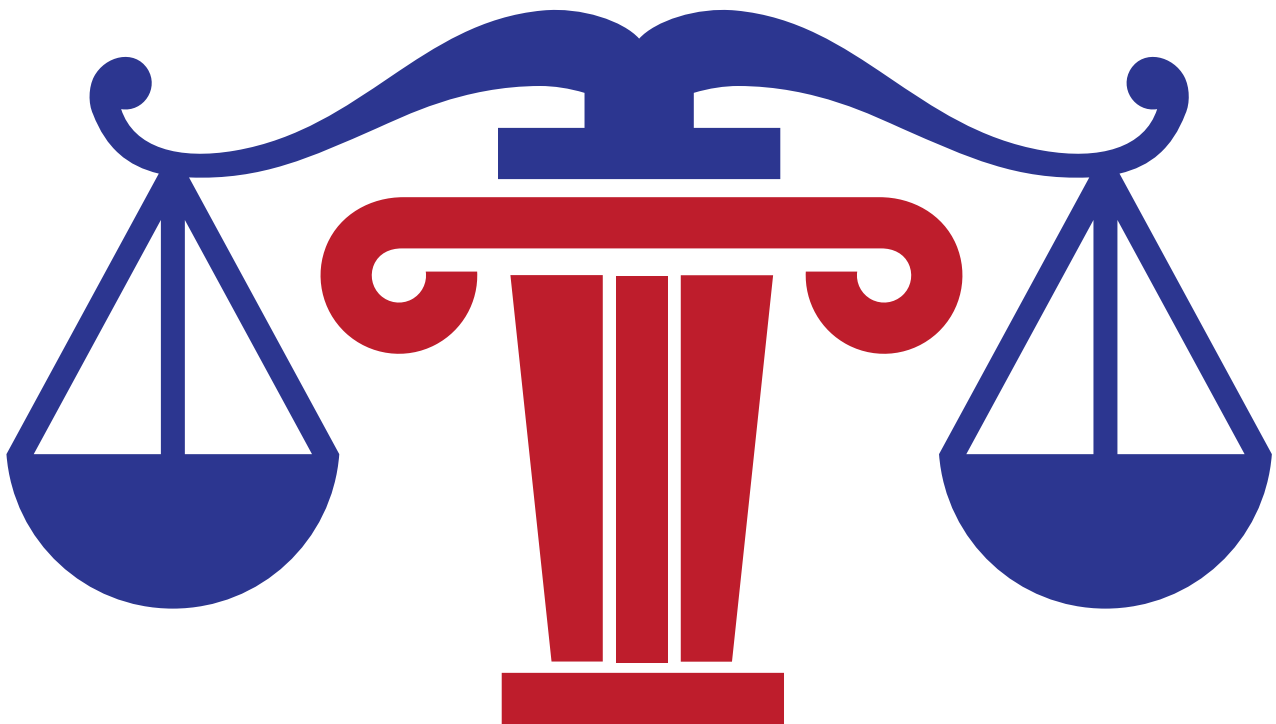




International Fair Trial Day

2024 International Fair Trial Day and Ebru Timtik Award

Philippines Edition
Event Report



14 June 2024

Malcom Theater, University of the Philippines

The Organising Committee of the 2024 International Fair Trial Day and Ebru Timtik Award consists of:

Avocats Européens Démocrates/European Democratic Lawyers (AED); Bar Human Rights Committee of England and Wales (BHRC); Barreau Nantes/Nantes Bar Association; Consiglio Nazionale Forense/National Bar Council of Italy (CNF); Çağdaş Hukukçular Derneği/Progressive Lawyers' Association (ÇHD); Défense Sans Frontières – Avocats Solidaires (DSF-AS); European Association of Lawyers for Democracy and World Human Rights (ELDH); Federation Barreaux d'Europe/Federation of European Bars (FBE); International Bar Association Human Rights Institute (IBAHRI); International Commission of Jurists (ICJ); International Observatory for Lawyers (OIAD); Lawyers for Lawyers (L4L); Ordine degli Avvocati di Bologna/Bologna Bar Association; Özgürlük İçin Hukukçular Derneği/Association of Lawyers for Freedom (ÖHD); Republikanischer Anwaltinnen- und Anwalteverein eV/Republican Lawyers Association (RAV); Swiss Democratic Lawyers (DJS–JDS); The Law Society of England and Wales (LSEW); Institut pour l'État de Droit de l'Union Internationale des Avocats/The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL)

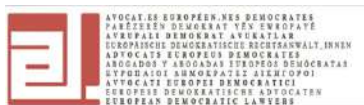
The Organising Committee would like to thank the following local organisations for their support:

University of the Philippines, College of Law
National Union of Peoples' Lawyers
Integrated Bar of the Philippines

THE ORGANISING COMMITTEE

DJS JDS GDS

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Human Rights Institute



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INTRODUCTION

On 14 June 2024, around 300 legal professionals, bar association representatives, academics, criminal justice experts, human rights advocates and journalists from around the world gathered online and in person in Manila, the Philippines to participate in the 2024 International Fair Trial Day and Ebru Timtik Award at the University of the Philippines College of Law.

