

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON NOVEMBER 27, 2020

MOVED BY:

SECONDED BY:

THAT Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

DRAFT

MINUTES OF CONVOCATION

Thursday, 22nd October, 2020
9:00 a.m.
Via Videoconference

PRESENT:

The Treasurer (Teresa Donnelly), Adourian, Alford, Banack, Braithwaite, Brown, Burd, Charette, Chiumminto, Cooper, Corbiere, Corsetti, Desgranges, Epstein, Esquega, Fagan, Falconer, Ferrier, Goldstein, Graham, Groia, Horgan, Horvat, Klippenstein, Krishna, Lalji, Lau, Lean, LeSage, Lewis, Lippa, Lockhart, Lomazzo, Lyon, Marshall, Merali, Minor, Murchie, Murray, Painchaud, Parry, Pawlitzka, Pineda, Poliacik, Pollock, Prill, Rosenthal, Sellers, Sheff, Shi, Shin Doi, Shortreed, Spurgeon, Strosberg, Troister, Walker, Wellman, Wilkes, Wilkinson, B. Wright and N. Wright.

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Secretary: James Varro

The Reporter was sworn.

IN PUBLIC

TREASURER'S REMARKS

The Treasurer welcomed those joining Convocation by videoconference.

The Treasurer recognized that Convocation would normally be meeting in Toronto which is a Mohawk word that means "where there are trees standing in the water".

When Convocation meets in Toronto, the Treasurer acknowledges that Convocation meets on the traditional territory of the Mississaugas of the Credit First Nation. She also acknowledges the Haudenosaunee. She advised that for this Convocation, benchers are participating across the province and perhaps elsewhere, and across many First Nations territories. She recognized the long history of all the First Nations in Ontario and the Métis and Inuit peoples and thanks the First Nations people who lived and live in these lands for sharing them with us in peace.

The Treasurer noted that the week of November 2, 2020 will mark the 5th Annual Treaties Recognition Week in Ontario and reminded benchers of the Law Society's commitment to rebuilding trust and the relationships with Indigenous peoples.

INDIGENOUS CEREMONY

The Treasurer introduced Elder Myeengun Henry of the Chippewas of the Thames First Nation.

Elder Henry performed an Indigenous Ceremony.

The Treasurer thanked Elder Henry for honouring Convocation with the Ceremony, and for guiding the Law Society today and in the future in a good way.

The Treasurer addressed the protocol for Convocation via Zoom videoconference.

The Treasurer advised that Convocation is being webcast once again through a livestream of the Zoom meeting and welcomed those joining by webcast.

The Treasurer advised that on October 8, 2020 she attended a virtual program hosted by the Commonwealth Law Association which addressed the impact of the COVID-19 pandemic and the regulation of the legal profession.

The Treasurer advised that she attended the virtual Hispanic Heritage Month event on October 20, 2020 and brought greetings from the Law Society.

The Treasurer advised that she recently hosted virtual meetings with the Treasurer's Liaison Group and the Early Careers Roundtable.

The Treasurer highlighted her priorities for mental health and wellness in the professions and referred benchers to her recent blog for Mental Health Awareness Week available on LinkedIn, the Law Society Gazette and Diligent Boards. She also highlighted the Member Assistance Program that offers counselling and other resources for licensees, law students, paralegal students and licensing candidates.

The Treasurer reminded benchers of the 5th Annual Access to Justice Week beginning October 26, 2020 and noted keynote speakers Ojibwe journalist and author Tanya Talaga and Trevor Farrow.

The Treasurer highlighted the upcoming event for Louis Riel Day on November 16, 2020.

The Treasurer advised that the Family Legal Services Provider (FLSP) consultation will conclude on November 30, 2020.

The Treasurer reminded benchers that the deadline for nominations for the Human Rights Award has been extended to December 31, 2020.

The Treasurer advised that nominations for the Law Society Awards are now open, with a deadline of January 20, 2021. The Treasurer encouraged benchers to reach out to their networks and encourage others to nominate individuals.

The Treasurer advised that the 2020 Law Society Award Recipients will be honoured in a virtual ceremony to be arranged sometime in December.

MOTION – CONSENT AGENDA – Tab 1

It was moved by Ms. Walker, seconded by Mr. Poliacik, that Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Ms. Shi and Mr. Charette requested that the Report from the Human Rights Monitoring Group be removed from the Consent Agenda.

The remaining items on the Consent Agenda carried.

Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of September 24, 2020 were confirmed.

IN PUBLIC

HUMAN RIGHTS MONITORING GROUP REPORT

Re: Letter of Intervention on behalf of Nasrin Sotoudeh

It was moved by Ms. Walker, seconded by Mr. Poliacik that Convocation approve the letter of intervention set out at Tab 1.3.1 and public statement set out at Tab 1.3.2 calling for the immediate release of Nasrin Sotoudeh from Iran's Evin Prison.

Carried

ROLL-CALL VOTE

Adourian	For	Lippa	For
Alford	For	Lockhart	For
Braithwaite	For	Lomazzo	For
Brown	For	Lyon	Abstain
Burd	For	Marshall	For
Charette	Abstain	Merali	For
Chiummiento	For	Murchie	For
Cooper	For	Painchaud	For
Corbiere	For	Parry	For
Corsetti	For	Pineda	For
Desgranges	For	Poliacik	For
Epstein	For	Pollock	For
Esquega	For	Prill	For
Fagan	Abstain	Rosenthal	For
Falconer	For	Sellers	For
Goldstein	Abstain	Sheff	For
Graham	For	Shi	Abstain
Groia	For	Shin Doi	For
Horgan	For	Shortreed	For
Horvat	For	Spurgeon	For
Klippenstein	For	Troister	For
Lalji	For	Walker	For
Lau	For	Wellman	For
Lean	For	Wilkes	For
LeSage	For	Wilkinson	For
Lewis	For	Wright	For

Vote: 47 For; 5 Abstentions

FINANCIAL UPDATE

Mr. Groia provided an update on the Law Society's financial information.

