



The Law Society of
Upper Canada

Barreau
du Haut-Canada

May 19, 2017

Office of the Treasurer

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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

**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:

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