

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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PHILIPPINES: IMMEDIATELY END ARBITRARY DETENTION OF SENATOR DE LIMA, GUARANTEE SAFETY OF WITNESSES, AND INVESTIGATE SERIOUS ALLEGATIONS OF COERCION

The Philippine government must immediately drop charges against prisoner of conscience Senator Leila de Lima and release her immediately and unconditionally following the retraction of the testimonies of witnesses against her, Amnesty International urged today. In the last week, two key witnesses alleged that they were coerced by police and high level officials to testify against the Senator and retracted their testimony. The witnesses' allegations of coercion - which may amount to torture and other ill-treatment – must be investigated in a thorough, independent and impartial manner, and the government must guarantee their safety.

On 28 April, Kerwin Espinosa, who has in the past confessed to be the leader of a group selling illicit drugs, recanted all his allegations against Senator Leila de Lima. Espinosa is a former state witness in the drug-related charges filed by the government against de Lima who previously claimed he provided drug payoffs to the Senator while she was still Justice Secretary. In his counter-affidavit, he alleged that he was “coerced, pressured, intimidated and seriously threatened by the police” to “invent stories” against de Lima.

Four days later, on 2 May, Rafael Ragos, a former Deputy Director at the National Bureau of Investigations and former acting Chief of the Bureau of Corrections, also retracted his testimony against Senator de Lima. Ragos claimed that senior officials, including former Justice Secretary Vitaliano Aguirre, coerced him into making false accusations against the Senator. His retraction is significant because he has been offered by the prosecution as a witness and his testimony was key for the continuation of the Senator's trial. Ragos has said there is “no truth whatsoever” to the testimonies against the Senator he made before Congress and the court.

Amnesty International believes that the retraction of testimony by two key witnesses against the Senator, and the disturbing allegations of coercion of witnesses is further damning evidence of the government's role in her arbitrary detention. The continued detention of Senator Leila de Lima clearly violates the right to presumption of innocence and other fair trial guarantees. The right to be presumed innocent is absolute and can never be derogated from, restricted or limited. As Amnesty International has claimed since her arrest, the Senator has been a victim of political persecution for her human rights work, including for her work to investigate abuses during the “war on drugs”.

The allegations of Espinosa and Ragos that they were coerced by senior officials to commit perjury should be promptly investigated in a thorough, independent and impartial manner. Given that the Department of Justice is directly implicated in the coercion of witnesses, an independent body must conduct the investigation. With witness protection in the Philippines notoriously weak, Amnesty International is seriously concerned about the safety and security of both Espinosa and Ragos following the retraction of their testimony, especially considering the allegations of collusion at the highest levels of government.

Amnesty International continues to call for the immediate and unconditional release of Senator de Lima and for all charges against her to be immediately dropped. The authorities must also conduct thorough, independent and impartial investigation into those responsible for Senator de Lima's arbitrary detention and ensure full accountability for the years of human rights violations she has had to endure.

Background

Former state witness Kerwin Espinosa previously claimed that he gave a total of P8 million (USD\$ 152,640) in drug payoffs to Senator de Lima 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 Senator de Lima, 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, Espinosa recanted his testimony.

Rafael Ragos previously testified that he delivered money from prisoners in New Bilibid Prison to De Lima's residence, while she was Secretary of Justice on two occasions in 2012. He testified the money was for her bid to become Senator and said he arranged with Ronnie Dayan for her to receive P5 million (USD\$ 95,403) per transaction. Ragos was previously an accused alongside de Lima and Dayan, but had his charges dropped after he agreed to act as a witness

against her. In a counter-affidavit signed April 30, Ragos alleged that he was forced to “manufacture lies” against de Lima by former Justice Secretary Vitaliano Aguirre and other senior officials. Aguirre has since denied this.

On Friday 6 May, Senator de Lima formally asked the Department of Justice to review the charges against her, in light of the retraction of testimonies.

Senator Leila de Lima, who has been detained at the headquarters of the Philippine National Police (PNP) since her arrest on 24 February 2017, has been one of the staunchest critics of the human rights violations under the administration of President Duterte. In the last five years since Senator de Lima’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.

The authorities arrested Senator de Lima after she had sought 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.