



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

February 23, 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: 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:

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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

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