right to disseminate that information; the right to advocate for human rights; the right to complain about violations of human rights by public officials and government entities, as well as others; the right to “offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights”; the right to communicate with international bodies concerning human rights and human rights violations; and the right to “protection by the competent authorities . . . against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action” associated with the exercise of these rights.²¹¹

The authorities discussed above apply directly to the Philippines, barring the actions discussed herein, including the “red-tagging” of, and attacks on and summary executions of, legal professionals as well as human rights defenders in general. These same authorities impose upon the Philippines a legal obligation to investigate and prosecute all extra-judicial killings and other such attacks.

The Supreme Court of the Philippines has itself invoked the International Covenant on Civil and Political Rights (ICCPR) and has held that treaties to which the Philippines is a party have the force and effect of law.²¹² Further, as a member of the U.N. Human Rights Council, the Philippines has explicitly undertaken a special, heightened duty to “uphold the highest

²⁰⁸ See U.N. Basic Principles on the Role of Lawyers, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>.

²⁰⁹ See U.N. Basic Principles on the Independence of the Judiciary, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>.

²¹⁰ U.N. Guidelines on the Role of Prosecutors, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfProsecutors.aspx>.

²¹¹ See U.N. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (U.N. Declaration on Human Rights Defenders), <https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

²¹² See *Tañada v. Angara*, G.R. No. 118295 (May 2, 1997), <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/34805>; The Failure of the Philippines to Implement Views in Individual Communications: Shadow Report, U.N. Human Rights Committee, 106th Session (REDRESS, September 2012) (stating that “the Supreme Court of the Philippines routinely cites the ICCPR in its decisions”), <https://www.refworld.org/pdfid/50641d8c2.pdf>; Letter to H.E. Rodrigo Duterte, President, and Hon. Menardo I. Guevarra, Secretary of Justice, Republic of the Philippines, re: Death of lawyer Benjamin Ramos (Lawyers Rights Watch Canada, November 29, 2018) (noting that “the Supreme Court of the Philippines has invoked the ICCPR”), <https://www.lrwc.org/philippines-death-of-lawyer-benjamin-ramos-letter/>.

standards in the promotion and protection of human rights” and to “fully cooperate with the Council.”²¹³

Further, commenting on one of the most recent murders of legal professionals, a Presidential spokesperson candidly acknowledged that legal professionals and other human rights defenders are entitled to special protections in light of the unique role that they play in safeguarding the rule of law and the rights of the rest of society. Highlighting the fact that “[l]awyers are officers of the court,” central to “the dispensation of justice,” the Palace spokesperson emphasized that attacks on legal professionals are particularly “atrocious” when the crimes are related to the victims’ legal work.²¹⁴

VIII. THE NEED FOR IMMEDIATE ACTION TO END VIOLENCE AGAINST HUMAN RIGHTS ACTIVISTS, LAWYERS AND JUDGES

In keeping with these statements, and in keeping with the Republic’s domestic law as well as its international human rights obligations, the New York City Bar Association urges that the Government of the Philippines:

- Take urgent measures to ensure the safety and security of legal professionals in their fulfillment of their responsibilities, and protect them in their work from human rights violations including surveillance, harassment, threats, intimidation, enforced disappearance, kidnapping, arbitrary detention, physical assault, and assassination;
- Immediately cease all public attacks—including threats and incitements to violence—directed at legal professionals based on their discharge of their responsibilities, and publicly and systematically condemn any such attacks by others;
- Halt the practice of “red-tagging” or “watch-listing” legal professionals and otherwise avoid identifying them with parties, clients, or causes in connection with their discharge of their duties;
- Put an end to the public stigmatization of legal professionals and instead affirmatively and publicly recognize their legitimate and vital role in Philippine society as guardians of the rule of law, in the context of the “war on drugs,” national security, and otherwise;

²¹³ See Resolution adopted by the U.N. General Assembly, April 3, 2006, A/RES/60/251, Para. 9, https://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf.

²¹⁴ See *Duterte orders probe on Negros lawyer slay case* (ABS-CBN News, July 25, 2019), <https://news.abs-cbn.com/news/07/25/19/duterte-orders-probe-on-negros-lawyer-slay-case>; Pia Ranada, *Duterte orders probe into murder of lawyer in Negros Oriental* (Rappler, July 26, 2019), Pia Ranada, *Duterte orders probe into murder of lawyer in Negros Oriental* (Rappler, July 26, 2019), <https://www.rappler.com/nation/236353-duterte-orders-probe-murder-lawyer-negros-oriental>; Evelyn Macairan & Christina Mendez, *Duterte orders probe of Negros lawyer’s slay* (Philippine Star, July 27, 2019), <https://www.philstar.com/nation/2019/07/27/1938112/duterte-orders-probe-negros-lawyers-slay>; see also Benjamin Pulta, *Legal profession faces inherent risks not exclusive to NUPL* (Philippine News Agency, June 6, 2019) (reporting that a representative of the Office of the Solicitor General, appearing before the Supreme Court, acknowledged that legal professionals face “inherent risks” and confirmed that “[n]o lawyer should be encumbered in the performance of their duty”; he also assured the Supreme Court of “the government’s commitment to the rule of law and due process”), <https://www.pna.gov.ph/articles/1071708>.