PROFESSIONAL REGULATION COMMITTEE REPORT

Ms. Shortreed presented the Report.

Re: Contingency Fee Reforms: Amendments to Professional Conduct Rules

1. It was moved by Mr. Spurgeon, seconded by Mr. Burd, that Convocation approve, on the recommendation of the Professional Regulation Committee and the Paralegal Standing Committee and effective July 1, 2021, proposed amendments to Rules 3.6 and 4.2 of the lawyer *Rules of Professional Conduct* and Rules 5.01 and 8.03 of the *Paralegal Rules of Conduct* as set out at Tabs 2.1.2 and 2.1.3, respectively, required to implement the new transparency requirements previously approved by Convocation as part of its recommended reforms to Ontario's contingency fee regime, namely:
 - a. Licensee requirement to disclose the maximum contingency fee percentage charged;
 - b. Licensee requirement to provide potential clients with the standard form consumer guide entitled "Contingency fees: What you need to know" before they enter into a contingency fee agreement; and
 - c. Licensee requirement to provide certain fee-related reporting to clients on completion of the agreement.
2. That Convocation receive, for information, the mandatory standard form consumer guide entitled "Contingency fees: What you need to know," approved by the Paralegal Standing Committee and the Professional Regulation Committee on October 7 and 8, 2020, respectively (Tab 2.1.4).

Carried

Mr. Chiumminto and Mr. Horgan abstained.

Re: Amendments to the Law Society's By-Laws (Fee Exemptions for Licensees Over 65 and Life Members)

It was moved by Ms. Horvat, seconded by Ms. Lomazzo, that on the recommendation of the Professional Regulation Committee, Convocation adopt the following motion:

1. In accordance with Convocation's decision on August 6, 2020, that amendments to the Law Society's By-Laws 4 and 5, as attached at Tab 2.2.1 be approved to remove the exemption from the requirement to pay the Annual Fee for licensees who have practised law in Ontario for a period of 50 years, effective January 1, 2021.

Mr. Fagan moved, seconded by Mr. Burd, that the motion at Paragraph 1 of the Professional Regulation Committee Report be amended to read as follows:

1. In accordance with Convocation's decision on August 6, 2020, that amendments to the Law Society's By-Laws 4 and 5 be approved to remove the exemption from the requirement to pay the Annual Fee for licensees who have practised law in Ontario for a period of 50 years, effective January 1, 2021, excluding those licensees who as of

January 1, 2021 have practised law in Ontario for a period of 50 years and are exempt from the requirement.

Carried

ROLL CALL VOTE

Adourian	For	Lippa	Against
Braithwaite	For	Lockhart	Against
Brown	For	Lomazzo	Against
Burd	For	Lyon	For
Charette	For	Marshall	For
Chiummiento	For	Merali	Abstain
Cooper	For	Murchie	For
Corbiere	Against	Painchaud	For
Corsetti	Against	Parry	For
Desgranges	For	Pineda	For
Epstein	For	Poliacik	For
Esquega	For	Pollock	For
Fagan	For	Prill	For
Falconer	For	Rosenthal	For
Goldstein	For	Sellers	Against
Graham	Against	Sheff	For
Groia	For	Shi	For
Horgan	For	Shin Doi	For
Horvat	Against	Shortreed	Against
Klippenstein	For	Spurgeon	Against
Lalji	Against	Troister	For
Lau	For	Walker	For
Lean	For	Wellman	For
LeSage	Against	Wilkes	Against
Lewis	Against	Wilkinson	For
		Wright	For

Vote: 36 For; 14 Against; 1 Abstention

Ms. Horvat and Ms. Lomazzo removed themselves as mover and seconder, respectively, of the main motion as amended.

The main motion as amended, moved by Mr. Fagan, seconded by Mr. Burd, carried.

ROLL CALL VOTE

Adourian	For	Lippa	Against
Alford	For	Lockhart	Against
Braithwaite	Against	Lomazzo	Against
Brown	For	Lyon	For
Burd	For	Marshall	For
Charette	For	Merali	Abstain
Chiummiento	For	Murchie	For
Cooper	Against	Painchaud	For
Corbiere	Against	Parry	For
Corsetti	For	Pineda	For
Desgranges	For	Poliacik	For
Epstein	For	Pollock	For
Esquega	For	Prill	For
Fagan	For	Rosenthal	For
Falconer	For	Sellers	For
Goldstein	For	Sheff	For
Graham	Against	Shi	For
Groia	For	Shin Doi	For
Horgan	For	Shortreed	Against
Horvat	Against	Spurgeon	For
Klippenstein	For	Troister	For
Lalji	Against	Walker	For
Lau	For	Wellman	For
Lean	For	Wilkes	For
LeSage	For	Wilkinson	For
Lewis	Against	Wright	For

Vote: 40 For; 11 Against; 1 Abstention

It was moved by Mr. Rosenthal, seconded by Mr. Adourian, that on the recommendation of the Professional Regulation Committee, Convocation adopt the following motion:

1. To amend Convocation's decision of August 6, 2020, that amendments to the Law Society's By-Laws 4 and 5, as attached at Tab 2.2.2, be approved to establish a new Over 65 (retired) Annual Fee (applicable to licensees over 65 years of age who no longer practice law or provide legal services) at ten percent of the Annual Fee, effective January 1, 2021.