International Fair Trial Day (IFTD) was established in 2021 by more than 100 legal associations across the world, to be observed every year on 14 June. It serves as an opportunity to raise awareness of the plight of those in countries where fair trial principles are not being respected. The right to a fair trial has long been recognised by the international community as an absolute right. Without a fair trial, every individual risks becoming the victim of a miscarriage of justice, either as an innocent suspect wrongly convicted or as a victim unable to secure justice for a wrong perpetrated against them.

On IFTD, the Ebru Timtik Award is granted to individuals or organisations that have demonstrated outstanding commitment and sacrifice in upholding fundamental values related to the right to a fair trial. The award is named after a lawyer from Turkey who died in August 2020 following a 238-day hunger strike in protest against the fair trial rights violations in her country, which Ebru Timtik experienced first-hand both as a lawyer and as an accused.

Each year, the IFTD highlights the barriers to a fair trial in a specific country, with a focus on solutions. In 2024, the Philippines was chosen due to persistent reports of serious and widespread fair trial rights violations. Grave flaws in the justice system prevail, including a failure to observe due process guarantees, a lack of independence of the judiciary and corruption. Against this background, lawyers, judges, prosecutors, journalists and human rights defenders face a range of risks including threats, arbitrary arrest and detention, torture and enforced disappearance. Some have even been killed. A climate of impunity, notably with ineffective and delayed investigations, ensures there is a lack of accountability for these violations.

In 2024, the Ebru Timtik Award was awarded to the National Union of Peoples' Lawyers, in the Philippines, for its outstanding legal services and advocacy in defence of access to justice and fair trial rights for all in the Philippines (see below for more details).¹

The full programme and recording of the conference are available to view online.²

This report summarises the key issues raised by panellists during the 2024 IFTD conference. They are presented under core themes that emerged during the discussions. The insights shared in this document reflect the personal opinions of the panellists based on their individual knowledge and experience. It is important to note that the perspectives of each speaker may not necessarily align with the official views of the endorsing institutions or other panellists.

1 Announcement of the Ebru Timtik Award 2024, <http://iftd.org/wp-content/uploads/2024/06/Announcement-of-the-2024-Ebru-Timtik-Award-Laureate.pdf>.

2 See the IFTD programme at <https://iftd.org/2024-manila-conference-programme>; and watch the recording of the IFTD Conference and Ebru Timtik Award Ceremony at www.youtube.com/watch?v=_4kg1JEgGqw and www.youtube.com/watch?v=ALjFzZoaVmk.

Information presented in this report is current as of 14 June 2024. Since that date, some relevant events may have transpired that are not accounted for in the report. These subsequent developments may impact the context and understanding of some of the subject matter.



Still image from 2024 Ebru Timtik Award Artwork by Stefanie Wuschit: 'Reactive Courage: justice - nonviolence'.

George Katrougalos, UN Independent Expert on the promotion of a democratic and equitable international order³

Mr Katrougalos remarked that the right to a fair trial and the justice system are an avenue to protect democracy and human rights. However, he noted that an estimated 5.1 billion people have unmet justice needs globally, including people who cannot obtain justice for everyday problems, people who are excluded from the opportunity the law provides and people who live in extreme conditions of injustice.⁴ Mr Katrougalos noted that it is recognised that an effective legal aid system is required to secure the right to a fair trial.⁵ He recalled that the prominent Filipino lawyer, Romeo Capulong, had noted that with the high rate of poverty in the country there is a ‘great need for a program of providing free legal services to the poor’ and for public interest legal work.⁶

“ An estimated 5.1 billion people have unmet justice needs globally

Mr Katrougalos reflected that everyone has a duty to defend the voiceless and excluded and, by defending them, we all defend the ideal of justice and democracy itself. This is the role of human rights defenders in fighting impunity, a role which is protected by the UN Declaration on Human Rights Defenders⁷ which states: ‘everyone is entitled ... to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms’.

Ben Saul, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism⁸ (delivered by Professor Jane McAdam)

Professor Jane McAdam noted that the Special Rapporteur has encountered cases in many parts of the world where excessive laws to counter terrorism and violent extremism are misused against civil society,

3 www.ohchr.org/en/special-procedures/ie-international-order.

4 World Justice Project, Measuring the Justice Gap, <https://worldjusticeproject.org/our-work/research-and-data/access-justice/measuring-justice-gap>.

