

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

"Promoting human rights by protecting those who defend them."

Report on Attacks against Advocates in the Philippines

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by

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In July 2006, the Dutch Lawyers for Lawyers Foundation (L4L) reported that between 2001 and June 2006 twenty-five Filipino jurists were murdered¹. Apparently, these jurists, fifteen lawyers and ten judges, were killed in reprisal for their professional work. A report by L4L based on investigations conducted in the Philippines during June 2006 by two Dutch judges and six Dutch and Belgian lawyers concluded that these murders were unsolved and that the Philippine government had not condemned these murders, or effectively acted to prevent further ones. Since June 2006, two more Filipino judges and five more Filipino lawyers have been murdered.

Lawyers' Rights Watch Canada (LRWC), a Vancouver based committee of lawyers working internationally for advocacy rights and rule of law issues, joined L4L in calling on the Philippine government to: condemn the murders, act immediately to protect judges and lawyers, conduct thorough and independent investigations, and ensure appropriate prosecutions. LRWC is of the opinion that there is little hope of securing these goals without pressure from NGO's and foreign governments. LRWC is working to create an international NGO network to lobby for effective prevention and punishment. As of January 1st 2007, NGO's endorsing the recommendations include: Amnesty International, the Asian Human Rights Commission, the Bar Human Rights Committee of England and Wales, the Law Society of Upper Canada Human Rights Monitoring Group, and LRWC.

In light of the worsening humanitarian crisis in the Philippines, and at the invitation of Filipino human rights groups, a Canadian fact-finding mission traveled to the Philippines in November 2006. The fact-finding mission, called the Canadian Human Rights Fact-Finding Mission to the Philippines (CHRFFM), was sponsored by the Philippines-Canada Task Force on Human Rights (PCTFHR) and hosted by KARAPATAN (Alliance for the Advancement of Peoples Rights). From November 9th to November 23rd, 2006, CHRFFM members traveled throughout the Philippines conducting interviews and gathering information in order to help document cases of extra-judicial killings, attempted assassinations, disappearances, and harassment.

LRWC was represented by Luningning Alcuities-Imperial, LRWC's Philippine Monitor and CHRFFM coordinator. Over the course of their stay in the Philippines, mission members met with local human rights groups, lawyers, politicians, human rights abuse victims, and victim's families. During interviews with a number of lawyers, the CHRFFM was able to determine that lawyers are continually subject to threats, harassment, and violence. The threats and harassment of lawyers is preventing them from attending hearings for fear of being attacked, and at this time, a total of twenty lawyers and twelve judges have been killed in the Philippines since president Gloria Macapagal-Arroyo came to power in 2001². These meetings were a success, in that they were able to meet their desired goal of helping document human rights abuse cases; however, CHRFFM members experienced significant difficulty in doing their fieldwork and conducting interviews.

CHRFFM members were subject to harassment, surveillance, and detainment by both uniformed and non-uniformed military personnel. Mission vehicles were often followed by non-uniformed men on motorcycles, and on two occasions had their tires spiked. As a form of harassment, officials would take

countless photographs of mission members from a variety of distances, while at the same time refusing to allow members from taking pictures of them. While in the Southern Tagalog region, mission members were detained by the military for a total of thirteen hours over a three-day period. During this time, they were threatened with arrest for the obstruction of justice, and were indirectly threatened with violence. Also during their time in this region, the CHRFFM was forced to watch staged rallies opposing the fact-finding mission that were organized by the military.

In addition to interviews and meetings aimed at helping to document instances of human rights abuse, the CHRFFM also sought out information concerning two of the newly formed bodies charged with investigating the extra-judicial killings taking place throughout the Philippines: the Melo Commission and Task Force Judges, Prosecutors and Integrated Bar of the Philippines (IBP) Lawyers. Attempts to contact the Melo Commission, created this past August by president Arroyo in response to pressure from international human rights groups, proved unsuccessful. It appears that the Commission is without office space or staff members, though there are reports that Commission representatives had been conducting investigations.

