



# General Assembly

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## Human Rights Council

Forty-fourth session

15 June–3 July 2020

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

### **Joint written statement\* submitted by Asian Legal Resource Centre, a non-governmental organization in general consultative status, and Lawyers' Rights Watch Canada, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2020]

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\* Issued as received, in the language(s) of submission only.

GE.20-07939(E)



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## Acceleration of extra-judicial killings of jurists in the Philippines

The United Nations (UN) Human Rights Council (Council), during its 41<sup>st</sup> Session, adopted Resolution A/HRC/41/L.20, Promotion and protection of human rights in the Philippines (Resolution 41/L.20),<sup>1</sup> requesting the High Commissioner for Human Rights (HCHR) to present a comprehensive report on human rights in the Philippines to the Council at its 44<sup>th</sup> Session. Resolution 41/L.20 urged the Philippines “to take all necessary measures to prevent extrajudicial killings and enforced disappearances, to carry out impartial investigations and to hold perpetrators accountable.”

At the 42<sup>nd</sup> session of the Council, a written NGO statement<sup>2</sup> reported extrajudicial killings of 45 attorneys, prosecutors and judges (jurists) in the Philippines during 37-month period between 1 July 2016 when President Duterte took office and 28 July 2019, an average of 1.2 extrajudicial killings of jurists per month. At the 43<sup>rd</sup> session of Council, NGOs highlighted extrajudicial killings of 48 jurists since 1 July 2016.<sup>3</sup>

Since the adoption of Resolution 41/L.20, extrajudicial killings and attempted murders of jurists have accelerated. This Statement records 74 extrajudicial killings and murderous attacks on jurists (70) and legal workers (4) in the Philippines during the 45-month period between 1 July 2016 and 29 February 2020. As a result 59 died, including 56 jurists and 3 legal workers. Fifteen survived, including 8 attorneys, 2 judges, 4 prosecutors, 1 legal worker. The Appendix to this Statement lists the jurists and legal workers killed and those who survived attempted murders, to acknowledge the victims and to alert the Council to the continued urgent need for effective action to prevent and remedy further murderous attacks on members of the legal community in the Philippines. The list is compiled from news sources and civil society reports.

During the seven-month period from August 2019 to February 2020, 14 jurists and 1 paralegal were attacked, representing an escalation of the rate of attacks on jurists and legal workers to 2.14 per months, with deaths at the rate of 1.43 per month. Of the 15 attacked, 10 jurists died and 4 survived. One paralegal survived but remains paralyzed from the chest down.

The list of jurists and legal workers killed and attacked stands as stark and tragic evidence that the Philippines has failed to take the measures required by Resolution 41/L.2 to prevent and investigate the extrajudicial killings and attempted killings of jurists and hold perpetrators accountable. There have been few investigations of individual attacks resulting in prosecution. The Philippines has neither conducted an independent inquiry nor created a special task force to investigate the continuing attacks on jurists. President Duterte has not condemned the pattern of attacks on jurists or public actions likely to put jurists and legal workers at risk, including red-tagging and vilification of legal professionals engaged in human rights advocacy, representation of people accused of drug related offences, or criticism of government action.

The resulting entrenchment of impunity for extrajudicial killings and attempted murders of jurists and legal workers denies lawful remedies to victims’ families, prevents jurists and

<sup>1</sup> UN Human Rights Council, Promotion and protection of human rights in the Philippines, A/HRC/41/L.20, 12 July 2019, [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/41/L.20](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/41/L.20).

<sup>2</sup> LRWC et al, “Philippines: Extrajudicial killing of jurists as part of a pattern of widespread and systematic violations of human rights,” Joint Written Statement to the UN HRC, September 2019, submitted by LRWC, Lawyers for Lawyers, International Association of Democratic Lawyers, and Asian Legal Resource Centre, and endorsed by the Bar Human Rights Committee of England and Wales, International Association of People’s Lawyers, and Philippines National Union of Peoples’ Lawyers (NUPL), <https://www.lrwc.org/philippines-extrajudicial-killing-of-jurists-written-statement-to-the-hrc/>.

