

URGENT ACTION

NEW ADMINISTRATION MUST FREE LEILA

Prisoner of conscience and former senator Leila de Lima has been detained for over five years, as new government leaders, including Philippine President Ferdinand Marcos Jr, assume their posts beginning 1 July. While the previous justice secretary announced they will not drop the charges against her, new Justice Secretary Jesus Crispin Remulla has said he is open to reviewing her cases after three witnesses retracted their testimonies against her. We call on the new administration to carry out this review urgently and impartially, with a view to dropping the charges against Leila and ensuring her immediate release.

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

Dear Secretary Remulla,

I write to urge your office to impartially and expeditiously review the two charges against prisoner of conscience and former senator Leila de Lima, with a view to dropping these charges and ensuring her immediate and unconditional release. Following the retraction by several witnesses of their allegations against her, it now more clearly appears that the charges she continues to face are false and politically motivated. This gross injustice against her must end now.

We welcome your earlier statement that the dropping of the charges against Leila is “possible”, after several witnesses recanted their testimonies against her. These witnesses cited pressure, coercion and threats from the police and high-level officials to falsely and maliciously implicate her in the illegal drug trade. What is most disturbing is that one of these witnesses is currently a prosecution witness whose original testimony has been cited as the reason for the continuation of the trial against her.

The continued detention of Leila clearly violates her right to presumption of innocence – which is absolute and can never be derogated from, restricted or limited – and other fair trial guarantees. For over five years, she has been a victim of vicious attacks and political persecution for her human rights work. She should not have been detained in the first place, but her immediate release is the least that the new Philippine government could do to rectify this grave injustice, and demonstrate that it is serious about restoring respect for human rights.

I therefore call on your office to:

- 1. Drop all charges against Leila now and ensure her immediate and unconditional release;***
- 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. Promptly and thoroughly investigate allegations by witnesses that they were coerced by senior officials to commit perjury, while ensuring their safety and security in light of the gravity of such allegations and the possible involvement of high-level officials.***

Yours sincerely,

ADDITIONAL INFORMATION

Prisoner of conscience and former Senator Leila de Lima, who has been detained at the headquarters of the Philippine National Police (PNP) since her arrest on 24 February 2017, was one of the staunchest critics of the human rights violations under the administration of President Duterte. In the last five years since Leila's arrest, Amnesty International has repeatedly said that the charges against her were fabricated, and that the supposed testimony by witnesses against her was manufactured.

Former state witness Kerwin Espinosa previously claimed that he gave a total of P8 million (about USD \$152,000) in drug payoffs to Leila when she was Justice Secretary, through her former driver and aide Ronnie Dayan. At a 2016 Senate hearing, Espinosa alleged that Dayan called him in 2015 to solicit money as campaign funds for Leila, in exchange for protection given his own involvement in the illegal drug trade. In a counter-affidavit submitted to the Department of Justice on 28 April 2022, Espinosa recanted his testimony.

Rafael Ragos, a former acting chief of the Bureau of Corrections, previously testified that in 2012 he delivered money from prisoners in New Bilibid Prison (NBP) to Leila's residence on two occasions, while she was Secretary of Justice. He testified the money was for her bid to become Senator and said he arranged with Ronnie Dayan for her to receive P5 million (about USD \$95,000) per transaction. Ragos was previously an accused alongside Leila and Dayan, but had his charges dropped after he agreed to act as a witness against her. In a counter-affidavit signed 2022 April 30, Ragos alleged that he was forced to "manufacture lies" against Leila by former Justice Secretary Vitaliano Aguirre and other senior officials. Aguirre has since denied this.

On 6 May 2022, Leila formally asked the Department of Justice to review the charges against her, in light of these retractions.

On 13 May 2022, Dayan took the witness stand to swear on an affidavit he earlier submitted to recant his testimony in 2016 that he collected drug money from Espinosa for his then employer Leila 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 Leila during the 2016 Congressional inquiries into the illegal drug trading in NBP.

Despite these retractions, former Justice Secretary Menardo Guevarra stated in June that they will not withdraw the two charges against Leila of conspiracy to commit drug trading following a review by a panel of prosecutors of evidence already presented and still to be presented. This review, Guevarra said, showed there is "good reason" to continue Leila's prosecution.

President Ferdinand "Bongbong" Marcos assumed office on 30 June 2022. Before the start of his administration new Justice Secretary Jesus Crispin Remulla said that the dropping of the charges against Leila is possible, adding that retractions by witnesses are a "red flag" that valid concerns exist regarding the judicial process for Leila.

In July 2022, the Philippine National Bureau of Investigation (NBI) filed murder complaints against 22 police officers for the deaths of eight high-profile drug convicts inside the New Bilibid Prison from May to June 2020. Those who died included Jaybee Sebastian, a key witness in the charges against Leila. The NBI said the inmates were murdered, contrary to records of the Bureau of Corrections that they died from Covid-19.

In 2017, Philippine authorities arrested Senator de Lima 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 and other human rights violations, in what amount to crimes against humanity. As in the case of de Lima, there has largely been no justice or accountability for the victims of these abuses and their families.

PREFERRED LANGUAGE TO ADDRESS TARGET: [English, Filipino]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 2 September 2022

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/a0c3a821-80df-4c3e-8185-6f524de637d4>