Carried

ROLL CALL VOTE

Adourian	For	Lippa	For
Alford	Against	Lockhart	For
Braithwaite	For	Lomazzo	Against
Brown	For	Lyon	Against
Burd	For	Merali	For
Charette	For	Murchie	For
Chiummiento	Against	Painchaud	Against
Cooper	For	Pineda	For
Corbiere	For	Poliacik	Against
Corsetti	Against	Pollock	For
Desgranges	Against	Prill	Against
Epstein	For	Rosenthal	For
Esquega	For	Sellers	For
Fagan	Against	Sheff	Against
Falconer	For	Shi	Against
Goldstein	Against	Shin Doi	Against
Graham	Against	Shortreed	For
Groia	For	Spurgeon	For
Horgan	For	Troister	For
Horvat	For	Walker	For
Klippenstein	Against	Wellman	For
Lalji	For	Wilkes	Against
Lau	For	Wilkinson	For
Lean	Against	Wright	For
LeSage	For		
Lewis	For		

Vote: 32 For; 18 Against

TRIBUNAL COMMITTEE REPORT

Ms. Shin Doi presented the Report.

Re: Practice Directions

It was moved by Ms. Shin Doi, seconded by Ms. Lippa, that Convocation approve the proposed Introduction to Practice Directions and Practice Directions, to be effective immediately, set out at Tabs 4.1.1 – 4.1.8 (English) and Tabs 4.1.9 – 4.1.16 (French).

Carried

IN PUBLIC

REPORTS FOR INFORMATION ONLY

PARALEGAL STANDING COMMITTEE REPORT

- Amendments to the Paralegal Professional Conduct Guidelines

AUDIT AND FINANCE COMMITTEE REPORT (IN CAMERA)

EQUITY & INDIGENOUS AFFAIRS COMMITTEE REPORT

- Reports of the Activities of the Discrimination and Harassment Counsel

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

- Update on Licensing Enhancements

CONVOCATION ROSE AT 2:56 P.M

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON NOVEMBER 27, 2020

THAT Jorge Pineda be appointed to the Hearing Division of the Law Society Tribunal for a term ending May 28, 2021.

Explanatory Note

Bencher Jorge Pineda has applied to be a Tribunal member. Under the Tribunal model passed by Convocation in 2012, benchers are eligible to be appointed to an initial term by virtue of their position. Before appointment or reappointment, all adjudicators sign an application in which they make various commitments and must complete extensive training before sitting on a panel. All benchers' appointments expire in May 2021, the two-year mark since the last bencher election and as such, halfway through the bencher term.



Law Society
of Ontario

Barreau
de l'Ontario

Tab 1.3

HUMAN RIGHTS MONITORING GROUP

Letter of Intervention on Behalf of Zara Alvarez

November 27, 2020

Committee Members:

Julian Falconer (Co-Chair)

Tanya Walker (Co-Chair)

Paul Cooper

Atrisha Lewis

Marian Lippa

Isfahan Merali

Lubomir Poliacik

Authored By:

Jason Pichelli

JPichell@lso.ca

FOR DECISION

HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTION

That Convocation approve the letters and public statements in the following case:

Zara Alvarez – Philippines – letter of intervention and public statement presented at TAB 1.3.1 & 1.3.2.

Rationale

The request for interventions falls within the mandate of the Human Rights Monitoring Group (the “Monitoring Group”) to,

- a. review information that comes to its attention about human rights violations that target members of the professions and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
- b. determine if the matter is one that requires a response from the Law Society; and
- c. prepare a response for review and approval by Convocation.

Key Issues and Considerations

The Monitoring Group considered the following factors when making a decision about the case:

- a. there are no concerns about the quality of sources used for this report; and
- b. the letters and public statements regarding the murder of paralegal Zara Alvarez fall within the mandate of the Monitoring Group.

KEY BACKGROUND

PHILIPPINES – MURDER OF ZARA ALVAREZ

Sources of Information

The background information for this report was retrieved from the following sources:

- a. United Nations Office of the High Commissioner for Human Rights¹
- b. Lawyers' Rights Watch Canada²
- c. Human Rights Watch;³
- d. Amnesty International.⁴
- e. Al Jazeera⁵

Background

According to the United Nations' Office of the High Commissioner for Human Rights, at least 248 legal professionals, human rights defenders, journalists and trade unionists have been killed for performing their duties⁶. Of those 248, there have been 68 reported attacks against lawyers, paralegals and judges in the Philippines, resulting in 56 deaths.

A report on the situation by the United Nation's High Commissioner for Human Rights noted that there has been near impunity for these killings, with only one conviction for the killing of a drug suspect in a police operation since mid-2016⁷. While conducting interviews for their report, the UN also noted that witnesses, family members, journalists and members of the legal community feared for their safety and the safety of their families. There was also common feeling of powerlessness and a sense that the "obstacles to accessing justice within the country are almost insurmountable"⁸.

¹ United Nations Office of the High Commissioner for Human Rights. "Situation of human rights in the Philippines", United Nations Report (June 29, 2020). Page 6. Online: <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

² Lawyers' Rights Watch Canada. "Philippines: Lawyers Killed and Attacked with Murderous Intent". (March 31, 2020). Online: <https://www.lrwc.org/philippines-lawyers-attacked-with-murderous-intent-updated-list/>

³ Phil Robertson. "Two More Philippine Activists Murdered". Human Rights Watch (August 18, 2020). Online: <https://www.hrw.org/news/2020/08/18/two-more-philippine-activists-murdered>

⁴ Amnesty International. "Philippines: Human rights defender shot dead as 'cycle of bloodshed continues'" (August 18, 2020). Online: <https://www.amnesty.org.uk/press-releases/philippines-human-rights-defender-shot-dead-cycle-bloodshed-continues>

⁵ Ted Regencia. "Human rights leader killed in Philippine 'war against dissent'". Al Jazeera (August 19, 2020). Online: <https://www.aljazeera.com/news/2020/08/19/human-rights-leader-killed-in-philippine-war-against-dissent/>

⁶ United Nations Office of the High Commissioner for Human Rights. Press release (June 4, 2020) Online: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25924>

⁷ United Nations Office of the High Commissioner for Human Rights. "Situation of human rights in the Philippines", United Nations Report (June 29, 2020). Page 6. Online: <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

⁸ United Nations Office of the High Commissioner for Human Rights. Press release (June 4, 2020) Online: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25924>

On August 17th, 2020, paralegal Zara Alvarez, was killed by two unidentified gunmen while on her way home carrying groceries for dinner. She was helping to bring cases of human rights violations on Negros Islands to the UN Human Rights Council.