5 *Airey v Ireland* (ECtHR), 9 October 1979, para. 26, <https://hudoc.echr.coe.int/eng?i=001-57420>.

6 Romy Capulong New York Memorial, Salute to activist lawyer and friend, <https://romycapulongsnymemorial.wordpress.com>.

7 United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Article 12.3, www.ohchr.org/sites/default/files/Documents/Issues/Defenders/Declaration/declaration.pdf.

8 United Nations Office of the High Commissioner for Human Rights, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, www.ohchr.org/en/special-procedures/sr-terrorism.

including political opponents and dissidents, journalists, minorities, Indigenous peoples, environmental activists, lawyers and judges. Counter-terrorism laws and policies have contributed to silencing dissenting voices and weakening a free media, democracy and civic space.

The Special Rapporteur has observed a pattern of misuse of counter-terrorism laws by states. Vague, overbroad definitions of terrorism in national laws have been applied arbitrarily to criminalise legitimate conduct and free expression. Organisations and individuals have been abusively listed or designated as terrorist without due process or judicial safeguards, severely curtailing peoples' rights and often the rights of their families. This has included NGOs, media organisations and social movements.

Criminal processes are also often marred by excessive state surveillance powers, including bulk surveillance and spyware, violating privacy rights, as well as arbitrary or protracted pretrial detention and false confessions. The rights of individuals are also curtailed with the denial of access to legal representation, unjustified restrictions on the freedom to choose a lawyer, excessive security clearances for lawyers and unwarranted limitations on lawyer-client confidentiality.

The fairness of trial proceedings is also further undermined by the use of special or military courts that are not sufficiently independent of the executive or impartial. Secret or classified evidence and other infringements on the equality of arms may further undermine fair trial rights.



UN Independent Expert on the promotion of a democratic and equitable international order, George Katrougalos, delivering his keynote speech with moderator Tony Fisher

INDEPENDENCE AND PROTECTION OF JUDGES AND LAWYERS

Judicial independence is essential for a fair trial, but multiple IFTD panellists noted that, in the Philippines, the judiciary lacks independence and faces external pressures, which hinder access to justice for victims and severely threaten the rule of law.

During the IFTD, it was acknowledged that a variety of shortcomings in the justice system undermine the right to a fair trial, including:

- political interference in judicial appointments;
- coercion of witness testimony;
- reliance of the judiciary on fabricated and planted evidence;
- lack of independent police and preliminary judicial investigations;
- admittance of evidence gained through torture;
- limited access to legal representation for accused persons;
- lack of lawyer–client confidentiality;
- failure to provide adequate time and facilities to prepare a defence; and
- undue delays in bringing cases to trial.

It was highlighted that independence of the judiciary entails an independence of mind and spirit for the judicial and legal profession to carry out its duties without fear of adverse consequences or impact on their career progression. Regrettably, it was noted that those members of the judicial and legal profession who fail to bend to pressure in the Philippines can face reprisals.

The following barriers to the independence of the judiciary were highlighted in detail during the IFTD Conference.

Appointment and education of judges

Judge Gerely C Rico-Cruz, Presiding Judge of Pangasinan, Municipal Circuit Trial Court (MCTC) Branch 4, San Fabian-San Jacinto, and **Attorney Theodore Te**, Assistant Professor at the University of the Philippines, both highlighted constitutional challenges to judicial independence in the Philippines and flaws in the appointment process for judges.

The 1987 Constitution states that: ‘The Members of the Supreme Court and judges of lower courts shall be appointed by the President from a list of at least three nominees preferred by the Judicial and Bar Council for every vacancy. Such appointments need no confirmation’.⁹ Accordingly, Judge Rico-Cruz noted that the President has absolute discretion over appointments.

9 1987 Constitution of the Republic of the Philippines, Article VIII, Section 9, <https://lawphil.net/consti/cons1987.html>.

Attorney Te also noted that the vetting process of the Judicial and Bar Council involves considerable delays and is open to the possibility of influence, pressure or lobbying from both the interested judges and other interested parties. He stated that there must be a better way of appointing judges that is less politically influenced and reduces the need to lobby for appointments.

Judge Rico-Cruz asserted that the appointment of judges should be a purely academic exercise, including an educational course and examinations. This would ensure that the public is assured of the independence of the judiciary.

Attorney Te noted that although there have been several improvements to judicial education in recent years, judges must do more than just apply the rulings of the Supreme Court. Rather, judges must be able to apply their own legal analysis to advance justice. To prevent a culture of ‘kicking the can forward’ – waiting for the case to progress to the Supreme Court – judicial education must ensure that judges, especially at the first and second level courts, are unafraid to advance a legal theory that is consistent with the protection of rights and justice.