- Ensure that all legal professionals are free and able to perform all of their functions in a safe and secure environment, without intimidation, hindrance, harassment, improper interference, or fear of reprisal;
- Foster accountability by establishing an independent commission to conduct a comprehensive, thorough, transparent, and impartial investigation into all incidents of violence, or threats of violence, against legal professionals, including the unsolved murders of all judges, prosecutors, lawyers, and paralegals.
- Combat the culture of impunity against the legal profession by mandating that each and every act of violence against legal professionals be individually, competently, thoroughly, and impartially investigated and prosecuted under the Philippines' existing, established law enforcement and judicial systems, to the fullest extent of the law;
- Ensure the independence of the judiciary, the Commission on Human Rights, and the Ombudsman;
- Enhance the operation of the justice system that is now in place, to facilitate adequate and proper functioning of the Philippines' existing mechanisms and laws;
- Allocate sufficient resources to the Commission on Human Rights and ensure that local authorities supply the Commission with all documentation needed for investigations into alleged human rights violations, including, in particular, alleged violations of the rights of legal professionals and other human rights defenders²¹⁵;
- Ensure the availability of adequate and appropriate mechanisms and remedies for legal professionals who have been victimized for their work (or, in cases of execution, the survivors of such victims);
- Endorse the adoption of, and implement, a law to ensure the protection of legal professionals and other human rights defenders, such as the proposed Human Rights Defender Protection Act now pending in the Philippine Senate;
- Cooperate fully with the Special Procedures mandate-holders of the U.N. Human Rights Council—including the Special Rapporteur on the Independence of Judges and Lawyers, the Special Rapporteur on the Situation of Human Rights Defenders, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions—by, *inter alia*, responding promptly and favorably to their repeated requests for country visits, and avoiding any surveillance, harassment, or intimidation, or any other form of attack;

²¹⁵ See, e.g., Report, “They Just Kill”: Ongoing Extrajudicial Executions and Other Violations in the Philippines’ “War on Drugs” at 33-34 (Amnesty International, July 8, 2019) (highlighting the resource constraints that hamstring the Commission on Human Rights, as well as the pattern of police refusals to provide the Commission with requested documentation), <https://www.justice.gov/eoir/page/file/1180791/download>; Tony S. Bergonia, *In war of words over UNHRC probe, clarity is lost* (Philippine Daily Inquirer, July 12, 2019) (reporting that Philippines’ Commission on Human Rights “was once threatened with extinction by a one peso budget” proposed by Duterte Administration), <https://globalnation.inquirer.net/177862/in-war-of-words-over-unhrc-probe-clarity-is-lost>; Manuel Mogato, *Philippine Congress backs annual budget of just \$20 for agency probing drugs war* (Reuters, September 12, 2017), <https://www.reuters.com/article/us-philippines-drugs-rights/philippine-congress-backs-annual-budget-of-just-20-for-agency-probing-drugs-war-idUSKCN1BN1JV>.

- Take swift action to fully implement all recommendations made by U.N. treaty bodies, as well as those made during the U.N. Universal Periodic Review, relating to legal professionals;
- Complete the implementation of the recommendations (as they relate to legal professionals) made by Philip Alston, former Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, following his 2007 mission to the Philippines²¹⁶;
- Partner with the Office of the U.N. High Commissioner for Human Rights in the fact-finding, research, and preparation of a report on the human rights situation in the Philippines, in accordance with the resolution adopted during the 41st session of the U.N. Human Rights Council;
- Encourage all Government employees and the Philippine people generally to cooperate fully and candidly in support of the work of the Office of the U.N. High Commissioner for Human Rights in accordance with the resolution adopted during the 41st session of the U.N. Human Rights Council, and eschew any retaliation against any person for such cooperation;
- “[U]phold the highest standards in the promotion and protection of human rights” and “fully cooperate with the Council,” including all of its mechanisms, as all 47 members of the U.N. Human Rights Council are required to do;²¹⁷ and
- Ensure, in all circumstances, respect for the rights of all legal professionals in carrying out their responsibilities, in accordance and compliance with all relevant international human rights norms, standards, and instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the U.N. Basic Principles on the Independence of the Judiciary, the U.N. Guidelines on the Role of Prosecutors, the U.N. Basic Principles on the Role of Lawyers; and the U.N. Declaration on Human Rights Defenders; or
- Resign from the U.N. Human Rights Council, if the Philippines is not prepared to “uphold the highest standards in the promotion and protection of human rights,” to “fully cooperate with the Council” in its work, and to ensure, in all circumstances, respect for the rights of all legal professionals in carrying out their responsibilities, in accordance and compliance with all relevant international human rights norms, standards, and instruments.