Ms. Alvarez is the 13th member of the Karapatan, a human rights advocacy NGO that conducts research and advocacy campaigns in the Philippines, to have been killed since 2016⁹. Karapatan's national leader told Al Jazeera that she believes the government is behind the attack, due to Ms. Alvarez's previous treatment by the government and the fact that she had received threats from state forces¹⁰.

In 2012, Ms. Alvarez was arrested and imprisoned for her alleged involvement in the 2010 death of an army lieutenant. She was held in jail for almost two years without trial. After her release on bail, she began working with Karapatan as a paralegal in the hope of curtailing injustices such as the one she personally experienced. She was acquitted on March 4, 2020 due to a lack of evidence¹¹.

Since her release from prison, Ms. Alvarez had become an advocate for farmers' rights on the island of Negros. In 2019, several farmworkers were accused of being communist rebels and killed by police officers. She documented and denounced these killings, and stated publicly that it was very clear the police had killed the victims¹². As a result of those statements she was labelled a rebel sympathizer. This accusation was particularly dangerous, because Ms. Alvarez had been added to an official Philippine Department of Justice terrorism list in 2018, along with 600 other people¹³. This practice is known in the Philippines as "red-tagging". It occurs when activists are labelled as communists by government authorities. Posters with the names and faces of these individuals are often placed in public areas, and critics of the practice say it is done to encourage violence against the listed individuals. These two strategies are used as a form of political harassment against individuals who speak out against the government. Being "red-tagged" often results in death¹⁴. The terrorism list was the subject of many protests and legal challenges, and a 2020 court order removed Ms. Alvarez's name as

⁹ Ted Regencia. "Human rights leader killed in Philippine 'war against dissent'". Al Jazeera (August 19, 2020). Online: <https://www.aljazeera.com/news/2020/08/19/human-rights-leader-killed-in-philippine-war-against-dissent/>

¹⁰ Ted Regencia. "Human rights leader killed in Philippine 'war against dissent'". Al Jazeera (August 19, 2020). Online: <https://www.aljazeera.com/news/2020/08/19/human-rights-leader-killed-in-philippine-war-against-dissent/>

¹¹ Kristine Joy Patag. "Zara Alvarez is our 13th rights worker killed under Duterte admin – Karapatan". The Philippine Star (August 18, 2020) Online: <https://www.philstar.com/headlines/2020/08/18/2036201/zara-alvarez-our-13th-rights-worker-killed-under-duterte-admin-karapatan>

¹² Ted Regencia. "Human rights leader killed in Philippine 'war against dissent'". Al Jazeera (August 19, 2020). Online: <https://www.aljazeera.com/news/2020/08/19/human-rights-leader-killed-in-philippine-war-against-dissent/>

¹³ Amnesty International. "Philippines: Human rights defender shot dead as 'cycle of bloodshed continues'" (August 18, 2020). Online: <https://www.amnesty.org.uk/press-releases/philippines-human-rights-defender-shot-dead-cycle-bloodshed-continues>

¹⁴ Phil Robertson. "Two More Philippine Activists Murdered". Human Rights Watch (August 18, 2020). Online: <https://www.hrw.org/news/2020/08/18/two-more-philippine-activists-murdered>

well as the names of 597 other citizens who were falsely accused of being terrorists¹⁵. Of the initial 600 people listed, only 2 remain on the list.

Despite cries from international human rights organizations, including the United Nations, President Duterte refuses to change his government's practices, saying "The Philippines will continue to protect the human rights of its people, especially from the scourge of illegal drugs, criminality and terrorism"¹⁶. He also accused these same organizations of "weaponizing" human rights in an attempt to discredit him and his government.

Tab 1.3.3 of the materials includes three previous letters of intervention that the Law Society has sent to the Duterte government. It also includes a 2019 letter from the Philippines' Embassy, informing the Treasurer that the Law Society's letter of intervention has been forwarded to the National Bureau of Investigation of the Philippines.

¹⁵ "Social Activist and Rights Advocate Zara Alvarez Murdered in the Philippines". Newsclick (August 19, 2020) Online: <https://www.newsclick.in/social-activist-rights-advocate-zara-alvarez-murdered-philippines>

¹⁶ Edith Regaldo. "Duterte slams critics for 'weaponizing' human rights". MSN news (September 23, 2020). Online: <https://www.msn.com/en-ph/news/national/duterte-slams-critics-for-weaponizing-human-rights/ar-BB19lwc3>

Proposed Letter of Intervention on behalf of Zara Alvarez

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

Dear President Duterte:

Re: Murder of paralegal and human rights defender Zara Alvarez

I write on behalf of the Law Society of Ontario to voice our grave concern regarding the murder of paralegal Zara Alvarez.

On August 17, 2020, paralegal Zara Alvarez was killed by two unidentified gunmen while travelling home. She was a member of Karapatan, an organization that conducts human rights advocacy campaigns in the Philippines. At the time of her death, she was helping to bring cases of human rights violations on Negros Island to the UN Human Rights Council. We believe that your government is responsible for the attack on Ms. Alvarez and that she was murdered for her human rights advocacy.

In 2012, Ms. Alvarez was arrested and imprisoned for her alleged involvement in the 2010 death of an army lieutenant. She was held in jail for almost two years without trial and ultimately acquitted due to a lack of evidence. After her release on bail, she began working with Karapatan in the hope of curtailing injustices such as the one she personally experienced.

