



**PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES  
TO THE UNITED NATIONS AND OTHER INTERNATIONAL  
ORGANIZATIONS, GENEVA**

**NV-EPG-96 -2017**

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and, with reference to the joint urgent appeal from Special Procedures dated 27 March 2017, has the honor to acknowledge receipt of the said letter and that the matter has been transmitted to the capital for appropriate consideration.

The Permanent Mission of the Philippines in Geneva kindly requests OHCHR to convey the information to the relevant mandate holders.

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 07 April 2017

**Office of the United Nations High Commissioner for Human Rights**  
Palais Wilson  
52 Rue des Pâquis  
CH-1201 Geneva





TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 27 March 2017

A/TO: Ms. Maria Teresa T. Almojuela  
Deputy Permanent Representative  
Chargé d'affaires a.i.  
Permanent Mission of the Philippines to the United Nations Office and other international  
organizations in Geneva

FAX: +41 22 716 19 32

EMAIL: [mission@genevapm.ph](mailto:mission@genevapm.ph)

DE/FROM: Beatriz Balbin  
Chief  
Special Procedures Branch  
OHCHR

FAX: +41 22 917 9008

TEL: +41 22 917 9359 / +41 22 917 9543

E-MAIL: [registry@ohchr.org](mailto:registry@ohchr.org)

REF: UA PHL 5/2017

PAGES: 11 (Y COMPRIS CETTE PAGE/INCLUDING THIS PAGE)

OBJET/SUBJECT: **JOINT URGENT APPEAL FROM SPECIAL PROCEDURES**

Please find attached a joint urgent appeal sent by the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers and the Working Group on the issue of discrimination against women in law and in practice.

We would be grateful if this letter could be transmitted at your earliest convenience to  
His Excellency Mr. Perfecto Rivas Yasay Jr.,  
Secretary for Foreign Affairs.

death penalty in the Philippines, and proposed a bill that would increase the period of lifetime imprisonment in the country in lieu of the re-introduction of the death penalty.

The proposed Death Penalty Law was the subject of an urgent appeal sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions on 21 December 2016 (Case PHL 4/2016), to which no reply from your Government has been received. The alleged extrajudicial executions in the context of the Government's anti-drug campaign was the subject of an urgent appeal sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health sent on 17 August 2016 (Case PHL 2/2016), and two urgent appeals sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions on 3 February 2017 and 28 February 2017 (Cases PHL 1/2017 and PHL 3/2017). We regret that no replies have been received regarding cases PHL 2/2016 and 3/2017. We thank your Government for the reply received regarding case 1/2017, to which the Special Rapporteur on extrajudicial, summary or arbitrary executions replied on 28 February 2017 (case PHL 3/2017).

According to the information received:

In 2008, Ms. Leila De Lima was appointed as 4<sup>th</sup> Chairperson of the Commission on Human Rights (CHR) of the Philippines.

In 2009, as Chairperson of the Commission on Human Rights, Ms. De Lima initiated an investigation into extra-judicial killings in Davao, including into the alleged involvement of Mr. Rodrigo Duterte, then Mayor of Davao City, with the 'Davao Death Squad', accused of carrying out at least 1,000 summary executions.

In 2012, the Commission on Human Rights released a resolution stating that systematic extrajudicial killings had been committed by the 'Davao Death Squad', and recommended that the Office of the Ombudsman investigate the "possible administrative and criminal liability" of Mayor Rodrigo Duterte. The Ombudsman did not include Mr. Rodrigo Duterte in its investigation but found several police officers guilty of "neglect of duty" for failing to investigate the killings. The Court of Appeals of Philippines later overturned the convictions.

In 2014, Ms. De Lima, in her capacity as Secretary of the Department of Justice, led an inspection to the New Bilibid Prison, which led to the transfer of 19 prisoners, determined to be 'drug lords', to a separate facility.

On 19 May 2016, Ms. De Lima was proclaimed Senator by the Commission of election. On 26 July 2016, Ms. De Lima was elected by the Senate as Chairperson of the Committee on Justice and Human Rights. Soon after, Ms. De Lima filed



relating to the probe on illicit drug trade at the national penitentiary, that may constitute discriminatory acts against Ms. De Lima in accordance with Republic Act No. 9710, or the 'Magna Carta of Women', as well as a number of international human rights treaties which the Philippines has ratified.

