

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

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Thursday, November 29, 2018

H.E. Rodrigo Duterte
President of the Republic, Malacañang Palace,
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The Honorable Menardo I. Guevarra
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Dear President Duterte and Secretary of Justice Guevarra,

Re: Death of lawyer Benjamin Ramos

Lawyers' Rights Watch Canada (**LRWC**) is a committee of lawyers and others who promote human rights, the integrity of legal systems and the rule of law through advocacy, research, and education. LRWC has Special Consultative Status with the Economic and Social Council of the United Nations.

LRWC writes in response to information obtained from reliable sources that Benjamin Ramos, 56 years old, ("**Mr. Ramos**") has become the 34th lawyer killed since the election of President. Duterte (the "**President**"). Initial police reports said that Mr. Ramos had just finished work when he was shot by motorcycle-riding men near the central town of Kabankalan on 6 November 2018 and was declared dead on arrival at the hospital.¹ No individuals have been arrested or charged for the murder of Mr. Ramos.

Background

Mr. Ramos was a member and Secretary-General of the Negros Occidental branch of the National Union of People's Lawyers and worked to promote the rights of marginalised groups in the Philippines, specializing in *pro bono* work for clients whose families have been targeted by the police, soldiers, and death squads associated with the President's drug war.² At this stage the National Bureau of investigation have no suspects.

¹ Philippine Lawyer Who Resisted Duterte's drug War is Gunned Down, November 7, 2018. Available at: <https://www.nytimes.com/2018/11/07/world/asia/philippine-lawyer-duterte.html?ref=collection%2Fsectioncollection%2Fasia>

Philippines: Killing of human rights lawyer Benjamin Ramos, November 9, 2018. Available at: <https://www.fidh.org/en/issues/human-rights-defenders/philippines-killing-of-human-rights-lawyer-benjamin-ramos>

² Philippine Lawyer Who Resisted Duterte's Drug War is Gunned Down, November 7, 2018. Available at: <https://www.nytimes.com/2018/11/07/world/asia/philippine-lawyer-duterte.html?ref=collection%2Fsectioncollection%2Fasia>

Further threats to the associates of Mr. Ramos were noted when two armed military personnel found near the funeral of Mr. Ramos, were arrested and subsequently released from detention after posting bail. Charges against the individuals have been reduced from attempted murder to grave threats.³

International Human Rights Obligations of the Philippines

As a member of United Nations,⁴ the Philippines is bound to respect and ensure for all, the fundamental rights and freedoms set out in the Universal Declaration of Human Rights (signed on December 10, 1948) (UDHR).⁵ As a State Party the Philippines is bound to comply with the provisions of the International Covenant on Civil and Political Rights (ratified on October 23, 1986) (ICCPR)⁶ and the Optional Protocol to the International Covenant on Civil and Political Rights, the United Nations (ratified on August 22, 1989).

As a member of the UN Human Rights Council, the Philippines has specifically accepted a heightened duty to, “uphold the highest standards in the promotion and protection of human rights” and to “fully cooperate with Council”.⁷ Pursuant to the above, the Philippines has legal obligations to adopt measures that effectively ensure right to life and, in doing so, comply with its duty to investigate all extrajudicial killings.

Article 2 of the *Constitution of the Republic of the Philippines (Constitution)* explicitly “adopts the generally accepted principles of international law as part of the law of the land.”⁸

Article III of the Constitution sets out the Bill of Rights whereby Section 1 stipulates that “No 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” and Section 11 stipulates that “the State values the dignity of every human person and guarantees full respect for human rights.”

Further, the ICCPR, through Article 6.1, guarantees the right to life:

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 1 to 3 of the ICCPR imposes upon ratifying states a duty to take effective measure to protect the right to life and provide remedies for rights violations. With Article 3 extending this duty to cases whereby the rights violations have been committed by state agents.⁹

Lastly, the Supreme Court of the Philippines has invoked the ICCPR, and has ruled that treaties to which the Philippines is a party have the force and effect of law.¹⁰

Given the Philippine’s international human rights obligations, as set out above, the failure to investigate the extrajudicial killings constitutes a contravention of provisions of the UDHR, ICCPR, and the

³ 2 Military men found near wake of slain lawyer freed after posting bail for grave threats, November 19, 2018. Available at: <https://newsinfo.inquirer.net/1054996/2-military-men-found-near-wake-of-slain-lawyer-freed-after-posting-bail-for-grave-threats>

⁴ The Philippines joined the United Nations on October 24, 1945.

⁵ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), Articles 7-11, available at: <http://www.refworld.org/docid/3ae6b3712c.html> [accessed 12 December 2014].

⁶ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations Treaty Series, vol 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html> [accessed 12 December 2014].

⁷ Resolution adopted by the General Assembly, 3 April 2006, A/RES/60/251, at para. 9.

⁸ Constitution of the Republic of the Philippines, of 1987, available at: <https://lawphil.net/consti/cons1987.html> [accessed October 28, 2018].

⁹ Philippines: The Duty of the Philippines Government to Investigate Extra-Judicial Killings; Matthew Stacey, September 2007. Available at: <http://www.lrwc.org/philippines-government-to-investigate-extra-judicial->

¹⁰ *Tañada v Angara*, G.R. No. 118295 May 2, 1997. Available at: <http://sc.judiciary.gov.ph/jurisprudence/1997/may1997/118295.htm>

Constitution. Effective investigation of an extrajudicial killing is an inseparable part of a state's duty to protect the right to life.¹¹ Where there is a pattern of extrajudicial killings fostered or tolerated by the State, this is likely to generate an environment which is completely incompatible with effective protection of the right to life.

A proper investigation is critical in ensuring the effective implementation of the laws of the Philippines, which work to protect the right to life. The failure of a State to investigate, especially in the case of the Philippines where there is a pattern of extrajudicial killings, creates a culture of impunity which is incompatible with this right.

Conclusion

LRWC calls on the Government of the Philippines to comply with its international law obligations arising from, *inter alia*, the UDHR, ICCPR and the Constitution and to:

1. Guarantee in all circumstances the physical and psychological integrity of all human rights defenders within the Philippines;
2. Ensure an independent and impartial investigation into the murder of Mr. Ramos in order to identify all those responsible and to bring the perpetrators to justice before an independent court, and sanction them as provided by the law;
3. Ensure that all human rights defenders are protected, that all harassment against human rights defenders in the Philippines ceases, including the extrajudicial killings, and ensure that they may carry out their activities without fear of reprisals;
4. Comply with the Philippines's international and domestic law obligations, including the UN Declaration on Human Rights Defenders;¹²
5. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by the Philippines and to reengage within international human rights partners in order to guarantee the safety of all human rights defenders in the Philippines.

LRWC looks forward to your response.

Sincerely,



Maree Bullivant, Member, LRWC



Farhad Ghaseminejad, Member, LRWC

¹¹ States' Duty to Investigate Extra-Judicial Killings, Matthew Stacey, November

12, 2009. Available at: <http://www.lrwc.org/duty-of-states-to-investigate-extra-judicial-killings/>

¹² Declaration on Human Rights Defenders, adopted by the United Nations General Assembly by way of resolution, A/RES/53/144. Available at: <https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx>

Copied to:

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