<sup>3</sup> International Association of Democratic Lawyers, Item:3 General Debate, 43<sup>rd</sup> Regular Session Human Rights Council, 6 March 2020, <http://webtv.un.org/search/item3-general-debate-22nd-meeting-43rd-regular-session-human-rights-council-/6139005578001/#t=1h46m33s>.

legal workers from safely carrying out their professional duties, impairs access to legal representation' and undermines the right of equal access to justice.

Lawyers' Rights Watch Canada (LRWC) and the Asian Legal Resource Centre (ALRC) request the Council to call on the Philippines to:

- Comply fully with Resolution 41/L.20;
- Conduct independent, impartial investigations of all killings and attempted killings of jurists in accordance with the Minnesota Protocol;
- Cease publicly vilifying or 'red tagging' jurists, defenders, and others;
- Adopt and implement the Bill on Human Rights Defenders Protection passed by the House of Representatives in June 2019;
- Fully cooperate with all UN bodies, including the Office of the HCHR and Council mechanisms including Resolution 41/L.20, by facilitating country visits, providing unrestricted access to all areas and witnesses, and preventing interference, intimidation or reprisals against UN monitors or other individuals and groups seeking to cooperate with the UN on human rights;
- Remedy all human rights violations, including those identified by UN human rights bodies.

LRWC and ALRC also request that the Council:

- Recommend to the General Assembly steps to remedy any continued failure by the Philippines to comply with Resolution 41/L.20 ; and,
- Consider suspension of the Philippines from Council membership pending its effective compliance with Resolution 41/L.20;
- In consultation with civil society, adopt policies and procedures for election of Council members, monitoring and reporting on members' compliance with GA Resolution 60/251 and, as a last resort, suspension for persistent gross and systematic non-compliance.

## Appendix

### Extrajudicial killings and violent attacks on jurists and legal workers

There have been 74 violent attacks against jurists (70) and legal workers (4) in the Philippines under the Duterte government from 1 July 2016 to 29 February 2020. As a result:

- 59 died (42 attorneys, 6 judges, 8 prosecutors, 2 paralegals, 1 court official).
- 15 survived (8 attorneys, 2 judges, 4 prosecutors, 1 paralegal).

#### Jurists killed

##### Attorneys killed

1. Bato, Rogelio, 23 August 2016
2. Evasan, Allen, 23 August 2016
3. Tolentino, Melder, 15 September 2016
4. Mazo, Honorato, 7 October 2016
5. Apada, Jemar, 1 December 2016
6. Castenada, Arlan 20 December 2016
7. Paderanga, Goering Sr., 22 December 2016
8. Paderanga, Gerik Caesare, 22 December 2016
9. Canoy, Victor (former judge), 2 February 2017
10. Mascarinas-Green, Mia Manuelita, 14 February 2017
11. Mitra, Elmer Jr., 1 June 2017
12. Yumol, Dolores 6 June 2017
13. Aban, Hermie, 15 August 2017
14. Gahol, Pablito (former prosecutor), 3 September 2017
15. Baldeo, Expectation, 3 December, 2017
16. Ungab, Jonah, 19 February, 2018
17. Herrera, Henry, 22 April 22 2018
18. Marabe, Geronimo (retired prosecutor), 22 May 2018
19. Galit, Joey, 21 June 2018
20. Solima, Salvador (former prosecutor), 2 July 2018
21. Atutubo, Rafael, 23 August 2018
22. Villamor, Connie, Connie del Rio, 24 September 2018
23. Romero, Edel Julio, 28 September 2018
24. Ramos, Benjamin Jr., 6 November 2018
25. Laban, Nasser M., 6 December 2018
26. Batocabe, Rodel, 22 December 2018
27. Castro, Mary Ann (former prosecutor), 17 January 2019
28. Mendoza, Alwyn (abducted, no news or ransom demand, presumed dead)
29. Lopo, Rex Jasper, 13 March 2019

