

United States Senate

July 29, 2020

The Honorable Mike Pompeo
United States Secretary of State
The State Department
2201 C Street, NW
Washington, DC 20520

Dear Secretary Pompeo,

We write to express our deep concern regarding recent human rights and press freedom developments in the Philippines and to obtain a better understanding of the Trump administration's strategy for countering serious, ongoing abuses.

The Philippines is an important ally of the United States. But alliance considerations cannot be grounds for silence or unquestioned assistance to the Philippines in light of the pattern of gross violations of human rights by the Duterte government, particularly in its counter-narcotics operations. Congress clearly weighed in on this matter in the annual Department of State, Foreign Operations, and Related Programs Appropriations Act and the Asia Reassurance Initiative Act, bipartisan bills that President Trump signed into law. Those bills contain provisions linking U.S. funding and travel authorizations to the protection of human rights.

Years into the Philippine government's catastrophic "war on drugs," we must continue to speak out about abuses when we see them. Human rights experts continue to sound the alarm regarding "the staggering cost of the relentless and systematic assault on the most basic rights of Filipinos at the hands of the Government," with at least 8,663 people killed and 223,780 "drug personalities" arrested since July 2016.¹ These experts warn that the COVID-19 pandemic has "further accelerated the downward spiral of the human rights situation" in the country. Police will now be conducting house-to-house searches for COVID-19 patients, further militarizing the Duterte government's pandemic response and raising the prospect of new abuses.²

The Duterte government has escalated its crackdown on critics, journalists, and human rights defenders with impunity, as several high-profile abuses demonstrate. Senator Leila de Lima, only one of the opposition figures that Duterte has attempted to silence, remains arbitrarily detained since February 2017 and has recently been subject to excessive restrictions on visits and

¹ Office of the United Nations High Commissioner for Human Rights, *Philippines: UN human rights experts renew call for an on-the-ground independent, impartial investigation* (Jun. 25, 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25999&LangID=E>.

² *Groups sound alarm on police house-to-house search for COVID-19 patients*, ABS-CBN News (Jul. 15, 2020), <https://news.abs-cbn.com/news/07/15/20/groups-sound-alarm-on-police-house-to-house-search-for-covid-19-patients>.

communication with the outside world.³ The State Department's cursory public statement on June 16, 2020 acknowledged the travesty of justice that was the "cyber-libel" conviction of journalists Maria Ressa and Reynaldo Santos Jr., but failed to call out the systematic assault against press freedom that Philippines authorities are carrying out.⁴ Most recently, on July 10, 2020, Philippine lawmakers voted to shut down ABS-CBN, the country's largest television and radio network, after its coverage criticizing President Duterte's leadership.⁵

Despite the Duterte government's ongoing human rights abuses, the Trump administration has seemingly not utilized statutory authorities granted by Congress. For example, to date, the Administration has not applied Global Magnitsky sanctions to Philippines officials implicated in extrajudicial killings or the lengthy and arbitrary detention of Senator de Lima. Nor are we aware of any prohibited entry to the United States of officials involved in Senator de Lima's wrongful imprisonment, as Congress has called for.⁶ Recent public reports suggest that the Trump administration has opted to reinstate Senator Ronald Dela Rosa's U.S. visa despite his involvement in human rights violations.⁷ As far as we are aware, the Department has also said nothing about the Duterte government's announcement barring travel to the Philippines by United States Senators.

We are concerned that the Anti-Terrorism Act that President Duterte signed into law on July 3, 2020, will enable further human rights violations while making it easier for the government to criminalize journalism and dissent. The law enables warrantless detention, extends the length of time for which suspects can be detained without being charged in court, and removes the requirement that a judge determine whether suspects have been tortured.⁸ Press freedom advocates have pointed out that the law criminalizes "incitement" to commit terrorism "by means of speeches, proclamations, writings, emblems, banners or other representations tending to the same end," but leaves the term incitement undefined.⁹

We urge you to make clear that the United States will ignore neither the exploitation of this law nor ongoing human rights violations by the Duterte government. The arms sales that you continue to approve, including the sales of attack helicopters and related equipment approved on April 30, 2020, risk sending the opposite signal.¹⁰ Given the impunity with which the Duterte

³ *Philippines: Human Rights Defender in Punitive Detention Should Be Released*, Amnesty International Public Statement (Jun. 5, 2020), <https://www.amnesty.org/download/Documents/ASA3524832020ENGLISH.pdf>.