Attempts at contacting Task Force Judges, Prosecutors and IBP Lawyers were unsuccessful as well. In its July 2006 report, The International Fact Finding mission (IFFM) stated that it had been informed by the Philippines National Police (PNP) of the creation of a special task force, called Task Force Judges, Prosecutors and IBP Lawyers, that was created to investigate the killings of judges and lawyers³. However, when later questioned by members of the Hong Kong Mission for Human Rights and Peace on the Philippines (HKMHRPP), the PNP General and Task Force USIG head, Avelino I. Razon jr., asserted that "there was no special task force set up to investigate the killing of lawyers and judges, and he expressed that he would have knowledge of such a task force had such a task force been established"⁴. The HKMHRPP believed the alleged establishment of the so-called Lawyers Task Force was "dubious", and feared that its existence was alleged solely to placate the IFFM⁵. Based on CHRFFM interviews with officials from the Canadian Embassy in the Philippines who are not aware of the existence of such a task force, as well as the fact that the CHRFFM was unable to locate any trace of the supposed task force, in addition to comments made by General Razon jr., it seems clear that Task Force Judges, Prosecutors and IBP Lawyers does not exist.

The overall impression of LRWC's representative is that the Philippine government has not put in place any plan for either the protection of judges, lawyers, or human rights defenders from future attacks or for the identification and punishment of past attacks. Lawyers and judges continue to be the target of threats, harassment, and murder. As a result, people in need of protection from human rights abuses find themselves without legal recourse.

It does not appear that the Philippine government has in place an investigative body empowered and capable of adequately investigating the murders, attempted assassinations, disappearances, and harassment of jurists or others. The Task Force Judges, Prosecutors and IBP Lawyers does not appear to exist. The Melo Commission is without staff or office space and has been criticized as lacking the independence necessary to investigate evidence and accusations of complicity by government agents. The Task force USIG is a PNP task force and is therefore unsuited and unlikely to investigate allegations of police or military collusion in the killings, attempted killings, abductions, and harassment.

LRWC is of the opinion that the international community needs to present the Philippine government with a plan to achieve two main objectives of prevention and punishment. First, the plan must provide for the immediate protection of lawyers, judges, human rights defenders, and other targeted individuals. This protection must be effective, supervised, and transparent to the national and international communities. Secondly, it is necessary to establish an investigative body capable of conducting investigations that comply with the requirements of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, as set forth by the Office of the United Nations High Commissioner on Human Rights⁶. This body will likely need to be a commission partially composed of individuals from outside of the Philippines.

In a September 2006 report, Amnesty International called for the immediate implementation of effective investigations and reliable prophylactic measures. United Nations Special Rapporteurs on the

Independence of Judges and Lawyers and on Summary Executions, Leandro Despouy, Philip Alston, and Hino Jilani, are all investigating the humanitarian crisis in the Philippines. Filipino lawyers are concerned that there are fewer and fewer lawyers to do human rights work as a result of the continuing murders and attacks. British Columbia lawyers wanting to participate in a program by which a Canadian, English, or Dutch law office will 'adopt' a Philippine lawyer or law office, advise the Philippine government of the 'adoption' and conduct communications in response to problems reported by the 'adoptee', or otherwise assist, should contact LRWC.

¹ Dutch Lawyers for Lawyers Foundation, *From Facts to Action: Report on the Attacks Against Filipino Lawyers and Judges*, July 24, 2006.

² Remollino, Alexander Martin, *Philippines Among Most Dangerous for Lawyers*, Bulatlat, Vol. VI, No. 45, Dec. 17-23, 2006.

³ Dutch Lawyers for Lawyers Foundation, *From Facts to Action: Report on the Attacks Against Filipino Lawyers and Judges*, July 24, 2006, 27-8.

⁴ Yang, Ho Wai, *Mission Report on the Extrajudicial Killings and Other Human Rights Abuses in the Philippines*, November 14, 2006. 4-8. 5.

⁵ *ibid.* 7.

⁶ *Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, 24 May, 1989. Office of the United Nations High Commissioner on Human Rights. 21 Dec, 2006. <http://www.ohchr.org/english/law/executions.htm>>.