

# United States Senate

July 26, 2021

The Honorable Antony Blinken  
Secretary of State  
2201 C Street, NW  
Washington, DC 20520

Dear Secretary Blinken:

We write to express our continued concern about the human rights situation in the Philippines, and seek to better understand the Biden administration's strategy for addressing the Duterte government's continuing pattern of human rights violations.

The Philippines is one of the oldest U.S. allies in Southeast Asia, and Filipino-Americans have made countless contributions that enrich the diverse fabric of our society. We are committed to the joint security of both our nations, including the 1951 Mutual Defense Treaty and the Visiting Forces Agreement.

Maintaining a bilateral relationship such as this requires upholding shared values—the protection of human rights, including freedom of speech, freedom of the press, and vibrant democratic governance. Yet, Philippine President Rodrigo Duterte has waged a multi-year extrajudicial, violent, and inhumane “war on drugs” that has devastated communities, and has been used as justification to target the independent press, political opponents, human rights advocates, and compromise judicial due process. The UN Human Rights Council estimates tens of thousands of people have lost their lives to Duterte's so-called war on drugs.<sup>1</sup> Allegations of extrajudicial police misconduct — including collaboration with vigilantes, fabricated reports, and planted evidence — are rampant.<sup>2</sup> Opposition figures, journalists, and activists critical of the killing campaign frequently find themselves targeted by the Duterte government.<sup>3</sup>

Even during the COVID-19 pandemic, President Duterte has continued to launch fresh attacks against civil society, human rights defenders, and the media.<sup>4</sup> His government engages in the

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<sup>1</sup> *Situation of human rights in the Philippines*, Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General (Jul. 3, 2020), <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>.

<sup>2</sup> Thomas Lum and Ben Dolven, *In Focus: The Philippines*, Congressional Research Service, <https://crsreports.congress.gov/product/pdf/IF/IF10250>.

<sup>3</sup> *Philippines: Duterte's administration should be held accountable for the killings of activists and human rights defenders*, International Federation for Human Rights. (Mar. 3, 2021), <https://www.fidh.org/en/region/asia/philippines/philippines-duterte-s-administration-should-be-held-accountable-for>.

<sup>4</sup> *Philippines: Country faces health and human rights crisis one year into the COVID-19 pandemic*, Amnesty International (Apr. 26, 2021), <https://www.amnesty.org/en/latest/news/2021/04/philippines-faces-health-human-rights-crisis-covid/>.

process of “red-tagging,” or blacklisting, individuals and groups falsely accused of terrorism and communism, in an effort to stifle criticism and freedom of expression. The 2020 Anti-Terrorism Act, currently under review by the Philippines Supreme Court, is then used to persecute red-tagged groups.<sup>5</sup> Some of those tagged include the Alliance of Health Workers,<sup>6</sup> BIEN (BPO Industry Employees’ Network),<sup>7</sup> community organizers,<sup>8</sup> and grassroots groups that formed food pantries to distribute supplies to their fellow citizens during the pandemic.<sup>9</sup> The State Department’s 2020 Human Rights report also notes reported incidents of discrimination and abuse against LGBTQI persons, including in employment, education, health care, housing, and social services.<sup>10</sup> Attacks, spying, and arbitrary arrests of labor unionists have been common, as are attacks on environmental defenders.<sup>11</sup>

The Duterte government has also engaged in an assault against critics, journalists, and free speech in order to quash opposition to or criticism of its heavy-handed policies. Reporters Without Borders found in its *2021 Press Freedom Index* that the Philippines ranked 138 out of 180 countries and territories evaluated, due to the ongoing campaign of media harassment and censorship carried out by the Duterte government.<sup>12</sup> Three journalists were murdered in the Philippines last year according to the Committee to Protect Journalists and justice remains elusive.<sup>13</sup> In July 2020, the Philippine Congress forced the closure of ABS-CBN, the nation’s largest independent news organization.<sup>14</sup>

This unfortunate pattern of silencing critics and shuttering space for democratic discourse is exemplified in two high profile cases we have repeatedly raised with the State Department.<sup>15</sup> Senator Leila de Lima has been jailed as a prisoner of conscience for four years. Duterte’s government targeted Senator de Lima after she opened hearings into killings related to the war

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<sup>5</sup> *Philippine Media Statement on the Anti-Terrorism Act of 2020*, Philippine Center for Investigative Journalism (May 3, 2021), <https://pcij.org/article/5209/philippine-media-statement-on-the-anti-terrorism-act-of-2020>.