⁴ *U.S. concerned by libel verdicts against Philippine journalists*, Reuters (Jun. 16, 2020), <https://www.reuters.com/article/us-philippines-media-usa-idUSKBN23N2SG>.

⁵ Jason Gutierrez, *Philippine Congress Officially Shuts Down Leading Broadcaster*, N.Y. Times (Jul. 10, 2020), <https://www.nytimes.com/2020/07/10/world/asia/philippines-congress-media-duterte-abs-cbn.html>.

⁶ S. Rept. 116-126, as incorporated by the explanatory statement accompanying Division G of Public Law 116-94.

⁷ *Dela Rosa says US embassy reached out, offered to fix canceled visa*, CNN Philippines (Jul. 8, 2020), <https://cnnphilippines.com/news/2020/7/8/Bato-Dela-Rosa-US-visa-Trump-State-Department.html>.

⁸ Jason Gutierrez, *Duterte Signs Antiterrorism Bill in Philippines Despite Widespread Criticism*, N.Y. Times (Jul. 3, 2020), <https://www.nytimes.com/2020/07/03/world/asia/duterte-antiterrorism-law-philippines.html>.

⁹ Committee to Protect Journalists, *Anti-terrorism legislation threatens press freedom in the Philippines* (Jun. 10, 2020), <https://cpj.org/2020/06/anti-terrorism-legislation-threatens-press-freedom-in-the-philippines/>.

¹⁰ Aaron Mehta, *US approves Apache, Viper attack helicopter options for Philippines*, Defense News (Apr. 30, 2020), <https://www.defensenews.com/global/asia-pacific/2020/04/30/us-approves-apache-viper-attack-helicopter-options-for-philippines/>.

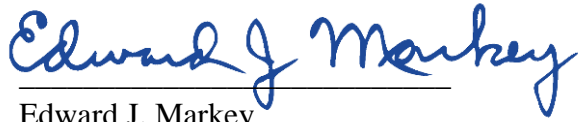
government has operated, and its record of targeting critics and opposition figures, expanded counterterrorism powers such as those in the Anti-Terrorism Act would pose a human rights threat even if on their face they comport with global standards.

With these concerns in mind, we respectfully request written responses to the following questions by August 19, 2020:

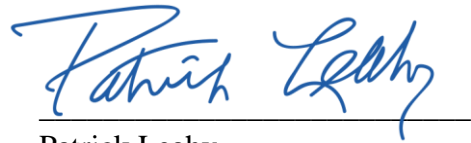
1. How does the State Department plan to respond to the Philippine government's systematic human rights violations, including restrictions on free expression?
2. Have you expressed concerns to the Duterte government about the potential abuse of authorities granted to it by the Anti-Terrorism Act? If so, what was the government's response? Which sections of the legislation do you believe present the greatest risk from a human rights perspective?
3. Are you considering sanctions or other designations targeting those involved in gross violations of human rights, including extrajudicial killings, the detention of Senator de Lima, the persecution of Maria Ressa and other journalists, and abuses of environment defenders? If so, under which authorities? If not, why not?
4. Given the Duterte government's worsening human rights record, do you intend to continue providing military assistance and licensing commercial arms sales to the Philippines? Have you expressed to the Duterte government that it needs to address human rights abuses in order to continue to receive military equipment from the United States? If so, what specific steps have you requested and what was the response? If you have not specified any such conditions for approving military assistance and sales, why not?
5. In addition to being a citizen of the Philippines, Maria Ressa is a U.S. citizen. Although she is currently free on bail, we are concerned that she could be imprisoned at any time. Has the Trump administration conveyed to the Philippine government the consequences for U.S.-Philippines relations if she is detained?
6. Has the Philippine government reversed new restrictions imposed during the COVID-19 pandemic on Senator De Lima's ability to communicate and meet with visitors including her staff?
7. Are you continuing to raise Senator De Lima's illegitimate detention with Philippine government counterparts? If so, what has been their response?

We value the partnership between the United States and the Philippines, but we must stand up against the brutal tactics of the Duterte government, particularly when they are used against American citizens. We look forward to your responses.

Sincerely,



Edward J. Markey
United States Senator




Patrick Leahy
United States Senator



Richard J. Durbin
United States Senator



Benjamin L. Cardin
United States Senator



Jeffrey A. Merkley
United States Senator