(From L–R) Panellists Judge Rico-Cruz, Hans Gaasbeek, Attorney Theodore Te and Atty. Ephraim Cortez with moderator Eleonora Scala

Preventing corruption and interference with the judiciary

Judge Rico-Cruz and Attorney Te both highlighted the reliance of judges on local government funding for allowances, buildings and equipment as a risk factor for corruption and coercion.

The Local Government Code 1991 gives powers to the *barangay* (local government) to implement and deliver certain administrative services. Under this Code, ‘when the finances of the municipal (or city)

government allow’, local government officials, such as governors or mayors, can grant judges of that municipality or city ‘additional allowances and other benefits’.¹⁰

Judge Rico-Cruz noted that the original intention of this provision was to augment the budget of courts, particularly for the purchasing of supplies. However, it has been used by some judges in pursuit of substantial allowances, and local government officials to gain influence over judges.

Unfortunately, the 2015 Enhanced Judicial Independence Bill,¹¹ which sought to prohibit local governments from giving allowances and benefits to judges and prosecutors and ensure judicial independence has been shelved. Judge Rico-Cruz recalled that former Congressman Amante, who introduced the Bill, had stressed that ‘Judges and prosecutors, as dispenser of justice, must at all times isolate themselves from the alluring financial temptation’.¹²

Judge Rico-Cruz also noted that as of March 2015, 47.37 per cent of first or second level courts across the Philippines do not have their own halls of justice and are allocated space in the mayor’s office or municipal government buildings. This proximity creates a risk of government officials seeking out judges for favours or to discuss cases and creates a public perception that the mayor is the judge’s superior, which can even lead to individuals complaining to the mayor about unfavourable judgments, rather than appealing the decision.

Harassment of judges

The prevalence of baseless administrative charges filed against judges was highlighted by Judge Rico-Cruz as a means of harassment. She noted that this has been used as a tactic to impinge upon their work and the independence of the judiciary. The Supreme Court requires judges to file a comment in respect of each administrative case, which is time-consuming and distracts judges from their work. In addition, judges are unable to apply for promotion if administrative cases against them are unresolved, with pending cases sometimes remaining unresolved for over 10 years.

Judge Rico-Cruz highlighted efforts by the Supreme Court to address this issue. For example, in 2022, in the case of *Governor Edgardo Tallado, et al v Judge Winston Racoma*,¹³ it dismissed the administrative complaint against Regional Trial Court Judge Racoma and ordered the complainants, who were then ranking provincial officials, to explain why they should not be held for indirect contempt of court for prematurely filing a complaint that was ‘intended to harass or vex’ the judge. This had been the fifth administrative case filed by Governor Tallado against Judge Racoma.

The Supreme Court noted that: ‘The influence of both elective and appointive officials on our judges is a fact we must not close our eyes to ... The filing of administrative charges against our judges has been unscrupulously resorted to’. The Court acknowledged ‘the sacrifices of our judges, who risk their very lives

10 Local Government Code of 1991 (Republic Act No. 7160), Section 447(a)(1)(xi) (in the case of municipalities) and Section 458(a)(1)(xi) (in the case of cities), https://lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html.

11 House Bill 1397 or the proposed ‘Enhanced Judicial Independence Act of 2015’ introduced by Rep. Erlpe John M. Amante (2nd District, Agusan del Norte).

12 See <https://mindanaogoldstardaily.com/archives/63749>.

13 *Governor Edgardo Tallado, et al v Judge Winston Racoma*, A.M. No. RTJ-22-022, 23 August 2022.

and even those of their loved ones, in order to keep our courts open and render the services our people need’.

Targeting of lawyers

Several panellists described the various failings within the justice system to protect legal professionals and which also have a broader societal impact, undermining the fairness of trial proceedings and access to justice.

Attorney Ephraim Cortez, President of the National Union of Peoples’ Lawyers, condemned the systematic and state-sponsored weaponisation of the law through trumped-up charges against those who exercise their right to dissent, including lawyers and other activists. He noted that there is an increasing number of cases of terrorism or financing terrorism against activists and advocates associated with so-called ‘communist front’ organisations, which are often based on the flimsiest of grounds and on the testimony of witnesses whose independence is questionable.

Attorney Cortez highlighted that the courts, knowingly or unknowingly, become instruments for the perpetuation of legal harassment. The rules of procedure provide remedies to assess the strength of evidence when the case reaches the courts, but these are frequently ignored, and courts often view the accused as merely delaying proceedings when they file complaints.



