

**AMNESTY
INTERNATIONAL**



DEFENDING HUMAN RIGHTS

1 April 2021

Senator the Hon. Marise Payne
Minister for Foreign Affairs
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Senate
Parliament House
Canberra ACT 2600

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Dear Minister Payne

RE: SURGE IN KILLINGS OF LAWYERS AND JUDGES IN THE PHILIPPINES

The Philippine justice system is under threat as a result of a deadly surge in killings of lawyers and judges under President Duterte's administration. The failure of the Philippine government to promote accountability mechanisms to protect the judiciary has facilitated a climate of impunity across the country, and put a vital arm of government under existential threat.

We call on your government to collaborate with the international community and hold the Philippine government accountable for their failure to respond and discourage these attacks.

A recent investigative report, which included data from the Supreme Court, confirmed that **61 lawyers, judges, and prosecutors have been killed** under the Duterte administration since 2016. This number is put into stark relief against the 49 lawyers killed in the 44 years prior, over the span of six presidential administrations. From 2004 to 2021, only seven cases have resulted in charges filed in court, highlighting the stark failings of accountability mechanisms to protect members of the Judiciary.

This sudden surge under Duterte has been condemned by the Supreme Court of the Philippines, which categorised the killings as an **"assault on the judiciary"** in a statement on 23 March this year.

The Free Legal Assistance Group (FLAG) has reported that more than half of these killings were work-related. The National Union of People's Lawyers (NUPL) and the Integrated Bar of the Philippines (IBP), as legal organisations within the country, have been increasingly vocal in their concern for their colleagues under threat for simply doing their jobs.

Despite this concern, the executive branch has failed to respond adequately to protect the integrity of the judiciary. Dialogues on the killings were held within the Supreme Court and Department of Justice in January 2021, **two months** after an alarming string of killings in November 2020 prompted public demand for an independent inquiry on the disturbing pattern and rate. The Senate

more recently has adopted a resolution on 24 March condemning the brazen attacks against judges and lawyers.

The rate and quality of this response fails to comply with UN Commission on Human Rights' call for all governments to "respect and uphold the independence of judges and lawyers and, to that end, take effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional duties without harassment or intimidation of any kind."

The practice of 'red-tagging' - labelling individuals as "communists" or "terrorists" - has been integral to many of these killings. As a key feature of the Duterte's administration's widening counter-insurgency campaign, 'red-tagging' promotes a dangerous climate whereby lawyers and judges are restricted in their capacity to perform their vital work for fear of violent retribution. This climate particularly places those representing victims of human rights violations and drug-related crimes in jeopardy.

I urge you to **put into action the following recommendations** on this issue:

- Consult the Philippine Ambassador to call for the implementation of domestic accountability measures for the threats, harassment and killings perpetrated against lawyers, and human rights defenders and activists in general. These measures could include discouraging the damaging practice of red-tagging, implementing policy responses to dangers rather than mere statements and discussion, and launching an independent inquiry into the rate and patterns of attacks, harassment, and threats.
- Encourage and collaborate with the international community to hold the Philippine government accountable through the UN Human Rights Council. It is the responsibility of the international community to promote stronger actions to prevent further human rights violations, and to implement relevant measures to hold Duterte's administration accountable for past violations.

In the absence of domestic accountability mechanisms, the international community has a responsibility to respond to these human right violations, some of which amount to crimes against humanity. A failure to do so will merely guarantee their continuation.

There are more than 300,000 Filipino-Australians; the Australian government owes it to them that it is taking all steps appropriate and possible to ensure that their families and friends are safe. Other human rights in the Philippines includes the repression of human rights defenders, the lowering of the minimum age of criminal responsibility, a crackdown on the freedom of expression, and discrimination against the LGBTQIA+ community.

For further information, or to discuss and organise a meeting, please contact Joel MacKay at joel.mackay@amnesty.org.au or 0424 242 112.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Klintworth', written in a cursive style.

Sam Klintworth
National Director
Amnesty International Australia