

AMNESTY INTERNATIONAL PUBLIC STATEMENT

27 August 2018 ASA 35/8997/2018

PHILIPPINES: DROP POLITICALLY MOTIVATED CHARGES AGAINST SENATOR DE LIMA AND ENSURE HER IMMEDIATE AND UNCONDITIONAL RELEASE

Amnesty International remains deeply concerned by the continued detention of prisoner of conscience Senator Leila de Lima on politically motivated charges, based on unsubstantiated statements of people convicted for drug-related offenses. Amnesty International considers the targeting of Senator de Lima by the authorities as a blatant attempt to silence one of the most prominent critics of the violent ‘war on drugs’ and bar her from participating in public life. On the occasion of Senator de Lima’s 59th birthday, Amnesty International renews its calls on Philippine authorities to drop all charges against her and release her immediately and unconditionally, to allow her to carry on her vital work in defence of human rights.

Senator de Lima has been in arbitrary detention for over 18 months at the headquarters of the Philippine National Police (PNP) in Camp Crame, Quezon City, over non-bailable charges of violating the country’s Comprehensive Dangerous Drugs Act of 2002. Prosecutors claimed that de Lima had connections to drug syndicates and allowed the proliferation of drugs in the National Bilibid Prison, based solely on questionable statements of people who have been convicted on drug charges, who may also have received benefits in jail after providing their testimony. Amnesty International believes there has been no substantial evidence on record that can so far sustain such allegations. Prosecutors have recently amended the charges against her – from illegal drug trading to ‘conspiracy’ to trade drugs – in what seems an attempt to delay the court proceedings in light of the absence of evidence to sustain the original charges. After her arraignment was deferred several times, Senator de Lima was finally called to court to respond to the charges against her on 26 July 2018, during which the Senator did not enter a plea as she maintained that the charges against her are “completely fabricated” and based on “orchestrated lies”.

Amnesty International reiterates that Senator de Lima is a victim of political persecution, and that the charges against her clearly stem from her criticism of President Duterte’s ‘war on drugs’, which has resulted in the extrajudicial execution of thousands of suspected drug offenders and other human rights violations. After the Senator opened a Senate inquiry into unlawful killings committed in the conduct of the anti-drug campaign, the President and other officials unleashed a smear campaign with a series of personal and criminal accusations against Senator de Lima, often based on her gender.

Beyond her unjust detention, Amnesty International is dismayed by the restrictions the Senator has faced while in custody. Private correspondence to her is randomly inspected and subject to confiscation, and visits have been arbitrarily limited. In 2017, the PNP denied, without providing reasons, a request by several groups of foreign dignitaries, including European and ASEAN parliamentarians, to visit her in detention.

The political persecution of Senator de Lima continues in an increasingly dangerous context where human rights defenders and civil society organisations face intimidation and obstruction in their attempts to investigate and raise concerns about human rights in the country. President Duterte has previously threatened to ‘behead’ and ‘kill’ human rights defenders who criticise the administration. Human rights defenders – including Jose Luis ‘Chito’ Gascon, the current Chair of the Commission of Human Rights (CHR), and Agnes Callamard, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions – have been subjected to vicious verbal tirades and threats by the President. Other human rights defenders and activists including the UN Special Rapporteur on the rights of Indigenous Peoples have been included on a ‘terrorist’ list drawn up by the government.

In light of the above, Amnesty International calls on the Philippine authorities to drop all charges against Senator de Lima and ensure she is released immediately and unconditionally as she is a prisoner of conscience solely detained for peacefully exercising her human rights. Pending her release, the authorities must ensure that no arbitrary restrictions, including denial of visits, are imposed on her.

The organization further calls on the authorities to investigate promptly, independently and impartially the threats, harassment and intimidation of political opponents, activists, independent media, human rights defenders and others who have criticised the government's 'war on drugs' and ensure they are able to carry out their work without fear of reprisals. The authorities must put an end to the punitive policies used to address drug-related problems, and instead ensure that drug policies are based on protecting public health and human rights. In particular, they should put an end to the unlawful use of force by police and carry out prompt, impartial and effective investigations into all drug-related killings, particularly where law enforcement officials have been implicated.

BACKGROUND

Senator Leila de Lima was arrested on 24 February 2017 by the Philippine National Police (PNP) after being charged with drug-related offences. She has been detained at the PNP Custodial Centre in Camp Crame, Quezon City, Metro Manila since then. She has been a vocal critic of the Duterte administration and the human rights violations that have been committed in the so-called 'war on drugs' waged since President Duterte took power in June 2016.

Initially facing three charges under the Comprehensive Dangerous Drugs Act of 2002 for the non-bailable offense of illegal drug trading, her charges were recently changed to 'conspiracy' to trade drugs, also a non-bailable offense. If found guilty, she faces a maximum of life imprisonment. Based on statements of people convicted for drug-related offences, prosecutors claimed that Senator de Lima had connections to drug syndicates and allowed the proliferation of drugs in the National Bilibid Prison. Senator de Lima has consistently denied the charges, and has dismissed the allegations as an attempt by the President and his political allies to silence and discredit her.

From her cell in Camp Crame, Senator de Lima continues to issue daily handwritten dispatches, commenting on and responding to current social and political issues in the Philippines, and to call for attention to human rights violations in the country.

On 26 July 2018, 17 months after her arrest, she was called before a court for the first time where she refused to enter a plea and said, "I do not recognise the legitimacy and validity of the charges against me". The court proceeded to enter a not guilty plea on her behalf, in accordance with court rules. Her arraignment proceeded after the judge at the Muntinlupa Regional Trial Court denied her motions for reconsideration and to dismiss the case against her.