In-person attendees at the 2024 IFTD event

Hans Gaasbeek, co-founder of the Foundation for the Day of the Endangered Lawyer, presented the preliminary findings of the ‘Caravana Filipina’, an international delegation representing 10 lawyers’ and human rights organisations that conducted a fact-finding mission in the Philippines from 4–13 June 2024. The delegation observed an alarming pattern of human rights violations against legal professionals in the Philippines, and documented first-hand accounts of judges, prosecutors and lawyers who have suffered attacks since 2016 to the present day, including harassment, intimidation, surveillance, threats, arbitrary detention and prosecution, physical assault and extrajudicial killing.

Preliminary findings¹⁴ of the mission indicate that many of the killings result in impunity due to a failure to identify the perpetrators. The Caravana also expressed concerns over the massive backlog of unresolved cases of attacks on legal professionals and the persisting delays in pursuing those cases and bringing the perpetrators to justice. Initial findings suggest many cases are prematurely labelled as ‘cold cases’ without thorough and effective investigations. This, coupled with a climate of impunity and fear, obstructs access to justice for victims and their families.



(From L-R) Panellists Hans Gaasbeek, Attorney Theodore Te and Atty. Ephraim Cortez with moderator Eleonora Scala.

14 ‘Independent International Delegation Concludes Fact Finding Mission on Attacks on Philippine Lawyers, Prosecutors, & Judges’, 13 June 2024, www.uanet.org/en/actions/independent-international-delegation-concludes-fact-finding-mission-attacks-philippine.

VIOLATIONS IN THE CONTEXT OF COUNTER-TERRORISM AND ANTI-DRUG LAWS AND POLICIES

Grave human rights violations have been documented in the context of the ‘war on drugs’ in the Philippines. This includes a pattern of extra-judicial killings in anti-drug operations, resulting in thousands of deaths, with little or no accountability. During the conference, it was noted that taskforces set up to provide accountability and address impunity have failed to do so.

The representative for the UN Special Rapporteur on counter-terrorism recounted concerns that have been raised about the Anti-Terrorism Act 2020,¹⁵ particularly its broad definition of terrorism, the expansion of executive branch authority and the absence of judicial oversight, as well as apparent lack of due process, violations of privacy and limitations to the scope of humanitarian activity. Notwithstanding the Supreme Court striking down parts of the legislation as unconstitutional in 2021,¹⁶ concerns remain about detention without warrant, expansive surveillance powers and the designation powers of the Anti-Terrorism Council.

Carlos H Conde, Senior Researcher at Human Rights Watch, further highlighted that counter-terrorism and anti-drug laws and policies have had a significant impact on lawyers, journalists, human rights defenders, Indigenous peoples and the poor. According to the Philippine government, the ‘drug war’ resulted in 6,252 deaths from 1 July 2016 to 31 May 2022,¹⁷ with estimates from human rights groups ranging from 12,000 to 30,000.¹⁸

Mr Conde stated that the Philippines’ Comprehensive Dangerous Drugs Act of 2002 is one of the most draconian and oppressive drug laws in the region and is being exploited by authorities. The majority of those affected are poor people without access to legal representation, so as well as people being arrested or killed, they or their families are unable to get justice.

He asserted that the Marcos Jr government has failed to rescind the executive issuances that provide wide authority to the police to conduct anti-drug raids and operations, which provide the legal basis used by the police to try to justify unlawful killings, despite rhetoric that the ‘war on drugs’ will have a ‘new face’ aimed at drug rehabilitation.¹⁹

Multiple panellists expressed concerns over the alleged use of ‘red tagging’ or ‘terror tagging’. This is the practice of branding of individuals or groups as being associated with the Communist Party of the

15 Republic of the Philippines Department of Justice Anti-Terrorism Council, The 2020 Implementing Rules and Regulations of Republic Act No. 11479, otherwise known as The Anti-Terrorism Act of 2020, www.doj.gov.ph/files/2020/news%20articles/IRR%20ATA%202020%20-%20CTC.PDF.

16 Reuters, Philippines’ Supreme Court rules parts of terrorism law unconstitutional, [www.reuters.com/world/asia-pacific/philippines-supreme-court-says-parts-anti-terror-law-unconstitutional-2021-12-09/#:~:text=MANILA%2C%20Dec%209%20\(Reuters\),fears%20it%20threatened%20civil%20liberties](http://www.reuters.com/world/asia-pacific/philippines-supreme-court-says-parts-anti-terror-law-unconstitutional-2021-12-09/#:~:text=MANILA%2C%20Dec%209%20(Reuters),fears%20it%20threatened%20civil%20liberties).

17 Human Rights Watch, World Report 2024: Philippines, www.hrw.org/world-report/2024/country-chapters/philippines.

18 International Criminal Court (ICC), Situation in the Republic of the Philippines, ‘Request for authorisation for an investigation pursuant to article 15(3)’, ICC-01/21 (14 Jun. 2021), para. 2, www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/21-7-Red.

