



Inter-Parliamentary Union  
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## Philippines

*Decision adopted unanimously by the IPU Governing Council at its 202<sup>nd</sup> session (Geneva, 28 March 2018)*



Senator Leila De Lima is escorted by police officers following 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 to June 2010. In that capacity she led a series of investigations into alleged extrajudicial killings linked to the Davao Death Squad (DDS) in Davao City, where Mr. Duterte had long held the post of mayor, and concluded that Mr. Duterte, now President of the Philippines, was behind the DDS.

In 2010, Ms. de Lima was appointed Secretary of Justice. She resigned from this position in October 2015 to focus on her campaign for 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 extrajudicial killings of thousands of alleged drug users and drug dealers alleged to have taken place since President Duterte took office in June 2016. Since the start of her term as Senator, she has been subject to widespread intimidation and denigration, including by President Duterte directly.

#### Case PHL08

**Philippines:** Parliament affiliated to the IPU

**Victim:** Female opposition member of parliament

**Complainant(s):** Section I.1(d) of the [Committee Procedure](#) (Annex 1)

**Submission of complaint:** September 2016

**Recent IPU decision:** [October 2017](#)

**IPU Mission:** [May 2017](#)

**Recent Committee hearing:** Hearing with the Philippines delegation to the 136<sup>th</sup> IPU Assembly (April 2017)

#### Recent follow-up:

- Communication from the authorities: Letter from the President of the Senate (January 2017)
- Communication from the complainant: March 2018
- Communication from the IPU: Letter addressed to the President of the Senate (February 2018)
- Communication from the IPU to the complainant: March 2018 ■

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, were brought in the wake of an inquiry by the House of Representatives into drug trading in New Bilibid Prison and into 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.

Senator de Lima has still not been arraigned in any of the three cases, which have now been lodged with Branch 205 of the Regional Trial Court (RTC) in Muntinlupa City. A petition to the Supreme Court to reconsider its earlier decision accepting the legality of Senator de Lima's arrest is still pending.

Although Senator de Lima remains very politically active during her detention, and receives newspapers, journals and books, she has no access to Internet, computers, TV or radio, nor to an air-conditioning unit, despite a doctor's order. Senator de Lima has written a letter to the chief of the Philippine National Police in this regard.

Requests from her defence counsel to the courts that she be granted "legislative furlough" - or temporary release in order to attend to her legislative duties - have remained unanswered. Senators in the minority in the Senate have to date filed three resolutions urging that she be allowed occasional furlough.

## B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Is deeply concerned* that Senator de Lima remains in pre-trial detention, more than one year after her arrest;
2. *Reiterates its call* upon the relevant authorities to release Senator de Lima immediately and to abandon the legal proceedings against her, unless serious evidence is rapidly forthcoming; *reaffirms* in this regard that the IPU Committee mission report clearly shows that the steps taken against Senator de Lima were in response to her vocal opposition to President Duterte's war on drugs, including her denunciation of his alleged responsibility for extrajudicial killings, and that there is no serious evidence to justify the criminal cases against her;
3. *Decides* to send an observer to monitor and report on respect for fair trial standards in the cases before Branch 205 of the Regional Trial Court (RTC) in Muntinlupa City;
4. *Trusts* that the Supreme Court will give full consideration to the arguments presented by Senator de Lima and her lawyers in her motion for reconsideration of the legality of her arrest; *wishes* to be kept informed in this regard;
5. *Remains shocked* at the public campaign of vilification by the highest state authorities against Senator de Lima, which portrays her as an "immoral woman" and as guilty, even though a trial has yet to commence; *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; *calls* on the Supreme Court to rule on this matter as quickly as possible;
6. *Considers* that the Senate has a special responsibility to help ensure that its colleagues participate in its deliberations and to speak out when they face reprisals for their work; *regrets* therefore that the Senate has not been able to take a firm stance in favour of Senator de Lima's direct participation in the Senate's most important work; *sincerely hopes* that the Senate, under the leadership of its President, will finally be able to act in solidarity with its colleague;
7. *Urges*, in the event that Senator de Lima is not immediately released, the Supreme Court to grant her occasional "legislative furlough"; *also urges* that the relevant authorities will swiftly grant her access to Internet, TV and radio, since this would greatly facilitate her parliamentary work; *trusts* that the authorities will also provide her with an air-conditioning unit, as ordered by her doctor; *wishes* to be kept informed in this regard;

8. *Considers* that the matters at issue in this case warrant an urgent follow-up visit by the Committee on the Human Rights of Parliamentarians; *requests* the Secretary General to seek the parliamentary authorities' support for this visit to take place as soon as possible;
9. *Requests* the Secretary General to convey this decision to the competent authorities, 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.