



Inter-Parliamentary Union

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Philippines

Decision adopted unanimously by the IPU Governing Council at its 206th session (Extraordinary virtual session, 3 November 2020)



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

PHL-08 – 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 Philippines Commission on Human Rights from May 2008 to 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 been long-time 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 for a senate seat in the May 2016 elections, a bid that was successful. In August 2016, as Chair of the Senate Committee on Justice and Human Rights, she launched an inquiry into the killings of thousands of alleged drug users and drug dealers, which are alleged to have taken place since President Duterte took office in June 2016. Since becoming senator, she has been the target of acts of intimidation and denigration, including by President Duterte himself.

Case PHL-08

Philippines: Parliament affiliated to the IPU

Victim: Female opposition member of parliament

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

Submission of complaint: September 2016

Recent IPU decision(s): April 2019

Recent IPU mission(s): [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: October 2020
- Communication addressed to the authorities: Letter addressed to the President of the Senate (September 2020)
- Communication addressed to the complainant: October 2020

Senator de Lima was arrested and detained on 24 February 2017 over accusations of receiving drug money to finance her senatorial campaign for a senate seat. 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 Senator de Lima's responsibility for such while she was Secretary of Justice. The House-led inquiry was launched one week after she initiated her inquiry in the Senate into the extrajudicial killings.

On 27 July and 10 August 2018, Senator de Lima was indicted in two of the three cases that are currently before Branches 205 and 256 of the Regional Trial Court – Muntinlupa City. While the third case has gone on intermittently due to vacancies in court, with the trial having resumed only on 9 October 2020, hearings to present prosecution witnesses in the two other cases before Regional Trial Court Branch 205, mostly involving convicted drug traffickers, were scheduled well into 2020, with twice-monthly hearings scheduled in each case on average. It was later discovered that the convicted drug traffickers received special treatment in prison and were coerced into testifying against Senator de Lima after being viciously stabbed in prison in 2016. In June and August 2020, Senator de Lima filed two motions for release on bail on the grounds that there was insufficient evidence against her in the two cases before the court. The prosecution is likely to wrap up its work in both ongoing cases by November 2020, with remaining hearings being accessible for remote online monitoring. Thereafter, the court is likely to rule on the two pending motions for bail soon.

A May 2017 mission to the Philippines by the IPU Committee on the Human Rights of Parliamentarians concluded that there was no evidence to justify the criminal cases against Senator de Lima. Since then, the IPU has called for the release of Senator de Lima and for the case against her to be dropped unless cogent evidence becomes available soon. On 30 November 2018, the United Nations Working Group on Arbitrary Detention concluded that Senator de Lima's detention was arbitrary and that her immediate release was in order.

Although Senator de Lima has remained very politically active over the years while in 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 recommendation. Senator de Lima was allegedly kept in incommunicado detention from 25 April to 10 June 2020, purportedly for the purposes of stopping the spread of Covid-19. Although the situation regarding Senator de Lima's visiting rights has since improved, a number of restrictions thereto remain in place.

On 27 April 2020, the Senate adopted a motion to allow teleconferencing in plenary and committee hearings. That same day, the Senate President, however, reportedly publicly stated that Senator de Lima would not be allowed to take part in such virtual proceedings given that the Senate has no jurisdiction over her. According to the complainant, this is a further attempt to prevent her from fully performing her role as Senator, despite the clear Supreme Court jurisprudence on this point. On 7 November 2016, Senator de Lima had filed a petition for writ of *habeas data* against President Duterte before the Supreme Court, requesting that the Court, *inter alia*, order President Duterte and any of his representatives to cease: seeking details about her private life outside the realm of legitimate public concern or making statements maligning her as a woman and injuring her dignity as a human being; discriminating against her on the basis of gender; describing or publicizing her alleged sexual conduct; engaging in psychological violence against her; and otherwise violating her rights or engaging in acts that are contrary to law, good morals, good customs, public policy and/or public interest. On 18 October 2019, the Supreme Court had dismissed the petition for writ of *habeas data* on the grounds that the President is immune from suit during his incumbency and tenure.

A. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Remains deeply concerned* that Senator de Lima has been in detention for three and a half years without any serious evidence presented against her to justify the charges; *recalls* in this regard the principle that justice delayed is justice denied;
2. *Recalls also* 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 a 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, subjected 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;

3. *Renews it call*, in light of the foregoing, for Senator de Lima to be released immediately and for the legal proceedings against her to be dropped; *calls on* the authorities to take the necessary action forthwith;
4. *Requests* that, should charges not be dropped, an IPU trial observer continue to monitor and report on respect for fair-trial standards in the cases before Branches 205 and 256 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;
5. *Regrets* that it was not possible for the Supreme Court to rule on the public campaign of vilification of Senator de Lima by the highest state authorities, thereby missing an important opportunity to condemn and end the public degrading treatment to which she has been subjected as a woman parliamentarian;
6. *Is concerned* that Senator de Lima has not been able to benefit from the Senate's move towards teleconferencing; *considers* that the parliamentary authorities can do much more to help ensure that she can fully participate in the work of the Senate and effectively represent the interests of the 14 million Filipinos who elected her, also bearing in mind past initiatives by the Senate in other similar cases, well before teleconferencing was allowed; *wishes* to be kept informed on this point;
7. *Is concerned* about limitations imposed on Senator de Lima's visiting rights and continued lack of access to the Internet, TV, radio, tablet or laptop; *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;
8. *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;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.

