

Congress of the United States
Washington, DC 20515

October 12, 2022

The Honorable Jesus Crispin C. Remulla
Secretary of Justice
Department of Justice
Padre Faura Street
Ermita, Manila 1000
Republic of the Philippines

Dear Secretary Remulla:

The United States and the Philippines share a commitment to the rule of law and respect for the protections of universal human rights, making the administration of justice in your country an important aspect of the U.S.-Philippines relationship. The continued unjust imprisonment of former Senator Leila de Lima therefore causes us deep concern. We urge you and the administration of President Ferdinand Marcos Jr to review her case to ensure that her treatment comports with our collective values.

In August 2022, Senator Edward J. Markey led a congressional delegation to the Philippines that met with you and President Marcos Jr which included dialogue on rule-of-law and human- rights issues. Your government also supported the delegation’s meeting with Senator de Lima at Camp Crame, where she remains detained. We were — and are — optimistic that developments such as these signal a shift under President Marcos Jr’s leadership away from the types of human rights abuses — including a violent and ineffective “war against drugs” — directed and carried out under former President Rodrigo Duterte.

That is why Senator de Lima’s ongoing case is especially troubling.¹ Since 2017, Senator de Lima has been detained on politically motivated charges for conspiracy to commit drug trading — an imprisonment that members of the international community have widely condemned.² Recently, key government witnesses against Senator de Lima recanted.³ And according to one of them, members of the Philippine National Police and the Department of Justice, including former Secretary of Justice Vitaliano Aguirre II, pressured the witness to make false statements.⁴ Moreover, on October 9, 2022, another prisoner at Camp Crame took Senator de Lima hostage

¹ Anthony Esguerra, *In Philippines, Calls Grow for Duterte’s Jailed Star Critic to Be Freed After Witness Recants*, Voice of America (Apr. 30, 2022), <https://www.voanews.com/a/in-philippines-calls-grow-for-duterte-s-jailed-star-critic-to-be-freed-after-witness-recants/6551947.html>.

² Tom Lantos Human Rights Commission, United State Congress, *Senator Leila de Lima* (Oct. 11, 2022), <https://humanrightscommission.house.gov/defending-freedom-project/prisoners-by-country/PHILIPPINES/SENATOR-LEILA-DE-LIMA>.

³ Cecille Suerte Felipe, *Witness Recants Drug Allegation vs De Lima*, PhilStar (June 3, 2022), <https://www.philstar.com/nation/2022/06/03/2185628/witness-recants-drug-allegations-vs-de-lima>.

⁴ Kristine Joy Patag, *DOJ Insists Case vs De Lima Strong After Star Witness Recants Testimony*, PhilStar (May 2, 2022), <https://www.philstar.com/headlines/2022/05/02/2178258/doj-insists-case-vs-de-lima-strong-after-star-witness-recants-testimony>.

and threatened her life, further highlighting the need for your government to revisit her case, rather than simply transfer her to another detention site, as has reportedly been offered.⁵

We therefore urge you to immediately review Senator de Lima's case, release her from detention, officially recognize the lack of evidence against her, and drop all charges. We also ask that you conduct an independent and impartial investigation into the circumstances that led members of the Philippine National Police and other witnesses to make false claims against Senator de Lima, including identifying any members of the Duterte administration who may have been involved, and to hold those individuals to account.

We further ask that you continue to work with the United Nations Office of the High Commissioner for Human Rights to implement recommendations and address concerns raised in the Commissioner's September 12, 2022 report on the Philippines, including through a United Nations Joint Programme on human rights⁶ and the U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP).⁷ Specifically, the Philippines' Interagency Review Panel should accelerate its review of killings related to the Duterte government's anti-drug operations and your Department of Justice should take appropriate action based on the findings, including through internal administrative and criminal processes, and provide redress for victims. Finally, we urge the passage of proposed legislation that protects human rights defenders.

Senator Leila de Lima has lost more than five years of her life to fabricated charges against her. Multiple witnesses have recanted their testimony, exposing the political nature of the case from the start. By reviewing Senator de Lima's case, dropping the charges against her, and bringing those responsible for her unjust detention to account, you and President Marcos Jr can turn the page on President Duterte's abuses and demonstrate your commitment to the rule of the law in the Philippines.

⁵ Associated Press, *Filipino Police Kill 3 Inmate in Jail Rampage of Ex-Senator Was Held Hostage*, NPR (Oct. 9, 2022), <https://www.npr.org/2022/10/09/1127723627/philippines-police-kill-3-inmates-jail-rampage-ex-senator-held-hostage>.

⁶ Press Release, United Nations Human Rights Office of the High Commissioner, *The Philippines: UN Human Rights Report Looks to New Administration for Progress on Accountability and Reforms* (Sept. 13, 2022), <https://www.ohchr.org/en/press-releases/2022/09/philippines-un-human-rights-report-looks-new-administration-progress>; *Implementation of Human Rights Council Resolution 45/33 and on the progress and results of technical cooperation and capacity building for the promotion and protection of human rights in the Philippines*, United Nations High Commissioner for Human Rights (Sept. 6, 2022), <https://www.ohchr.org/en/documents/country-reports/ahrc5158-implementation-human-rights-council-resolution-4533-and-progress>.

⁷ Press Release, U.S. Embassy Manila, *International Criminal Investigative Training Assistance Program* (Jan. 1, 2022), <https://ph.usembassy.gov/international-criminal-investigative-training-assistance-program/>.

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We look forward to working with your government to address these important issues and to continue strengthening our bilateral relations.

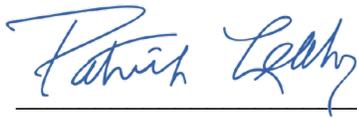
Sincerely,



Edward J. Markey
United States Senator



Richard J. Durbin
United States Senator



Patrick Leahy
United States Senator



Aumua Amata Coleman Radewagen
Member of Congress



Alan Lowenthal
Member of Congress



Donald S. Beyer Jr.
Member of Congress

CC: His Excellency Jose Manuel Romualdez, Ambassador of the Republic of the Philippines to the United States