Since her release from prison, Ms. Alvarez had become an advocate for farmers' rights on the island of Negros. In 2019, several farmworkers were accused of being communist rebels and killed by police officers. She documented and denounced these killings, and stated publicly that police had clearly killed the victims. As a result of those statements she was labelled a rebel sympathizer.

The label of rebel sympathizer was particularly dangerous, because Ms. Alvarez had been added to an official terrorism list prepared by the Philippine Department of Justice in 2018. This practice is known as "red-tagging." It occurs when activists are labelled as communists by government authorities. Posters with the names and faces of these individuals are often placed in public areas, and critics of the practice say it is done to encourage violence against the listed individuals. These two strategies are used as a form of political harassment against individuals who speak out against the government.

Being “red-tagged” often results in death. Ms. Alvarez is the 13th member of the Karapatan to have been killed since 2016.

According to the United Nations’ Office of the High Commissioner for Human Rights, since you took office in June 2016 at least 248 legal professionals, human rights defenders, journalists and trade unionists have been killed for performing their legitimate professional duties. Sixty eight of those reported attacks have been against lawyers, paralegals and judges, resulting in 56 deaths. There is near impunity for these killings.

In light of these circumstances, the Law Society is calling for your government to put an immediate end to the acts of violence against lawyers, paralegals, judges and human rights defenders in the Philippines.

The Law Society urges you to comply with the Philippines’ obligations under international human rights law, including the United Nations’ *Universal Declaration of Human Rights*.

Article 3 of the *Universal Declaration of Human Rights* states:

Everyone has the right to life, liberty and security of person.

Article 7 states:

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 12 states:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Furthermore, Article 19 states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The Law Society urges the Government of the Philippines to immediately:

- a. put an end to all acts of violence against lawyers, paralegals and judges in the Philippines;
- b. ensure that all legal professionals in the Philippines can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations;
- c. ensure that lawyers, paralegals and judges shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Teresa Donnelly
Treasurer

**The Law Society of Ontario is the governing body for more than 55,000 lawyers and 9,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest, and the Law Society has a duty to advance the cause of justice and the rule of law.

cc:

Menardo Guevarra, Secretary of Justice of the Philippines

The Honourable François-Philippe Champagne, Minister of Foreign Affairs

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Sophie de Graaf, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Mary Lawlor, Special Rapporteur on the situation of human rights defenders,
Office of the United Nations High Commissioner for Human Rights

Diego García-Sayán, Special Rapporteur of the Human Council on the
independence of judges and lawyers, Office of the United Nations High
Commissioner for Human Rights

Marina Brillman, International Human Rights Policy Adviser, The Law Society of
England and Wales

Proposed Public Statement on behalf of Zara Alvarez

The Law Society of Ontario condemns the murder of paralegal Zara Alvarez

Toronto, ON — The Law Society of Ontario is condemning the murder of paralegal and human rights defender Zara Alvarez. When reports of serious issues of injustice to lawyers, paralegals, judges, and human rights advocates come to our attention, we advocate for the protection of their inalienable human rights.

Ms. Alvarez was a paralegal working for the human rights advocacy group, Karapatan. Her work involved advocating for farmers' rights on the island of Negros. She documented and denounced the killings of several farm workers, allegedly at the hands of state officials, and was building a case to bring to the United Nations Human Rights Council. Before she could do so, she was murdered by two unidentified men on August 17, 2020. She is the 13th member of Karapatan to be murdered since 2016. In each case, police have failed to identify a single suspect.

Several human rights organizations have spoken out against the current situation in the Philippines. In August, Lawyers' Rights Watch Canada (LRWC) launched a petition calling on the UN to launch an investigation. It was signed by 62 organizations. LRWC has been tracking all attacks against legal professionals in the Philippines, and its March 2020 update brought the total number of attacks to 67 and the number of deaths to 55.

The Office of the High Commissioner for Human Rights at the United Nations launched an investigation and released a report in June detailing the human rights violations against human rights defenders in the Philippines. The report made multiple recommendations to the Duterte government to counter the "numerous systematic human rights violations, including killings and arbitrary detention, persistent impunity and the vilification of dissent." To date, the government has refused to comply.

We are seriously concerned by the ongoing reports of violence against lawyers, paralegals, judges and human rights defenders. We are calling on the government to put an end to this violence immediately and urge the Philippines to comply with its obligations under international human rights law, including the United Nations' *Universal Declaration of Human Rights*.

Article 3 of the *Universal Declaration of Human Rights* states:

Everyone has the right to life, liberty and security of person.

Article 7 states:

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal

protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 12 states:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Furthermore, Article 19 states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The Law Society urges the Government of the Philippines to immediately:

- a. put an end to all acts of violence against lawyers, paralegals and judges in the Philippines;
- b. ensure that all legal professionals in the Philippines can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations;
- c. ensure that lawyers, paralegals and judges shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.



EMBASSY OF THE REPUBLIC OF THE PHILIPPINES
AMBASSADE DE LA RÉPUBLIQUE DES PHILIPPINES
OTTAWA, CANADA

RECEIVED

JUN 20 2019

LAW SOCIETY OF UPPER CANADA
CHIEF EXECUTIVE OFFICER

17 June 2019

L- 375 -2019

Dear Mr. Mercer,

With reference to your letter dated 25 April 2019 addressed to Philippine President Rodrigo Duterte on the killing of Filipino lawyer Rex Jasper Lopez, a copy of which you have provided to this Embassy, please find enclosed a copy of the reply dated 27 May 2019 from Undersecretary Emmeline Aglipay-Villar of the Philippine Department of Justice informing that the National Bureau of Investigation (NBI) of the Philippines has been asked to investigate this incident.

We shall provide you with further communication on this matter which we may receive from Manila.