We further note that your Presidency is now at the half-way mark. At this point in their terms, Presidents often pause to take stock of their records, with an eye toward their legacies

²¹⁶ See Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, on His Mission to Philippines (12-21 February 2007): Annex, April 16, 2008, A/HRC/8/3/Add.2, <https://undocs.org/A/HRC/8/3/Add.2>; Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston - Addendum - Follow-up to country recommendations – Philippines, April 29, 2009, A/HRC/11/2/Add.8, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/130/39/PDF/G0913039.pdf?OpenElement>.

²¹⁷ Not only is the Philippines a current member of the U.N. Human Rights Council, but, in fact, the country was one of the original members of the Council when it was founded in 2006. See Press Release, *General Assembly Elects 47 Members of New Human Rights Council; Marks “New Beginning” for Human Rights Promotion, Protection* (United Nations, May 9, 2006), <https://www.un.org/press/en/2006/ga10459.doc.htm>.

and their standing in the world at large, and frequently elect to experiment with new approaches to their key goals and initiatives in the second half of their terms. So too, going forward, you may wish to consider exploring a more human rights-based, “public health” approach to the scourge of illegal drugs, in lieu of the so-called “enforcement” approach (the “war on drugs”) that your Administration has taken to date, which has exacted such a heavy toll in human lives.²¹⁸

Three years ago, when you took the Presidential oath of office, you stated that “[your] adherence to due process and the rule of law is uncompromising.”²¹⁹ You unequivocally affirmed that the Republic of the Philippines would “honour treaties and international obligations.”²²⁰ We call on you now to respect your solemn vows to the people of the Philippines and to the global community of nations.

Respectfully,



Roger Juan Maldonado
President

²¹⁸ See, e.g., Vanda Felbab-Brown, *Detoxifying Duterte’s drug directives* (Brookings Institution, September 6, 2016) (positing that, “[i]nstead of turning his country into a lawless Wild East, President Duterte should make the Philippines the center of collaborative East Asian research on how to develop effective public health approaches to methamphetamine addiction”), <https://www.brookings.edu/blog/order-from-chaos/2016/09/06/detoxifying-dutertes-drug-directives/>; *High Commissioner Bachelet calls on States to take strong action against inequalities* (Office of the U.N. High Commissioner for Human Rights, March 6, 2019) (quoting the U.N. High Commissioner’s remarks to the U.N. Human Rights Council “encourag[ing] the Philippines to adopt a public health approach, and harm reduction initiatives, that comply with human rights standards, as recommended to the 2016 General Assembly Special Session”), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24265&LangID=E>; Nymia Simbulan, Leonardo Estacio, Carissa Dioquino-Maligaso, Teodoro Herbosa, & Mellissa Withers, *The Manila Declaration on the Drug Problem in the Philippines*, 85(1) *Annals of Global Health* 26, March 5, 2019), <http://doi.org/10.5334/aogh.28>; David G. Timberman, *Philippine Politics Under Duterte: A Midterm Assessment* (Carnegie Endowment for International Peace, January 10, 2019) (in particular, “The War on Drugs and Its Consequences for Politics and Governance,” at “Impact on the justice system” and “Impact on public health”), <https://carnegieendowment.org/2019/01/10/philippine-politics-under-duterte-midterm-assessment-pub-78091>; Ryan Macasero, *UN rights chief criticizes Duterte’s drug war, calls for public health approach* (Philippine Star, March 6, 2019), <https://www.philstar.com/headlines/2019/03/06/1899284/un-rights-chief-criticizes-dutertes-drug-war-calls-public-health-approach>; Felipe Villamor, *U.N. Rights Expert, on Visit to Philippines, Denounces ‘War on Drugs’ Approach* (New York Times, May 5, 2017), <https://nyti.ms/2pNucTs>; “License to Kill” (Human Rights Watch, March 2017), https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf; Report, “*They Just Kill*”: *Ongoing Extrajudicial Executions and Other Violations in the Philippines’ ‘War on Drugs’* at 6, 37-40, 41, 43 (Amnesty International, July 8, 2019), <https://www.justice.gov/eoir/page/file/1180791/download>; see also Rod Austin, “*War on drugs*” makes Philippines fourth most dangerous country – report (The Guardian, July 9, 2019) (quoting London-based Philippine diplomat/spokesperson, stating that “[t]he anti-drug campaign has a strong public health dimension”), <https://www.theguardian.com/global-development/2019/jul/09/war-on-drugs-makes-philippines-fourth-most-dangerous-country-report>.

²¹⁹ See *Full Text: President Rodrigo Duterte inauguration speech* (Philippine Daily Inquirer, June 30, 2016), <https://newsinfo.inquirer.net/793344/full-text-president-rodrido-duterte-inauguration-speech>.

²²⁰ See *id.*; see also Rod Austin, “*War on drugs*” makes Philippines fourth most dangerous country – report (The Guardian, July 9, 2019) (quoting Philippine diplomat/spokesperson, responding to a July 2019 report identifying the Philippines as the fourth most dangerous country in the world, asserting that the country “has a long tradition of human rights,” “is a signatory to eight core human rights treaties,” and has “committed to respect, protect, and fulfil its human rights treaty obligations”), <https://www.theguardian.com/global-development/2019/jul/09/war-on-drugs-makes-philippines-fourth-most-dangerous-country-report>.

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