<sup>6</sup> Michelle Abad, *Health workers’ group urges CSC, Ombudsman to probe Badoy over red-tagging spree*, Rappler (Apr. 10, 2021), <https://www.rappler.com/nation/health-worker-alliance-urges-ombudsman-probe-lorraine-badoy-red-tagging>.

<sup>7</sup> Marcia Brown, *Filipino Workers Who Refused to Break a U.S. Strike Now Jailed for Union Activism*, The American Prospect (Nov. 21, 2019), <https://prospect.org/world/filipino-workers-who-refused-to-break-a-u-s-strike-now-jaile/>.

<sup>8</sup> Nicole-Anne C. Lagrimas, *Tagged, You’re Dead*, GMA News, (Oct. 13, 2020), <https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>.

<sup>9</sup> *Philippines: Country faces health and human rights crisis one year into the COVID-19 pandemic*, Amnesty International (Apr. 26, 2021), <https://www.amnesty.org/en/latest/news/2021/04/philippines-faces-health-human-rights-crisis-covid/>.

<sup>10</sup> *2020 Country Reports on Human Rights Practices: Philippines*, U.S. Department of State (2021), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/philippines/>.

<sup>11</sup> *Situation of human rights in the Philippines*, Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General (Jul. 3, 2020), <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>.

<sup>12</sup> *Philippines*, Reporters Without Borders, <https://rsf.org/en/philippines>. (last visited Jul. 11, 2021).

<sup>13</sup> *Philippines*, Committee to Protect Journalists, <https://cpj.org/asia/philippines/> (last visited Jul. 11, 2021).

<sup>14</sup> *Philippine Congress denies ABS-CBN news broadcaster’s franchise renewal*, Committee to Protect Journalists. (Jul. 10, 2020), <https://cpj.org/2020/07/philippine-congress-denies-abs-cbn-news-broadcasters-franchise-renewal/>.

<sup>15</sup> *Letter from Senator Edward J. Markey to Former Secretary of State Mike Pompeo*, (Jul. 29, 2021), <https://www.markey.senate.gov/imo/media/doc/Letter%20to%20Sec%20Pompeo%20on%20Philippines.pdf>.

on drugs.<sup>16</sup> In April of this year, she suffered from heat stroke caused by poor prison conditions.<sup>17</sup> The Duterte regime has similarly targeted journalist Maria Ressa, and her news site Rappler, for her investigative journalism, in a broad effort to silence independent voices and views critical of the government's human rights abuses. In June, 2020, Ressa was convicted of politically motivated charges of cyber libel, one of eight separate cases against her; and she is currently on bail pending appeal.<sup>18</sup> She faces up to six years in prison if the conviction is upheld – though this may be increased upon appeal.<sup>19</sup> She also faces criminal cases alleging foreign ownership in her company, spurious investigations of old tax returns, and authorities have revoked the operating license of her news site, Rappler, though it remains in operation while it appeals revocation of its license. In total, the cases against her expose her to the risk of approximately 100 years in prison. These cases lay bare the systemic and coordinated attempts to silence journalists, political opposition, and human rights defenders.

During your confirmation hearing, you acknowledged the concerning decline of democracy worldwide and committed to organizing a Summit for Democracy.<sup>20</sup> The status of democracy and human rights in the Philippines should be central to that discussion and any bilateral or multilateral engagements with the Philippine government. We urge the Biden administration to stand with the people of the Philippines as they continue to fight for their universal human rights. The State Department should condemn the aforementioned abuses at the highest levels in our diplomatic engagements with Philippine government representatives, as well as publicly.

