



Inter-Parliamentary Union

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Philippines

Decision adopted unanimously by the IPU Governing Council at its 204th session (Doha, 10 April 2019)



Philippine Senator Leila de Lima is escorted by police after her arrest at the Senate in Manila on 24 February 2017 © Ted Aljibe/AFP

PHL08 – Leila de Lima

Alleged human rights violations:

- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression

A. Summary of the case

Ms. Leila de Lima served as Chairperson of the Commission on Human Rights of the Philippines from May 2008 until June 2010. In that capacity, she led a series of investigations into alleged extrajudicial killings linked to the so-called Davao Death Squad in Davao City, where Mr. Duterte had long been mayor, and concluded that Mr. Duterte, now President of the Philippines, was behind the Davao Death Squad.

In 2010, Ms. de Lima was appointed Secretary of Justice. She resigned from this position in October 2015 to focus on her campaign to gain a seat in the Senate in the elections of May 2016, in which she was successful. In August 2016, as Chair of the Senate Committee on Justice and Human Rights, she initiated an inquiry into the killings of thousands of alleged drug users and drug dealers said to have taken place since President Duterte took office in June 2016. Since the start of her term as senator, she has been subjected to widespread intimidation and denigration, including by President Duterte directly.

Case PHL08

Philippines: Parliament affiliated to the IPU

Victim(s): Female opposition member of parliament

Qualified complainant(s): Section I(1)(d) of the [Committee Procedure](#) (Annex I)

Submission of complaint(s): September 2016

Recent IPU decision: [October 2018](#)

IPU mission: [May 2017](#)

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the Director General and Secretary of the IPU Group of the Philippines (April 2019)
- Communication from the complainant: Meeting at the IPU Secretariat (March 2019)
- Communication addressed to the authorities: Letter addressed to the President of the Senate (March 2019)
- Communication addressed to the complainant: March 2019

Senator de Lima was arrested and detained on 24 February 2017 on the basis of accusations that she had received drug money to finance her senatorial campaign. The charges, in three different cases, which were subsequently amended, were brought in the wake of an inquiry by the House of Representatives into drug trading in New Bilibid Prison and Senator de Lima's responsibility in that regard when she was Secretary of Justice. The House inquiry was launched one week after she initiated her inquiry in the Senate into the extrajudicial killings.

On 10 October 2017, the Supreme Court dismissed Senator de Lima's petition to recall the arrest warrant issued against her and on 17 April 2018 denied her motion for reconsideration of its ruling. In addition to questioning the lack of probable cause, the petition also argued that it was for the Ombudsman, not the criminal courts, to examine the accusations brought against her in connection with alleged events that took place when she was Secretary of Justice.

On 27 July and 10 August 2018, Senator de Lima was arraigned in two of the three cases that are now before Branches 205 and 256 of the Regional Trial Court – Muntinlupa City. Hearings to present prosecution witnesses in the two cases before Branch 205, mostly convicted drug traffickers, are due to take place until the end of May 2020, with hearings in each case scheduled to be held twice a month on average.

A mission of the IPU Committee on the Human Rights of Parliamentarians to the Philippines in May 2017 concluded that there was no evidence to justify the criminal cases against Senator de Lima. Since then, the IPU has called for Senator de Lima's release and for the legal proceedings against her to be abandoned should serious evidence not be forthcoming soon. On 30 November 2018, the UN Working Group on Arbitrary Detention concluded that Senator de Lima's detention was arbitrary and that the appropriate measure would be to release her immediately.

Although Senator de Lima remains very politically active from detention and receives newspapers, journals and books, she has no access to the Internet, a computer, TV, radio or to an air-conditioning unit, despite a doctor's order. The Director General of the Philippine National Police (PNP) has denied her request to use electronic gadgets and have an air-conditioning unit installed as recommended by the Director of the PNP General Hospital.

The Senate of the Philippines has taken measures to ensure that the rights and privileges of Senator de Lima related to her position are upheld and that she is able to fulfil her duties as Senator despite her detention. In this regard, the current President of the Senate has also asked the Chief of the National Police for Senator de Lima to be allowed to conduct hearings at her place of detention in order to facilitate the work of the Senate Committee on Social Justice, Welfare and Rural Development, which she chairs. He has also requested that she be allowed to monitor Senate proceedings from her detention cell via live streaming on a tablet device. It appears that both requests have been denied.

Requests from Senator de Lima's defence counsel to the courts that she be granted a leave of absence from detention to participate in certain Senate sittings have remained unanswered.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the President of the Senate for his letter and for his efforts, and those of the Senate, to facilitate Senator de Lima's work in the Senate;
2. *Remains deeply concerned* that, more than two years after her arrest, Senator de Lima remains detained in the absence of any serious evidence to justify the charges; *considers* that the current calendar of scheduled hearings in two of the cases against her raises serious questions about the willingness of those in charge to proceed with the required swiftness; *recalls* in this regard the principle that justice delayed is justice denied;
3. *Recalls* that there are multiple, strong signs that the steps taken against Senator de Lima come in response to her vocal opposition to the way in which President Duterte was waging war on drugs, including her denunciation of his alleged responsibility for extrajudicial killings; *points out* in this regard the repeated violation of the principle of the presumption of innocence, the dubious choice of jurisdiction to present the accusations against her, the timing of the criminal

proceedings, the amendment of the charges and the reliance on testimonies of convicted drug traffickers, who were either promised favourable treatment in return, subject to physical intimidation in prison, or have an axe to grind against Senator de Lima as a result of her efforts to dismantle their drug trafficking operations when she was Secretary of Justice;

4. *Considers* that, in light of the foregoing, Senator de Lima should be released immediately and the legal proceedings against her dropped; *calls on* the authorities to take the necessary action forthwith;
5. *Requests* that, should charges not be dropped, an IPU trial observer monitor and report on respect for fair-trial standards in the cases before Branch 205 of the Regional Trial Court in Muntinlupa City, including in order to assess if and how existing concerns about the legality and fairness of the proceedings are properly reviewed;
6. *Remains disturbed* that before and during the criminal proceedings against Senator de Lima she has been subject to a public campaign of vilification by the highest state authorities, portraying her as an “immoral woman”; *regrets* that the Supreme Court has yet to rule on this matter, thereby missing an important opportunity to condemn and end the public degrading treatment to which she has been subjected as a woman parliamentarian; and *strongly hopes* that it will do so without any further delay;
7. *Urges* the Supreme Court, in the event that Senator de Lima is not immediately released, to grant her occasional leave of absence from detention to participate in Senate sittings, as it has done on previous occasions in other similar cases; *wishes* to be kept informed on this point;
8. *Regrets* that Senator de Lima is still not allowed access to the Internet, TV and radio nor allowed to use a tablet or laptop, nor is she allowed to conduct at her place of detention hearings of the Senate committee that she chairs, since this would greatly facilitate her parliamentary work; *regrets* furthermore that the authorities have also yet to provide her with an air-conditioning unit, as ordered by her doctor; *sincerely hopes* that the relevant authorities will take the necessary steps to address these matters for as long as she remains in detention; and *wishes* to be kept informed in this regard;
9. *Requests* the Secretary General to convey this decision to the relevant authorities, including the Secretary of Justice, the Prosecutor’s Office and the relevant courts, the complainant and any third party likely to be in a position to supply relevant information;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.