Sincerely yours,

FRANCISCO NOEL R. FERNANDEZ III
Deputy Chief of Mission

Enclosure: as stated

MR. MALCOM M. MERCER
Treasurer
Law Society of Ontario
130 Queen Street West
Toronto, Ontario M5H 2N6
Fax No. 416 947 7609

cc: OAA



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

27 May 2019

Mr. MALCOLM M. MERCER
Treasurer
The Law Society of Ontario
130 Queen Street West
Toronto, Ontario, Canada
M5H 2N6

Dear Mr. MERCER:

We write in connection with your 25 April 2019 letter (copy attached), on behalf of the Law Society of Ontario (LSO), to the President of the Republic of the Philippines bearing the subject "**Re: Murder of lawyer Rex Jasper Lopez**", a copy of which was referred to this Department on 20 May 2019 by the Office of American Affairs of the Philippine Department of Foreign Affairs.

Please be informed that we have taken the liberty of referring the said letter to the National Bureau of Investigation (NBI) for appropriate action in line with its mandate as the Philippine government's primary agency for the investigation of criminal activity.

We shall immediately update the LSO of any actions taken by the NBI on this concerning matter.

Very truly yours,

For the Secretary of Justice:

EMMELINE AGLIPAY-VILLAR
Undersecretary

Copy furnished:

Secretary TEODORO L. LOCSIN, JR.
Department of Foreign Affairs
2330 Roxas Boulevard, Pasay City 1300

Attn.: Assistant Secretary **MARIA LUMEN B. ISLETA**
Office of American Affairs

neg



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

27 May 2019

Mr. MALCOLM M. MERCER
Treasurer
The Law Society of Ontario
130 Queen Street West
Toronto, Ontario, Canada
M5H 2N6

RECEIVED

JUN 20 2019

LAW SOCIETY OF UPPER CANADA
CHIEF EXECUTIVE OFFICER

Dear **Mr. MERCER**:

We write in connection with your 25 April 2019 letter (copy attached), on behalf of the Law Society of Ontario (LSO), to the President of the Republic of the Philippines bearing the subject "**Re: Murder of lawyer Rex Jasper Lopez**", a copy of which was referred to this Department on 20 May 2019 by the Office of American Affairs of the Philippine Department of Foreign Affairs.

Please be informed that we have taken the liberty of referring the said letter to the National Bureau of Investigation (NBI) for appropriate action in line with its mandate as the Philippine government's primary agency for the investigation of criminal activity.

We shall immediately update the LSO of any actions taken by the NBI on this concerning matter.

Very truly yours,

For the Secretary of Justice:

EMMELINE AGLIPAY-VILLAR
Undersecretary

Copy furnished:

Secretary TEODORO L. LOCSIN, JR.
Department of Foreign Affairs
2330 Roxas Boulevard, Pasay City 1300

Attn.: **Assistant Secretary MARIA LUMEN B. ISLETA**
Office of American Affairs

Law Society of Ontario : Barreau de l'Ontario

130 Queen Street West
Toronto, Ontario
M5H 2N6

Office of the Treasurer
Tel 416-947-3415
Fax 416-947-7609

<https://www.lso.ca>

April 25, 2019

President Rodrigo Duterte
Malacañang Complex
J.P. Laurel Street
San Miguel, Manila
1005
The Philippines

Your Excellency:

Re: Murder of lawyer Rex Jasper Lopez

I write on behalf of the Law Society of Ontario* to voice our grave concern over the murder of lawyer Rex Jasper Lopez. When reports of serious issues of injustice to lawyers and the judiciary come to our attention, we advocate for the protection of their inalienable human rights.

Rex Jasper Lopez was a lawyer who had been representing defendants in drug-related cases in the Philippines. Reports state that he was shot and killed outside of a shopping mall in Tagum City, Davao del Norte, on March 13, 2019 by unidentified individuals.

Rex Jasper Lopez is the 38th lawyer to have been killed in the Philippines since the start of your presidency in 2016. This current letter is the fifth time that we have written to you on behalf of lawyers in the Philippines who have been killed as a result of discharging their legitimate professional duties. We have previously intervened on behalf of Arian Castañeda (February 2017), Mia Mascariñas-Green (May 2017), Senator Leila de Lima (May 2017) and Benjamin Ramos (December 2018).

According to credible reports, Rex Jasper Lopez's family believes that he was killed because of his work representing the accused in drug cases, and that his murder is connected to the anti-drugs campaign of the current administration.

Members of the legal profession and the judiciary in the Philippines, including Chief Justice Lucas Bersamin and the Integrated Bar of the Philippines (IBP), have condemned the killing of Rex Jasper Lopez. According to reports, IBP President Abdiel Dan Elijah Fajardo stated that Rex Jasper Lopez' death is the latest incident of a recent series of violence against lawyers, and that lawyers, prosecutors and judges are being targeted with increasing frequency and impunity. These murders are among the thousands of extrajudicial killings in the Philippines since you took office.

Credible reports indicate that you have suggested in the past that the killing of people suspected of using and selling drugs will not be punished, and that such calls have encouraged police and armed civilians to commit murder with impunity. We implore Your Excellency to publicly denounce these acts of violence.

The Law Society of Ontario is seriously concerned by credible reports of Rex Jasper Lopez's death and urges Your Excellency to comply with the Philippines' obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers* and *Universal Declaration of Human Rights*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Further, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

Article 3 of the *Universal Declaration of Human Rights* states:

Everyone has the right to life, liberty and security of person.

