

URGENT ACTION

LAST CHARGE AGAINST LEILA DE LIMA CONTINUES

Court proceedings on the third and final bogus charge against human rights defender and former Philippine senator Leila de Lima are resuming in March, or four months after she was allowed to post bail in November 2023 that resulted in her temporary freedom. In granting de Lima's petition for bail, the court said the allegations against her were weak. We call on the government to impartially review this last remaining charge, with a view to dropping this, and to hold accountable those responsible for her nearly seven years of arbitrary detention and other human rights violations against her.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Secretary Jesus Crispin C. Remulla
Department of Justice
Padre Faura Street, Ermita, Manila 10020
Republic of the Philippines
communications@doj.gov.ph, osec@doj.gov.ph

Dear Secretary Remulla,

I welcomed the good news before the end of 2023 that human rights defender and former Philippine senator Leila de Lima was finally freed, although temporarily, after she was granted bail in the third and last fabricated charge against her. I remain concerned, however, as court proceedings for this final case are resuming in March, and she continues to face the risk of being sent back to prison solely for her human rights work. I write to urge your office to impartially review the last charge against her, with a view to dropping it, and put an end to her years of persecution.

As of December 2023, at least 13 witnesses had retracted their testimony against de Lima, with the court also citing the weakness of the allegations against her as the basis for the granting of her bail petition last year. These retractions and the latest court decision are veritable proof of concerted efforts to fabricate evidence against de Lima and persecute her, which resulted in her arbitrary detention for nearly seven years and other human rights violations against her.

The arbitrary detention of de Lima clearly violated her right to presumption of innocence and other fair trial guarantees. Beyond this, she has also been the target of vicious attacks and political persecution for her human rights work. Now that she has finally been freed, while only temporarily, the dropping of this final bogus case is a necessary next step to correct this grave injustice against her. If the Marcos administration were indeed serious about restoring respect for human rights in the country, it must finally put an end to the persecution of all human rights defenders, including de Lima.

I call on your office to:

- 1. Drop the final fabricated case against de Lima and put an end to her years of persecution;**
- 2. Conduct thorough, independent and impartial investigations into those responsible for her arbitrary detention and ensure full accountability for the years of human rights violations she has had to endure; and**
- 3. Work toward creating an environment that enables human rights defenders like Leila to carry out their important work, without fear of reprisals.**

Yours sincerely,

ADDITIONAL INFORMATION

Human rights defender and former Senator Leila de Lima had been detained at the headquarters of the Philippine National Police (PNP) since her arrest on 24 February 2017. She was temporarily released from detention on 13 November 2023 after she was granted bail. She was one of the staunchest critics of the human rights violations under the administration of former President Duterte. In the nearly seven years of her arbitrary detention, Amnesty International has repeatedly said that the charges against her were fabricated, and that the allegations by witnesses against her were manufactured.

De Lima faced three fabricated drug-related charges in total, two of which were dismissed by two different courts in 2021 and 2023. In the third and last case, handled also by a different court and for which she was allowed to post bail in November 2023 for her temporary freedom, she is accused of allegedly tolerating “widespread drug trade” inside the maximum security compound of the New Bilibid Prison (NBP), a violation of section 5 of the Comprehensive Dangerous Drugs Act of 2022 relating to the sale, delivery, distribution and transportation of illegal drugs that carries the maximum penalty of life imprisonment. Court proceedings on this last charge is expected to resume in March 2024.

In October and November 2023, eight people retracted their testimony against de Lima, bringing to 13 the total number of witnesses who recanted their allegations in the last couple of years. The latest was a retired police officer, who said in December 2023 that his allegations were “pure hearsay and full of lies”. Prior to this, in April 2022, self-proclaimed drug trader Kerwin Espinosa recanted his previous testimony where he claimed that he gave a total of P8 million (about USD \$152,000) in drug payoffs to de Lima when she was Justice Secretary.

Rafael Ragos, a former acting chief of the Bureau of Corrections, also recanted his statements against de Lima in April 2022. Ragos said he was forced to “manufacture lies” by former Justice Secretary Vitaliano Aguirre and other senior officials. Ragos previously testified that in 2012, he delivered money from prisoners in the NBP to de Lima’s residence on two occasions, while she was Secretary of Justice, for her bid to become Senator. Ragos was previously an accused alongside de Lima, but the charges against him were dropped after he agreed to act as a witness against her. Aguirre has since denied Ragos’s accusation.

On 13 May 2022, de Lima’s co-accused and former bodyguard Ronnie Dayan likewise recanted his testimony in 2016 that he collected drug money from Espinosa for his then employer de Lima when she was still the Justice Secretary. A co-respondent in one of the two remaining cases against her, Dayan said former Oriental Mindoro Representative Rey Umali, who passed away in January 2021, coerced him to testify against de Lima during the 2016 Congressional inquiries into the illegal drug trading in NBP.

De Lima’s arrest in 2017 came after she attempted to investigate abuses committed in the context of the so-called “war on drugs”, which has resulted in the extrajudicial execution of thousands of suspected drug offenders, in what amount to crimes against humanity, and other human rights violations. As in the case of de Lima, there has largely been no justice for the victims of these abuses and their families, nor accountability for the perpetrators.

PREFERRED LANGUAGE TO ADDRESS TARGET: [English, Filipino]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 26 April 2024

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Leila de Lima (she/her)

LINK TO PREVIOUS UA: <https://oneamnesty.sharepoint.com/sites/iar/106a2b0c-4016-4a9d-ac53-f21b7c181491/>