19 The Philippine Star, Drug war continues, but with a ‘new face’, www.philstar.com/headlines/2023/07/25/2283630/drug-war-continues-new-face.

Philippines or the New People's Army without evidence, causing reputational harm to these individuals and organisations, as well as exposing them to harassment, threats and physical violence, including extra-judicial killings, as they are perceived to be enemies of the state.

The statement of the UN Special Rapporteur on counter-terrorism expressed his alarm at the allegations of killings, arbitrary arrests, enforced disappearances, judicial harassment and targeted financial sanctions against religious groups, human rights defenders, Indigenous activists, journalists and lawyers for terrorism-related cases. The Special Rapporteur welcomed the recent decision of the Supreme Court of the Philippines recognising that red tagging, vilification, labelling and guilt by association threaten the right to life, liberty and security.²⁰



(From L–R) Moderator Gonzalo Sáenz Quilez with panellists Cristina Palabay and Carlos H Conde

Christine Palabay, Secretary General of Karapatan, claimed that current national security policy, as well as the Anti-Terrorism Act 2020 and Terrorism Financing Prevention and Suppression Act 2012, continue to have the goal of labelling those exercising their right to dissent as ‘terrorists’ or ‘communists’, exposing them to various forms of attack.

Ms Palabay noted that 112 individuals are facing complaints or charges under these laws.²¹ In one case, two young paralegals who were assisting political prisoners are facing terrorism financing charges for giving 500 pesos and food to two environmental defenders in detention. Some NGOs and development organisations’ bank accounts have been frozen, and their board members are facing criminal complaints or charges, often based on poorly substantiated allegations. For example, in May 2024, terrorism financing charges were filed against the Community Empowerment and Resource Network and 27 current or former board

20 The Supreme Court of the Philippines, SC: Red-Tagging Threatens Right to Life, Liberty, and Security, <https://sc.judiciary.gov.ph/sc-red-tagging-threatens-right-to-life-liberty-and-security>.

21 KARAPATAN, KARAPATAN welcomes dismissal of terrorism financing charges vs 2 youth human rights workers, 11 June 2024, www.karapatan.org/media_release/karapatan-welcomes-dismissal-of-terrorism-financing-charges-vs-2-youth-human-rights-workers.

members or staff,²² based on the account of a ‘rebel surrenderer’. In addition to violating individuals’ rights, this targeting prevents NGOs from providing necessary legal and other services to the communities they support.



22 Civicus Monitor, Philippines: Harassment and targeting of activists, NGOs continue despite formation of new human rights ‘super body’, <https://monitor.civicus.org/explore/philippines-harassment-and-targeting-of-activists-ngos-continue-despite-formation-of-new-human-rights-super-body/#:~:text=Terrorist%20financing%20charges%20filed%20against,its%20council%2C%20board%20or%20staff..>

ARBITRARY DETENTION, TORTURE AND ILL TREATMENT, ENFORCED DISAPPEARANCES AND EXTRAJUDICIAL KILLINGS

More than five decades on from the imposition of martial law by the Marcos Sr administration, **Mary Aileen D Bacalso**, Executive Director of FORUM-ASIA, noted that the Philippines is ‘marred by the situation of violations of fundamental freedoms, rising authoritarianism and shrinking civic space, resulting in enforced disappearances, torture, extrajudicial killings [and] arbitrary detention’.

Multiple speakers noted that individuals face arbitrary arrest and detention based on vague and overly broad criminal offences, trumped-up charges and a lack of due process. The lack of an independent judiciary compounds the problem, with the courts failing to protect individuals from arbitrary arrest and detention. Some of the concerns include:

- the application of laws which lack legal certainty due to vague and overly broad definitions of criminal offences;
- the practice of home searches and arrests without warrants;
- a failure to bring individuals promptly before a judge to challenge and review the legality of the arrest and continuing detention; and
- the restriction on access to a lawyer for suspects or defendants in detention or custody.

Torture and other ill-treatment by law enforcement and security officers remain common practice in the Philippines.²³ Despite the introduction of the Anti-Torture Act in 2009, these forms of abuse remain widespread in the criminal justice system, with a lack of accountability for perpetrators. Those most at risk of torture and other ill-treatment are the marginalised and poorest members in society, including those living in areas where operations against armed insurgency and violent activities of non-state armed groups are prevalent.

²³ The Philippine Star, Rights watchdog: Torture by police still prevalent in the Philippines, www.philstar.com/headlines/2022/12/16/2231205/rights-watchdog-torture-police-still-prevalent-philippines.



Panellist Mary Aileen D Bacalso

Prevalence of extrajudicial killings

Neri Colmenares, Chair of the Bayan Muna Partylist, noted that the practice of extrajudicial killings has spanned successive administrations since the imposition of martial law in 1972. Mr Colmenares presented the following statistics on the number of extrajudicial killings under successive administrations since 1972:

Marcos Sr (1972–1986)	At least 3,257 extrajudicial killings
Arroyo (2001–2010)	At least 1,206 activists were killed
Duterte (2016–2022)	At least 6,252 drug suspects were killed and at least 427 activists were killed, 220 of them human rights defenders including lawyers
Marcos Jr (2022–2023)	At least 89 extrajudicial killings

Mr Colmenares noted that testimony from witnesses, survivors and whistleblowers, as well as CCTV and video footage provide evidence of the state-sponsored nature of these abuses. He also recalled that there were cases where survivors of attempted extrajudicial killings have identified the state security forces as the perpetrators.



Panellist Neri Colmenares with panellist Signe Pulsen and moderator Triona Lenihan.

Enforced disappearance

Multiple speakers highlighted that enforced disappearance has been a stain on the record of the Philippines for decades. The first case of enforced disappearance, Charlie Del Rosario, occurred in 1971,²⁴ a year before martial law was imposed by Marcos Sr. This has been followed by hundreds of cases of enforced disappearances that have occurred across successive administrations.

Ms Bacalso noted that human rights organisations have documented about 2,000 cases of enforced disappearance ‘from Marcos to Marcos’.²⁵ Secret detention centres also continue to exist within the Philippines. There are grave concerns about recent reports of environmental activists and other human rights defenders being victims of enforced disappearance, with at least 14 victims of enforced disappearance under the Marcos Jr administration.²⁶

Ms Palabay observed that the Anti-Enforced or Involuntary Disappearance Act of 2012 is not implemented. Under this Act, enforced disappearance is a crime and secret detention facilities are illegal, but this is ignored and activists are brought to other locations outside of official detention facilities, such as hotels, beach resorts and houses in sub-divisions.

²⁴ disappearED Asia, Philippines: Martial Law was No Dinner Party, <https://disappeared-asia.org/resources/books/healing-wounds-mending-scars/philippines-martial-law-was-no-dinner-party>.

²⁵ Asia Democracy Chronicles, Without a Trace, Activists continue to go missing in the Philippines despite a law criminalizing enforced disappearances, <https://adnchronicles.org/2024/01/24/without-a-trace>. As of June 2023, the group Families of Victims of Involuntary Disappearance documented 2,078 victims since the Marcos Sr administration. Karapatan documented 1,908 during the same period.

²⁶ Altermidya, Rights groups raise concerns over spate of enforced disappearances, www.altermidya.net/rights-groups-raise-concerns-over-spate-of-enforced-disappearances.

It was noted that the Philippine government has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance. Ms Bacalso stated that obstacles to the Convention's signature and ratification include the security sector's concern regarding issues of accountability of the state, the sovereignty and independence of national courts vis-à-vis the mandate of the treaty's monitoring body, the Committee on Enforced Disappearances and heavy reporting burden entailed in monitoring compliance.

Ms Bacalso also noted that disappeared persons are at a high risk of torture and other human rights violations, such as sexual violence or extrajudicial killing, as they are placed completely outside the protection of the law. Enforced disappearance violates the right to a fair trial, as she stated: 'The victim's lack of access to legal remedies puts them in a terrifying situation of complete defencelessness'.

As well as violating a range of rights, it is recognised under international law that enforced disappearance is itself a form of torture or other ill-treatment for the disappeared person and for their family, causing long-lasting, awful suffering for the family members of the disappeared. Ms Bacalso added that the families of the disappeared feel like they are 'swinging between hope and disillusionment', which can be equated to psychological torture. Families experience 'the fear of death, stigmatisation, emotional impact, economic dislocation, deteriorating health [and an] absence of closure'.

Multiple speakers described how family members of the victims of enforced disappearance are unable to obtain information about the whereabouts of their loved one and fail to achieve justice. The authorities appear to pay lip service to the requests of family members for information and investigation, while the perpetrators of such crimes are not brought to account.



Panellist Edita Burgos

Edita Burgos, human rights activist

Edita Burgos' son, farmer–activist Jonas Burgos, was abducted by suspected military personnel from Ever Gotesco Mall in Quezon City in April 2007, over 17 years ago, and is still missing.

Mrs Burgos has campaigned tirelessly to find out what has happened to her son. She emphasised that the writ of *habeas corpus* and the writ of *amparo* are 'useless' unless the institutions cooperate. In the case of her son, a partial writ of *amparo* was granted as well as a right to seek documents relating to his abduction. However, the Philippine army has not complied with the writ and has not been cited in contempt of court for failing to do so. A case against the Philippine army filed in 2014 is still pending before the Supreme Court, requesting a finding of contempt. Thus, securing a writ of *habeas corpus* or *amparo* is not an assurance that missing people are returned or their fates known.

