

# BLACK ROBES, RED TARGETS



Report of a Fact-Finding Mission on Extrajudicial  
Killing and other Gross Human Rights Violations  
against Legal Professionals in the Philippines  
between 2016 and 2023

Published June 2025

The *Caravana Filipina* is a fact-finding mission which sought to investigate extrajudicial killings and other gross human rights violations against legal professionals in the Philippines between 2016 and 2023. The cases examined by the Caravana Filipina relate primarily to lawyers, as well as judges and prosecutors. It is a joint initiative of 10 different lawyers' organisations from multiple countries:

*Associació Catalana per a la Defensa dels Drets Humans*  
*The International Association of Lawyers' Institute for the Rule of Law (UIA IROL)*  
*The International Bar Association's Human Rights Institute (IBAHRI)*  
*The International Observatory for Lawyers in Danger (OIAD)*  
*Lawyers for Lawyers (L4L)*  
*The European Association of Lawyers for Democracy and World Human Rights (ELDH)*  
*The European Democratic Lawyers (AED)*  
*The Foundation Day of the Endangered Lawyer*  
*The Law Society of England and Wales (LSEW)*  
*The New York City Bar Association*

The National Union of Peoples' Lawyers (NUPL) served as an invaluable local cooperation partner in the development and implementation of the mission.



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# ABBREVIATIONS

AMLC - Anti-Money Laundering Council

Atty – Attorney

CHR - Commission on Human Rights

CPP - Communist Party of the Philippines

CERNET - Community Empowerment Resource Network

CPA - Cordillera Peoples Alliance

CIDG - Criminal Investigation and Detection Group

Delegation – the international group of 12 representatives of 10 lawyers' organisations that conducted the fact-finding mission

FATF - Financial Action Task Force

ICCPR - International Covenant on Civil and Political Rights

ICC - International Criminal Court

Minnesota Protocol - The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016): The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

NBI - National Bureau of Investigation

NDFP - National Democratic Front of the Philippines

NTF-ELCAC - National Task Force to End Local Communist Armed Conflict

NUPL - National Union of Peoples' Lawyers

NPA - New People's Army

OHCHR - Office of the High Commissioner for Human Rights

OFWs - Overseas Filipino Workers

PNP - Philippine National Police

PNP-IAS - Philippine National Police - Internal Affairs Services

RMP - Rural Missionaries of the Philippines

SOCO - Scene of the Crime Operation Team

SLAPP - Strategic Lawsuits Against Public Participation

UPLM - Union of Peoples' Lawyers in Mindanao

UN - United Nations

UDHR - Universal Declaration of Human Rights

WPSBP - Witness Protection, Security and Benefit Programme

# PREFACE

You sign up to law school and start attending your first classes: Constitutional Law, Criminal Law I, Civil Law I, Legal Ethics, and many more. After countless hours poring over textbooks and debating in classrooms, you begin to grasp the legal principles that shape our social contract, the boundaries it sets and the reasoning behind them. Slowly, you start to see the world through a different lens.

But then, you read the news. Something doesn't sit right. There's a clear disconnect between the principles you've studied and the headlines - stories of land expropriation to make way for a multinational factory, stories that seem to trample on the very rights you've been taught about.

You love your country – the Philippines – your hometown, and the culture that raised you. You have deep respect for all the honest, hardworking Filipinos who wake up before sunrise each day to put food on the table for their families and wind down with karaoke in the evening, after a day's honest work. You are one of them and you decide you won't let them down.

You therefore choose a life in the law guided by the principles of justice and the vision of a more equitable society. Even as a law student, you are moved to act. You join an association that speaks out against injustice and mismanagement of the res publica. You grow increasingly confident in your path. You graduate, take the Philippine Bar Examination – and pass. And when you are finally sworn in as a lawyer, you take the lawyer's oath:

*I do solemnly swear that I accept the honor, privilege, duty, and responsibility  
of practicing law in the Philippines as an Officer of the Court, in the interest of our people.  
[...]*

*I shall conscientiously and courageously work for justice, as well as safeguard the rights  
and meaningful freedoms of all persons, identities, and communities.*

*I shall ensure greater and equitable access to justice.*

You take those words seriously and they become your polar star in the practice of law. Your clients are from the marginalised fringes of society: people living in poverty, whose legal battles often pit them against state institutions, multinational corporations or other powerful actors. In many ways, in *David vs. Goliath* you become David's attorney.

When the so-called *war on drugs* begins to unfold in your country, you continue your public interest work, now in an increasingly polarised society. Your caseload grows, and with it, your direct exposure to the rising tide of human rights violations committed by the very institutions meant to protect the people.

You read the newspaper in the morning, as you always do, but it's 2016 and a new section is featured in the *Philippine Daily Inquirer*. It's called the *Kill List*. It documents the daily killings of suspected drug dealers and users by police and unidentified vigilantes. Each morning, you sit down for breakfast and read the names of poor people whose bodies are turning up on sidewalks,

*“No chance to speak. No explanation. No due process. Only an anonymous drop of a name into a box at the town hall – a whisper of suspicion of being a drug dealer – and a death sentence follows.”*

in alleyways, and beneath bridges, often faceless, nameless, and wrapped in cardboard signs reading “pusher”.

No chance to speak. No explanation. No due process. Only an anonymous fellow citizen's finger pointed – a whisper of suspicion of being a drug dealer – and a death sentence follows and is executed. You once took pride in your country being one of the few in Southeast Asia to have abolished the death penalty. And yet, executions have resumed. Only now, they are worse. This time, they are not even carried out under the law: they happen outside of the reach of any courtroom. This time, it's wild justice.

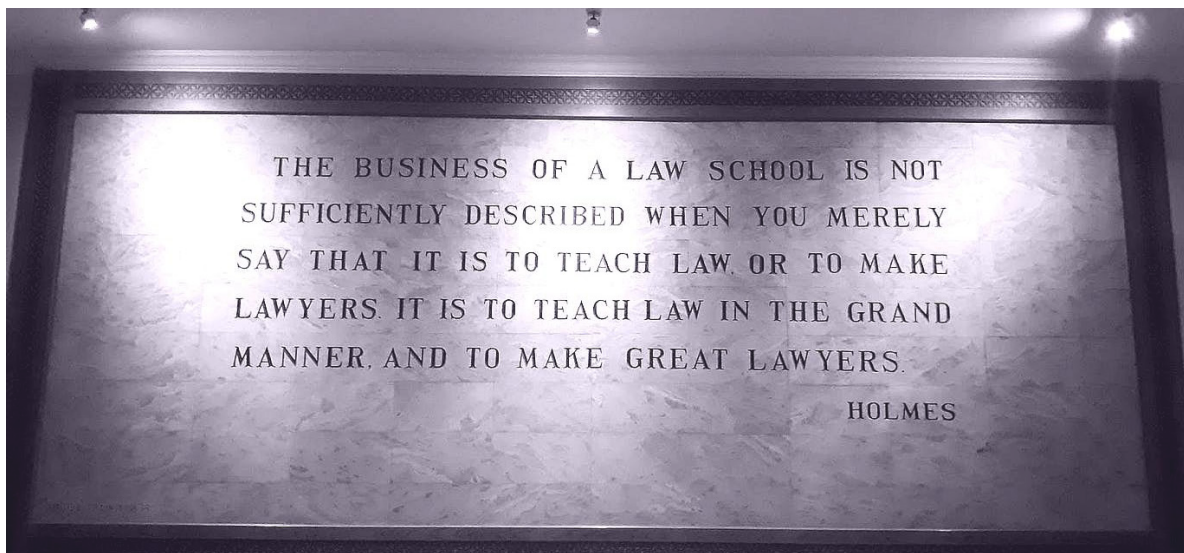
It is a far cry from what you studied in law school. And it makes public-interest work not only more difficult, but far more dangerous. You know that. Your partner, your children, your friends and your colleagues – they all know that too. They worry for your safety, but their deep admiration for the work you do keeps them from asking you to walk away. What they don't know is that you've started to notice someone following you on your way home from the office at night. You haven't mentioned the visit either, the one from a vague acquaintance who came under the guise of concern. He suggested it might be time to “clean up” your reputation. He urged you to abandon your practice and take a vacant post in the military. It was framed as an opportunity, a lifeline, but you understood the subtext. It was also a warning. For a split second, you imagined the easier life that path might offer. A life that would be, without question, safer. But you knew at once it would come at the cost of your soul. And your principles are far too deeply rooted to be bought, bullied, or swayed.

Some of your fellow lawyers, also engaged in public-interest work, have had criminal cases opened against them based on trumped-up accusations of terrorism. It's one of those instances where the law has been bent to silence dissent. While their cases remain pending, their bank accounts have been frozen, and they have been barred from practicing law. It's meant to send a message. To chill your resolve. To make you hesitate before taking on cases that challenge those in power. But that is exactly the point of the weaponization of the law – and precisely why you refuse to give in.

Then one day, on your way to the office, something on the street catches your eye. It's your face. On a poster. Next to the photo, in bold letters: *‘This lawyer defends enemies of the state! Abogado ng NPA!’* (Lawyer of the National People's Army). This is what they call red-tagging in your country. Defamation in its most vile form. You have no ties to the NPA. You oppose armed struggle. You are simply a lawyer committed to defending the marginalised. But in a climate like this, even unfounded whispers of communist affiliation are enough to isolate you.

Since the rumours began - through posters, Facebook posts, hushed words in the aisles of the church - a bubble has formed around you. You've become a pariah in your city's legal community. The invitation to speak at the university conference? Suddenly withdrawn. Now, even the routine act of driving through Manila's gridlocked streets carries a quiet dread. Every motorcycle that weaves past your car could be carrying a hired gun and be the last thing you see. This isn't paranoia, it's a pattern. In the past year alone, five lawyers from your own association have been gunned down. And the judge you once admired from your hometown? He didn't see it coming either.

Nonetheless, you continue your practice, even representing the few drug suspects who have access to a legal process. You are shining a light on the Philippine government's brutal campaign. You speak truth to power, and this has placed a target on your back. A *red* target. One day, as you're on your way to a hearing, or walking home, or returning to your car after shopping at the mall, or about to enter your local *Sari Sari* store, a gun is pointed at you, a shot is fired, and your life ends. The gunman wears a full-face helmet. He climbs onto the back of a motorcycle driven by an accomplice, and they disappear into the streets.



Malcolm Hall, University of the Philippines, College of Law

The curtain falls. In any similar story, a third act would follow: police investigations, meticulous crime scene analysis, bullet trajectory reports, interviews with bystanders, CCTV footage retrieved and reviewed. Every effort made to find the killer who brazenly shoots in broad daylight, and bring them to justice. But this story unfolds in the Philippines between 2016 and 2023, where shallow investigations quickly declare the case as a cold one. There is no third act.

One might think this is simply the unfortunate fate of a single lawyer in the Philippines, a very individual story. But the findings outlined in this report show otherwise. This precise story is, in fact, the story of countless, hundreds of lawyers in the Philippines. And not only lawyers, but also judges and prosecutors who, in politically sensitive cases, refuse to appease the government and refuse to bend justice to the executive's will. In many of its elements, it is also the story of activists, journalists, humanitarian workers and human rights defenders. Once a pattern becomes evident, it can no longer be dismissed as a series of isolated incidents. Instead, it points to a broader scheme – one in which nothing is left to chance, including the government's inaction.

# EXECUTIVE SUMMARY

This report sets out the findings of a fact-finding mission on extrajudicial killings and other serious human rights abuses against legal professionals in the Philippines in the period between 2016 and 2023. The mission took place from 4 to 14 June 2024 and is also referred to as *Caravana Filipina*. It contributes to a growing body of evidence on human rights violations committed in the Philippines across the presidency of Rodrigo Duterte, particularly in connection with, or in parallel to, his murderous war on drugs campaign. As the campaign unfolded, human rights defenders seeking to hold the government accountable for these and other abuses became targets of further serious violations, caught in a worsening cycle of repression. This was equally true for members of the legal profession – lawyers, paralegals, judges, and prosecutors – who were subjected to threats, harassment and even extrajudicial killings just for carrying out their professional duties.

This analysis focuses specifically on these legal professionals and the serious human rights violations they endured between 2016 and 2023. As key actors in the administration of justice - one of the three core pillars of a democratic society - their role in resisting authoritarianism and upholding the rule of law warrants dedicated attention. This report offers that focused examination and contributes to a broader understanding of the toll that the Duterte administration's policies took on the legal community and the justice system as a whole.

# KEY FINDINGS

## PATTERNS OF HUMAN RIGHTS VIOLATIONS

Between 2016 and 2023, dozens of legal professionals in the Philippines were subjected to threats, harassment, and, in many cases, lethal attacks. The Caravana Filipina documented a series of these incidents and found that they are not isolated events but part of a broader, systematic effort to suppress those working to uphold human rights and the rule of law.

The lawyers who were targeted share strikingly similar profiles: many are long-standing members of lawyers' unions or associations and have dedicated their practice to defending the rights of marginalised communities. Their work, including representing victims of the war on drugs, religious and Indigenous minorities, farmers, and workers, appears to have made them primary targets of repression. Similar patterns are observed among judges and prosecutors who maintain impartiality in politically sensitive cases and are therefore perceived as adversarial to the interests of the government.

The analysis of the cases of these legal professionals reveals a clear and consistent pattern of repression. Most of the attacks against them follow a similar trajectory of escalation and appear to be carried out using comparable, if not identical, methods. This consistency points to a deliberate and coordinated scheme to silence individuals perceived as opposing or criticising the government's agenda.

A range of tools has been systematically used to intimidate and neutralise these legal professionals, including:

**\*Surveillance and Intimidation:** Used to pressure professionals into ceasing their work and create a chilling effect on the legal profession.

**\*Red-tagging:** Branding individuals as communist or terrorist sympathisers to tarnish their reputation, isolate them, and expose them to threats. This tactic serves as an implicit warning and, in nearly all cases analysed, preceded incidents of physical violence and targeted killings.

**\*Lawfare:** Politically motivated legal harassment,

through arbitrary search warrants, often to plant evidence, and legal proceedings based on trumped-up charges, most frequently under the twin anti-terror laws: the Anti-Terror Act and the Terrorism Financing Prevention and Suppression Act. Beyond targeting individuals, lawfare is also systematically employed to undermine the work of civil society organisations, through the freezing of bank accounts and the criminal prosecution of their staff.

**\*Extrajudicial Killings:** Targeted assassinat to be premeditated, organised and follow a recurring and identifiable modus operandi. These killings are not isolated events; they are often preceded by the abovementioned forms of harassment, creating a clear escalation pattern. Most attacks are executed by two individuals on a motorcycle - commonly referred to as 'riding in tandem' - with no registered license plates and wearing full-face helmets to conceal their identities. These killings frequently occur in public spaces, in broad daylight, often in the presence of multiple witnesses and functioning CCTV cameras.

## STATE RESPONSIBILITIES

### **\*Independence of the judiciary and legal profession**

The State of the Philippines has been found in grave breach of the obligation to ensure that lawyers, judges and prosecutors can carry out their professional duties without fear of intimidation, harassment or violence. This obligation stems not only from international treaties to which the Philippines is a party, but also from the country's Constitution and the democratic principle of separation of powers.

On the contrary, the government has, through both action and omission, fostered a climate of intimidation against legal professionals, with the objective of creating a chilling effect and thus silencing any voice not bending to power.

This has not only violated legal professionals' fundamental rights, but also had a wider impact on the whole justice system, restricting access to justice for countless Filipinos, eroding public trust in the judicial system, and tarnishing the country's international reputation.

### **\*The right to life: the duty to respect and to protect**

Credible evidence was gathered revealing a systematic pattern of violations by the State of the Philippines of the right to life of legal professionals, including numerous unlawful and extrajudicial killings.

Red-tagging has been identified as a clear indicator of escalation of the risk of physical attack or unlawful killing. In some cases, a direct link

between red-tagging campaigns and state agencies was documented. In all cases, law enforcement, local and national authorities, and courts have failed to respond adequately to red-tagging, and preventative and protective measures in the country remain weak.

This created a permissive environment for violence against legal professionals working on human rights or politically sensitive cases. The common profile of legal professionals targeted, coupled with the systematic and deliberate inaction of the State and documented instances of direct links between red-tagging and State agencies, strongly suggests State responsibility for the attacks and extrajudicial killings.

### **\*The right to life: the duty to investigate**

The Delegation observed a consistent pattern of incomplete and inadequate investigations into the killings and physical attacks against legal professionals. With one exception, none of the killings of legal professionals examined by the Delegation have proceeded to trial. Rather, they were prematurely classified as “cold cases” during the initial stages of investigation. The recurring failure constitutes a blatant and sustained breach of the Philippines’ obligation to investigate violations of the right to life. It has fostered a pervasive culture of impunity, which in turn has served as a push factor for further violations.

Significant structural flaws in the investigative process have emerged. Chief among them is the absence of a specialised and independent prosecutor’s office tasked with handling cases that may involve State officials as possible perpetrators. Investigations are further undermined by a lack of transparency, exacerbated by Executive Order No. 2 (2016), which expands the grounds on which police records may be withheld from families, journalists and oversight bodies.

Evidence collection lacks scientific rigour. Crime scenes are frequently contaminated; ballistics analyses are rarely conducted; and there is no public access to the government firearms repository or ammunition administration system, limiting both transparency and the ability to trace weapons and ammunition used in crimes. CCTV footage is rarely reviewed, as authorities rely on the voluntary cooperation of private individuals and businesses.

A striking absence of findings based on witness testimonies was observed, despite most of the killings taking place in public areas with numerous bystanders present. This suggests not only the State authorities’ failure to actively identify and interview potential witnesses, but also points to structural weaknesses in the Philippines’ Witness Protection, Security and Benefit Program (WPSBP).

The recovery and handling of human remains from crime scenes similarly falls far below international standards. The Philippines lacks dedicated public morgues, and bodies are typically transferred directly from crime scenes to private funeral parlours. This practice undermines forensic integrity and often precludes initial examinations prior to

embalming. Mis-certification of death is frequent, and families are commonly asked by funeral parlours to sign waivers pledging not to pursue legal action or request further investigation.

There are only two trained forensic pathologists in the country, and no formal training in forensic pathology is available domestically, leading to a critical shortage of qualified professionals. There is no legal requirement for autopsies in cases of suspicious or violent deaths, and as a result, autopsies are rarely performed. In the few instances where they are conducted, families are often asked to cover the costs, and frequently receive only an oral report instead of written documentation. Reports of fabricated autopsies have also been recorded. These issues reflect a systemic lack of technical expertise, resources, and facilities required for credible forensic investigation.

The Philippine State's failure to conduct thorough investigations into human rights violations against legal professionals also represents a direct breach of the right to an effective remedy for victims. With crucial evidence compromised or lost, the ability of victims' families to pursue justice through avenues such as restitution, compensation, or rehabilitation is effectively obstructed.

The findings in this report paint a stark picture of the immense toll inflicted on Filipino legal professionals, their families and the country's legal community as a whole. Yet, amid this climate of fear and impunity, the various Filipino legal professionals we met and who are engaged in public interest work have remained steadfast in their commitment to social justice and human rights, displaying extraordinary resilience and dedication in the face of adversity. *Padayon!* (Keep Going!) is not by chance the motto, in the Visayan dialect, of public interest lawyers from that region, and it embodies the spirit of this segment of the legal profession across the country.

At the heart of the culture of impunity exposed in this report is the involvement, either directly or through acquiescence, of State actors in serious human rights violations. These abuses are compounded by structural failings within the system, including, among others, the lack of effective protective measures, the weakness of oversight bodies, and the inadequacy of investigations. Taken together, these factors represent some of the underlying roots of a broader, multi-faceted impunity that must be dismantled for meaningful reform to begin. Addressing these systemic weaknesses is a holistic endeavor, requiring not only legal reforms but also actively rebuilding public trust in state institutions. For checks and balances to function effectively, there must be a genuine commitment to judicial independence, accountability, and a legal framework that protects the rights of all individuals without discrimination. Only then can the administration of justice be truly restored to the people it is meant to serve.

# INTRODUCTION

## The Caravana Filipina

The *Caravana Filipina* is a fact-finding mission which sought to investigate gross violations of human rights against legal professionals, including extrajudicial killings, arbitrary detention, and other forms of harassment, committed between 2016 and 2023. It is a joint initiative of 10 different lawyers' organisations from multiple countries. The cases examined by the Caravana Filipina relate primarily to lawyers,<sup>1</sup> as well as judges and prosecutors. The Caravana examined the context and pattern of such abuses, the main causes of impunity in those cases, and how accountability for perpetrators and justice for victims can be achieved.

Rooted in the tradition of communal travel, the use of the term 'Caravana' symbolises the physical and metaphorical movement of people uniting to confront challenges.<sup>2</sup> The Caravana Filipina aims to strengthen protections for lawyers, judges, prosecutors, and other legal professionals in the Philippines who, by performing their professional duties, face persecution, and to expand access to justice for legal professionals and other victims who have suffered violations of their rights, as well as for all people of the Philippines.

The Caravana Filipina is a joint initiative of the following organisations: Associació Catalana per a la Defensa dels Drets Humans, the Institute for the Rule of Law of the Union Internationale des Avocats (UIA-IROL), the International Bar Association's Human Rights Institute (IBAHRI), the International Observatory for Lawyers in Danger (OIAD), Lawyers for Lawyers (L4L), the European Association of Lawyers for Democracy and Human Rights (ELDH), the European Democratic Lawyers (AED), the Foundation Day of the Endangered Lawyer, the Law Society of England and Wales (LSEW), and the New York City Bar Association. The National Union of Peoples' Lawyers (NUPL) served as an invaluable local cooperation partner in the development and implementation of the mission.

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<sup>1</sup> The definition of 'lawyer' adopted in this report also applies, as appropriate, to persons who exercise the functions of lawyers without having the formal status of lawyers, such as paralegals in specific contexts.

<sup>2</sup> The choice of the term pays tribute to another initiative with a similar mission, the Colombian Caravana, a UK based charity that works to promote access to justice and uphold the rule of law in Colombia. See more: <https://www.colombiancaravana.org.uk/>.



Family member of a killed legal professional provides testimony to the Delegation during the fact-finding mission, June 2024.

## Methodology

This report is based on a combination of desk research, fieldwork conducted in the Philippines from 4 to 14 June 2024 by 12 representatives of the organisations comprising the Caravana Filipina (hereinafter referred to as: the Delegation), and subsequent remote follow-up in July and August 2024.

During the 10 days of field research, the Delegation travelled to Metro Manila, Cordillera, Iloilo, and Cebu, gathering testimonies from Luzon, Visayas, and Mindanao. The qualitative research methodology adopted included a series of in-depth semi-structured interviews and roundtable discussions. This included testimonies from 22 lawyers, 3 judges or former judges, and 13 family members or relatives of lawyers who were killed. The Delegation also conducted a series of meetings with representatives of the Supreme Court of the Philippines, the Commission on Human Rights' Office of the Executive Director and Regional Office VI, the Integrated Bar of the Philippines, forensic and academic institutions, and national and local civil society organisations, including, among others, the National Union of Journalist of the Philippines, Karapatan, the Visayas Community Law Centre, and the Cordillera Peoples Alliance.

The Delegation obtained full and informed consent from the individuals who were interviewed, including ensuring that they understood the purpose of the interview, how the information gathered will be stored, shared, and used publicly. To this end, participants were asked to sign a letter of consent, within which they could freely choose the level of their engagement with the Caravana and how

*The organisations involved in the Caravana continue to monitor developments in the Philippines and may conduct a follow-up mission to assess progress on implementation of recommendations, should that be required.*

the information they provided could be used in its outputs. For security reasons, the Delegation has withheld the names and identifying details of certain witnesses and family members it interviewed, as well as of interviewees with inside knowledge of the workings of the government and its law enforcement branches.

The Delegation was at all times guided by the principle to ‘do no harm’ and took steps to minimise the risk of re-traumatisation or reprisals. Interviews took place in locations that provided a safe and comfortable environment for interviewees and were guided by the needs of interviewees. Interviews were conducted in English and the Delegation did not provide any incentives in exchange for interviews.

This report sets out the findings of the Caravana, including a series of recommendations for a variety of stakeholders. Findings are grounded on primary sources of information. Credible secondary sources were also used to corroborate information, such as reports from intergovernmental, state and non-governmental organisations, individual researchers and others. Conclusions are based on the “reasonable grounds to believe” standard of proof. This standard is met when a sufficient and reliable body of primary information, consistent with other information, would allow a reasonable and ordinarily prudent person to believe that an incident or pattern of conduct occurred.

The conclusions of the report will inform further advocacy efforts at the national and international levels. The organisations involved in the Caravana continue to monitor developments in the Philippines and may conduct a follow-up mission to assess progress on implementation of recommendations, should that be required. The documentary film *Black Robes, Red Targets*, directed by Jacco Groen, features interview footage and highlights key findings. It is being released alongside this report. All photos without credits in this report are courtesy of Jacco Groen or the Caravana Filipina Delegation

# BACKGROUND

The Philippines has long been one of the most dangerous countries in the world for lawyers, prosecutors, judges, and rights defenders in general. For decades, lawyers have risked their lives to provide legal representation in cases of public interest and human rights, including workers and trade unions, Indigenous communities, religious and other minorities, poor and marginalised members of society, in particular those targeted by anti-drug policies and operations, as well as members of the political opposition. Judges and prosecutors have similarly found themselves in the firing line for ruling or pursuing cases impartially and refusing to bend to power.

The independence of judges and lawyers represents the bedrock of the rule of law in a democratic society and judicial system that ensures fair trials and access to justice. Such independence has been under serious threat in the Philippines for many years, with successive administrations failing to protect the independence and safety of the legal professions, and contributing to an environment that not only frustrates the work of legal professionals, but encourages violence against them and protects perpetrators through an almost total lack of accountability.

The practice of extrajudicial killings has plagued the Philippines since the imposition of martial law in 1972, as illustrated by the continued incidence of such killings under successive administrations:<sup>3</sup>

Presidency	Available statistics on extrajudicial killings
Marcos Sr (1972–1986)	At least 3,257 extrajudicial killings
Arroyo (2001–2010)	At least 1,206 activists were killed
Duterte (2016–2022)	At least 6,252 drug suspects were killed and at least 427 activists were killed, 220 of them human rights defenders including lawyers
Marcos Jr (2022–2023)	At least 89 extrajudicial killings

A fact-finding mission was conducted by one of the members of the Caravana Filipina, Avocats Européens Démocrates (AED), in 1990, during the Presidency of Corazon Aquino (February 1986 – June 1992), a period of significant democratic reforms and improved civil

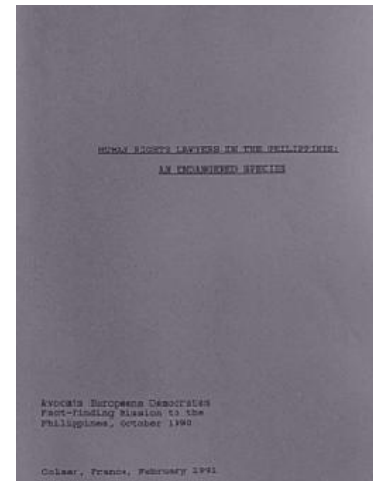
<sup>3</sup> The Organising Committee, '2024 International Fair Trial Day and Ebru Timtik Award, Philippines Edition Event Report' (March 2025) p. 18 <<https://iftd.org/wp-content/uploads/2025/02/IFTD-Philippines-Report-2024.pdf>> accessed 26 May 2025.

liberties. The mission found the position of human rights lawyers in the Philippines had not improved under her administration: “On the contrary, the reported number of threats, harassments, surveillances and other reported incidents has even increased since February 1986. Since 1987 more human rights lawyers have been killed than under twenty years of the Marcos presidency. In only one case the governmental investigation resulted in a conviction.”<sup>4</sup> It found that one of the principal reasons for this danger was the open labelling of human rights lawyers as having the same opinions as their clients, noting that, “labelling is often followed by threats, and threats are often followed by killings. Notwithstanding these facts, the Government has not taken any measure to counter or discourage these practices”.<sup>5</sup>

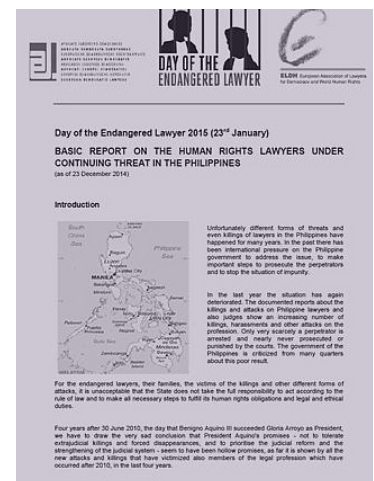
In 2015, the Day of the Endangered Lawyer was dedicated to the Philippines. The report published ahead of the Day noted that since 2001, a total of 41 lawyers had been killed; 57 lawyers had faced threats, harassment, surveillance, labelling or other attacks; and 18 judges were murdered.<sup>6</sup> Of the known perpetrators, 65% were identified as members of the military while 20% were from the police service. More than half of the attacks, however, had no known perpetrator. The report surmised that, four years after Benigno Aquino III succeeded Gloria Arroyo as President, “we have to draw the very sad conclusion that President Aquino’s promises - not to tolerate extrajudicial killings and forced disappearances, and to prioritise the judicial reform and the strengthening of the judicial system - seem to have been hollow promises, as far it is shown by all the new attacks and killings”.<sup>7</sup>

In the 15 years from September 2007 to December 2022, a total of 271 incidents of what appear to be work-related attacks on Filipino lawyers and judges were recorded by the National Union of Peoples’ Lawyers. This included 86 unlawful killings and at least 185 other forms of attacks such as attempted killings, threats, intimidation, surveillance, and labelling or vilification. Targeted in these attacks were 20 judges (including two retired or former judges) and 165 lawyers (including those in public service and private practice).<sup>8</sup>

While attacks peaked during the term of former President Rodrigo Duterte from 2016-2022, under the current President Ferdinand Marcos Jr., in the period from 1 July 2022 to 31 December 2023, 41 attacks and threats were



Final Report of the AED Fact-Finding Mission to the Philippines, October 1990



Day of the Endangered Lawyers Basic Report-2015

4 Avocats Européens Démocrates, ‘Human Rights Lawyers in the Philippines: An Endangered Species’ (Fact-Finding Mission to the Philippines October 1990, 1991) p. 4.

5 Ibid.

6 Hans Gaasbeek and the National Union of Peoples’ Lawyers, ‘Day of the Endangered Lawyer 2015: Basic Report on the Human Rights Lawyers Under Continuing Threat in the Philippines’ (23 December 2014) <[https://www.ccbe.eu/document/Events/Basic\\_report\\_for\\_the\\_Day\\_of\\_the\\_Endangered\\_Lawyer\\_2015.pdf](https://www.ccbe.eu/document/Events/Basic_report_for_the_Day_of_the_Endangered_Lawyer_2015.pdf)> accessed 26 May 2025.

7 Ibid.

8 National Union of Peoples’ Lawyers, ‘Under Siege: Attacks and Threats on Filipino Lawyers and Judges’ (April 2024) <[https://nupl.net/wp-content/uploads/2024/04/Under-Siege-Attacks\\_Pamphlet.pdf](https://nupl.net/wp-content/uploads/2024/04/Under-Siege-Attacks_Pamphlet.pdf)> accessed 26 May 2025.

## ***Applicable international human rights law and standards***

*The Philippines has ratified eight core international human rights instruments, and all UN principles and standards apply in the Philippines as a UN member state. The international treaties and standards that relate to the scope of the Caravana and this report include the following:*

- *Universal Declaration of Human Rights (UDHR)*
- *International Covenant on Civil and Political Rights (ICCPR)*
- *Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)*
- *UN Basic Principles on the Independence of the Judiciary*
- *UN Basic Principles on the Role of Lawyers*
- *UN Guidelines on the Role of Prosecutors*
- *The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016): The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Minnesota Protocol)*
- *UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders)*

*Notably, the Philippines has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance.*

recorded, including three killings of lawyers.<sup>9</sup> Other forms of harassment and persecution of legal professionals also persist, including “red-tagging” and lawfare, often weaponising anti-terror legislation against legal professionals, as detailed in this report. The culture of impunity in respect to these unlawful actions goes hand-in-hand with the continued constriction of civic space and silencing of dissent in the Philippines.

### **Response from the international community**

Recent years have seen growing and persistent attention from the international community on the situation for lawyers in the Philippines.

In June 2020, the UN High Commissioner for Human Rights’ report on the Philippines noted that “since 2015, over 40 legal professionals have been killed, many of whom were working on politically sensitive cases or advocating for land rights of farmers and indigenous peoples” and that “Reprisals, threats and criminal charges – often for non-bailable offences – against legal professionals involved in human rights cases are also prevalent. Many lawyers and judges decline or recuse themselves from such cases.”<sup>10</sup>

In April 2022, then UN Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán, described a “culture of impunity” in the Philippines, “in which the perpetrators of such attacks are able to violate the rights of lawyers and their clients without consequence. Before being attacked, most of the lawyers targeted were publicly designated as enemies of the State and labelled as, for example, “communists” or “terrorists”. The combination of such labels with the culture of impunity previously described is one of the primary explanations for the high rate of extrajudicial killings in the Philippines.”<sup>11</sup>

In a joint communication to the Philippine government dated 15 June 2023, two UN Special Rapporteurs cautioned that, “The reported abuses are alarming on their own, but they are even more troubling as targeted attacks on legal workers that appear to be aimed at leaving communities without legal assistance.”<sup>12</sup>

Following its review of the Philippines’ implementation of the ICCPR in October 2023, the UN Human Rights Committee called on the state to, “Step up its efforts to protect judges, prosecutors and lawyers against public threats, intimidation, harassment and violence, including killings, and ensure that all violations are promptly, thoroughly, independently and impartially investigated, that the perpetrators are brought to justice and that the victims receive comprehensive redress”.<sup>13</sup>

During the Universal Periodic Review (UPR) of the Philippines’ human rights record in 2023, several states and the UN High Commissioner for

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<sup>9</sup> Ibid.

<sup>10</sup> UN High Commissioner for Human Rights, ‘Situation of human rights in the Philippines’ (29 June 2020) UN Doc A/HRC/44/22, para. 56.

<sup>11</sup> UN Special Rapporteur on the independence of judges and lawyers, ‘Protection of lawyers against undue interference in the free and independent exercise of the legal profession’ (22 April 2022) UN Doc A/HRC/50/36, para. 70.

<sup>12</sup> Margaret Satterthwaite and Fionnuala Ní Aoláin, ‘Mandates of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism’ (15 June 2023, Ref.: AL PHL 2/2023) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28162>> accessed 26 May 2025.

<sup>13</sup> UN Human Rights Committee, ‘Concluding observations on the fifth periodic report of the Philippines’ (30 November 2022) UN Doc CCPR/C/PHL/CO/5, para. 38.



Philippines, UPR Report Consideration - 44th meeting, 52nd Regular Session of UN Human Rights Council

Human Rights urged the Philippine government to rejoin the ICC as a State party to the Rome Statute and conduct prompt, impartial, thorough and transparent investigations into all killings and other human rights violations committed in the context of the drug war.<sup>14</sup>

In 2024, the International Fair Trial Day put a spotlight on systemic fair trial violations in the Philippines, with a conference held in Manila on 14 June 2024 which gathered around 300 legal professionals, academics, experts, advocates and journalists from the Philippines and around the world to examine systemic issues, including impunity, and consider solutions.<sup>15</sup> As part of the event, the 2024 Ebru Timtik Award was presented to the National Union of Peoples' Lawyers (NUPL) for their outstanding commitment and sacrifice in the provision of legal services and defence of human rights. In presenting the Award, the Selection Committee described how NUPL has given meaning and substance to the Philippine constitutional concept of due process of law, "at the risk of personal harassment, false accusations, imprisonment, death threats, and even state-mandated liquidations".<sup>16</sup> The Selection Committee also expressed their hope that the international recognition will help NUPL and its members to continue their work.

### **The 'war on drugs'**

Former President Rodrigo Duterte took office on 30 June 2016 and undertook a deadly "war on drugs" that targeted mostly urban poor. As mayor of Davao City previously, Duterte's tenure was marked by large-scale extrajudicial violence as

<sup>14</sup> UN Human Rights Council, 'Report of the Working Group of the Universal Periodic Review: Philippines' (28 December 2022) UN Doc A/HRC/52/13.

<sup>15</sup> See the full programme for the International Fair Trial Day Conference and Ebru Timtik Award Ceremony at <<https://iftdd.org/2024-manila-conference-programme>> accessed 26 May 2025; and watch the recording Part 1- Morning Session, <[www.youtube.com/watch?v=\\_4kg1JEgGqw](https://www.youtube.com/watch?v=_4kg1JEgGqw)> and Part 2- Afternoon Session <[www.youtube.com/watch?v=ALjFzZoaVmk](https://www.youtube.com/watch?v=ALjFzZoaVmk)> accessed 26 May 2025.

<sup>16</sup> The Organising Committee (n 3), p. 31.

a crime solution,<sup>17</sup> and this was a cornerstone of his presidential campaign.<sup>18</sup> By 2020, the UN High Commissioner for Human Rights reported that harmful rhetoric from the highest levels of the Government had been pervasive and deeply damaging, with some statements “risen to the level of incitement to violence”:

*“The rhetoric has ranged from degrading and sexually charged comments against women human rights defenders, politicians and combatants – including rape “jokes” – to statements making light of torture, calling for bombing of indigenous peoples, encouraging extreme violence against drug users and peddlers – even offering bounties, calling for beheadings of civil society actors, and warning that journalists are not immune from assassination.”<sup>19</sup>*

During the years of Duterte's presidency (2016-2022), extrajudicial killings and other attacks linked to anti-drug policies and operations have reached exorbitant numbers. While official records cite 6,252 deaths in police operations, human rights groups estimate that as many as 30,000 people may have been killed, including through unlawful attacks by unidentified gunmen.<sup>20</sup> The constitutionally independent Philippine Commission on Human Rights (CHR) stated in an April 2022 report, “Overall, the CHR finds that the government has failed in its obligation to respect and protect the human rights of every citizen, in particular, victims of drug-related killings. It has encouraged a culture of impunity that shields perpetrators from being held to account.”<sup>21</sup>

The current President Ferdinand “Bongbong” Marcos Jr took office on 30 June



2024 Ebru Timtik Awards Ceremony at the University of the Philippines Law Center Institute of Human Rights



2024 Ebru Timtik Awards Ceremony at the University of the Philippines Law Center Institute of Human Rights

<sup>17</sup> See for example, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, ‘Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development: Addendum, Follow-up to country recommendations – Philippines’ (29 April 2009) UN Doc A/HRC/11/2/Add.8, para. 21.

<sup>18</sup> Human Rights Watch, ‘Philippines’ ‘War on Drugs’ <<https://www.hrw.org/tag/philippines-war-drugs>> accessed 26 May 2025.

<sup>19</sup> OHCHR (n 10), paras. 77-78.

<sup>20</sup> HRW, ‘Letter to Australian Prime Minister Albanese Regarding Human Rights Concerns in the Philippines’ (6 September 2023) <<https://www.hrw.org/news/2023/09/06/letter-prime-minister-albanese-regarding-human-rights-concerns-philippines>> accessed 26 May 2025.

<sup>21</sup> Republic of the Philippines Commission on Human Rights, ‘Report on Investigated Killings in relation to the Anti-Illegal Drug Campaign Executive Summary’ (April 2022) p. 3 <<https://chr2bucket.storage.googleapis.com/wp-content/uploads/2022/05/08154849/CHR-National-Report-April-2022-Full-Final.pdf>> accessed 26 May 2025.

2022. Despite claims that the “war on drugs” initiated by his predecessor will have a “new face” aimed at drug rehabilitation, drug-related extrajudicial killings have continued. Marcos Jr has not rescinded the executive orders that provide overbroad authority to the police to conduct anti-drug raids and operations under procedures that effectively facilitate extrajudicial executions, and are the legal basis used by the police to try to justify unlawful killings. As of 7 April 2025, the Dahas Project has documented 956 drug-related killings under the Marcos Jr administration, averaging nearly one per day.<sup>22</sup>

### **Ongoing threats to human rights defenders and journalists**

The cases of lawyers examined by the Delegation and described in this report demonstrate the danger for lawyers providing legal representation for human rights defenders, including Indigenous communities, trade unions, religious and other minorities, as well as political opposition and journalists covering these and other sensitive issues. These groups similarly face serious rights violations, from harassment and surveillance to red-tagging, arbitrary arrest and prosecution, enforced disappearance and extrajudicial killing.<sup>23</sup>

Indigenous communities in the Philippines face severe threats defending their land. Global Witness has found that Indigenous people in the Philippines have lost about a fifth of their delineated territory to mining projects in the last 30 years, and ranks the Philippines as the deadliest country in Asia for people protecting land and the environment, with mining linked to a third of all killings.<sup>24</sup> For example, the Cordillera Region is home to the Indigenous peoples collectively known as ‘Igorot’ and hosts a large number of hydropower, energy and mining projects which are protected by the Armed Forces of the Philippines, with 9 battalions of approximately 1,200 soldiers each across the region. Those resisting these developments have been subjected to harassment, red-tagging, enforced disappearance, and some communities have been indiscriminately bombed, reportedly in response to sightings of rebels in the area.

The Delegation heard accounts of military and police officials visiting the homes of activists unannounced in civilian clothing to coerce individuals to ‘clear their name’ from a watchlist of supporters of alleged terrorist groups by signing a document acknowledging their involvement in the group and reiterating their allegiance to the government. For those that sign, some have been taken off the red-tagging list, but others have been arrested with the surrendering document used as evidence against them.

The media plays a key role exposing these violations and informing the public, to hold those responsible to account. This has put journalists and media professionals in the firing line. Attacks against journalists have increased in the Philippines in recent years, including intimidation, harassment, threats of violence, physical attacks, and even killings, simply for doing their jobs. A study

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22 Dahas Project, ‘The Latest Numbers’ (Third World Studies Center, University of the Philippines Diliman) <<https://dahas.upd.edu.ph/sources/>> accessed 10 April 2025.

23 See for example, Amnesty International, ‘Philippines: Arrest of activist shows rapidly deteriorating situation of HRDs in PH’ (5 February 2025) <<https://www.amnesty.org.au/philippines-arrest-of-activist-shows-rapidly-deteriorating-situation-of-hrds-in-ph/>> accessed 26 May 2025; CIVICUS, ‘Philippines: Harassment and targeting of activists, NGOs continue despite formation of new human rights ‘super body’ (15 July 2024) <<https://monitor.civicus.org/explore/philippines-harassment-and-targeting-of-activists-ngos-continue-despite-formation-of-new-human-rights-super-body/>> accessed 26 May 2025.

24 Global Witness, ‘How the militarisation of mining threatens Indigenous defenders in the Philippines’ (3 December 2024) <<https://globalwitness.org/en/campaigns/land-and-environmental-defenders/how-the-militarisation-of-mining-threatens-indigenous-defenders-in-the-philippines/>> accessed 26 May 2025.



Members of the Delegation visited the Cordillera Region as part of the fact-finding mission.

by the National Union of Journalists of the Philippines (NUJP) found that the practice of red-tagging has pervaded the media landscape in the Philippines, with at least 48 reported incidents of journalist red-tagging from June 2016 to March 2023: 32 in Metro Manila; 8 in Luzon; 1 in Visayas, and 7 in Mindanao.<sup>25</sup>

Journalists have also been subjected to lawfare, often through Strategic Lawsuits Against Public Participation (SLAPPs) in retaliation for unfavourable coverage. In the Philippines, SLAPPs include criminal proceedings which can result in fines and imprisonment, and have a significant chilling effect, both in Manila and particularly in the regions. According to the NUJP Safety Office, at least 66 criminal cases were filed against journalists from 2016 to March 2023.<sup>26</sup> Journalists mostly face charges related to libel, cyber libel, anti-terror laws, and illegal possession of firearms and ammunition.<sup>27</sup>

In addition to criminal cases, administrative and regulatory laws are also used to target the press, stifle critical expression and silent dissent. In 2018, the Securities and Exchange Commission (SEC) – the government agency charged with the registration and supervision of corporations in the Philippines – revoked the certificate of incorporation of the media company Rappler and in June 2022 upheld its decision for alleged “violation of constitutional and statutory restrictions on foreign ownership in mass media.” The decision was widely criticised as a violation of free speech,<sup>28</sup> and subsequently overturned by the Court of Appeals, which ordered the SEC to restore

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25 National Union of Journalists of the Philippines, ‘State of Legal Safety of Filipino Journalists’ (3 May 2023), p. 17 <[https://nujp.org/wp-content/uploads/2023/05/LAWFARE-STUDY\\_State-of-Legal-Safety-of-Filipino-Journalists.pdf](https://nujp.org/wp-content/uploads/2023/05/LAWFARE-STUDY_State-of-Legal-Safety-of-Filipino-Journalists.pdf)> accessed 26 May 2025.

26 Ibid, p. 11.

27 Ibid.

28 See for example, International Commission of Jurists, ‘Philippines: SEC order to shut down Rappler violates freedom of expression’ (9 July 2022) <<https://www.icj.org/philippines-sec-order-to-shut-down-rappler-violates-freedom-of-expression/>> accessed 26 May 2025; Andrew Heslop, ‘World’s press condemns shutdown of news site Rappler’ (World Association of News Publishers, 29 June 2022) <<https://wan-ifra.org/2022/06/worlds-press-condemns-shutdown-of-news-site-rappler/>> accessed 26 May 2025.

Rappler's certificates of incorporation.<sup>29</sup>

The National Telecommunication Commission (NTC) in May 2020 issued a cease and desist order to ABS-CBN, the country's largest television network, when its franchise to operate lapsed and the Committee on Legislative Franchises of the House of Representatives rejected the network's application for a new franchise, despite the SEC and Bureau of Internal Revenue noting that the network had not violated any laws.<sup>30</sup> The NTC also blocked access to several news websites in 2022 following a request by a national security adviser who alleged links to terrorist organisations. The Integrated Bar of the Philippines stated NTC went beyond their legal powers, based on a request "bereft of legal basis".<sup>31</sup>

These actions have had a significant chilling effect on



Launch of UN  
Joint Programme  
on Human Rights  
in July 2021, Photo  
Courtesy of UN  
Philippines

free speech, which continue to be felt under the current administration. In the first eight months of Marcos Jr's presidency, the NUJP recorded 43 violations against free press, including two media professionals killed, 10 incidents of red-tagging, one libel and six cyber libel cases filed, two arrests for cyber libel, 13 subjected to surveillance and harassment, and denials of coverage.<sup>32</sup> The multitude

<sup>29</sup> Joahna Lei Casilao, 'CA orders SEC to restore Rappler certificate of incorporation' (GMA Integrated News, 9 August 2024) <[https://www.gmanetwork.com/news/topstories/nation/916519/ca-orders-sec-to-restore-rappler-certificate-of-incorporation/story/#goog\\_rewarded](https://www.gmanetwork.com/news/topstories/nation/916519/ca-orders-sec-to-restore-rappler-certificate-of-incorporation/story/#goog_rewarded)> accessed 26 May 2025.

<sup>30</sup> National Union of Journalists of the Philippines (n 25) pp. 14-15.

<sup>31</sup> Integrated Bar of the Philippines, 'June 25, 2022: IBP Statement on National Telecommunications Commission's Recent Blocking of Several Websites Based on a Letter-Request from National Security Advisor Esperon that Merely Alleged the Connection Between the Blocked Websites and Organizations Designated by the AT' (X, 25 June 2022), <<https://x.com/IntegratedBarPH/status/1540535978808311808>> accessed 26 May 2025.

<sup>32</sup> National Union of Journalists of the Philippines (n 25) p. 17.

of ways that journalists are targeted has led NUJP to provide training to strengthen the capacity of journalists and media professionals to anticipate and respond to legal threats, attacks and undue restrictions or pressures they may face while legitimately exercising their profession.<sup>33</sup>

### **Towards accountability**

The June 2020 report of the UN High Commissioner for Human Rights detailed how a heavy-handed focus on countering national security threats and illegal drugs had resulted in serious human rights violations in the Philippines, including killings and arbitrary detention, and that persistent impunity and formidable barriers to accessing justice need to be urgently addressed.<sup>34</sup>

Following this, the UN Human Rights Council adopted a resolution in October 2020, underlining the importance of the government to ensure accountability through independent, full and transparent investigations and prosecuting those who have perpetrated serious crimes.<sup>35</sup> The resolution mandated a three-year UN Joint Programme (UNJP) on human rights, launched in 2021,<sup>36</sup> to provide technical assistance and capacity-building in six areas: (i) strengthening domestic investigative and accountability mechanisms; (ii) data gathering on alleged police violations; (iii) the establishment of a national mechanism for reporting and follow-up; (iv) civic space and engagement with civil society and the Commission on Human Rights; (v) counter-terrorism legislation; and (vi) human rights-based approaches to drug control.

Following much coordination between UN and government agencies, it has been suggested that the aims of the UNJP to encourage the government to speed up accountability efforts did not succeed, with many cases still not tried.<sup>37</sup>

*“The infrastructure of impunity remains, whoever the President is” - Cristina Palabay, Secretary General of Karapatan Alliance Philippines*

In May 2024, an administrative order established the Special Committee on Human Rights Coordination to enhance human rights protection in the Philippines, which was tasked with sustaining the initiatives of the UNJP.<sup>38</sup> At the International Fair Trial Day conference in June 2024, the Special Committee was described as “mere ‘smoke and mirrors’ and likely to yield little concrete impact on the ground as it is composed of government agencies that are responsible for many of the human rights abuses in question.”<sup>39</sup>

Participants at the conference expressed frustration that government task forces set up to achieve accountability and address impunity appear to have been “window dressing” and have failed to achieve real progress. For example, the Inter-Agency Committee

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33 UNESCO, ‘Philippines journalists’ union equips 35 journalists to tackle legal challenges’ (18 October 2023) <<https://www.unesco.org/en/articles/philippines-journalists-union-equip-35-journalists-tackle-legal-challenges>> accessed 26 May 2025.

34 OHCHR (n 10).

35 UNHRC, ‘Resolution adopted by the Human Rights Council on 7 October 2020, Technical co-operation and capacity-building for the promotion and protection of human rights in the Philippines’ (13 October 2020) UN Doc A/HRC/RES/45/33 <<https://documents.un.org/doc/undoc/gen/g20/264/91/pdf/g2026491.pdf>> accessed 26 May 2025.

36 UN in Philippines, ‘Philippines, UN launch first-ever national joint programme for human rights following Human Rights Council resolution 45/33’ (Manila, 22 July 2021) <<https://philippines.un.org/en/137080-philippines-un-launch-first-ever-national-joint-programme-human-rights-following-human>> accessed 26 May 2025.

37 The Organising Committee (n 3), p. 25.

38 Republic of the Philippines, Administrative Order No. 22, May 8, 2024, Further Enhancing Mechanisms for the Promotion and Protection of Human Rights in the Country and Creating the Special Committee on Human Rights Coordination for the Purpose <[https://lawphil.net/executive/ao/ao2024/ao\\_22\\_2024.html](https://lawphil.net/executive/ao/ao2024/ao_22_2024.html)> accessed 26 May 2025.

39 The Organising Committee (n 3), p. 26.

on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations<sup>40</sup> had by then only achieved 13 convictions out of 385 cases it had handled, with 127 cleared.<sup>41</sup> One speaker noted that elements of transitional justice have been elusive, with truth, justice, reparation and guarantees of non-recurrence remaining “hollow bywords”.<sup>42</sup>

While the UNJP was described as a good effort for the long-term institutionalisation of human rights and providing capacity building, calls were made for the international community to provide further support to accountability efforts. To this end, the work of the International Criminal Court was regarded as encouraging, and the arrest of Duterte in March 2025 certainly sparked a new wave of hope among victims of the war on drugs.

Additionally, in May 2024, the House of Representatives' Committee on Human Rights launched an investigation into the alleged extrajudicial killings during the drug war operations of the Duterte administration. The Committee held 13 public hearings receiving evidence from relatives of drug war victims, police officers, and Cabinet officials from the Duterte administration, among others.<sup>43</sup> A former police colonel testified that Duterte's office operated a system based on the Davao model of payment and rewards for the killing of suspects, whereby police could earn between P20,000 (\$346) and P1m (\$17,340) per killing, depending on the target, with rewards given only for killings, not arrests.<sup>44</sup>

In December 2024, the Committee recommended the filing of crimes against humanity complaints against former President Duterte and his key allies for their role in the extrajudicial killings in the drug war.<sup>45</sup>

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40 Republic of the Philippines, Administrative Order No. 35, Creating the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons <[https://lawphil.net/executive/ao/ao2012/ao\\_35\\_2012.html](https://lawphil.net/executive/ao/ao2012/ao_35_2012.html)> accessed 26 May 2025.

41 Lian Buan, 'DOJ's task force vs EJK: Few convicted, most perpetrators cleared' (Rappler, 3 September 2020) <[www.rappler.com/newsbreak/in-depth/ao-35-doj-task-force-extrajudicial-killings-data](http://www.rappler.com/newsbreak/in-depth/ao-35-doj-task-force-extrajudicial-killings-data)> accessed 26 May 2025.

42 The Organising Committee (n 3), p. 26.

43 Mong Palatino, 'Philippine Congressional Committee Recommends Filing of Criminal Charges Against Duterte' (The Diplomat, 20 December 2024) <<https://thediplomat.com/2024/12/philippine-congressional-committee-recommends-filing-of-criminal-charges-against-duterte/>> accessed 26 May 2025.

44 Rebecca Ratcliffe, 'Duterte drug war back in ICC spotlight after parliamentary committee hears claims his office paid police \$17,000 to kill suspects' (The Guardian, 17 October 2024) <<https://www.theguardian.com/world/2024/oct/17/duterte-drug-war-back-in-icc-spotlight-after-parliamentary-committee-hears-claims-his-office-paid-police-17000-to-kill-suspects-ntwnfb>> accessed 26 May 2025.

45 Gabriel Pabico Lalu, 'Quad comm seeks crimes against humanity raps vs Duterte, Bato, Bong Go' (Inquirer.net, 18 December 2024) <<https://newsinfo.inquirer.net/2016619/quad-comm-seeks-crimes-against-humanity-raps-vs-duterte-bato-bong-go>> accessed 26 May 2025.

## International Criminal Court investigation into crimes against humanity

*The International Criminal Court (ICC) is a court of last resort established under the Rome Statute to investigate and try those charged with the gravest crimes of concern to the international community, including genocide, war crimes, and crimes against humanity. Under the Duterte administration, the Philippines, which had been a State party to the Rome Statute since 1 November 2011, formally withdrew from the Rome Statute, which took effect on 17 March 2019. Duterte had threatened to withdraw multiple times, referring to the court as “bullshit”, “hypocritical” and “useless”, and daring the court to bring him to trial.<sup>46</sup>*

*Retaining jurisdiction for alleged crimes that occurred while the Philippines was a State party, in September 2021 the ICC’s Pre-Trial Chamber authorised the Prosecutor to investigate alleged crimes committed between 1 November 2011 and 16 March 2019 in the context of the so-called ‘war on drugs’ campaign.<sup>47</sup> Weeks later, the Philippines requested a deferral pending a domestic investigation, but in January 2023, the Chamber authorised the Prosecutor to resume his investigation, following a failure of the Philippine government to demonstrate adequate investigation of the alleged crimes.<sup>48</sup>*

*President Marcos Jr – who ran a joint election campaign with Duterte’s daughter, Sara Duterte in 2022 – had previously said he would not comply with the ICC, which he described as a threat to the country’s sovereignty. However, relations between the Duterte and Marcos families have since soured. In March 2025, an arrest warrant was issued by the ICC and on 12 March 2025, Duterte was arrested by Philippine authorities and surrendered to the ICC. His initial hearing took place on 14 March 2025, where he appeared via video link. The hearing on the confirmation of charges is scheduled to begin on 23 September 2025.<sup>49</sup>*

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<sup>46</sup> Hannah Ellis-Petersen, ‘ICC launches crimes against humanity inquiry into Duterte’, <https://www.theguardian.com/world/2018/feb/08/icc-claims-crimes-against-humanity-duterte-philippines> accessed 26 May 2025.

<sup>47</sup> Situation in the Republic of the Philippines (Decision on the Prosecution’s request for authorisation of an Investigation pursuant to Article 15(3) of the Statute) ICC-01/21-12 (Pre-Trial Chamber I, 15 September 2021) <<https://www.icc-cpi.int/court-record/icc-01/21-12>> accessed 26 May 2025.

<sup>48</sup> Situation in the Republic of the Philippines (Public Redacted Version of “Authorisation pursuant to article 18(2) of the Statute to resume the investigation”) ICC-01/21-56-Red (Pre-Trial Chamber I, 26 January 2023) <<https://www.icc-cpi.int/court-record/icc-01/21-56-red>> accessed 26 May 2025.

<sup>49</sup> International Criminal Court, ‘Republic of the Philippines: Situation in the Republic of the Philippines’ ICC-01/21 <<https://www.icc-cpi.int/philippines>> accessed 26 May 2025.

# PATTERNS OF HUMAN RIGHTS VIOLATIONS

The evidence gathered by the Delegation points to a systemic pattern of escalating human rights violations directed at legal professionals involved in human rights and public interest work.

Targeted lawyers whose cases are analysed in this report have similar profiles: they are all affiliated with lawyers' unions and associations, most since they were students, which seems to have exposed them to forms of abuses even before becoming practising lawyers. As practising lawyers, they have dedicated their work, entirely or in part, to defending the rights and freedoms of minorities and oppressed communities in the country. This includes providing legal representation to those affected by Duterte's war on drugs; religious minorities; Indigenous populations defending their ancestral lands and cultural heritage; farmers at risk of expropriation; workers and marginalised groups challenging unfair government policies, evictions and discrimination; and other lawyers targeted under the patterns of violations described below.

In all cases, it appears that these legal professionals were targeted because of the nature and the interests involved in the cases they act on, the identity and political stance of the clients they represent, and the associations to which they belong. Similar patterns of violations are evident against judges and prosecutors committed to carrying out their work impartially, who refuse to bend to political pressure and are therefore perceived as left leaning and dissidents of the governing regime and its interests.

*"He is a man of the people. He was well loved by the poor and the underprivileged in our place, in Davao. This is probably the reason why poor clients charged with drug cases would rather engage his services, because he is more accessible to the people. He can sleep in public markets with them, play volleyball there with the communities. It came at a point in his life as a lawyer when he became the go-to-guy for those arrested for drug cases. He was effective in handling them and often managed to win in Court. It was a way of bringing money to the table. But he was also trying to give everyone good representation and ensure proper trials. Those in power didn't like that." - Atty. Dexter Lopez on his late brother, Atty. Rex Lopez*

In examining the ways in which the government targeted legal professionals, a variety of repressive techniques emerged. The pattern of abuse often begins with **surveillance and intimidation (Phase 1)** and other attempts to discipline the legal professional and pressure them to withdraw from certain cases or conduct their work in a less effective manner. This often leads to, or is carried out in conjunction with, public vilification through **red-tagging (Phase 2)**, to discredit and hamper the ability of legal professionals to perform their duties.

The Caravana found that it is not uncommon for these forms of harassment to foreshadow more severe means of abuse, **such as lawfare (Phase 3)**, which weaponizes the justice system to obstruct the provision of legal services and access to justice, and/or physical attacks resulting in **extrajudicial killings, attempted killings, and other assaults (Phase 4)**. Analysis of these attacks reveals a clear pattern rather than isolated incidents,

with the majority of physical attacks intended to result in death, constituting the ultimate violation of the legal professional's fundamental rights.

These patterns of human rights violations will be analysed in detail in the following sections.

*"We are not only championing law, we are championing the cause of justice. We could have chosen a more comfortable life but decided to pursue this path. It is not a logical choice." - Atty. Rene Estocapio.*



Photo credits:  
Al Jazeera

### **Phase 1: Surveillance and intimidation**

Surveillance has been observed as the first step in attempts to intimidate legal professionals and pressure them to not represent certain clients, withdraw specific actions, or cease speaking publicly about their clients' cases or causes. Surveillance of lawyers handling human rights cases is so common that it has been referred to as an 'occupational hazard'. In two cases observed by the Delegation, it was followed by an offer to the lawyers to clean up their reputation, by pressuring them to work for other, more 'acceptable' clients, such as local government or the military.

Tailing has been reported as a common form of surveillance. Lawyers reported being followed when commuting by car, whether to their homes, offices, or the courts. This relentless surveillance forced some lawyers to temporarily relocate. One lawyer who had parked their car near a police station, noticed upon his return that a USB stick with client documents on it was missing. The car showed no sign of break-in. He noted the psychological

impact of these incidents, as you wonder “what more have they done that you’re not aware of, and what could they do? It’s easy to start suspecting everyone, or think things have moved or been disturbed in your office or house – was it like this when I left, has someone been in here?”

Young lawyers reported feeling especially threatened by harassment and intimidation tactics, as they lack the status or connections of more senior lawyers. Some recently qualified lawyers said they seek support from organisations and maintain frequent contact with family and friends as a safety precaution, including nightly check-ins to confirm they are home and safe. Some have also sought counselling to overcome the psychological impact of harassment.

*“Every night at a certain time, we write that we are ok on a group chat with other fellow young lawyers. It’s our way of checking in with each other to ensure we’ve made it through the day safely. It should be the State to protect us. As long as the State is failing to do so, we take the little precautions that we can to keep an eye on each other. And we hope for the best.” - Young public interest lawyer from the Western Visayas region*

In some instances, targeted lawyers have received warnings about their surveillance or other threats to their safety. This has mainly been through personal connections. The Delegation heard reports of warnings coming from military personnel that were known to the lawyer; a police officer tasked with their surveillance who was a client; and a lawyers’ cousin who was instructed to inform authorities when the lawyer would return home. These warnings alert lawyers to potential threats, enabling them to take precautionary measures, such as altering their pattern of movements, maintaining a low profile, or pausing or ceasing their public interest work. Hindering lawyers’ activities and silencing their voices is precisely the objective pursued by authorities through surveillance. In some cases, this chilling effect on the legal profession is successfully achieved from the first stages of the repression.

Those who continued their work have been subjected to increasing and relentless surveillance, escalating to physical attacks. **Atty. Angelo Karlo Guillen**, for instance, reported being followed from his home to court on a regular basis. This pervasive monitoring forced him to relocate temporarily. Ultimately, his new location was discovered, and he was subjected to a near-fatal physical attack. In January 2019, **Atty. Rex Lopez** was summoned by police authorities to a meeting at their offices, ostensibly to discuss ways to ‘clear his name’, likely by withdrawing from politically sensitive cases he was following and making certain commitments. He refused to submit to the process, and three months later, he was killed. **Atty. Salucon** recalls that before the killing of her paralegal, **William Bugatti**, in 2014, military officers were regularly coming to her office asking about her whereabouts, usual movements, and current cases. Traders outside her office were also questioned and would tell her driver that someone was looking for their boss. Even after a writ of amparo was confirmed by the Supreme Court in 2018, requiring the police and military to destroy all documents on Atty. Salucon and her family, and periodically report on measures they are taking to protect her life, she still experienced threats, surveillance, and intimidation.<sup>50</sup> This would usually start when someone was arrested that police officers expected she would represent.

Haunted by constant threats, and having witnessed their father forced into hiding periodically, Atty. Fernandez’s children reported being prepared for the news of his violent death. He had repeatedly discussed the dangers of his politically sensitive work with them, preparing them for the worst.

*“I think he is fearless because the threat was already on his back and he continued doing his work.” - Family member of an unlawfully killed legal professional*

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<sup>50</sup> Bautista vs. Dannug-Salucon, [23 January 2018] G.R. No. 221862, 824 Phil. 293 Decision <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64019>> accessed 26 May 2025.

## **WRIT OF AMPARO**

*In the Philippines, a Writ of Amparo is a legal remedy designed to protect individuals whose right to life, liberty, and security is threatened or violated, particularly in cases of extrajudicial killings or enforced disappearances. It is a critical instrument of accountability and human rights protection in the Philippine legal landscape.*

*It was introduced by the Supreme Court in 2007 under A.M. No. 07-9-12-SC. It is typically directed against government officers or employees, but may likewise be availed of against non-state actors or private persons/entities.*

*Once the court, after hearing, determines that the petitioner's claim has merit, it may grant various remedies, including but not limited to: Protection Orders; Inspection Orders; Production Orders; Other Relief, as the court has broad discretion to craft other reliefs that effectively protect the right to life, liberty, or security, such as ordering government agencies to conduct further investigations, produce records, or account for missing persons*

## **Phase 2: Red-tagging**

'Red-tagging' or 'terror tagging' is the labelling of individuals or organisations as communists or terrorists, without substantial proof of any unlawful conduct, without due process of law, and regardless of their actual political beliefs or affiliations.

In the Philippines, red-tagging takes the form of vicious smear campaigns on social media and in public spaces labelling lawyers, journalists, human rights defenders and other activists as "communist rebels", "terrorists" or members or affiliates of the Communist Party of the Philippines (CPP), the New People's Army (NPA), or the National Democratic Front of the Philippines (NDFP). Government authorities typically conflate the "communist" label with that of "terrorist", in the context of the country's history with armed communist groups, reinforced by the designation of the Communist Party of the Philippines and New People's Army by the government as terrorist organisations in December 2020.<sup>51</sup>

In Philippine jurisprudence, red-tagging has been defined as "the act of labelling, branding, naming and accusing individuals and/or organisations of being left-leaning, subversives, communists or terrorists (used as) a strategy by State agents, particularly law enforcement

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<sup>51</sup> Anti-Terrorism Council, Resolution No. 12 Designating the Communist Party of the Philippines and the New People's Army also known as Bogong Hukbong Bayan (CPP/NPA) as terrorist Organizations, Associations, and/or Groups of Persons (9 Dec 2020) <<https://www.officialgazette.gov.ph/downloads/2020/12dec/20201209-ATC-12-RRD.pdf>> accessed 26 May 2025.

agencies and the military, against those perceived to be ‘threats’ or ‘enemies of the State.’”<sup>52</sup> The practice of red-tagging is engaged in by members and former members of the government, armed forces, police, the National Task Force to End Local Terrorist Armed Conflict (NTF-ELCAC), the government’s anti-communist task force, or its agents and proxies.

Methods of red-tagging include text messages, comments or posts on social media, public statements or campaigns, leaflets, and posters and tarpaulins featuring individuals’ names and faces linking or labelling them as armed combatants, which are hung at strategic locations around the cities or municipalities where they reside or work. In many cases, the names of civil society organisations and political groups are also included, further associating them with terrorist or insurgent activity. Labelling a person “red” often leads to

surveillance, direct harassment, and in some instances, attempts on their life resulting in death. Being associated with communists or alleged terrorists makes the red-tagged person a target of vigilantes, paramilitary groups, or even State agents.<sup>53</sup>

The practice of red-tagging has been condemned by UN human rights experts for violating the rights of human rights defenders, civil society activists and social media users. In June 2020, the UN High Commissioner for Human Rights stated that the practice of government red-tagging in the Philippines has been “a persistent threat to civil society and freedom of expression”, noting how social media platforms,

especially Facebook, have been used to “red-tag and to harass civil society and opposition politicians, with women particularly subjected to misogynistic comments”.<sup>54</sup>

A bill seeking to define and criminalize red-tagging - imposing a prison term of 10 years and a lifetime ban from public service for violators - was introduced during the 19th Congress of the Philippines. However, the measure stalled and ultimately languished in the Senate.<sup>55</sup> More recently, Hon. Leila de Lima has pledged to champion the passage of legislation criminalizing red-tagging in the upcoming 20th Congress, signalling renewed political will to address this dangerous practice.

The Delegation has found red-tagging to be a significant factor in attacks on legal professionals, with lawyers being red-tagged merely for fulfilling their legitimate professional duties. This frequently stems



Red-tagging as part of a smear campaign against Atty. Czarina Musni.

52 Zarate vs. Aquino III [10 November 2015] G.R. No. 220028, Dissenting Opinion of Supreme Court Associate Justice J. Marvic Leonen, p. 3.

53 Deduro v. Maj. Gen. Vinoya [4 July 2023] G.R. No. 254753 Decision <<https://sc.judiciary.gov.ph/254753-siegfried-d-deduro-vs-maj-gen-eric-c-vinoya-in-his-capacity-as-commanding-officer-of-the-3rd-infantry-division-philippine-army/>> accessed 26 May 2025.

54 OHCHR (n 10), paras. 49, 60.

55 Senate of the Philippines, 19<sup>th</sup> Congress, ‘Red-tagging punishable by 10 years in prison under proposed Drilon law’ (Press Release, 25 March 2021) <[https://web.senate.gov.ph/press\\_release/2021/0325\\_drilon1.asp](https://web.senate.gov.ph/press_release/2021/0325_drilon1.asp)> accessed 26 May 2025.

from lawyers being identified with their clients or their clients' causes, in violation of the UN Basic Principles on the Role of Lawyers. In other cases, red-tagging is used to target lawyers in an effort to discredit the individuals or organisations that they represent, and even to deprive them of legal representation.

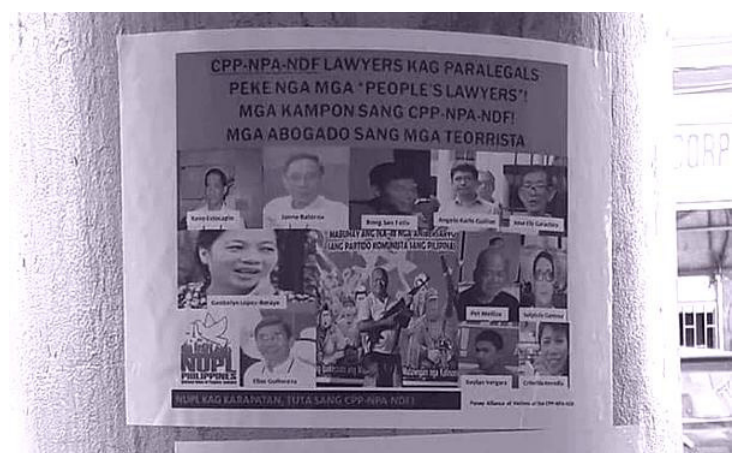
During the term of President Duterte, NUPL recorded 117 incidents of harassment and violence against lawyers and judges (other than extrajudicial killings), with more than 50% involving vilification, labelling or red-tagging. Vilification reportedly increased steadily sometime in 2018, coinciding with the launch of the government's whole of nation approach and establishment of the NTF-ELCAC, a task force established to combat the communist insurgency.<sup>56</sup>

The red-tagging of lawyers, particularly those who have been handling human rights and public interest cases, has continued under the current administration. During the first six months of Marcos Jr's presidency, NUPL recorded a total of 20 incidents of red-tagging of lawyers. Most incidents targeted human rights and public interest lawyers, alleging membership or links to the CPP. The Anti-Red-Tagging Monitoring Project implemented by the Ateneo Human Rights Center has collected information of 456 incidents of red-tagging between January and June 2024.<sup>57</sup> All these attacks were generally perpetrated by individuals connected to the NTF-ELCAC,<sup>58</sup> who engage in red-tagging online, on social media, radio, and television.

In the majority of cases examined by the delegation, red-tagging was a precursor to public scorn, intimidation, physical attacks, arrest and prosecution without due process, and even extrajudicial killing. For example, lawyer and NUPL-Negros Secretary General, **Atty. Benjamin Ramos**, was red-tagged in a poster put up by police in April 2018, six months before being killed in Kabankalan, Negros Occidental.<sup>59</sup> Other incidents of red-tagging included posters labelling him a criminal and a member of the CPP. Similarly, paralegal **William Bugatti** was continuously red-tagged before being killed. Another lawyer reported multiple posters in their local area labelling them as a "NPA supporter". In 2018, in Panay, eight lawyers and NUPL members were included in posters around the island labelling them as CPP-NPA and enemies of the Philippines. **Atty. Czarina Golda Selim Musni** was also victim of red-tagging and simultaneously prosecuted on trumped-up charges of terrorism in the context of the "RMP 16" case. More details on the lawyers' cases are offered in the sections below.



Red tagging against Atty. Czarina Musni in the province of Bukidon in Northern Mindanao Region



Poster depicting the NUPL logo, lawyers' pictures and their names, reads in vernacular language: "CPP-NPA-NDF LAWYERS AND PARALEGALS. FAKE "PEOPLE'S LAWYERS"! MINIONS OF CPP-NPA-NDF! LAWYERS OF TERRORISTS"

<sup>56</sup> National Union of Peoples' Lawyers (n 8).

<sup>57</sup> Ateneo Human Rights Center (AHRC), 'Anti-Red-Tagging Monitoring Project' <<https://ahrc.org.ph/anti-red-tagging-monitoring-dashboard/>> accessed 26 May 2025.

<sup>58</sup> Ibid.

<sup>59</sup> Kristine Joy Patag, 'In latest suit, NUPL seeks dismissal of NTF-ELCAC bosses over red-tagging' (Philstar Global, 9 December 2020) <<https://www.philstar.com/headlines/2020/12/09/2062570/latest-suit-nupl-seeks-dismissal-ntf-elcac-bosses-over-red-tagging>> accessed 26 May 2025.

Beyond individual lawyers, the information received indicates that there has been a persistent campaign of vilification of the NUPL, an association of human rights lawyers, law students and paralegals, as a “communist terrorist group” and specific NUPL leaders as “communists” and “terrorists”.<sup>60</sup>

In June 2023, the Supreme Court in the case of *Deduro v. Vinoya* has specifically recognised the link between red-tagging and extrajudicial killing and other violations of one’s rights to life, liberty and security. The Supreme Court’s decision, published in May 2024, states that red-tagging is understood to be

*‘A likely precursor to abduction or extrajudicial killing. Being associated with communists or terrorists makes the red-tagged person a target of vigilantes, paramilitary groups or even State agents. Thus, it is easy to comprehend how a person may, in certain circumstances, develop or harbour fear that being red-tagged places his or her life or security in peril’.*<sup>61</sup>

### **Phase 3: Lawfare**

Another malicious tactic commonly used in the Philippines against legal professionals, as well as human rights defenders, activists, journalists, political opponents and government critics, is legal warfare or ‘lawfare’. Lawfare refers to the politically motivated manipulation of existing law provisions and judicial system by the authorities to target and harass those identified as opponents.<sup>62</sup> In the Philippines, such tactics are commonly used against lawyers to deter them from practising law or defending specific clients or cases.

*“We cannot defend our clients effectively, if we are busy defending ourselves.” (Atty. Estocapio)*

The Delegation met with several lawyers targeted by lawfare tactics. As per their testimonies, lawfare materialised in several forms including: the issuance of arbitrary search warrants, the raids of law offices and private homes, the planting of evidence during searches, as well as arbitrary arrests and/or judicial harassment through the issuance of financial sanctions, abusive prosecutions and, at times, even convictions, mostly based on trumped-up charges and fabricated testimonies. Lawyers targeted by lawfare are commonly accused of non-bailable offences such as murder, human trafficking, possession of weapons and explosives, and financing of terrorism.

Such tactics lead to different outcomes including legal professionals having to stop their practice of the law, go into hiding for extended periods of time or flee the country to avoid unfair prosecutions and convictions. The Delegation also met with young professionals who were targeted by lawfare tactics just after their law graduation, impeding them to take the lawyers’ oath and therefore delaying their ability to start working and officially practise law.

### **Issuance of arbitrary search warrants**

*“If they serve a search warrant at your house, they will kill you.” (Atty. Estocapio)*

As part of Duterte’s war on drugs and counterinsurgency campaigns, arbitrary search warrants have been a fundamental tool for the execution of “Tokhang-style” operations,<sup>63</sup> targeting political activists, journalists and human rights defenders, raising serious concerns over due process violations. These warrants are often issued without proper judicial scrutiny and based on dubious, vague, or even fabricated information, allowing authorities to search homes and offices and arrest individuals under questionable circumstances.<sup>64</sup> Courts, particularly in Metro Manila, issued

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<sup>60</sup> Margaret Satterthwaite and Fionnuala Ní Aoláin (n 12).

<sup>61</sup> *Deduro v. Maj. Gen. Vinoya* (n. 53) More details on page 52.

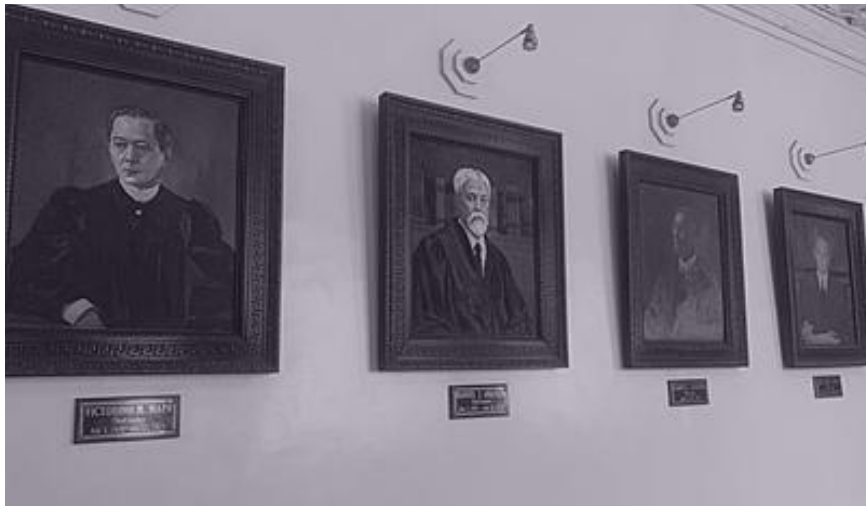
<sup>62</sup> Charles J. Dunlap Jr., ‘Lawfare Today: A Perspective’ (2008) *Yale Journal of International Affairs* 146.

<sup>63</sup> Tokhang-style operations were launched by former Philippine President Rodrigo Duterte as part of his aggressive anti-drug campaign. These operations involve police officers going door-to-door to persuade suspected drug users and dealers to surrender and seek rehabilitation, Tokhang has been widely criticized for leading to numerous extrajudicial killings and serious human rights abuses. Human rights groups estimate that thousands of people, many from marginalized communities, have been killed without due process under this campaign.

<sup>64</sup> See for example, HRW, ‘License to Kill’: Philippine Police Killings in Duterte’s ‘War on Drugs’ (2 March 2017)

“template” search warrants that were repeatedly used in police and military operations, often resulting in deadly raids. Reports indicate a special unit of the Philippine National Police (PNP), the Criminal Investigation and Detection Group (CIDG), as one of the main law enforcement agencies deploying arbitrary search warrants to carry out unlawful operations. Human rights organisations extensively documented how these warrants facilitated warrantless arrests, planted evidence, extrajudicial killings and, in some cases, even massacres.<sup>65</sup>

A particularly troubling provision was set forth in Administrative Circular No. 03-8-02-SC, which authorised executive judges of the Manila and Quezon City Regional Trial Courts to issue search warrants, for certain categories of crimes, that could be served outside their jurisdictions. These courts have thus earned the nickname of “factory of search warrants”, notorious for the frequent issuance of search warrants that facilitated human rights violations not only in Manila but also in the Negros Island Region and elsewhere. This pattern suggested judicial complicity in some of the human rights abuses, as evidenced by the fact that the majority of cases filed based on these warrants have ultimately been dismissed by the Court, presenting a strong indication of judicial abuse of power.<sup>66</sup>



Portraits of Former Chief Justices displayed on the wall of the Supreme Court of the Philippines.

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<<https://www.hrw.org/report/2017/03/02/license-kill/philippine-police-killings-dutertes-war-drugs>> accessed 26 May 2025; OHCHR (n 10).

65 See, among others: UN News, ‘Philippines: UN rights office appalled over simultaneous killings of ‘red-tagged’ activists’ (9 March 2021) <<https://news.un.org/en/story/2021/03/1086782>> accessed 26 May 2025; Amnesty International, ‘Philippines: Authorities Must End Pattern of Raids Ending in Killings of Activists’ (7 March 2023) <<https://www.amnesty.org/en/documents/asa35/6377/2023/en/>> accessed 26 May 2025.

66 See, among others, Mike Navallo, ‘Capiz court quashes more search warrants issued by ‘warrant factory’ (ABS-CBN News, 14 July 2021) <<https://www.abs-cbn.com/news/07/14/21/capiz-court-quashes-more-search-warrants-issued-by-warrant-factory>> accessed 26 May 2025; Lian Buan, ‘After 2 years, another search from warrant factory voided’ (Rappler, 19 August 2021) <<https://www.rappler.com/philippines/years-later-another-search-from-warrant-factory-voided-august-2021/>> accessed 26 May 2025.



Members of the Delegation during the fact-finding mission.

In response to widespread condemnation of these raids and the blatant human rights violations they enabled, the Supreme Court, through Administrative Matter No. 21-06-08-SC (issued 29 June 2021), eventually removed the authority of Manila and Quezon City judges to issue search warrants for areas beyond their jurisdiction. The same Administrative Matter also made it mandatory for law enforcement officers to use body-worn cameras during such operations, not only for improved evidence collection, but also to deter misconduct of law enforcement agents through increased transparency and accountability.

Lawyers have not been exempt from these harassment strategies. The Delegation received evidence of legal professionals being targeted through similar means, with police officers coming to lawyers' homes under false pretenses, such as investigating supposed disturbances at the back of the house, in order to inspect the property and observe who was there. The Delegation also received reports of search warrants being used against legal professionals as a pretext for harassment and arbitrary arrests. These warrants were often executed without adhering to international standards that protect the confidentiality of lawyer-client communications by ensuring procedural safeguards during searches of lawyers' offices and homes, if work-related documents are kept there. Furthermore, evidence has been received indicating that law enforcement agents have used search warrants as a pretext to plant evidence, frequently firearms or explosives, with explosives being preferred as bail is less likely to be granted for their illegal possession.

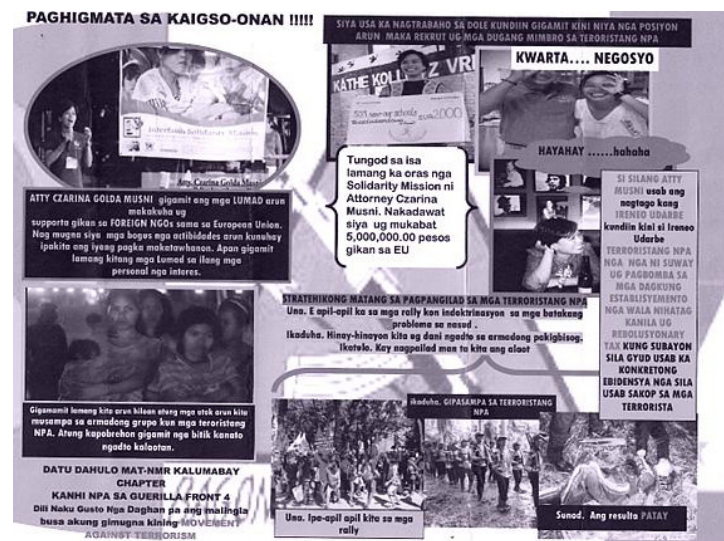
The Delegation interviewed **Atty. Rene C. Estocapio**, a NUPL lawyer who, along with a group of other lawyers, was red-tagged in 2018. During the pandemic in 2020, he found out that his name was included in a list to be served a search warrant. Worried about the potential consequences of a search warrant, be it escalating violence or evidence planting, he requested assistance from different institutions, including the Commission on Human Rights (CHR). The CHR responded by having his house, his office, and the house of his parents inspected, to certify that no evidence of any crime was present. This informal preventative measure certifying the legality of Atty. Estocapio's premises likely contributed to the eventual recall of the search warrant. Nonetheless, Atty. Estocapio went into hiding for a period of three months, during which time he had to stop his law practice. His children and close family members also felt threatened and feared the consequences of such a search warrant.

## Judicial harassment and financial sanctions in the name of countering terrorism

The Delegation met with lawyers criminalised under Section 8(ii) of the Philippine Terrorism Financing Prevention and Suppression Act of 2012 (Republic Act No. 10168) for allegedly financing terrorist groups. The misuse of the anti-terror legislative framework was initiated under Duterte's regime as a new form of attack against red-tagged civil society organisations and their members or staff. Convictions and ongoing prosecutions of human rights defenders under the same legislative framework continue, including through the Executive Order 68 of 2018 and the controversial Anti-Terrorism Act of 2020 which gives security forces the power to arrest and detain suspects for up to 24 days without a warrant or charge.

The “**CERNET 27**” case in Cebu, which has targeted 27 former and current members of the Community Empowerment Resource Network (CERNET), including legal professionals, with accusations of financing terrorism, is one of the most recent examples of this type of lawfare.<sup>67</sup> Similarly, in July 2023, four leaders of an Indigenous rights group, the Cordillera Peoples Alliance, were designated as terrorists by the state Anti-Terrorism Council, enabling the government to investigate their activities and freeze their financial assets.

The Delegation met with Atty. Czarina Golda Selim Musni, a human rights lawyer forced into exile, who has represented marginalised groups in Mindanao, including Indigenous people, farmers, and workers, and provided legal assistance to activists and community leaders who have faced harassment and threats. As the former Secretary General of the Union of Peoples' Lawyers in Mindanao (UPLM) she was red-tagged and indicted as part of the lawfare against the Rural Missionaries of the Philippines or “**RMP 16**” case.



Between 2016 and 2019, Atty. Musni worked for the Rural Missionaries of the Philippines' (RMP) regional branch in Mindanao (RMP-NMR), a 55-year-old inter-diocesan and inter-congregational religious non-profit organisation that provides grassroot support to the rural poor and Indigenous communities, including school programmes. She was an officer as part of an EU-funded project called 'Healing the hurt' dedicated to community organising and legal education on Indigenous people's rights, including

Redtagging against Czarina Musni as part of the lawfare in the RMP 16 case.

<sup>67</sup> Aktionsbündnis Menschenrechte Philippinen, 'Terrorist financing charges against CERNET' (21 June 2024) <<https://amp.ngo/en/terrorist-financing-charges-against-cernet/>> accessed 26 May 2025; John Sitchon, '23 Cebu development workers post bail in terrorism financing case' (Rappler, 17 May 2024) <<https://www.rappler.com/philippines/visayas/cebu-development-workers-post-bail-terrorism-financing-case-may-2024/>> accessed 26 May 2025.

the registration of ancestral lands, the provision of informed consent for mining concessions, and other basic rights.

Following a Resolution No. TF-18 issued in August 2019, both the RMP and the RMP-NMR saw the freezing of their assets and bank accounts by the Anti-Money Laundering Council (AMLC) and facing charges of financing terrorist activities linked to the Communist Party of the Philippines-New People's Army (CPP-NPA). Despite clear statements by the EU ambassador in the Philippines, Franz Jessen, denying any financial support by the EU to any NGOs with links to the CPP-NPA and strong evidence from thorough audits of the RMP and RMP-NMR, demonstrating the absence of any potential misuse of funds for terrorism financing, the lawfare and allegations of financing of terrorism continued.<sup>68</sup>

After the designation of the CPP-NPA as a terrorist organisation through the Anti-Terrorism Act of December 2020, further targeted financial sanctions were issued against the RMP, which was forced to shut down its office in Quezon City and stop its national programming. In February 2021, civil forfeiture proceedings were initiated against RMP lay worker Mariel A. Domequil and Eastern Vista journalist Frenchie Mae C. Cumpio, in which they were both accused of being affiliated with and having distributed funds to the CPP-NPA. Despite the lack of any evidence to support the allegations, on 30 September 2021, the Department of Justice found probable cause to indict both under Section 8(ii) of the Philippine Terrorism Financing Prevention and Suppression Act of 2012.<sup>69</sup> Atty. Musni, whose name was mentioned as part of the complaint against RMP and RMP-NMR, was indicted with financing of terrorism on 15 August 2022 in a separate case, along with 4 nuns and 11 other members of the RMP-NMR.<sup>70</sup>

In these cases, trumped up accusations were based solely on the unvetted testimonies of two individuals. No further evidence proving any of the alleged financial transactions was added to

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68 Asian Journal Press, 'No EU funding for NGOs with communist links – envoy' (20 August 2019) <<https://asian-journal.com/philippines/metro-manila/no-eu-funding-for-ngos-with-communist-links-envoy/>> accessed 26 May 2025.

69 NUPL, 'No let up in attacks on judges and lawyers under new Marcos government' (2024) <[https://nupl.net/wp-content/uploads/2024/05/NO\\_LET\\_UP\\_IN\\_ATTACKS-final-021324.pdf](https://nupl.net/wp-content/uploads/2024/05/NO_LET_UP_IN_ATTACKS-final-021324.pdf)> accessed 26 May 2025.

70 Mindanews, 'National Union of People's Lawyers's Statement, Serving the indigenous peoples is not a crime' (17 August 2022) <<https://mindanews.com/statements/statement/2022/08/serving-the-indigenous-peoples-is-not-a-crime/#gsc.tab=0>> accessed 26 May 2025..

## Instrumentalisation of lawfare to fulfil Financial Action Task Force's (FATF) recommendations

During interviews, the Delegation heard serious and repeated allegations indicating that the prosecution of lawyers and other human rights activists under anti-terrorism laws was used by the government to show compliance with recommendations of the Financial Action Task Force (FATF). The FATF, an intergovernmental organisation that leads global action to tackle money laundering and terrorism financing, identifies jurisdictions with weak measures in its black and grey lists, published three times per year. In June 2021, the FATF included the Philippines on the grey list of countries subject to increased monitoring for deficiencies in their anti-money laundering and anti-terrorist financing frameworks.

For any country, inclusion on the FATF grey list likely results in adverse economic and reputational consequences at domestic and international levels. The FATF listing system serves as a tool of reference for states and private companies to assess the financial reliability and safety of a country. Hence, greylisting can in this context lead, inter alia, to reduced investor confidence, difficulties in accessing the international financial system, higher costs and delays in international banking and trade transactions, including for Overseas Filipino Workers (OFWs) who represent a significant source of foreign exchange for the country. Greylisting can also affect international trade negotiations as well as the granting of foreign development aid and assistance. The Philippine government was therefore known to be actively working to be removed from the FATF grey list, and was successful in February 2025<sup>71</sup>.

During interviews, the Delegation heard corroborating allegations that successive Philippine regimes have consistently used lawfare tactics, more specifically the prosecution of critics and dissidents under terrorism financing charges, to inflate the number of terrorism financing prosecutions and convictions and to thereby demonstrate compliance with the FATF's recommendations.

*'Trumped-up criminal cases, rife with absurd allegations of financing terrorism and fabricated evidence, underscore the Philippine government's focus on "paper compliance" to meet arbitrary quotas for exiting the FATF grey list.'*<sup>72</sup>

International human rights organisations, such as Amnesty International and Human Rights Watch, have long expressed concerns about the misuse of the anti-terrorism framework by the Philippines, as part of the overall climate of repression and a tool against dissenters.<sup>73</sup> These criticisms were also echoed at intergovernmental forums, including the UN Human Rights Council and the European Union, which has linked these concerns to the possible review of trade privileges under the Generalised Scheme of Preferences Plus (GSP+).<sup>74</sup>

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71 See for example, Sebastian Strangio, 'Philippines Removed From Watchdog's Money-laundering 'Grey List'', (The Diplomat, 24 February 2025), <<https://thediplomat.com/2025/02/philippines-removed-from-watchdogs-money-laundering-grey-list/>> accessed 26 May 2025.

72 The Council for People's Development and Governance & National Union of Peoples' Lawyers, Playbook of Repression: Civil Society Report on the Misuse and Abuse of Combating the Financing of Terrorism Measures in the Philippines (20 February 2025) p.6, <<https://cpdg.ph/playbook-of-repression-civil-society-report-on-the-misuse-and-abuse-of-combating-the-financing-of-terrorism-measures-in-the-philippines/>> accessed 26 May 2025.

73 See for example, Amnesty International, 'Red-Tagging And State Violence Against Young Human Rights Defenders In The Philippines' (14 October 2024) pp. 16-17 <<https://www.amnesty.org/en/documents/asa35/8574/2024/en/>> accessed 26 May 2025; HRW Philippines: New Anti-Terrorism Act Endangers Rights' (5 June 2020) <<https://www.hrw.org/news/2020/06/05/philippines-new-anti-terrorism-act-endangers-rights>> accessed 26 May 2025.

74 European Parliament, 'Motion for a resolution with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law pursuant to Rule 144 of the Rules of Procedure on the situation in the Philippines, including the case of Maria Ressa' (15 September 2020), B9-0290/2020 <[https://www.europarl.europa.eu/doceo/document/B-9-2020-0290\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/B-9-2020-0290_EN.pdf)> accessed 26 May 2025.

the proceedings. The RMP 16 case led to the arrest and conviction of one person, the official detention of three others, and the forced exile or hiding of the rest of the accused.

*“The anti-terror law is nothing but a weapon to silence people. It aims to treat people expressing their thoughts and grievances as terrorists and has a chilling effect on freedom of speech.” (Anonymous young lawyer, Baguio)*

#### Phase 4: Extrajudicial killings

The Delegation observed that physical attacks on lawyers tend to be premeditated, organised, and follow a specific *modus operandi*. In the majority of cases examined, the lawyers had been subjected to prior surveillance and intimidation. In all but two instances, the lawyers who were attacked or killed had previously been victims of red-tagging. This practice has emerged as a clear precursor to violence, killings or other forms of persecution.

All the attacks examined by the Delegation involved ambushes, implying prior surveillance to determine the victims’ whereabouts, a deliberate plan for the attack and a swift escape. This suggests a high degree of organisation and premeditated killings. Most of the attacks were conducted by ‘riding in tandem’, with two individuals on a motorcycle targeting victims in public areas. The motorcycles used are usually unregistered and without licence plates, and the perpetrators typically wear full-faced helmets, if not balaclavas, making identification extremely difficult. In a significant number of cases, perpetrators attack victims while they are travelling in a vehicle, parking, or in the process of entering or exiting the vehicle. While one perpetrator drives, the other, armed with a firearm, shoots, and they quickly flee the crime scene. This tactic has become so prevalent in the Philippines that lawyers reported adjusting their driving patterns to avoid the right lane, where they could be vulnerable to close-range attacks from the left. Similarly, **Atty. Fernandez** devised a protocol in case he fell victim to an in-car shooting. His girlfriend eventually implemented such protocol, when his predicted assassination occurred.

These attacks frequently occur in public spaces, in broad daylight, with numerous witnesses and CCTV cameras present. The apparent disregard for being caught in the act of a crime or leaving incriminating evidence in plain



Motorcycles crowding the streets of Manila.



Two individuals ‘riding in tandem’. Photo credit: Al Jazeera

view is a potential indicator of the State-sponsored nature of these attacks, and it clearly points to a culture of impunity that protects perpetrators of such crimes, through State acquiescence. As further detailed below, bystanders are often hesitant to speak out due to fear of retaliation, preventing evidence collection. Similarly, CCTV camera owners refuse to share footage for the same reason. Investigations come to a standstill before they can even commence.

In one case, the Delegation obtained evidence from the victim of grievous bodily harm that could be classified as attempted murder, **Atty. Angelo Karlo Guillen**. Atty. Guillen's legal practice is focused on human rights, providing services and representation to activists, human rights and development organisations. He is also an advocate for socio-economic issues affecting farmers, Indigenous communities, workers, the urban poor, and other marginalised sectors. As a result, he has been red-tagged and featured on several posters, along with NUPL colleagues and his brother Gabyel, who was actively advocating for the rights of workers in the transport section.

Atty. Guillen reported that at the time of the attack, he and his colleagues in NUPL's Panay Chapter were providing legal services to the victims of the Tumandok massacre. Due to repeatedly being followed from his home to court, he had been forced to relocate. On 3 March 2021, while returning home at night, he parked his car in front of the building where he was temporarily living, and as he was walking towards the building, he noticed two men who were waiting for him. He was suddenly chased down, beaten, and repeatedly stabbed with a screwdriver, sustaining injuries to his head, neck and shoulder. Miraculously, he avoided brain damage due to the blow's impact on a hard part of his skull. Although he survived the incident, Atty. Guillen required extensive surgery and physical therapy, spending nearly a month in hospital.

During the attack, two other men on a scooter stole his computer and case files but left all his other personal belongings untouched. Despite this compelling evidence linking the attack to his professional activities, the police refused to acknowledge the connection to his human rights work, and the media downplayed the incident as an attempted robbery. Atty. Guillen's brother, Gabyel, who arrived at the crime scene shortly after as he was on his way home, reported seeing 10 to 15 people present. However, no witness provided any evidence, and no investigation was initiated.

The case of the killing of **Atty. Ben Ramos** is also emblematic of the abovementioned pattern. Atty. Ramos was a founding member of the NUPL and the executive director of "Paghida-et sa Kauswagan" Development Group, Inc (PDG), an NGO focused on empowering farmers and farmworkers through sustainable agriculture programmes. He was one of the few lawyers actively defending people's rights in his city, Kabankalan. During his legal career of over three decades, he represented the most marginalised members of society: farmers, peasants, "fisherfolk", environmentalists, political prisoners, and activists. While he often offered his services pro bono, he occasionally received payment in vegetables, bananas, or fish. Atty. Ramos's legal work was inextricably linked to his human rights advocacy. He was known to be a prominent advocate for farmers' land rights, the anti-mining campaign, making him a target for landowners.

The clients and causes he chose to represent placed him in the crosshairs of those with vested interests. Atty. Ramos had been red-tagged and surveilled since as early as 2005 and escaped an assassination attempt in 2007. Months before his death, Atty. Ramos faced accusations from the Philippine army and national police, claiming he was a member of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines. In April 2018, a



A young boy on a traditional Filipino outrigger boat, known locally as a “bangka”.

banner appeared naming him and others as criminals and “CPP-NPA-NDF” personalities, namely communist terrorists. One of these posters included a mobile number linked to the PNP Provincial Office. Later in September, he was again vilified as a member of the NPA by the 15<sup>th</sup> Infantry Battalion of the Philippines Army, during a briefing before an association of local representatives (The Association of Barangay Captains).

At the time of his killing, Atty. Ramos was involved in defending the families of the Sagay Massacre victims: on 20 October 2018, nine farmers were killed by alleged members of the Special Civilian Auxiliary Army (SCAA) as they were carrying out farming activities. Since taking on the case, Atty. Ramos reported several incidents of surveillance, noticing persons trailing his movement. Additionally, Atty. Ramos was also acting as private prosecutor in the case of Benjamin Bayles, a human rights defender allegedly killed by two members of the army, whose trial is still ongoing to date. Due to his human rights work, Atty. Ramos had become a target of the communist danger counter-insurgency campaign pushed by President Duterte.

*“As much as he could, he tried to skew the scales of justice – which, for the longest time, always leaned toward the landed, the propertied, and the politically powerful – toward the people. It is difficult work. In the Philippines, it is dangerous work, where those who have less in life likewise have less in the law, contrary to a former President’s credo.” - A colleague of Atty. Ramos at his tribute*

On the night of 6 November 2018, at 22:20, after finishing a motion for a pro-bono client, Atty. Ramos stopped at his go-to *sari-sari* store (a small, local shop selling a variety of goods) for a cigarette break. While standing in the plaza, in front of the store, he was approached by a man who greeted him with “Maayong Gab-i, Attorney” (“good evening, Attorney”). As he turned, he was shot three times in cold blood. The assailant immediately fled the scene on a motorcycle driven by an accomplice. When Atty. Ramos arrived at the hospital, he was declared dead on arrival.

Despite numerous CCTV cameras from private properties and businesses in the plaza where the shooting occurred, none of the

recordings were accessible. Although the incident took place near the local police station, there was no immediate response from the police, who only arrived at the crime scene an hour later. The case of Atty. Ramos is considered the classic case of delivering fear, serving a dual purpose. First, it silenced a highly influential lawyer who frequently successfully defended his clients' rights, thus putting a spoke in the wheels of businesses and the government. In addition, it sent a message to fellow peoples' lawyers that they should steer away from engaging in similar causes.

Equally representative of the same brutal pattern is the case of **Prosecutor Rolando Lopez Acido**, shot dead outside the Mati City Hall of Justice, as he was about to attend a criminal hearing. Atty. Acido began his career as a farmers' lawyer at the Department of Agrarian Reform (DAR) and established a reputation for being a hardworking, conscientious and passionate lawyer. He was one of the few lawyers specialising in SLAPP cases in defence of farmers. Even after becoming a prosecutor, and during his twelve-year tenure as City Prosecutor of Mati City, Atty. Acido remained known for his ethics and dedication to his work. A testament to his devotion to trial work is the fact that even after a stroke left him paralyzed on the left part of his body, he continued handling cases and appearing in court.

It was reported that throughout his career, he steadfastly resisted government pressures and refused to overlook the improper handling of cases. For instance, in the early months of the Duterte administration, Atty. Acido dismissed a case filed by the Chief of Police against an individual accused of drug possession, on grounds of lack of direct evidence. This led the Chief of Police to report Atty. Acido, who, as a result, was summoned by President Duterte to explain his alleged involvement with drug personalities.

In another notable case involving a village chief accused of murder, Prosecutor Acido appealed the trial court's decision to downgrade the charge to homicide, which would have resulted in a lesser penalty and the possibility of bail. Recognising the crime as a murder qualified by treachery, he filed a petition with the Court of Appeals, challenging the trial court's order as an improper and capricious use of discretion. He decided to proceed with his appeal despite multiple calls from high-level officials pressuring him to drop the case. The Court of Appeals upheld his position, ordering the trial court judge to reinstate the criminal charge for murder and to arrest the accused immediately. Despite the arrest warrant being issued, the accused refused to surrender and remained at large. Just a few months later, Atty. Acido began receiving death threats.

On the morning of 26 October 2016, at 8:20 AM, Atty. Acido was fatally shot in front of the courthouse by two assailants, riding in tandem on a motorcycle, who stopped beside the driver's side of his vehicle. Five .45 calibre rounds were fired as Prosecutor Acido was about to step out of his car.

Prosecutor Acido wasn't the only lawyer in his family to lose his life because of his work and his refusal to bend to power. His cousin, **Atty. Rex Lopez**, met a similar fate. Atty. Lopez was a member of the Union of People's Lawyers in Mindanao (UPLM). As a young student activist, he then rose to become a peoples' lawyer representing labour unions, farmers and Indigenous peoples. As his litigation practice evolved, Atty. Lopez became heavily involved in the criminal defence of individuals accused of illegal drug use. Word of mouth eventually made Atty. Lopez the go-to-guy for those facing drug charges, with approximately 70% of his caseload related to drug cases. He achieved a considerable degree of success in defending these clients. Due to his commitment to ensuring fair representation for those accused of drug offences,

## **DUTERTE'S REWARD SYSTEM**

*Duterte's "war on drugs" in the Philippines was driven by a controversial reward system that incentivised law enforcement and vigilantes to kill suspected drug offenders. Cash rewards were reportedly offered for killing small-time dealers and large sums for high-value targets (HVTs), fostering extrajudicial killings. This system led to widespread human rights abuses, as many suspects were killed without trial, often under dubious circumstances. Human rights groups argued it fueled corruption, violated due process, and created a climate of fear, while Duterte's supporters viewed it as an effective tool against the country's drug problem.*

*Also linked to the reward system was the use of anonymous "drop boxes", set up in the city halls where citizens could submit the names of individuals they believed were involved in drug trafficking or use. This system allowed people to report suspects without accountability, and no mechanism was put in place to verify the accuracy of these accusations before suspects were targeted. It is argued that these drop boxes fostered paranoia, encouraged personal vendettas, and bypassed due contributing to a climate of fear and distrust in affected communities.*

he became a valuable target in Duterte's "drug war". Reports indicate that his name was included on a list of "high-value targets" (HVTs). The PNP reportedly offered Atty. Lopez the chance to visit their offices to discuss ways to clear his name, presumably by dropping his clients. Atty. Lopez refused to submit himself to such an opaque process, believing that the presumption of innocence and his role as lawyer would protect him as there was no evidence of his personal involvement in the drug trade.

In the late afternoon of 13 March 2019, Atty. Lopez was fatally shot in the parking lot of the local City Mall, as he was about to enter his pickup truck. He was struck by bullets fired from a grey Toyota Innova car that had momentarily stopped 20-30 metres away. A rifle with 7.62 NATO rounds was used. In the moment of his killing, Atty. Lopez was in the company of another person who wasn't injured, and who initially mistook Atty. Lopez's sudden collapse for a heart attack, due to the use of a silencer by the assailants. As he collapsed, two individuals rushed to his body, likely to confirm his demise. CCTV footage revealed that these individuals had been tailing Atty. Lopez from inside the mall. While their faces were captured

on camera, no investigation has been conducted into their involvement.

Initial findings of a parallel investigation by National Bureau of Investigation (NBI) agents suggest that Atty. Lopez was the victim of rogue police units seeking to profit from Duterte's reward system. As it will be further analysed below, the formal investigations have, however, collected little evidence and no case was filed from the police to the prosecutor. Reports indicate that a few months after Atty. Lopez's death, his brothers began receiving anonymous death threats. These threats deterred Atty. Lopez's widow and family from continuing their pursuit of justice.

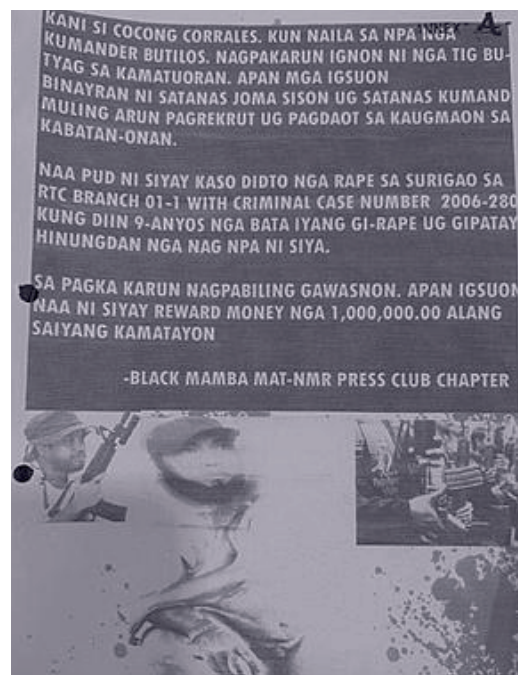
Another paradigm case analysed by the Delegation is the killing of **Atty. Rex Fernandez**. Atty. Fernandez, a seasoned human rights lawyer and founding member of the NUPL, was 64 years old when he was murdered in August 2021. He is described by his colleagues as a flamboyant lawyer with a strong personality.

Between 2016 and 2020, Atty. Fernandez supported Duterte's administration and led grassroots campaigns for his presidency. However, after the Anti-Terror Law was passed in 2020 and protests ensued, with police unlawfully cracking down on demonstrators, including Atty. Fernandez's nephew, he began questioning and withdrawing his support for Duterte. Just a few months before his death, Atty. Fernandez publicly stated on Facebook that Duterte's promises were "equal to pigs' excrement".

At the time of his killing, Atty. Fernandez was serving as legal counsel in numerous human rights cases in Central Visayas. One notable case involved the Carbon Market Alliance for Reform and a Better Future for Workers and Vendors, an alliance of 13 vendor associations in the Carbon market, in its protest against the planned modernisation of Cebu's oldest and largest farmers' market. Atty. Fernandez sought to nullify the Joint Venture Agreement (JVA) between the Cebu City government and Megawide Construction Corp, as the JVA would benefit the corporation over the farmers. Due to the high-profile nature of the case, and what has been reported as a known mafia between business sectors, Atty. Fernandez was advised to avoid public appearances in press conferences and media statements. However, when he filed the case, his representation of the Carbon people became public and was featured in the media.

In the weeks leading up to his killing, Atty. Fernandez also gained media attention for a conflict with the management of his condominium over transparency issues regarding fee calculations. As a result of the squabble, he staged a hunger strike outside the condominium, sleeping in a tent by the road, and ensuring widespread media coverage.

Moreover, it is to be noted that Atty. Fernandez was



A bounty poster offering a cash reward for the capture or killing of an alleged communist terrorist.



A mural at Cebu's Carbon Market pays tribute to Atty. Fernandez.

handling a case that had been transferred from Mindanao to Cebu due to threats against the lawyer in Mindanao. The case involved a Mindanao politician whose arrest warrant had been secured by Atty. Fernandez. It is reported that most lawyers from Cebu did not take up the case due to fears of retaliation.

While Rex Fernandez wasn't directly red-tagged, the socio-political cases he pursued throughout his career often sparked controversy and exposed him to surveillance and threats, which he frequently reported to his family members.

On 26 August 2021, Atty. Rex Fernandez was shot dead in an ambush while in his car in Cebu City on his way home, just before dusk. A hooded gunman fired six shots at his car, hitting both Atty. Fernandez and his driver. The driver was hit in the spine and immediately transported to the hospital, but eventually survived the attack. Atty. Fernandez's girlfriend was seated in the back of the car and remained unharmed.<sup>75</sup> The Cebu City Police Office, which formed a special investigation task group to investigate the killing of Attorney Fernandez, believed the perpetrator to be a professional hitman. As will be further analysed below, the investigation yielded no results, and the case has been labelled as a cold case.

The Delegation also analysed the case of **Atty. Juan G. Macababbad** who was fatally shot by unknown assailants at the front gate of his house in Surallah town, South Cotabato, Mindanao on 15 September 2021 - only three weeks after the killing of Atty. Fernandez. Atty. Macababbad, originally from Luzon and a member of the Ibanag ethnic minority, was a public interest lawyer, Vice Chair of UPLM and a member of NUPL. He had transferred his legal practice to Mindanao and was a renowned public interest lawyer.

He provided free legal service to poor and marginalised communities and represented members of Indigenous communities and farmers against big

<sup>75</sup> WARNING: The following footage contains sensitive material - CCTV video of rider in tandem killing of Atty. Fernandes (26 August 2021) <[https://youtu.be/rbvjhj6FZvJs?si=yd\\_cS-0soSYf7xcX0](https://youtu.be/rbvjhj6FZvJs?si=yd_cS-0soSYf7xcX0)> accessed 25 September 2024.

landowners and companies to recover ancestral lands and push for the implementation of agrarian reform. During Duterte's war on drugs, he also took on criminal defence cases of people accused of drug dealing through fake "buy-bust" or entrapment operations. Amongst others, he opposed the proposal of Topeka, the largest copper mine in the world, and to the aerial spraying of pesticides on banana plantations, which led to health problems to the local communities. He was also part of several fact-finding missions, including on the massacre of Indigenous peoples' leaders in Lake Sebu, South Cotabato. In parallel to his lawyer's practice, he was a member of a political party Bayan Muna ("People First"), which has faced red-tagging and vilification campaigns against the party and its nominees. The party has accused the NTF-ELCAC of orchestrating these smear campaigns and has sought an investigation by the Commission on Elections (COMELEC).<sup>76</sup> Before being killed, Atty. Macababbad was running to become the mayor of his town in upcoming elections.

On the day of the attack, witnesses from the neighbourhood testified that they saw two attackers on a motorcycle, including one carrying an orange envelope in which it was later believed he was probably hiding a gun. Atty. Macababbad was gunned down outside of his house, and sustained seven gunshot wounds to the head. Immediately after the attack, a live video taken by one of the neighbours was broadcasted on Facebook, in which the police arrival on the scene followed by an ambulance is captured. Police officers can be seen carrying the inanimate body of the lawyer and putting it in the back of their police truck before leaving the scene. Other people appear to be freely walking around the crime scene without police presence. Atty. Macababbad was pronounced dead on arrival at the Javelosa Hospital in Surallah, South Cotabato.

Atty. Macababbad's relatives received the report of an autopsy carried out by the NBI medico-legal office, indicating that he received 10 gunshots and died 30 minutes later. The family was not provided with any information post-investigation by any agency involved. Despite several requests for information about the elements and outcomes of the investigation, all queries remained unanswered. To date, the perpetrators of the murder of Atty. Macababbad remain unknown and no results have come out of the investigation into his assassination. Several efforts were made by his family to reactivate the investigation of the case to no avail.

On 19 January 2022, a police officer from the special investigation task group called and met with Atty. Macababbad's relatives as part of their investigation follow-

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<sup>76</sup> Juliane Judilla, 'Bayan Muna Files Complaint Over Campaign Poster Discrimination' (Daily Guardian, 1 March 2025) <<https://dailyguardian.com.ph/bayan-muna-files-complaint-over-campaign-poster-discrimination/>> accessed 26 May 2025.

up, but they never heard anything further. In July 2023, the cold case investigation department of the NBI was sent and stayed with them for one week. During this time, some neighbours or potential witnesses were interviewed, but no further action was taken.

The most recent case examined by the Delegation occurred more than a year after President Duterte's term had ended: the killing of **Atty. Maria Saniata Liwliwa Gonzales Alzate**, a 48 years old Filipino human rights lawyer, who was brazenly assassinated in broad daylight on 14 September 2023, in front of her residence in the city of Bangued, in the Cordillera region.<sup>77</sup> At approximately 4:55 pm, Atty. Alzate was parking her white Mitsubishi Mirage G4 when two men on a motorcycle approached. One of them, wearing a black cap, shot her six times at close range through the driver's window.<sup>78</sup> After briefly walking away, the gunman returned and fired two more shots before fleeing. The motorcycle used in the attack was later found abandoned in a ravine. Atty. Alzate was rushed to Dr. Petronilo V. Seares Sr. Memorial Hospital but was declared dead shortly after.

At the time of her killing, Atty. Alzate was a highly respected figure in the legal community, known for her fearless commitment to human rights and justice. She had served as Commissioner of Bar Discipline since 2015 and twice as president of the Northern Luzon Chapter of the Integrated Bar of the Philippines (IBP). Much of her work involved providing pro bono legal services in high-profile and sensitive cases. Notably, she had recently secured a landmark court ruling in favour of a victim of police abduction and torture, resulting in the issuance of a writ of amparo and protective orders. She also served as private prosecutor in a case involving a barangay chairman accused of murdering a schoolteacher.

According to her husband and the police, Atty. Alzate had not reported receiving any threats prior to her assassination. Nevertheless, the calculated and targeted nature of the attack closely follows the pattern observed in other killings of human rights lawyers in the country. A Special Investigation Task Group (SITG) of the Philippine National Police (PNP) was promptly formed to lead the investigation, a step typically taken in cases that garner significant media and public attention. Eight shell casings were recovered at the scene, along with CCTV footage capturing both the attack and the perpetrators' escape route. One of the assailants was reportedly identified as a known gun-for-hire; however, no arrests have been made, and the case remains unsolved.

Atty. Alzate's assassination provoked widespread condemnation nationwide, with many viewing it as another stark example of the ongoing dangers faced by legal professionals, particularly those working on politically sensitive or public interest cases. Despite early investigative efforts, justice remains elusive, and her murder adds to the alarmingly long list of unresolved killings of legal professionals in the Philippines.

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77 Jairo Bolledo, 'Murder case recommended vs suspect in slay of lawyer who aided drug war victims' (Rappler, 15 September 2023) <<https://www.rappler.com/philippines/murder-case-recommended-suspect-killing-abra-lawyer-aided-drug-war-victims/>> accessed 26 May 2025.

78 Zacarian Sarao, 'Why she was targeted? Cops dig into Abra lawyer slaying' (Inquirer.net, 15 September 2023) <<https://newsinfo.inquirer.net/1832028/why-was-she-targeted-motive-sought-in-abra-lawyer-slaying>> accessed 26 May 2025.

Members of the Movement Against Carbon Market Privatization light candles for slain lawyer Rex JMA Fernandez. Photo by Aninaw Productions



# STATE RESPONSIBILITIES

## **Independence of the judiciary and legal profession**

### **Legal framework**

The State of the Philippines is under the obligation to ensure that judges, prosecutors and lawyers can carry out their professional duties with independence, without fear of intimidation, harassment or violence. This obligation stems not only from international treaties to which the Philippines is a party, but also from the country's Constitution and the democratic principle of separation of powers.

The judiciary, and by extension the whole justice system, must be able to function independently of the executive, as a key part of its role is to hold that same executive to account. Dismantling this system of checks and balances is often the first step taken by authoritarian leaders seeking to concentrate power in their own hands.

The ICCPR, ratified by the Philippines in 1986, guarantees the right to an independent judiciary and legal representation as essential components of the right to a fair trial. Article 14 of the ICCPR provides that all individuals are entitled to a “fair and public hearing by a competent, independent and impartial tribunal established by law.” This establishes a binding obligation on States to ensure that judges are able to perform their duties free from external pressures or interference. The right to legal assistance is also protected under the ICCPR, which affirms that anyone charged with a criminal offence has the right to defend themselves through legal counsel of their own choosing. These provisions, when read together, underscore the necessity of both an independent judiciary and a legal profession that can operate without fear of reprisals or undue influence—conditions essential for the protection of due process and the rule of law.

These obligations are further elaborated in international standards enshrined in the UN Basic Principles on the Independence of the Judiciary (1985), the UN Guidelines on the Role of Prosecutors (1990) and the UN Basic Principles on the Role of Lawyers (1990). Together, these instruments set out the minimum conditions necessary for judges, prosecutors, and lawyers to operate independently and without undue interference, reinforcing States' duties under the ICCPR and helping to safeguard the rule of law and access to justice.

In accordance with Principle 18 of the Basic Principles on the Role of Lawyers, lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions. This means that charging lawyers with the same or similar offences to those against their clients, without legitimate grounds or evidence, violates international standards.

The UN Human Rights Committee, responsible for monitoring implementation of the ICCPR, has clarified that the right to equality before courts and tribunals set out in Article 14 guarantees equal access, equality of arms, and non-discrimination, which also apply to judicial bodies and in civil proceedings.<sup>79</sup> The principle of equality between parties requires each side to be given the opportunity to contest all the arguments and evidence put forward by the other party.<sup>80</sup> Moreover, the availability or absence of legal assistance often determines whether or not a person can access legal proceedings or participate in them in a meaningful way.<sup>81</sup> In other words, legal representation is an essential component of access to justice.

Under Article 9 of the ICCPR, States parties must ensure that no one is subjected to arbitrary arrest or detention and that any deprivation of liberty is in accordance with procedures established by law. The Human Rights Committee has applied this provision to protect the rights of those prosecuted, as well as to counter interference with lawyers carrying out their professional duties. In *Hammel v Madagascar*,<sup>82</sup> for example, the Committee found a violation of Article 9 in relation to a human rights lawyer practising in Madagascar, who had been arrested by special security forces and held incommunicado.

In 2020, the UN High Commissioner for Human Rights warned Philippine's authorities that red-tagging human rights defenders is extremely dangerous and that human rights defenders must be protected from this type of targeting.<sup>83</sup> In the concluding observations of its review of the Philippines' implementation of the ICCPR in 2022, the Human Rights Committee expressed its concern about the "large number of public threats, intimidation and violent attacks, including killings, of judges and lawyers, particularly those with dissenting opinions, and the delay in bringing the perpetrators to justice (art. 14)".<sup>84</sup> The Committee called on the Philippine government to: "Step



The Delegation met with representatives of the Supreme Court as part of the fact-finding mission.

79 UN Human Rights Committee, 'General comment No. 32 Article 14: Right to equality before courts and tribunals and to a fair trial' (23 August 2007) UN Doc CCPR/C/GC/32 paras. 7-8, 13.

80 Jansen-Gielen v. The Netherlands, 'Communication No. 846/1999' (14 May 2001) UN Doc CCPR/C/71/D/846/1999 para. 8.2; Äärelä and Näkkäläjärvi v. Finland, 'Communication No. 779/1997' (7 November 2001) UN Doc CCPR/C/73/D/779/1997 para. 7.4.

81 UN Human Rights Committee (n 77), para. 10.

82 Eric Hammel v. Madagascar, 'Communication No. 155/1983' (3 April 1987) UN Doc CCPR/C/OP/2 at 11.

83 OHCHR (n 10), para. 49.

84 UN Human Rights Committee (n 13), para. 37.

up its efforts to protect judges, prosecutors and lawyers against public threats, intimidation, harassment and violence, including killings and ensure that all violations are promptly, thoroughly, independently and impartially investigated, that the perpetrators are brought to justice and that the victims receive comprehensive redress”.<sup>85</sup>

The Committee further recommended that the Government “take immediate measures to ensure that everyone can freely exercise the right to freedom of expression”, including to effectively prevent acts of harassment, intimidation and attacks against journalists, human rights defenders and civil society actors to ensure they can carry out their work without fear of violence or reprisals, and to conduct prompt, effective and impartial investigation into allegations of threats or violence against them.<sup>86</sup>



Side meeting between the Delegation and young lawyers in Iloilo City.

## Findings

The State of the Philippines has been found in grave breach of its obligations under the ICCPR, the UN Basic Principles on the Independence of the Judiciary, the UN Principles on the Role of Prosecutors and UN Basic Principles on the Role of Lawyers. In line with the findings of the Human Rights Committee in 2022, the Delegation concluded that the Philippine government has not taken sufficient measures to protect the legal profession and ensure their ability to carry out their professional duties without fear of intimidation, harassment, or violence. On the contrary, the government has, directly and indirectly, fostered a climate of intimidation against legal professionals, with the objective of creating a chilling effect and thus silencing any voice not bending to power. This has not only violated affected legal professionals’ fundamental rights, but also had a detrimental impact on access to justice for countless Filipinos, eroding public trust in the judicial system, and tarnishing the country’s international reputation.

Clear evidence emerged indicating that red-tagging and other forms of repression, specifically restricting legal professionals’ freedom of expression, peaceful assembly and association and right to privacy, has hindered lawyers, judges and prosecutors’ ability to

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85 Ibid, para. 38.

86 Ibid, para. 44.

work freely and independently. This has led to a wider chilling effect on the legal professions, through self-censorship, fear of reprisal, with fewer lawyers willing to take up cases related to human rights or political dissent, and ultimately, a decline in the quality of the justice system and detrimental impact on access to justice in the country.

This chilling effect is already evident from the early stages of legal careers. In particular, young lawyers about to graduate and recently qualified lawyers expressed their wariness of engaging in human rights work and were prone to self-censor to avoid red-tagging, emphasising the need to keep a low profile. The Delegation heard anecdotal evidence that out of 500 newly graduated lawyers, only 5 to 10 would go into human rights work, while the majority would go into corporate practice. During the mission, the Delegation's encounters with young public interest lawyers often concluded with the chilling, yet lucid, statement: "I hope next time you come to the Philippines, I will still be alive".

Indeed, lawyers in the Philippines do not make decisions about representing certain clients lightly. The resulting risks to their physical safety and lives are so severe and widespread, that those embarking on public interest and human rights lawyering are acutely aware of what is at stake for them and their families. The children of **Atty. Fernandez**, as the ones of **Atty. Ramos**, reported having been directly made aware and prepared for the eventuality of their parent's assassination throughout their childhood.

Lawyers representing killed lawyers received information that they are under the spotlight. Many lawyers have reported altering their daily routines in an attempt to mitigate the risks associated with their professional activities. **Atty. Fernandez**, for instance, employed a bodyguard and used to wear bulletproof vests years before his assassination. When he perceived his life to be in imminent danger, he often left the country for extended periods, keeping his whereabouts concealed. **Atty. Guillen** reported relocating after noticing persistent surveillance on his daily commute from home to Court and being careful about his appearances in court proceedings, including about his public pleadings.

*"Being a lawyer in the Philippines creates conflicts in me. I want to help and at the same time I want to remain safe." (Newly qualified lawyer and relative of a killed lawyer).*

Numerous lawyers disclosed taking more precautions in their daily lives following threats or attacks on themselves or colleagues, including the use of anti-bullet vests as well as communication platforms, such as group chats, to check in with peers every day at regular times to verify each other's safety. It is emblematic of the pervasive threats faced by the legal profession that the Integrated Bar of the Philippines (IBP), the mandatory bar association of Filipino lawyers, offers courses on gun handling.

The economic impact of repression on law professionals and their families is also one of the major consequences identified through the Delegation's interviews. This is particularly the case when lawyers were subjected to lawfare tactics including the freezing of their bank accounts or prevented from practicing law for an extended period of time, affecting them and their families. In this context, lawyers explained that the IBP only provides limited legal aid and financial support to the lawyers targeted or the families of victims, despite new programmes opened to ensure the safety of individuals recognised as at risk.

Beyond the targeting of lawyers themselves, these patterns of repression



Side meeting between the Delegation and trade unionists resisting the jeepney phaseout.

indirectly affect the individuals and groups they represent and consequently their client's access to legal assistance and justice. After the killing of **Atty. Ramos**, some lawyers testified to having withdrawn their appearances in several pending cases and became more afraid to handle politically sensitive cases. **Atty. Musni** explained that the lawfare against the RMP structures and staff certainly hampered the ascension of the Indigenous people's rights in the Mindanao region: at the time of the prosecution, the Indigenous peoples' movement against development aggression projects in the Philippines had been strong, but schools for literacy and numeracy in remote Indigenous communities were stopped as a result of the lawfare against the RMP. Similarly, the killing of **Atty. Fernandez** was aimed at hindering the mobilisation and protests of farmers that he represented against landowners by silencing a very influential person representing these marginalised groups.

*"Who will contribute to nation building if the marginalised sectors are subject to harassment and then the lawyers defending them are subject to harassment" - Young lawyer in Luzon*

While acknowledging a clear sense of vulnerability in the legal profession and resulting obstructions in the right of access to justice, the Delegation was astonished by the ability and resilience of the legal professionals to continue their work and commitments, with an unshakable devotion and belief in the justice system. The pattern of repression seems to have in-depth and long-term effects on legal professionals' lives. Nevertheless, it does not seem to alter their motivation to improve the justice system in the country for a better future. Family members and relatives of killed lawyers have similarly, despite their bereavement, expressed their wish that their loved one's fight be perpetuated. Some of them have even committed to follow the same professional path as their deceased parents and engage in the practice of law.

## The right to life

### The duty to respect and to protect

#### Legal framework

The right to life is a fundamental right and a prerequisite for the enjoyment of all other human rights. It is protected under Article 3 of the UDHR and Article 6 of the ICCPR, which adds that this right “shall be protected by law” and that “no one shall be arbitrarily deprived of life”. No derogation from the right to life is permitted, even in exceptional circumstances such as situations of armed conflict or other public emergencies (Article 4(2) ICCPR). Everyone is entitled to the protection of the right to life without discrimination and to equal and effective access to remedies for any violation of this right (Article 2 UDHR, Articles 2 and 26 ICCPR).

The right to life imposes three obligations upon States: the duty to respect, protect, and fulfil its realisation. For the purposes of this analysis, the duties to respect and protect are of primary relevance. The duty to respect the right to life mandates that States refrain from what are termed ‘extrajudicial killings’ - the intentional and direct deprivation of life by the hands of State authorities. While intention is required, premeditation is not part of the definition of extrajudicial killings. The intentionality however distinguishes extrajudicial killings from failures to protect, which are characterised by negligence. The legal concept of extra-judicial execution was first introduced in 1980, by the UN Committee on Crime Prevention and Control through its Resolution 5, adopted during the Sixth UN Congress on the Prevention of Crime and Treatment of Offenders, held in Venezuela. This ultimately led to the establishment of the mandate of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions in 1982, in response to political killings in various countries.

It is important to note that when assessing a State’s duty to respect the right to life, responsibility extends beyond the actions of its direct agents. States bear responsibility also for actions of persons or groups ‘acting on the instructions of, or under the direction or control’ of the State.<sup>87</sup> This has been interpreted as including death caused by paramilitary groups, militias and death squads acting under the direction, or with the permission or acquiescence of the State.<sup>88</sup>

On the other hand, the duty to protect the right to life by law includes an obligation on States to outlaw arbitrary deprivations of life, adopt laws or other measures “to protect life from all reasonably foreseeable threats”, including from private persons and entities, and to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence.<sup>89</sup> It also includes an obligation on

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<sup>87</sup> International Law Commission, ‘(Draft) Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries’ (2001) II ILC Yearbook 26, Article 8.

<sup>88</sup> OHCHR, ‘The Minnesota Protocol on the Investigation of Potentially Unlawful Death’ (2016), para. 2(a).

<sup>89</sup> UN Human Rights Committee, ‘General comment No. 36, Article 6: right to life’ (3 September 2019) UN Doc CCPR/C/GC/36 paras. 18, 21, 23.

States to investigate cases of potentially unlawful death and prosecute those responsible, including state agents when relevant, which will be further examined in the following section.

In the context of the Philippines, the UN Human Rights Committee in 2022 expressed concern at the extremely high number of extrajudicial killings, particularly in the context of the government's anti-illegal drug campaigns, and of grave human rights violations involved in these killings. It was particularly concerned by reports of incitement to violence against and extrajudicial killings of suspected drug offenders by high-level officials, including the former president, the use of "drug watch lists" of suspected drug offenders based on unsubstantiated information, and non-judicial house visits.<sup>90</sup>

## Findings

Credible evidence was gathered revealing that the State of the Philippines violated its obligation to respect and protect the right to life of legal professionals.

The Delegation gathered a reliable and coherent body of evidence revealing a systematic pattern of violations of the right to life, including numerous unlawful and extrajudicial killings, as outlined above under the section Patterns of Human Rights Violations. Red-tagging has been identified as a clear indicator of escalation of the risk of physical attack or unlawful killing. However, law enforcement, local and national authorities and courts have failed to respond adequately to red-tagging incidents, and despite recent developments preventative and protective measures remain weak. In none of the cases analysed by the Delegation was there evidence of a police response aimed at mitigating the risks associated with red-tagging.

This created a permissive environment for violence against those legal professionals who stood up for the most vulnerable, the most marginalised, the most oppressed by the government in Philippine society. The common profile of legal professionals targeted, coupled with systematic inaction of the State and documented instances of direct links between red-tagging and State agencies, strongly suggests State responsibility for the attacks and killings.<sup>91</sup> While direct orders for attacks may be difficult to prove in every case, the evidence points to two key possibilities.

Firstly, the established connections between red-tagging, lawfare and State agencies indicate a potential for direct State involvement in these practices. By actively participating in or orchestrating red-tagging campaigns and lawfare, State officials may be directing, instigating or enabling the subsequent physical attacks and killings of legal professionals, by either other officials or private individuals. Secondly, even in the absence of explicit orders, the State's persistent failure to act against red-tagging, despite its documented connection to violence,



Meeting with Atty. Neri Colmenares (dx) and Atty. Krissy Conti (sx) in Manila

<sup>90</sup> Ibid, para. 27.

<sup>91</sup> See, for instance, incidents of red-tagging against Atty. Ramos at p. 32.



Wall covered with red-tagging posters targeting lawyers, politicians and associations.

and failure to duly investigate and prosecute can be interpreted as amounting to permission or acquiescence. This allows individuals, acting with the implicit approval of State actors, to carry out attacks on legal professionals without fear of meaningful reprisal. In both scenarios, the State's role, whether through direct action or deliberate omission, is crucial in understanding the violence against legal professionals. The links between State agencies, red-tagging incidents, lawfare, the types of legal professionals targeted and the absence of protective measures, offers strong evidence of State responsibility for the attacks and extrajudicial killings.

Against this backdrop, following the end of Duterte's Presidency in 2022, some initiatives at administrative and judicial level began to emerge to combat and address red-tagging.

In 2024, some local government units in the Philippines began taking concrete steps to address the issue of red-tagging. Naga City was the first to pass an anti-red tagging ordinance, officially titled the 'Anti-Red Tagging Ordinance', in November 2024. Widely described as a landmark measure, the ordinance was a significant move toward protecting individuals and groups vulnerable to politically motivated accusations. Following suit, Baguio City enacted its own ordinance in December 2024, known as the 'Human Rights Defenders Ordinance'. This measure aims to shield human rights defenders, activists, and civil society actors from threats, defamation, and harassment, reinforcing the role of local governments in promoting human rights and upholding democratic space at the local level.

The Supreme Court has also taken important steps to address red-tagging. In the landmark June 2023 ruling *Deduro v. Vinoya* it held that red-tagging, vilification, labelling, and guilt by association threaten a person's right to life, liberty, or security, which may justify the issuance of a writ of amparo.<sup>92</sup> The Supreme Court overturned a lower court's 2020 decision dismissing a petition brought by a red-tagged activist, Siegfried

<sup>92</sup> *Deduro v. Maj. Gen. Vinoya* (n. 53). The Supreme Court of the Philippines, 'SC: Red-Tagging Threatens Right to Life, Liberty, and Security' (8 May 2024) <<https://sc.judiciary.gov.ph/sc-red-tagging-threatens-right-to-life-liberty-and-security/>> accessed 26 May 2025.

Deduro, who sought a writ of amparo, which allows a person to seek various remedies from the courts, such as protection orders. The writ of amparo is “a remedy available to any person whose right to life, liberty and security is violated or threatened with violation by an unlawful act or omission of a public official or employee, or of a private individual or entity.” The writ covers extrajudicial killings and enforced disappearances, or threats thereof.