On 21 November 2016, the Department of Justice issued a subpoena to Ms. De Lima, which ordered her to obtain copies of various complaints and evidence filed against her.

On 2 December 2016, at a hearing regarding complaints against Ms. De Lima, her legal team filed an Omnibus Motion arguing that the investigation of the case is to be within the exclusive authority and sole jurisdiction of the Office of the Ombudsman. The legal team argued that considering the partiality, bias and lack of objectivity of the Secretary of Justice and the panel of investigating prosecutors, these officials should recuse themselves and refer the cases to the Office of the Ombudsman.

On 21 December 2016, another hearing was conducted in reference to these complaints; however, there was allegedly no written order, transcript or recording made of the proceedings.

On 17 February 2017, the Secretary of Justice announced that charges had been filed against Ms. De Lima, and several other individuals for alleged violations of illegal drug trading punishable under Section 5, in relation to Section 3 (jj), Section 26 (b) and Section 28 of the Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002), prohibiting the "sale, trading, administration, dispensation, delivery, distribution and transportation of illegal drugs."

The charges against Ms. De Lima are based on the findings and conclusions of the Department of Justice Panel contained in a Joint Resolution dated 14 February 2017. The charges are reportedly based on testimony by several detainees at Manila's New Bilibid prison who allege that Ms. De Lima accepted money from 'drug lords' and facilitated a drug-trading operation while she was Secretary of Justice. Following the Senate investigation into extra-judicial killings, various high-ranking officials from the House of Representatives, Department of Justice and the Executive Branch, including from the Department of Justice, have publically denounced Ms. De Lima for her alleged complicity in the illegal drug trade within the Philippines.

On 20 February 2017, Ms. De Lima filed a Motion to Quash, citing the issue of the Muntinlupa Regional Trial Court's lack of jurisdiction over the offence charged against her and the Department of Justice Panel's lack of authority over the case. The Motion to Quash was scheduled for hearing on 24 February 2017.

Equal concern is expressed at the chilling effect that the charges brought against Ms. De Lima may have on the legitimate exercise of the right to freedom of expression, particularly by law-makers and other dissenting voices in the Philippines, on important issues of public interest, such as the The Congress House Bill No. 1 (Death Penalty Law). Further concern is expressed that the arrest of Ms. De Lima appears to have taken place in the context of a broader campaign against, and crackdown on, human rights defenders in the country, and particularly those opposing extra-judicial killings and the reintroduction of the death penalty.

Finally, we remain deeply concerned with the proposed Death Penalty Law to reinstate the death penalty in the Philippines. We wish to reiterate the concerns voiced by the Special Rapporteur on summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in a press release issued on 16 March 2017 urging Filipino legislators to reject the Death Penalty Law.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Without expressing, at this stage, an opinion on the facts of the case and on whether the detention of the above-mentioned person is arbitrary or not, we would like to appeal to your Government to take all necessary measures to guarantee Ms. De Lima's right not to be deprived arbitrarily of her liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986.

We moreover appeal to your Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with article 19 of the ICCPR. In this connection, we refer to Human Rights Council resolution 12/16, calling on States to refrain from imposing restrictions which are not consistent with article 19(3), including on discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; peaceful demonstrations or political activities, including for peace or democracy and expression of opinion and dissent.

In addition, we wish to bring to the attention of your Government article 25 (a) of the ICCPR, which provides for the right to take part in the conduct of public affairs without any discrimination or unreasonable restriction. Furthermore, we would like to remind your Government of article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by the Philippines on 5 August 1981 which requires States parties to take all appropriate measures to eliminate

investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

In view of the serious allegations brought to our attention regarding the risk to the life and physical integrity of Ms. De Lima while in detention, and the alleged politically motivated charges brought against her, we call upon your Government to conduct a fair and independent investigation on the legality of Ms. De Lima's detention and to grant her house arrest while the case is reviewed.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

We would like to inform your Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the urgent appeal procedure and the regular procedure

Please accept, Ms. Almojuela, the assurances of our highest consideration.



José Guevara

Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention



Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions



David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression