



Urgent Action Office 3-1992 Yonge Street Toronto ON M4S 1Z7 Phone: (416) 363-9933 Fax: (416) 363-3103 urgentaction@amnesty.ca

UA 48/22

AI Index ASA 35/5647/2022 of 24 May 2022

PHILIPPINES GOVERNMENT WITNESSES RETRACT TESTIMONY

Three witnesses against prisoner of conscience Senator Leila de Lima have retracted their testimonies against her. They include a former government official who remains a prosecution witness and whose testimony was cited by a court in deciding to proceed with trial. In their latest statements, all three said they were coerced and threatened by the police and high-level government officials to falsely implicate the senator in the illegal drug trade. As it becomes clear that the charges against her were fabricated from the start, these charges must now be dropped, and de Lima must be released immediately and unconditionally.

The continued detention of Senator de Lima 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, including for her work to investigate abuses during the “war on drugs.”

Write to Secretary Guevarra urging him to:

- drop all charges against Senator de Lima now and ensure her immediate and unconditional release
- 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
- 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

Write to:

Secretary Menardo I. Guevarra
Department of Justice
Padre Faura Street, Ermita
Manila 10020
Republic of the Philippines

Salutation: Dear Secretary Guevarra:

And Copy:

His Excellency Rodolfo Robles
Ambassador
Embassy of the Republic of the Philippines
30 Murray Street
Ottawa, ON K1N 5M4
Fax: 613 233 4165
Email: embassyofphilippines@rogers.com

Additional Information

Senator 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.

Former state witness Kerwin Espinosa previously claimed that he gave a total of P8 million (about USD \$152,000) 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 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 de Lima'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 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, 2022, 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 6 May 2022, Senator de Lima formally asked the Department of Justice to review the charges against her, in light of the retraction of testimonies.

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 Senator de Lima when she was still the Justice secretary. A co-respondent of the Senator 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 the Senator during the 2016 Congressional inquiries into the illegal drug trading in NBP.

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.