Building on the Supreme Court’s decision in *Deduro v. Vinoya*, the Quezon City Regional Trial Court, Branch 306, in December 2024, ruled in favour of journalist Atom Araullo in a civil suit against SMNI news channel hosts Lorraine Badoy-Partosa, also former spokesperson of the NTF-ELCAC, and Jeffrey Celiz. The court ordered the duo, who had accused Araullo of being associated with communist terrorist ideologies on their talk show, to pay him P2.08 million in damages and legal fees. This compensation addressed the harm caused by their red-tagging, specifically its impact on Araullo’s personal life and career.<sup>93</sup> This decision marks a strong precedent in the protection against red-tagging and is the first judicial application of the Supreme Court’s declaration that red-tagging constitutes a threat to one’s life, liberty, or security.

Following public threats by Lorraine Badoy-Partosa against a Manila Judge Magdoza-Malagar, on 23 September 2022, the Supreme Court had warned through the issuance of a statement, that inciting violence through social media and other means which endangers the lives of judges, and their families, shall be considered a contempt of court.<sup>94</sup> In a ruling of 15 August 2023, Lorraine Badoy-Partosa was effectively found guilty by the Supreme Court of indirect contempt of court for online statements attacking Judge Magdoza-Malagar of the Manila Regional Trial Court.<sup>95</sup>

Following the Judge’s issuance of a Resolution on 21 September 2022, dismissing the Department of Justice’s petition to proscribe the CPP-NPA as a terrorist group, Badoy had uploaded public posts on her Facebook page where, amongst other claims, she stated that Judge Magdoza-Malagar was friends with the CPP and the NPA, and threatened to kill the judge. She also threatened to bomb the offices of judges who she deemed as “friends of terrorists”. The posts made by Badoy, who has over 166,000 followers, generated comments, images and videos openly supporting her statements and even offering assistance and asking for Judge Magdoza-Malagar’s address.

The Supreme Court highlighted the importance of balancing free speech with the protection of judicial independence. It noted that the “respondent jeopardized the Judiciary by sowing distrust and impairing the public’s confidence in the honesty, integrity, and impartiality of those donning judicial robes.” The court described her actions as “a call to action against Judge Magdoza-Malagar and the entire Judiciary” and “nothing but an act of intimidation to influence the resolution of a pending case.”<sup>96</sup>

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93 Republic of the Philippines Commission on Human Rights, ‘Statement of the Commission on Human Rights on the court victory of journalist Atom Araullo vs red-taggers’ (20 December 2024) <<https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-court-victory-of-journalist-atom-araullo-vs-red-taggers/>> accessed 26 May 2025.

94 Supreme Court of the Philippines, ‘Press Briefer’ (27 September 2022) <<https://sc.judiciary.gov.ph/press-briefer-7/#:~:text=%E2%80%9CThe%20Court%20STERNLY%20WARNS%20those,will%20be%20dealt%20with%20accordingly.%E2%80%9D>> accessed 26 May 2025.

95 Supreme Court of the Philippines, ‘Decision A.M. No. 22-09-16-SC/G.R. No. 263384’ (15 August 2023) <<https://sc.judiciary.gov.ph/22-09-16-sc-263384-re-statements-made-by-lorraine-marie-t-badoy-allegedly-threatening-judge-marlo-a-magdoza-malagar-atty-rico-v-domingo-dean-antonio-gabriel-m-la-vina-dean-ma-soledad-deriquit/>> accessed 26 May 2025; ‘SC Finds Lorraine Badoy Guilty of Indirect Contempt for Attacks against Judge; Warns Online Influencers to Verify Truthfulness of Posts’ (29 February 2025) <<https://sc.judiciary.gov.ph/sc-finds-lorraine-badoy-guilty-of-indirect-contempt-for-attacks-against-judge-warns-online-influencers-to-verify-truthfulness-of-posts/>> accessed 26 May 2025.

96 Ibid.

## THE DOUBLE STANDARD OF DEFAMATION LAWS

*In the Philippines, defamation laws, particularly cyber libel, have been widely criticised for their potential to be weaponised against journalists and media outlets, thereby curbing freedom of the press. Legal experts and human rights organisations have expressed concern that these laws are incompatible with the Philippine government's obligations under international human rights treaties, and indeed they are often used to silence critical reporting, with those in positions of power filing lawsuits to intimidate and suppress unfavourable coverage. A notable instance is the 2020 conviction of Maria Ressa, founder of the news website Rappler, and researcher Reynaldo Santos Jr., for cyber libel. The conviction stems from an article accusing then-Supreme Court Chief Justice of accepting favours by a businessman, demonstrating how defamation charges can be used to exert pressure and stifle investigative journalism.<sup>97</sup>*

*Conversely, individuals engaging in red-tagging have historically faced little to no legal repercussions or libel prosecutions, despite the severe consequences that such forms of vilification can bring. This disparity in the application of the law raises questions about the selective enforcement of defamation laws. On the other hand, the Delegation found that lawyers avoid suing red-taggers for libel based on a principled belief that such legislation does not comply with human rights standards and should be repealed in the first place.<sup>98</sup> Journalist Atom Araullo's case, analysed above, further illustrates this point, as he pursued a civil case, rather than a criminal libel suit, to avoid contributing to the use of abusive laws.<sup>99</sup>*

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<sup>97</sup> People of the Philippines v. Santos, Ressa and Rappler [15 June 2020] R-MNL-19-01141-CR. At the time of this report, the case is pending before the Supreme Court for judicial review.

<sup>98</sup> National Union of Journalists of the Philippines, 'Statement: The Truth About Red-Tagging' (1 February 2024) <<https://nujp.org/statement-the-truth-about-red-tagging/>> accessed 26 May 2025.

<sup>99</sup> Lian Buan, 'Journalist Atom Araullo Wins Civil Suit vs Red-Tagging', (Rappler, 13 December 2024) <<https://www.rappler.com/philippines/journalist-atom-araullo-wins-civil-suit-vs-red-tagging/>> accessed 26 May 2025.



Careful handling and documentation of evidence is crucial to ensuring the integrity of the investigation.

## The duty to investigate

### Legal framework

The duty to investigate is paramount in upholding the right to life. This duty gives practical effect and significance to a State's obligations to respect and protect life through mechanisms of accountability and remedies for violations.<sup>100</sup> Indeed, criminology research underscores that the certainty of being caught is a far more effective deterrent than any form of punishment.<sup>101</sup> States have a duty to investigate unlawful or suspicious deaths, regardless of whether the death is caused by State actors, private persons, or unknown individuals, and regardless of whether the death is already suspected to be unlawful. An investigation should be initiated automatically, independent of formal complaints or requests from next of kin.<sup>102</sup> The failure to properly investigate violations of the right to life is in itself a violation of the right to life.

To reinforce the substantive and procedural obligations of States with reference to the protection of the right to life and prevention of extrajudicial killings, in 1989 the UN Economic and Social Council adopted the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.<sup>103</sup> To complement the principles, in 1991 the UN adopted the Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary

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<sup>100</sup> See, among others: UN Human Rights Committee, 'General Comment No. 31 on The Nature of the General Legal Obligation Imposed on States Parties to the Covenant' (26 May 2000) UN Doc CCPR/C/21/Rev.1/Add.13, paras. 15, 18; *McCann and others v. United Kingdom*, Judgment 21 EHRR 97 (27 September 1995) para. 161; *Montero-Aranguren and others (Detention Center of Catia) v. Venezuela*, Judgment, IACtHR Series C No 150 (5 July 2006) para. 66; African Commission on Human and Peoples' Rights, 'General Comment No. 3 on the African Charter on Human and Peoples' Rights: The Right to Life (Article 4)' (November 2015) paras. 2, 15.

<sup>101</sup> Daniel S. Nagin (2013), "Deterrence in the Twenty-First Century" (August 2013) *Crime and Justice in America 1975–2025* 42(1) pp. 199-263.

<sup>102</sup> UNGA, 'Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)' (8 January 2016) UN Doc A/RES/70/175 Rule 71.

<sup>103</sup> UN Economic and Social Council, 'Effective prevention and investigation of extra-legal, arbitrary and summary executions' (24 May 1989) UN Doc E/RES/1989/65.

Executions,<sup>104</sup> whose principles are further reaffirmed, extended and updated in the 2016 Minnesota Protocol on the Investigation of Potentially Unlawful Death.<sup>105</sup>

Based on the above international obligations and standards, investigations must be: (i) prompt; (ii) effective and thorough; (iii) independent and impartial; and (iv) transparent.<sup>106</sup>

Promptness requires authorities to begin investigations immediately and without unreasonable delay, though this should not come at the expense of a thorough process. Also, the obligation to investigate remains, even if significant time has passed since the death. Effective investigations must be comprehensive, gathering and verifying all relevant evidence, and ensuring accountability by identifying all perpetrators and their responsibility for the death. They should also seek to identify policies and systemic failures that may have contributed to a death and identify patterns where they exist.

Investigations must be independent of any suspected perpetrators and the units, institutions or agencies to which they belong, and they must be free from undue influence, such as the interests of political parties or powerful social groups. Transparency is also crucial, requiring openness to public scrutiny and the participation of victims' families. This enhances accountability and public trust in the investigative process. At a minimum, States should be transparent about the existence of an investigation, the procedures to be followed, and the findings of an investigation, including their factual and legal basis. Family members have the right to participate in an investigation into an unlawful death and to obtain available information on the causes of death.<sup>107</sup> More broadly, the right to know the truth is owed by States to society as a whole, as it is in the public interest to prevent violations of the right to life and hold those responsible accountable.

## Findings

With one exception, none of the killings of legal professionals examined by the Delegation have proceeded to trial. Rather, they were prematurely classified as “cold cases” during the initial investigation phase. The Delegation observed a consistent pattern of incomplete and inadequate investigations following these incidents, indicating that the Philippines has repeatedly failed to fulfil its obligations, outlined above, to thoroughly investigate unlawful or suspicious deaths and physical attacks.

Not only did the Philippines breach its duty to investigate,

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<sup>104</sup> UN, 'Manual on the effective prevention and investigation of extra-legal, arbitrary and summary executions: corrigendum' (1991) UN Doc E/ST/CSDHA/12.

<sup>105</sup> OHCHR, (n 86).

<sup>106</sup> Ibid, Article 22.

<sup>107</sup> Ibid, Articles 23-33.

but President Duterte publicly boasted about these human rights violations, further blurring the lines between legitimate operations and extrajudicial killings. During his speeches, he repeatedly reassured law enforcement officials involved in anti-drug operations that they would not face punishment for killings conducted in the line of duty.<sup>108</sup> He publicly stated he would pardon police officers convicted of killing drug suspects if they were acting in the performance of their duties.<sup>109</sup> More than that, reports indicate that police killings were driven by pressures from the top and incentivised through financial rewards.<sup>110</sup> This effectively fostered a climate where extrajudicial killings were perceived as an acceptable means for law enforcement, undermining any pretence of accountability. Simultaneously, the Duterte administration shifted the burden of proof regarding extrajudicial killings onto private citizens, by making statements that individuals with sufficient evidence of law enforcement abuses file cases in court.<sup>111</sup> This effectively reverses the State's obligation to conduct thorough investigations, placing the onus on vulnerable individuals to gather evidence and navigate a complex and hostile legal system, further exacerbating the lack of accountability and hindering effective investigation into alleged human rights violations.

Efforts to establish specialised task forces for high-profile cases, or the creation, through Administrative Order No. 35, of the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture, and other Grave Violations of the Rights to Life, Liberty, and Security of Persons ('AO 35 Committee'), appear to be mere window-dressing efforts. These mechanisms suffer from a fundamental lack of independence, being heavily influenced by the same institutions they are meant to scrutinise and bring to justice. The AO 35 Committee, for instance, is chaired by the Secretary of Justice and includes among its members the Directors of the PNP and

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108 Amnesty International UK, 'More than 7,000 killed in the Philippines in six months, as president encourages murder' (18 May 2020) <<https://www.amnesty.org.uk/philippines-president-duterte-war-on-drugs-thousands-killed>> accessed 26 May 2025; Christina Mendez, 'Duterte to PNP: Kill 1,000, I'll protect you' (Philstar Global, 2 July 2016) <<https://www.philstar.com/headlines/2016/07/02/1598740/duterte-pnp-kill-1000-ill-protect-you>> accessed 26 May 2025.

109 See for example, Dharel Placido, 'Duterte says he will pardon cops in Espinosa slay' (ABS-CBN News, 9 August 2017) <<http://www.abs-cbn.com/news/08/09/17/duterte-says-anew-he-will-pardon-cops-in-espinosa-slay>> accessed 26 May 2025.

110 OHCHR (n 10) paras. 15 - 25; Amnesty International, 'Philippines: "If you are poor, you are killed": Extrajudicial Killings in the Philippines' "War on Drugs" (31 January 2017) p. 29 <<https://www.amnesty.org/en/documents/asa35/5517/2017/en/>> accessed 26 May 2025.

111 Amnesty International (2019), 'Philippines: 'They just kill'. On-going extrajudicial executions and other violations in the Philippines' 'war on drugs' (7 July 2019) pp. 34-35 <<https://www.amnesty.org/en/documents/asa35/0578/2019/en/>> accessed 26 May 2025.

NBI, making it structurally unfit for purpose.<sup>112</sup>

The lack of domestic avenues for accountability, and of any genuine investigations and prosecutions of the crimes committed in the context of the ‘war on drugs’, has also been analysed by the ICC. After opening investigations in September 2021 into crimes against humanity committed in the Philippines, in November 2021, the Philippine government asked the ICC Prosecutor to defer the investigation, claiming that domestic investigations into cases of extrajudicial killings during ‘war on drugs’ operations were underway. After a temporary suspension of investigative activities, in June 2022 the ICC Prosecutor requested the ICC judges’ authorisation to resume his investigations, noting that the Philippine government had not provided sufficient evidence to demonstrate its willingness or ability to genuinely conduct proceedings into such crimes. In its request, eventually upheld by the Court, the ICC Prosecutor assesses, among others, the activities of the AO 35 Committee and concludes that no relevant information was provided “on how the Committee is engaged in any meaningful investigation of killings arising from anti-narcotics operations, let alone identifying any investigative steps undertaken”.<sup>113</sup>

Similarly, with reference to the internal disciplinary proceedings conducted by the PNP Internal Affairs Services (PNP-IAS), the body responsible for investigating deaths in police operations, against PNP personnel involved in illegal activities, ICC judges concluded that such administrative proceedings “do not amount to tangible, concrete and progressive investigative steps carried out with a view to conducting criminal proceedings”.<sup>114</sup>



Forensic examination in the autopsy room

<sup>112</sup> Republic of the Philippines Department of Justice, ‘Administrative Order No. 35: The Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons’ (2012) <<https://www.doj.gov.ph/administrative-order-35.html>> accessed 26 May 2025.

<sup>113</sup> Situation in the Republic of the Philippines (Prosecution’s request to resume the investigation into the situation in the Philippines pursuant to article 18(2) ICC-01/21 (Pre-Trial Chamber I, 24 June 2022) paras. 91-92 <[https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022\\_05101.PDF](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_05101.PDF)> accessed 26 May 2025.

<sup>114</sup> ICC (n 48) paras. 45-48.

The subsequent sections will analyse in greater detail the various deficiencies within the Philippine investigative procedures, highlighting violations of the country's international obligations regarding the right to life. They will paint a vivid picture of how structural flaws in the system are systematically exploited by the police, allowing impunity to persist.

### **The investigation process**

International standards require authorities to conduct a thorough initial investigation whenever a potentially unlawful death occurs. This aims to identify potential lines of inquiry and determine the necessary next steps. Once a significant body of evidence has been collected and analysed, a report with preliminary conclusions should be compiled. This report should detail the pursued lines of inquiry, their outcomes, and recommend any further investigation that could advance the case.

The PNP has a standard operating procedure for crime scene investigations. It outlines a coordinated response involving first responders, investigators, and a Scene of the Crime Operation Team (SOCO), dispatched from the PNP. Following the initial investigation and evidence gathering, a SOCO report is produced, documenting all initial findings.<sup>115</sup>

A case is classified as 'cold case' when it "has not been cleared or solved and which probative investigative leads have been exhausted, however, yielded negative result or progress for six months". Once a case involving a 'heinous and sensational crime' is classified as a cold case, its competence moves from the local PNP unit to a central one, the Criminal Investigation and Detection Group (CIDG).<sup>116</sup> It is to be noted that the same procedure is applied to both ordinary crimes and those with potential political implications. This is because there isn't a specialised prosecutor's office with enhanced independence from the executive, specifically tasked with prosecuting crimes that might involve State officials.

In some of the cases examined by the Delegation, even information on which department of the PNP was handling the case was withheld from family members. This lack of transparency hinders their ability to receive an update on the investigations' progress. This was the case, for instance, for the wife of Atty. Ramos, who was only informed years after his death that the CIDG was handling the investigation and that no significant evidence had been found in the case.

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<sup>115</sup> Republic of the Philippines Department of the Interior and Local Government, Conduct of Crime Scene Investigation, Standard Operating Procedure No. 2011-008 (7 April 2011).

<sup>116</sup> Republic of the Philippines Department of the Interior and Local Government, Procedures in the Investigation of Heinous and Sensational Crimes, Standard Operating Procedure No. 2012-006 (12 November 2012).

## **THE PRESUMPTION OF REGULARITY AS A SHIELD FROM ACCOUNTABILITY**

*The Philippines' legal system embraces the principle of presumption of regularity for public officials' acts. This is a legal principle that assumes that government officials are acting within the scope of their authority and in accordance with the law. Such presumption shifts the burden of proof to the victims, who will have to provide the evidence in case of wrongdoings or violations by State authorities. In practice, those who accuse authorities of violating their mandate must show that that is indeed the case.*

*This presumption might however contradict the proof-proximity principle, which establishes that the burden of proof should lie on the party to whom the evidence is more easily available. In this way, the presumption of regularity acts as a shield from accountability, as it is often difficult if not impossible for citizens to access the evidence that would allow them to challenge State officials' actions.*

*In particular, during Duterte's war on drugs, and Tokhang operations specifically, the legal doctrine of the presumption of regularity was widely used as a justification to defend police operation tactics and avoid investigations and oversight.*

Another significant barrier to accountability for flawed investigations was introduced in 2016 by President Duterte's Executive Order No.2 ('EO 2'). The measure implements the Philippines' Freedom of Information policy and was intended to increase transparency by allowing citizens access to government records. However, since its enactment, police have increasingly cited EO 2 exemptions such as "national security" or "law enforcement privilege" to start to withhold police files from families, journalists, and independent bodies like the Commission on Human Rights, making it difficult to scrutinise investigative processes and identify any shortcomings thereof. EO 2 allows case files from anti-drug operations and investigations into other human rights abuses to remain confidential if no accused person is identified and the case never proceeds to trial. This misuse of EO 2 has effectively obstructed scrutiny of law enforcement operations during Duterte's regime, a practice that continues under the current administration.

The lack of a scientific method in evidence collation was widely reported to the Delegation, with, for instance, crime scene investigations largely limited to photo documentation. Frequent crime scene contamination was also noted, as many individuals were often permitted access. Ballistic examinations are rarely conducted, further limiting the thoroughness and accuracy of investigative efforts. Additionally, the public lacks access to the government firearms repository and ammunition log, limiting transparency and the ability to trace firearms involved in crimes.

As for CCTV recordings from private individuals and businesses, police can request access to them when relevant to investigations. However, if the owner of the CCTV camera refuses to grant access to the recording, police must seek a court order to legally compel disclosure.<sup>117</sup> In practice, though, the police often do not pursue a court order when access is denied, leaving potentially valuable footage unreviewed. This reliance on voluntary cooperation limits the effectiveness of investigations if crucial evidence is withheld.

As a result of the above, when families of victims have been granted access to SOCO reports following initial investigations, they reported that the information included therein was minimal, indicating that very little investigative work had been conducted. In many cases, victims' families, through their own investigations, already had more evidence than the police. This failure of the authorities effectively places the burden of investigating politically sensitive crimes on the victims' families and colleagues.

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<sup>117</sup> Republic of the Philippines National Privacy Commission, 'Guidelines on the use of closed-circuit television (CCTV) systems' (16 November 2020) Advisory No.2020-04 <<https://privacy.gov.ph/wp-content/uploads/2020/11/Advisory-on-CCTV-16NOV2020-FINAL.pdf>> accessed 26 May 2025.

In the case of the near-fatal attack on **Atty. Guillen**, the police even failed to initiate any investigation. In the killing of Atty. Lopez, despite the shooting occurring in a mall parking lot in the late afternoon, the SOCO included footage from only one CCTV camera, underscoring the superficiality of the investigation. The police, in this case, had less evidence than Atty. Lopez's family and colleagues were able to gather independently.

Similarly, following **Atty. Ramos'** murder, some of his colleagues who were attending his funeral noticed two Philippine Army agents in plain clothes but armed with handguns. They approached and blocked the agents, effectively conducting a citizen's arrest. The PNP were called and on arrival were compelled to interrogate and file an attempted murder complaint against the two agents, who were kept in detention. However, the Prosecutor's Office downgraded the complaint to grave threats, allowing the defendants to post bail. They later escaped and currently remain at large. As for further investigations in Atty. Ramos' murder, the regional police director prematurely concluded that the killing was linked to disputes over Ramos' legal cases or gambling, disregarding potential motives related to his public interest work or the red-tagging he had faced.

The investigation into **Atty. Fernandez's** death has also been marred by delays and a lack of progress. His family members handed his mobile phones to the NBI shortly after his death, but it took three years for the NBI to provide an update, only to reveal that the phone data was corrupted and therefore irrelevant. The NBI currently claims that the investigation of his case is ongoing, but sources suggest that his case is stalled with no active progress.

### **Interviews and witness protection**

Interviews are an essential part of the investigation process. The Minnesota Protocol emphasizes that interviews must be conducted with trauma sensitivity and thoroughness, and they must be documented carefully to maintain accuracy.



Meeting between the Delegation and a local community facing the risk of mass eviction in Cebu City.

The security and well-being of interviewees are paramount. To this end, the Protocol mandates robust and sustainable witness protection programmes. States must take all necessary measures to ensure the security of witnesses throughout the investigative process and beyond.<sup>118</sup>

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118 Minnesota Protocol (n 86), Articles 84-89.

In all but one case examined, the Delegation observed a complete absence of findings based on witness testimonies. In multiple instances, the Delegation was told that ‘the eyes and mouths of bystanders were shut’, reflecting a widespread reluctance or fear among potential witnesses to come forward. Despite most of the killings occurring in public places with numerous passers-by present, no eyewitness evidence contributed to advancing any of the investigations.