The Law Society urges the Government of the Philippines to:

- a. immediately conduct a fair, impartial and independent investigation into the murder of Rex Jasper Lopez in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. put an end to all acts of violence against lawyers and judges in the Philippines;
- c. ensure that all lawyers and judges in the Philippines are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization or other human rights violations; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Malcolm M. Mercer

Treasurer

**The Law Society of Ontario is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Her Excellency Petronila P. Garcia
Ambassador
Embassy of the Republic of the Philippines in Ottawa
30 Murray Street
Ottawa, Ontario
K1N 5M4
Fax: +1 613.233.4165
Email: embassyofphilippines@rogers.com

His Excellency John Holmes
Ambassador
Embassy of Canada in the Philippines
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Makati Central Post Office
Philippines 1261

Abdiel Dan Elijah S. Fajardo, National President
Integrated Bar of the Philippines
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Fax: +63 (02) 634-4697
Email: ibp_national@yahoo.com

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6

Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Judith Lichtenberg, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, 'Lawyers' Rights Watch Canada

Hina Jilani, President, World Organisation Against Torture

Dimitris Christopoulos, President, International Federation for Human Rights

Delphine Reculeau, Programme Director, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Diego García-Sayán, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales



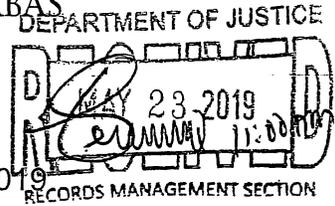
DEPARTMENT OF FOREIGN AFFAIRS
KAGAWARAN NG UGNAYANG PANLABAS

OFFICE OF AMERICAN AFFAIRS

OAA- 1034 -MLBI-2019

07322

20 May 2019



Dear Secretary Guevarra,

**Subject: Letter of Concern from the Law Society of Ontario over the Death
of Lawyer Rex Jasper Lopoz**

The Department respectfully refers to the Secretary the enclosed copy of the letter from Mr. Malcolm M. Mercer, Treasurer/Head of the Law Society of Ontario (LSO) addressed to President Rodrigo Duterte. The letter expresses concern over the death of lawyer Rex Jasper Lopoz on 13 March 2019 in Tagum, Davao del Norte and calls on the Philippine Government to do the following:

- Conduct a fair, impartial and independent investigation in the case of Rex Jasper Lopoz;
- Put an end to all acts of violence against lawyers and judges in the Philippines;
- Protect all lawyers and judges such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, threat of criminalization or other human rights violation; and,
- Ensure respect for human rights and fundamental freedoms in accordance with international human rights standards and instruments.

It would be truly appreciated if DOJ could provide the Department with a copy of its letter-reply to LSO.

Best regards.

Very truly yours,

For the Secretary of Foreign Affairs:


MARIA LUMEN B. ISLETA
Assistant Secretary

Secretary MENARDO I. GUEVARRA

Department of Justice

Padre Faura Street, Ermita, Manila 1000

Email: osec@doj.gov.ph; dtlardizabal@doj.gov.ph

Attention: **Undersecretary Emmeline Aglipay-Villar**

Department of Justice

Email: eavillar@doj.gov.ph

Cc: **Police Director General OSCAR D. ALBAYALDE**
Chief, Philippine National Police

The Philippine Embassy, Ottawa

2330 Roxas Blvd., Pasay City, 1300 Philippines

Tel. No. 834 - 4000

www.dfa.gov.ph

Police Director General OSCAR D. ALBAYALDE
Chief
Philippine National Police
Camp BGen Rafael T. Crame
Quezon City 1111

Enclosures, as stated.

OUEAV:CAC



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

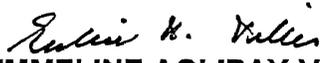
1st Indorsement
27 May 2019

This is to refer to the Director of the National Bureau of Investigation (NBI) the 25 April 2019 letter (copy attached) from the Law Society of Ontario (LSO), through its Treasurer, Mr. Malcolm M. Mercer, to the President of the Republic of the Philippines, which was referred to this Department by the Office of American Affairs of the Department of Foreign Affairs. The LSO, which is the governing body of legal practice in the Province of Ontario, Canada, denounces the 13 March 2019 killing of lawyer Rex Jasper Lopez in Tagum City, Davao del Norte by still unnamed individuals. Thus, citing the United Nations' *Basic Principles on the Role of Lawyers* as well as the *Universal Declaration of Human Rights*, the LSO calls for the Philippines to, among others, immediately conduct a fair, impartial, and independent investigation into the murder of Mr. Lopez.

Consequently, we are referring this matter to the NBI for appropriate and immediate action under the circumstances. We would appreciate receiving any updates regarding the NBI's actions on this, including those already ongoing, for us to properly apprise the LSO of the same.

Thank you.

For the Secretary of Justice:


EMMELINE AGLIPAY-VILLAR
Undersecretary

Copy furnished:

Secretary TEODORO L. LOCSIN, JR.
Department of Foreign Affairs
2330 Roxas Boulevard, Pasay City 1300

Attn.: **Assistant Secretary MARIA LUMEN B. ISLETA**
Office of American Affairs

Enclosures, as stated.

OUEAV:CAC



The Law Society of
Upper Canada | Barreau
du Haut-Canada

February 23, 2017

Office of the Treasurer

Osgoode Hall
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Toronto, Ontario
M5H 2N6

Tel 416-947-3415
Fax 416-947-7609

H.E. Mr. Rodrigo Duterte
President of the Republic of the Philippines
Malcañang Palace
J.P. Laurel Street, San Miguel
NRC 1005, Manila
The Philippines

Your Excellency:

Re: Murder of lawyer Arlan Castañeda

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the murder of lawyer Arlan Castañeda and his security aide Melito Binag. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Arlan Castañeda was a Filipino lawyer and former town councillor. It is our understanding that on December 20, 2016, he and his security aide were leaving a local church in San Pablo, Isabela, after attending dawn mass when they were shot by gunmen on motorcycles. Arlan Castañeda died on the way to the hospital, while his aide died immediately.

Police believe that the shooting may have been related to Arlan Castañeda's legal work, as he had been handling controversial land dispute cases at the time of his death.