30. Mejia, Chairmaine Pelayo, 26 March 2019
31. Crisostomo, Val, 17 May 2019
32. Golla, Edilberto Jr., 17 May 2019
33. Trinidad, Anthony, 23 July 2019
34. Gomez, Nicolas Jr., 28 July 2019
35. Cabugoy, Irineo Michael, 5 September 2019
36. Blao, Khadaffy, 6 September 2019
37. Acpal, Jesus, 21 September 2019
38. Moncada, Raymond, attacked 3 January 2020, died 14 January 2020
39. Mendoza, Edgar, 9 January 2020
40. Anselmo, Carlos, 28 January 2020
41. Santos, Frederic, 19 February 2020
42. Dalangin, Bayani, 26 February 2020

#### **Judges killed**

43. Abul, Godofredo Jr., 5 August 2017
44. Begino, Ricky, 12 June 2018
45. Pintac, Edmundo P., 8 October 2018
46. Lacaya, Reymar, 17 May 2019
47. Dagala, Exequuil (former judge, prosecutor<sup>4</sup>), 1 November 2019
48. Bañez, Mario Anacleto, 5 November 2019

#### **Prosecutors killed**

49. Acido, Rolando, 26 October 2016
50. Mingoa, Johanne Noel, 11 January 2017
51. Azarcon, Diosdado, 22 May 2017
52. Ronatay, Maria, 18 July 2017
53. Luna, Reymund, 29 September 2017
54. Tagiong, Ramy (Chief Legal Officer, PNP, Calabarzon, prosecuted erring police officers), 4 May 2018
55. Velasco, Rogelio, 11 May 2018
56. Ednaco-Tanyag, Madonna, 4 June 2018

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<sup>4</sup> The killing of Exequuil Dagala fits Sec. 2 of International Association of People's Lawyers' definition of an attack on a lawyer. Even though he was no longer a judge or prosecutor, his death is likely to impact negatively on other lawyers, judges and prosecutors. IAPL defines "attacks on lawyers" as:

- actions, physical or non-physical, directed at a legal professional or professionals, that are intended to, or have the natural effect of, interfering with the performance of their professional duties;
- actions, physical or non-physical against a former legal professional or professionals that are likely to impact negatively upon other legal professionals' capacity, or willingness, to carry out their professional duties, in whole or in part, without fear or favor.

## **Attorneys, Judges, and Prosecutors Surviving Attacks**

### **Attorneys survived (8)**

57. Abinal, Nasser, 5 May 2017
58. Espinosa, Ron Elyla, August 2017
59. Cabatbat, Argel, 13 February 2018
60. Donasco, Wilmer W., 26 September 2018
61. Perera, Jason, 29 September 2018
62. Del Castillo, Erfe, 22 December 2018
63. Dela Cerna, Inocencio, 2 September 2019
64. Heredia, Criselda, 23 September 2019

### **Judges survived (2)**

65. Salise, Hector, 23 September 2016
66. Rasalan, Agnelito, 20 January 2019

### **Prosecutors survived (4)**

67. Tesiorna, Manuel, 6 February 2017
68. Olivarao, Josephine C., 10 June 2019
69. Susano, Elmer, 10 September 2019
70. Ronda, Tocod, 21 February 2020

## **Legal Workers**

### **Human rights paralegals killed (2)**

71. Pura, Edwin C., 26 October 2017
72. Acob, Mariamr Uyo, 23 September 2018

### **Human rights paralegal surviving attack (1)**

73. Lee, Brandon , 6 August 2019

### **Court official killed (1)**

74. Villaruz, Randel, 1 October 2018

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International Association of People's Lawyers (IAPL), NGO without consultative status, also shares the views expressed in this statement.