



Republic of the Philippines
Senate

**Shattering the Consensus of Silence:
*Let's Take Urgent Actions Against Impunity in the
Philippines***

HON. LEILA M. DE LIMA
Senator

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Where do a brutalized people go when domestic legal systems fail to provide them redress and remedy? Where can they turn to when, at home, they are turned away from the courts of justice and the corridors of power?

One preambular clause in the Universal Declaration of Human Rights emphatically proclaims that “[i]t is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that **human rights should be protected by the rule of law.**”

But, in my country, the Philippines, the rule of law itself is a major cause of concern. It has been seriously undermined and largely subverted by different functionaries and officials of the government itself. So, how can human rights even hope to survive, much more, to flourish?

Acting on instructions, instigations and incitements from no less than President Rodrigo Duterte, the police and vigilantes have killed more than twenty thousands of alleged drug offenders in a gruesome campaign of extrajudicial killings (EJKs) under the so-called war on drugs, which is actually a war against our people, especially the poor. And, there is no sign that the killings will ever stop as Duterte has even vowed in his recent State of the Nation Address in July that his drug war would remain relentless and chilling as on the day it began.

Thus, as high officials and agents of government themselves are involved in this spate of killings and attacks against our people, can we honestly expect the wheels of justice to turn? At the domestic level, can prompt and independent investigation of the crimes be conducted, and the prosecution and punishment of offenders be ensured?

In August last year, it was revealed that the National Bureau of Investigation (NBI) was investigating only 37 drug war-related killings. At around the same time, the Department of Justice (DOJ) reported that it was only able to investigate 71 cases, and, of this number, only 19 reached the courts for prosecution. As for the Criminal Investigation and Detection Group (CIDG) of the Philippine National Police (PNP), there is no public report whether it is even handling any sincere investigation of the extrajudicial killings, which should be part of its mandate.

Worse, any prospect of effective and independent prosecution of cases at the domestic level is greatly jeopardized and endangered by the incessant threats of Duterte and his allies against the independence of the judiciary, and the politically motivated ouster of Chief Justice Maria Lourdes Sereno.

Under international law, states have the obligation to investigate and prosecute cases of extrajudicial killings. However, any avenue for credible, thorough and prompt investigation, and independent prosecution of masterminds and perpetrators of these mass atrocities has been effectively blocked, or simply met with indifference from relevant government authorities in the Philippines.

Where do the Filipinos go now? Expectedly, we have to turn to those avenues which seem available and appear viable to us: to each other, to the international community, and to the various instruments of global justice.

Of course, we know that Duterte decided to withdraw the Philippines from the International Criminal Court (ICC). His government refuses to cooperate with UN human rights mechanisms. Worse, he shamelessly disrespects UN officials. The Philippines did not fully accept most of the recommendations it received during the Universal Periodic Review at the UNHRC in 2017. Duterte has threatened and verbally attacked the UN High Commissioner, the Special Rapporteur on extrajudicial executions, and the Special Rapporteur on the independence of judges and lawyers for expressing their serious concerns over the human rights situation in our country. Duterte even accused Filipino Special Rapporteurs of bringing shame to the country and placed the Special Rapporteur on the rights of indigenous peoples on a terrorist watch list.

Duterte's goal is obvious: to discredit and block off international organs and mandate holders, who may have the will and platform to determine the truth and exact accountability from him and other masterminds, and all those who perpetrate the killings and other gross human rights violations in the Philippines. The aim of Duterte is to prevent the shattering of the "consensus of silence and conspiracy of

fear” among the Filipinos domestically, and to avoid a shift in the political narrative abroad.

Thus, it is imperative for the ICC and relevant UN bodies and mechanisms to work and work urgently not only to frustrate Duterte’s plans, but more importantly and ultimately to shrink the space for impunity in the Philippines, and to widen the avenues of justice for the victims of mass murder among our people.

In this light, it may be worthwhile to reiterate a part of my message in last year’s International Human Rights Day, thus:

“We call on governments all over the world to make good on their commitments to actualize the promise under Section 28 of the Universal Declaration of Human Rights:

‘Everyone is entitled to a social and international order in which the rights and freedoms ...can be fully realized’

In the Philippine situation, in particular, we urge that:

- a. The General Assembly to pass a resolution condemning the extrajudicial killings, urging its immediate stoppage, and recommending the prompt and effective investigation and prosecution of perpetrators and masterminds;
- b. The Human Rights Council to establish an independent international commission of inquiry or an investigative commission to ferret out the truth and identify accountabilities for the mass murders;”

Additionally, I call upon the International Criminal Court, through the Prosecutor, to expedite the proceedings before it on the situation in the Philippines.

But, more than the appeal to actions from governments and inter-government bodies, there is cogency in the call for international solidarity and mobilization of public support to uphold, defend and protect human rights in the Philippines and elsewhere. We, the people, cannot afford to stay silent and depend passively on governments. We, the people ourselves, have to move – move with utmost urgency and in solidarity with each other.

With political leaders themselves demonizing their own people and instigating human rights violations, the need for all of us to stand together and fight for the basic values of human dignity and equality of everyone everywhere has now become absolutely urgent.

I am thus reminded of the words of the holocaust survivor, Nobel Laureate, and political activist Elie Wiesel who once said:

“There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest.”

Thank you for your attention.

(Leila M. De Lima is a prominent Filipino senator who is presently detained due to her strong opposition to the Philippine government's murderous war on drugs. Named by Amnesty International and Human Rights Watch as a "prisoner of conscience" and first prominent political prisoner in the Philippines, she remains a vocal critic of the Philippine President Rodrigo Duterte's anti-democratic and anti-poor policies. For her work in justice and human rights fronts, Ms. De Lima is this year's "Prize for Freedom" awardee by the Liberal International, the 2018 "Most Distinguished HR Defender" by Amnesty International and one of the "World's 50 Greatest Leaders" by Fortune Magazine. Time Magazine and Foreign Policy Magazine also named her as one of the "100 Most Influential People" for 2017 and "100 Leading Global Thinkers" for 2016 and 2017.)