The Law Society is deeply troubled by Arlan Castañeda's assassination. We strongly believe that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society of Upper Canada urges Your Excellency to comply with the Philippines' obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of the Philippines to:

- a. ensure that a thorough, impartial, independent and fair investigation is conducted into the murder of Arlan Castañeda;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence, death or other human rights violations; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Her Excellency Petronila P. Garcia
Ambassador
Embassy of the Republic of the Philippines in Ottawa
30 Murray Street
Ottawa, Ontario
K1N 5M4
Fax: +1 613.233.4165
Email: embassyofphilippines@rogers.com

Rosario T. Setias-Reyes, National President
Integrated Bar of the Philippines
IBP Building, No.15 Doña Julia Vargas Avenue
Ortigas Center, Pasig City, Philippines 1600
Fax: +63 (02) 634-4697
Email: ibp_national@yahoo.com

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales



The Law Society of Upper Canada | Barreau
du Haut-Canada

May 10, 2017

H.E. Mr. Rodrigo Duterte
President of the Republic of the Philippines
Malcañang Palace
J.P. Laurel Street, San Miguel
NRC 1005, Manila
The Philippines

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Tel 416-947-3415
Fax 416-947-7609

Your Excellency:

Re: Murder of lawyer Mia Mascariñas-Green

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the murder of lawyer Mia Mascariñas-Green. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Mia Mascariñas-Green was a public interest lawyer who was known for her work and advocacy on behalf of women, children, farmers, fisherfolk and the environment. She often took on cases and represented clients pro bono.

The Law Society's information states that on February 15, 2017, Mia Mascariñas-Green was gunned down by four men on motorcycles while driving home with her three children and a nanny. Although her children and their nanny were unharmed, Mia Mascariñas-Green was pronounced dead at the hospital.

Police believe that the assassination is tied to Mia Mascariñas-Green's legal work, as she was working on a contentious land dispute case at the time of her death.

The Law Society is deeply troubled by these reports. We strongly believe that lawyers should be able to carry out their professional duties and activities without fear for their lives, liberty and security.

The Law Society of Upper Canada urges Your Excellency to comply with the Philippines' obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of the Philippines to:

- a. immediately conduct a fair, impartial and independent investigation into the murder of Mia Mascariñas-Green in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. put an end to all acts of harassment and violence against lawyers and human rights defenders in the Philippines;
- c. guarantee in all circumstances the physical and psychological integrity of all lawyers and human rights defenders in the Philippines;

- d. ensure that all lawyers in the Philippines can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

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cc:

Her Excellency Petronila P. Garcia
Ambassador
Embassy of the Republic of the Philippines in Ottawa
30 Murray Street
Ottawa, Ontario
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Fax: +1 613.233.4165
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Rosario T. Setias-Reyes, National President
Integrated Bar of the Philippines
IBP Building, No.15 Doña Julia Vargas Avenue
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The Honourable Chrystia Freeland
Minister of Foreign Affairs
125 Sussex Drive
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Email: chrystia.freeland@international.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

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Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

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Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales



The Law Society of
Upper Canada

Barreau
du Haut-Canada

May 19, 2017

Office of the Treasurer

Osgoode Hall
130 Queen Street West
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Tel 416-947-3415
Fax 416-947-7609

H.E. Mr. Rodrigo Duterte
President of the Republic of the Philippines
Malcañang Palace
J.P. Laurel Street, San Miguel
NRC 1005, Manila
The Philippines

Your Excellency:

Re: Arrest and detention of Senator Leila de Lima

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the arrest and detention of Senator Leila de Lima. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Senator Leila de Lima is a lawyer, human rights activist and politician. She served as Chairperson of the Philippine Commission on Human Rights from May 2008 to June 30, 2010, then as the Secretary of the Department of Justice from July 2, 2010 to October 12, 2015. Currently, she sits as a senator in the Philippines' 17th Congress, having assumed office on June 30, 2016. From July 25, 2016 to September 19, 2016, she was the Chair of the Senate Justice and Human Rights Committee.

It has come to the Law Society's attention that on February 23, 2017, the Muntinlupa Regional Trial Court in Metro Manila issued a warrant for Senator de Lima's arrest. She is accused of receiving bribes from detained drug lords during her tenure as Justice Secretary and faces three criminal charges under the *Comprehensive Dangerous Drugs Act*. If found guilty, she faces 12 years to life in prison. The charges are based, in part, on accusations by inmates of New Bilibid Prison who, according to sources in both the Bureau of Corrections and the Philippine National Police, were bribed by current Justice Secretary Vitaliano Aguirre for their testimony. More specifically, Aguirre purportedly authorized the provision of material benefits to the inmates – including televisions, cell phones,

Internet access and air conditioning units – after they provided testimony against Senator de Lima.

The Senator denies the charges against her and maintains that she is being politically persecuted for being a vocal critic of the Philippine government's war on drugs, a campaign which has engendered thousands of extrajudicial executions and other human rights violations of mostly poor, defenceless victims. Many believe that by arresting and detaining Senator de Lima, the Philippine government is attempting to silence criticism of its deadly anti-drug crackdown and to divert attention away from the corollary human rights violations.

The Law Society is deeply troubled by these reports and urges Your Excellency to comply with the Philippines' obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of the Philippines to:

- a. immediately and unconditionally release Senator Leila de Lima;
- b. immediately and unconditionally withdraw all charges against Senator Leila de Lima;

- c. guarantee all of the procedural rights that should be accorded to Senator Leila de Lima in accordance with her right to a fair trial;
- d. ensure that Senator Leila de Lima is afforded regular access to her lawyer(s) and family;
- e. put an end to all acts of harassment against Senator Leila de Lima and all other human rights lawyers in the Philippines;
- f. guarantee in all circumstances the physical and psychological integrity of Senator Leila de Lima;
- g. ensure that all lawyers in the Philippines can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

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cc:

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Ambassador
Embassy of the Republic of the Philippines in Ottawa
30 Murray Street
Ottawa, Ontario

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Fax: +1 613.233.4165
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