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

- 1) What actions has the State Department taken under your leadership to raise and respond to the Philippine government's systemic human rights violations, including the coordinated push to implement the Anti-Terrorism Act? What has been the response?
- 2) Are you considering sanctions under the Global Magnitsky Act, or any other authorities, against officials implicated in drug war killings, or those responsible for serious human rights violations, including the long-term and arbitrary detention of Senator de Lima?
- 3) Have you recently engaged the Philippine government about the release of Senator de Lima and the continued inhumane prison conditions she has endured as a result of her unjust detention? If so, what has been the response?

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<sup>16</sup> *Philippines: Duterte critic Leila de Lima faces drugs charges*, BBC News (Feb. 17, 2017), <https://www.bbc.com/news/world-asia-39005919>.

<sup>17</sup> Maria Ager, *3 senators want better ventilation for De Lima after hospitalization*, The Inquirer (May 6, 2021), <https://newsinfo.inquirer.net/1428159/3-senators-want-better-ventilation-for-de-lima-after-hospitalization>.

<sup>18</sup> *Maria Ressa: Philippine Journalist Found Guilty of Cyber Libel*, BBC News (Jun. 15, 2020), <https://www.bbc.com/news/world-asia-53046052>.


<sup>19</sup> *'An example to many': Journalist Maria Ressa wins Unesco press freedom prize*, The Guardian (Apr. 27, 2021), <https://www.theguardian.com/world/2021/apr/28/philippines-journalist-maria-ressa-wins-unesco-press-freedom-prize>.

<sup>20</sup> Patrick Quirk and Eguiar Lizundia, *Want the Summit for Democracy to develop solutions? Include local governments*, Brookings (May 21, 2021), <https://www.brookings.edu/blog/order-from-chaos/2021/05/21/want-the-summit-for-democracy-to-develop-solutions-include-local-governments/>.

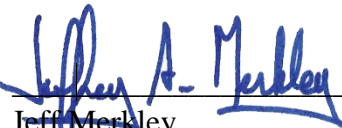
- 4) Have you raised with the Philippine government concerns about the politically motivated conviction of Maria Ressa and called for the dropping of all charges against her? If so, what has been the response?
- 5) Have you communicated to the Philippine government that “red-tagging” is an unacceptable practice in violation of international human rights? If so, what has been the response?
- 6) Have you reviewed and confirmed if U.S. security assistance provided to the Philippine National Police is fully consistent with the limits mandated in Section 36 of the Arms Export Control Act, Section 620M of the Foreign Assistance Act of 1961, and Section 7031(c) of the State, Foreign Operations, and Related Operations Appropriations Act, 2021?
- 7) Are you considering designating any Duterte government officials involved in significant corruption as ineligible to enter to the United States under Section 7031(c) of the State, Foreign Operations, and Related Operations Appropriations Act, 2021?
- 8) How has the administration weighed the Duterte government’s pervasive human rights abuses when evaluating sales of weapons and military aircraft to the Philippine military? What steps has the administration taken to utilize these sales as leverage to encourage the Philippines to improve its human rights record?
- 9) Will you discuss human rights conditions in the Philippines as part of the Summit for Democracy, and in other bilateral or multilateral discussions related to human rights in the Indo-Pacific?

Thank you for your consideration. We look forward to your response.


Sincerely,


  
Edward J. Markey  
United States Senator

  
Patrick Leahy  
United States Senator

  
Jeff Merkley  
United States Senator

  
Sherrod Brown  
United States Senator


  
Ben Cardin  
United States Senator

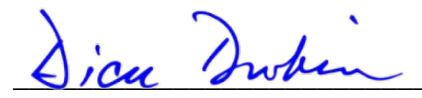
  
Ron Wyden  
United States Senator

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Bob Casey  
United States Senator

  
Cory Booker  
United States Senator

  
Elizabeth Warren  
United States Senator

  
Richard J. Durbin  
United States Senator

cc: National Security Advisor Jake Sullivan  
U.S. Secretary of the Treasury Janet Yellen  
U.S. Ambassador to the United Nations Linda Thomas-Greenfield  
USAID Administrator Samantha Power