This situation seems to be rooted in two primary factors. Firstly, there is a discernible lack of thorough investigations by the police, characterised by a failure to actively seek out and interview potential witnesses. Unless a witness comes forward, law enforcement doesn’t seem to properly pursue leads through witness testimony. Second, the Philippines’ Witness Protection, Security and Benefit Program (WPSBP) presents several structural flaws, leaving potential witnesses vulnerable to intimidation and retaliation. This lack of security deepens the silence, since, as stated by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in the Philippines “(t)he present message is that if you want to preserve your life expectancy, don’t act as a witness in a criminal prosecution for killing”.<sup>119</sup>

The WPSBP is established under the Department of Justice.<sup>120</sup> Its effectiveness is hindered by several limitations. Firstly, the current admissibility criteria restrict witness participation to those cases that have already been filed in court. This restriction discourages witnesses from coming forward before the case reaches the judicial stage. Secondly, being established under the Department of Justice, the WPSBP is subjected to executive oversight, compromising its independence and efficacy in cases involving human rights violations by State agents. For this reason, the Commission on Human Rights established its own witness protection programme in 2010. However, this programme operates with very limited resources, providing sanctuary only for the most extreme cases of human rights abuses.

Added to this, the WPSBP offers a very poor support system. Once in the programme, witnesses are placed in sanctuaries, with their lives severely disrupted, feeling as if they are the ones being imprisoned. This is especially troubling when the witness is the family’s breadwinner, as the financial assistance provided is typically far less than their previous income and insufficient to support their family - particularly if the case drags on for years. The WPSBP also lacks resources for recreation, personal development, psychological support and treatment for witnesses who have endured trauma. Due to these shortcomings, it has been reported that it’s not unusual for witnesses to escape the programme. Moreover, the moment the case is terminated, witnesses are automatically discharged, leaving them without continued and sustainable support and protection.

These fundamental flaws reveal why, despite claims of success of the WPSBP based on high success rates in prosecuting cases with witnesses covered by the programme,<sup>121</sup> the numbers do not accurately reflect its true effectiveness. Many critical witnesses either do not meet the WPSBP’s admissibility criteria or choose not to enter due to its conditions.

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119 OHCHR, ‘Extrajudicial killings have a corrosive effect on civil society and political discourse in the Philippines, says UN independent expert at the end of visit’ (22 February 2007) <<https://www.ohchr.org/en/statements/2009/10/extrajudicial-killings-have-corrosive-effect-civil-society-and-political-0>> accessed 26 May 2025.

120 Congress of the Republic of the Philippines, ‘An Act Providing for a Witness Protection, Security and Benefit Program and for other Purposes’ Republic Act No. 6981 (24 April 1991) <[https://lawphil.net/statutes/repacts/ra1991/ra\\_6981\\_1991.html](https://lawphil.net/statutes/repacts/ra1991/ra_6981_1991.html)> accessed 26 May 2025.

121 Benjamin Pulta, ‘DOJ witness protection program posts 95% success rate in 2023’ (Philippine News Agency, 30 April 2024) <<https://www.pna.gov.ph/articles/1223729>> accessed 26 May 2025.

## **A SHACKLED WATCHDOG: THE COMMISSION ON HUMAN RIGHTS**

*The Commission on Human Rights (CHR) is the Philippines' National Human Rights Institution, established following the dictatorship of President Ferdinand E. Marcos. With constitutional status under the 1987 Philippine Constitution, the CHR is mandated to investigate human rights violations, particularly civil and political rights abuses against marginalised and vulnerable sectors of society. However, the CHR lacks any power to prosecute or issue injunctions.*

*CHR's headquarters in Manila generally only handles high-profile and sensational cases, while regional offices across the country conduct on-the-ground investigations, initiated either independently or upon complaint. These investigations culminate in a final investigation report, which is reviewed by CHR's legal division to determine whether a human rights violation occurred. Based on findings, the CHR may recommend accountability measures (for example, legal action or victim assistance), and may propose policy changes, such as revisions to police procedures.*

*The CHR reported to the Delegation that from 2016 to 2022, it handled 39 cases involving killings and other alleged human rights violations of lawyers. Between President Marcos Jr.'s June 2022 election and 2023, the CHR has docketed 4 killings of lawyers and 3 other alleged human rights violations. However, investigations face significant challenges, owing not only to the CHR's structural limitations, but also to a general climate of fear and distrust in institutions, with many families and potential witnesses refusing to cooperate with the CHR.*

*A major obstacle to CHR's work is its reliance on other government agencies to be able to carry out its mandate. Without the authority to issue subpoenas or compel witnesses or the disclosure of documents, the CHR depends on other agencies' cooperation. Executive Order No. 2 (EO 2) issued in 2016, also known as the Freedom of Information order, further limits CHR's access to files and severely hinders CHR's cooperation with the PNP. Under EO 2, CHR's officers are precluded from accessing any police case file during their investigations. It has been reported to the Delegation that EO 2 has effectively been weaponised to limit the effectiveness of CHR's mandate. CHR's influence is further restricted by its lack of power to issue injunctive reliefs and legal measures, leaving it reliant primarily on moral suasion. Its findings are often disregarded by relevant government agencies, and its recommendations go unheeded.*

*In some isolated cases, however, the CHR was able to use informal preventative measures. When there were indications that certain public interest lawyers were about to be served a search warrant, potentially exposing them to evidence planting or violations of the client-confidentiality principle, the CHR was able to intervene to prevent any police misconduct. The CHR would inspect the lawyers' homes and offices prior to any police action, meticulously documenting the search, and promptly informing the media that no evidence of illegal activities was found. This proactive approach effectively thwarted potential human rights violations at their inception.*

*A growing number of experts, activists and Congress representatives have advocated and made legislative proposals to empower the CHR through a separate charter that would “further strengthen its mandates, powers, and functions and clearly establish its cardinal role in cultivating a culture of human rights in the country”.<sup>122</sup> In this way, expanded structural, operational and functional independence could be granted to the institution, along with fiscal autonomy. Indeed, although the CHR cannot be abolished due to its constitutional status, its budget remains vulnerable and can be shrunk to the point that it would virtually dissolve the institution. Attempts in this direction were already registered when the House of Representatives proposed a 2018 budget of 1,000 Philippine pesos (approximately 18 US dollars) for the CHR, and public outcry eventually prevented the proposal from being approved.<sup>123</sup> Today, the CHR's budget remains limited, which significantly restricts its operational capacity compared to better-funded government agencies.*

*In sum, CHR's role as the Philippines' human rights watchdog is constrained by limited powers, external dependencies and budgetary challenges. To truly empower the CHR, structural reforms are necessary. These reforms should align the CHR with the Office of the Ombudsman, which enjoys greater independence and authority, including the power to make administrative rulings and seek prosecutions. It is only by strengthening the CHR's structural and operational*

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<sup>122</sup> Congress of the Republic of the Philippines, 'Senate Bill No.2440: An Act Defining the Powers and Functions of the Commission on Human Rights as a National Human Rights Institution (NHRI) and for other purposes' Explanatory Note (13 September 2023) <<https://legacy.senate.gov.ph/lisdata/4269238823!.pdf>> accessed 26 May 2025.

<sup>123</sup> Audrey Morallo, 'House gives CHR a P1,000 budget' (Philstar Global, 12 September 2017) <<https://www.philstar.com/headlines/2017/09/12/1738419/house-gives-chr-p1000-budget>> accessed 26 May 2025.

*independence, that it can effectively function as an institution dedicated to promoting and protecting human rights in the Philippines.]*

### **Recovery and handling of human remains**

International standards enshrined in the Minnesota Protocol provide comprehensive guidelines for the recovery and handling of human remains, emphasising respect for the deceased and the preservation of evidence. Significant emphasis is placed on maintaining the chain of custody for all recovered remains and associated evidence. This rigorous process involves documenting the transfer of evidence from the crime scene



Autopsy table at the University of the Philippines, College of Medicine, Department of Pathology.

to the laboratory and throughout the investigative process, to prevent any potential contamination or tampering. Undertaking an autopsy is foreseen as an essential step towards effective and thorough investigations into the cause of death and all the surrounding circumstances. Therefore, the forensic autopsy procedure should represent the rule, with the exception being a decision not to undertake it, to be justified in writing and subject to judicial review.

The Delegation noted that the handling of bodies from crime scenes in the Philippines fails to meet adequate standards and protocols. A structural gap in necessary technical expertise, facilities, and resources was identified. Currently, the PNP and the NBI do not have dedicated morgues to hold and examine bodies. Bodies are therefore transferred directly from the crime scene to private funeral parlours, which operate as for-profit businesses and may not prioritise forensic integrity. As funeral parlours are not equipped with refrigerators – crucial preservation tools – bodies are almost immediately embalmed to prevent decomposition, even before an initial examination can take place.

This practice severely impacts the ability to preserve essential evidence, as embalming alters body fluids and tissues, compromising the recovery of critical forensic information. The result is that often death reports are incomplete

or contain inaccuracies, leading to mis-certifications of death. For example, cases frequently arise where death certificates list a different cause than what an autopsy reveals. Additionally, it has been reported that funeral parlours frequently pressure grieving families to sign waivers that imply they will not pursue any legal case or request further investigations.

As for autopsies, the basic rules on the disposition of dead bodies in the Philippines are currently outlined in the 1975 Code of Sanitation (Presidential Decree No. 856) and the Implementing Rules and Regulations issued by the Department of Health, which includes a brief section on autopsy and dissection of remains. Although Congress has made attempts to pass legislation to modernise the death investigation system, the Philippines continues not to require a mandatory autopsy for crime victims or deaths under mysterious or suspicious circumstances.

The limitations of the Philippine autopsy system begin with a significant lack of expertise in forensic pathology. Most medico-legal practitioners involved in death investigations are municipal health officers, not trained forensic pathologists. This distinction is critical, as forensic pathology requires specialised knowledge in identifying causes and circumstances of death in suspicious or unnatural cases. Currently, the country offers no formal training in forensic pathology, resulting in a severe shortage of qualified professionals. There are only two trained forensic pathologists nationwide, making it nearly impossible to meet the demand for thorough and accurate death investigations, especially in complex cases.

*“I have seen many cases where autopsies are merely simulated. The stitches are there, but when you open the body, everything on the inside is pristine. It’s evident that no real autopsy was performed. Death certificates often declare ‘autopsy yes’, yet no report follows. They don’t even identify the entry points of bullets.” - Dr Raquel Barros del Rosario-Fortun, Forensic Pathologist*

The reported practice is that autopsies are only conducted upon specific requests from family members, typically submitted through the regional PNP office. However, it is not unusual for officers to discourage families from pursuing an autopsy, framing the request as disrespectful to the deceased. As an alternative, families may be directed to private autopsies, which can cost between 5,000 and 7,000 pesos—a significant financial burden for many. While the CHR also has a forensic centre that can carry out autopsies, it is based in Manila, creating logistical challenges in the proper transportation of the remains, and has very limited resources, being the second least funded agency in government.

When the PNP does perform autopsies, families often receive only an oral report instead of a detailed written account. Despite claims of an autopsy on death certificates, critical findings such as bullet entry points are often unexamined or undocumented. In some instances, it has emerged that autopsies were entirely fabricated: a second analysis of the body revealed that despite the stitches indicating an autopsy, no internal examination was actually conducted.

In summary, the absence of proper facilities, qualified forensic expertise and standardised protocols severely undermines the integrity of death investigations in the Philippines. Without a mandatory autopsy requirement for suspicious or violent deaths and a more robust framework for evidence handling, the Philippines falls far behind international standards for criminal investigations.

## Lack of outcomes of investigations

All cases analysed by the Delegation—except one—were prematurely classified as “cold cases” during the initial investigation phase. This, in the broader context of only eight convictions for killings by police forces in the past decade,<sup>124</sup> exposes how the right to a remedy for victims has been systematically denied in the Philippines.

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124 Benar News, ‘Philippine court convicts 4 police officers for killings in Duterte drug war’ (18 June 2024) <<https://www.benarnews.org/english/news/philippine/philippine-court-convicts-four-police-officers-drug-war-killings-06182024115154.html>> accessed 26 May 2025. In June 2024, the Caloocan City Regional Trial Court (Branch 121), ruled that four police officers were found guilty of homicide in the September 2016 deaths of Luis Bonifacio, 45, and his 19-year-old son, Gabriel, inside their house. In 2023, a Court found another policeman guilty of torturing two teenagers and planting evidence on the boys who were later found dead. In 2018, a Court in northern Manila convicted three police officers for killing a teenager, shooting him while he begged for mercy. It later turned out that student Kian Loyd delos Santos, 17, was mistakenly identified as a drug addict.



Forensic facilities at the University of the Philippines, College of Medicine, Department of Pathology, where some secondary analyses of bodies have been conducted.

The right to remedy is a fundamental principle in international human rights law, ensuring that individuals whose rights have been violated have access to effective recourse. This entails more than simply acknowledging a violation; it demands that states provide mechanisms for redress, which may include restitution (when possible), compensation, rehabilitation, satisfaction, and guarantees of non-repetition for the next of kin.<sup>125</sup> At its core, the right to remedy seeks to restore victims to the fullest extent possible and to prevent future violations.


Meaningful reparations are contingent upon a robust investigative process. Therefore, the Philippine State's failure to conduct serious investigations into human rights violations directly undermines the right to remedy. The lack of prompt, effective and thorough investigations immediately following reports of crimes has by now irreparably compromised the collection of crucial evidence from the crime scene and human remains. Furthermore, key witnesses may have relocated, become unavailable, or experienced memory degradation over time. This obstructs the possibility of meaningful remedies for families, as ordinary mechanisms for restitution, compensation or rehabilitation become inaccessible.

In interviews conducted by the Delegation, family members of victims of extrajudicial killing identified the forms of reparation most important to them—none of which have been provided by the State. These include: to know the truth about what happened; accountability for the perpetrators; financial compensation for the State's failings and the loss of family income; and, importantly, the restoration of their loved ones' memory, so that they are remembered as they truly were - "as a hero".

For the right to remedy to be upheld in the Philippines, it requires more than just individual reparations — it demands comprehensive action to tackle the underlying causes that enable impunity. Strengthening investigative mechanisms, ensuring judicial independence, and implementing broader institutional reforms are essential to creating a system where human rights violations are effectively investigated and perpetrators can be held accountable. In the absence of all of that, the cycle of injustice will continue, further eroding trust in state institutions and denying countless families and communities the dignity and closure they deserve.

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<sup>125</sup> UNGA, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' (16 December 2005) UN Doc A/RES/60/147.



Sunset on the waterside of one of the over 7,000 islands that make up the State of the Philippines.

# RECOMMENDATIONS

## To the Government of the Philippines

### 1. Judicial Independence:

- 1.1. Ensure judges, prosecutors, and court officials can conduct their professional duties independently, without fear of reprisals, threats, or external pressures, in line with the UN Basic Principles on the Protection of the Judiciary and the UN Guidelines on the Role of Prosecutors.
- 1.2. Reform laws and procedures that allow executive interference in the judiciary and prosecution service.
- 1.3. Improve mechanisms for the selection and appointment of judges and prosecutors, ensuring they are based on objective, relevant and transparent criteria that are applied through a fair process and not subject to discrimination on any ground.
- 1.4. Enhance support for Judiciary Marshals of the Philippines, ensuring adequate resourcing for their work.
- 1.5. Create a special protection protocol for judges and prosecutors who face threats due to rulings and prosecutions in sensitive cases.

### 2. Protection of Lawyers:

- 1.1 Ensure all members of the legal profession can conduct their professional duties without undue interference, hindrance, intimidation, or reprisals, in line with the UN Basic Principles on the Role of Lawyers.
- 1.2 In cases where lawyers experience threats or intimidation:
  - 1.2.1 Ensure effective protection measures are put in place as a matter of urgency to guarantee the personal safety of lawyers and their families;
  - 1.2.2 Investigate promptly and thoroughly all actions that constitute undue interference with the duties of lawyers and hold those responsible to account in transparent judicial processes that meet international standards of due process.
- 1.3 Consistently condemn all forms of threats and attacks against lawyers, in strong terms at all political levels.
- 1.4 Consider adopting the Council of Europe Convention for the Protection of the Profession of Lawyer, which is open for signature and ratification by states beyond the Council of Europe.

**3. Human Rights Defenders Bill:** Adopt and implement a law to establish a national protection mechanism aimed at safeguarding the integrity and personal safety of human rights defenders, including lawyers, journalists, and activists, as well as their relatives. This mechanism should take into account the risks linked to red-tagging and incorporate a protocol for urgent reporting and rapid response, fully supported by financial resources in line with its needs for implementation.

**4. Defamation legislation:**

- 4.1** Reform or repeal defamation legislation in the Revised Penal Code and the Cybercrime Prevention Act of 2012 to align with international laws and standards on freedom of expression.
- 4.2** Adopt legislation to define and criminalise red-tagging.

**5. Anti-terrorism measures:**

- 5.1.** Investigate and dismantle the National Task Force to End Local Terrorist Armed Conflict (NTF-ELCAC), its agents and proxies, which are reported to be involved in the planning and perpetrating of red-tagging.
- 5.2.** End the misuse and instrumentalization of counter-terrorism laws to target, criminalise, and obstruct the legitimate work of human rights defenders, development and aid organisations and their employees, as well as lawyers, journalists and activists.
- 5.3.** Repeal the Terrorism Financing Prevention and Suppression Act of 2012, Executive Order 68 of 2018, and the Anti-Terrorism Act of 2020, or reform them to ensure their alignment with international human rights law and standards; ensure that they do not negatively impact civil society and human rights defenders.
- 5.4.** Drop all terror-related charges against defendants in the cases of RMP16, CERNET 27 and the Cordillera Peoples Alliance, as well as others pending against human rights defenders, aid and development actors that relate to their legitimate activities.

**6. National Human Rights Institutions:**

- 6.1.** Adopt Substitute Bill of the Commission on Human Rights (CHR) Charter to empower and strengthen the role of the CHR as the independent national human rights institution of the Philippines. The Bill should include, among other provisions:

- 6.1.1.** Expanded structural, operational, and functional independence of the CHR, including fiscal autonomy;
- 6.1.2.** Expanded powers, allowing the issuance of appropriate legal and preventive measures - such as **subpoenas**, cease and desist orders, mandatory protection orders - and the petitioning of the court for protective writs, on behalf of the victims of human rights violations;
- 6.1.3.** A legal and financial assistance programme to support victims of human rights violations and their families.

## **7. Criminal Investigations:**

- 7.1.** Reform laws and policies to ensure that all investigations into suspicious deaths meet the international standards outlined in the Minnesota Protocol. This includes, among other actions:
  - 7.1.1.** Reform Executive Order No.2 to reduce the scope of lawful exemptions;
  - 7.1.2.** Cease application of the principle of the presumption of regularity for public officials' acts;
  - 7.1.3.** Reform the Witness Protection, Security and Benefit Program to bring it in line with international standards enshrined in the Minnesota Protocol;
  - 7.1.4.** Introduce a Mandatory Autopsy Bill, requiring full autopsies to be conducted in all cases of deaths under investigation or suspicious circumstances, prohibiting unauthorised disposition of human remains;
  - 7.1.5.** Build domestic expertise in forensic pathology, including by establishing and promoting comprehensive training programmes for students and professionals, and investing in the development of independent, modern, well-equipped forensic facilities.

## **8. Accountability:**

- 8.1.** Establish and ensure adequate resources for an independent, credible and impartial body, free from government control or influence, with the necessary investigative and prosecutorial powers to investigate thoroughly and effectively all reports and complaints of extrajudicial killings, threats and other forms of harassment, including by state officials and

unknown assailants.

- 8.2.** Ensure that such investigations and prosecutions include persons with command or superior responsibility, irrespective of rank or status.
- 8.3.** Review, and where appropriate dissolve, all existing accountability bodies for police abuse and human rights violations - such as the PNP Internal Affairs Service, the Inter-Agency pursuant to Administrative Order No. 35, the National Police Commission - to streamline overlapping jurisdictions, and give primary jurisdiction on all police abuse cases to the abovementioned independent body.
- 8.4.** Fully cooperate with the International Criminal Court in the context of the ongoing proceedings against former President Rodrigo Duterte for the crime against humanity of murder, committed in the context of his 'war on drugs', from 2011 until 2019.
- 8.5.** Develop policies for reparations for victims of human rights violations. This includes programmes for compensation, rehabilitation, and, when possible, public apologies and acknowledgment of the harm suffered.
- 8.6.** Strengthen the independence and effectiveness of the Special Committee on Human Rights Coordination (tasked with building on the initiatives of the terminated UN Joint Programme on human rights), by:
  - 8.6.1.** Including representatives from civil society and the Commission on Human Rights;
  - 8.6.2.** Ensuring it operates free from the influence of institutions implicated in past violations;
  - 8.6.3.** Guarantee transparency of its work and outcomes to demonstrate genuine commitment to justice and human rights reform.

## **9. International Cooperation:**

- 9.1** Ratify again the Rome Statute of the International Criminal Court.
- 9.2** Strengthen cooperation with the United Nations Office of the High Commissioner for Human Rights (OHCHR) and UN human rights mechanisms, including by inviting special procedure mandate holders, such as the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to monitor and report on specific human rights concerns and provide

relevant technical assistance.

- 9.3** Facilitate the active participation of civil society, human rights defenders and the legal profession in the implementation of recommendations from international actors. Establish ongoing dialogue and a joint working group to assess progress and address any obstacles to implementation.

## **To the International Community**

- 10 Accountability Pressure:** Use all diplomatic and political tools at your disposal to put pressure on the Philippine authorities to conduct independent, thorough and effective investigations into extrajudicial killings and other grave human rights violations, and to adopt the above recommendations to address the prevailing culture of impunity.
- 11 Conditional Agreements:** Ensure that every trade agreement, financial agreement, international mutual legal assistance instrument or other support to the Philippine government is conditional on verifiable commitments to ensuring accountability for extrajudicial killings and other grave human rights violations.
- 12 Civil Society Support:** Increase material and technical assistance to civil society organisations and coalitions in the Philippines involved in documenting human rights violations and promoting access to justice for cases of extrajudicial killings and other grave human rights violations.
- 13 Professional Networks:** Support the establishment of regional and international professional networks for lawyers, to enhance resilience, foster solidarity and exchange best practices in addressing laws and policies that violate international law and standards.

# BLACK ROBES, RED TARGETS