Mrs Burgos reported that one of the perpetrators, who was identified in a hearing at the Court of Appeal, was later acquitted of charges of kidnapping and unlawful detention in Regional Trial Court, Branch 216. Rather than being punished, Mrs Burgos has heard that he has been awarded a scholarship, promoted and is currently a National Advisor to the President.

She recalled how witnesses have refused to identify those who abducted her son out of fear. Three years after the abduction, a retired soldier visited Mrs Burgos and informed her that he had been one of those who had

tortured Jonas. However, he refused to give an official statement that would enable her to bring the case to court. The family of the leader of the team suspected of abducting Jonas provided a weak alibi, testifying at the Regional Trial Court that he had been at a family reunion without producing any evidence.

Suffering produces perseverance, perseverance produces character and character produces hope

Despite visits to the Philippine National Police, Criminal Investigation and Detection Group, Armed Forces of the Philippines, and other relevant institutions, and receiving promises of help, Mrs Burgos feels they 'cover up and protect the institution'. Over the years, Mrs Burgos has received repeated comments that her son was a 'communist' and deserved to be abducted.

In light of her experiences and the failure of the current Marcos Jr administration to address violations committed in the past, she noted that 'suffering produces perseverance, perseverance produces character and character produces hope' and called for international pressure letting 'the government in the Philippines know that the world is watching' and to change the mindset and practice of relevant officials and service personnel through trainings, seminars and workshops.

Looking at the wider context, human rights activist, **Edita Burgos**, noted that, beyond the direct impact on the victims, these human rights violations have broader implications including:

- A financial impact, which is most evident when victims are breadwinners or contribute significantly to the family income. The added cost of searching for the victim increases the financial burden on the family.
- The loss of contribution to local initiatives, including agriculture, health, education and other activities, as the victims are often active in helping their communities.
- A loss of good potential national leaders, as young leaders and activists devoted to the country are often the ones facing reprisals.
- A negative effect on values, fostering an unhealthy wariness and distrust of people in uniform and those in authority.
- A chilling effect on civil society, with increasing self-censorship, as formerly dynamic individuals can regress into passive citizens out of fear of being vilified or suffering further human rights violations.

Jonila Castro and Jhed Tamano, environmental activists

In 2023, Jonila Castro and Jhed Tamano were in Central Luzon holding interviews and local consultations with communities whose livelihoods, homes and right a clean environment were threatened by destructive projects. Ms Castro and Ms Tamano were abducted from the street by masked men, who did not identify themselves as officers of the state or present an arrest warrant. The men shoved them into a vehicle, blindfolded them, tied their hands, covered their mouths and took their cell phones and other belongings. They were detained incommunicado for 17 days in two secret detention facilities, which they describe as resembling a motel and a studio-style house, and then transferred to a military camp.

In the secret detention facilities, both were interrogated, including being asked which communities they had visited and about the members of their organisation, the Alliance for the Defense of Livelihood, Housing and Environment in Manila Bay (known as Akap Ka Manila

Bay), which their interrogators constantly linked to terrorist groups.

Ms Castro and Ms Tamano suffered psychological torture for many days, threatened with physical torture if they did not cooperate, as well as threats of putting them 'in the same grave' or charging them with 'rebellion' offences. The men would use 'good cop, bad cop' tactics and emotional blackmail, would periodically blindfold them and commented that they pitied the two women and that is why they were not sexually assaulting them.

Once the women convinced their captors that they would surrender, they were required to sign a statement, stating that they were not abducted and were voluntarily surrendering as members of a terrorist group, in order to be let go. Before being transferred to the military camp, they were forced to rewrite a statement to this effect many times.



(From L–R) Panellists Mary Aileen D Bacalso, Edita Burgos, Jonila Castro and Jhed Tamano with moderator Magda El Haitem

Both women believe that state forces were involved in their abduction, with evidence indicating this. Prior to their abduction, members of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) visited the house of Ms Castro's parents, alleging she was a member of the New People's Army and asking her parents for help in getting her to surrender. They harassed her parents, following them to their workplace and home. In addition, documents the women saw and conversations with their captors in the detention facilities indicated that they were members of different state forces. When Ms Castro asked them why they had become soldiers, some confirmed they were military officers engaging in intelligence work and others stated they were NTF-ELCAC or police.

At the end of their abduction, they were transferred to a military camp, where they were forced by a member of the NTF-ELCAC to attend a press conference and read the coerced statement. The women realised they could use the press conference to tell the truth and highlight the pattern of abductions of activists. Ms Castro noted, 'We realised that we have to do this, not just for ourselves, but for all of the missing activists ... who cannot tell their stories as they are still missing'.

“ We have to do this, not just for ourselves, but for all of the missing activists

A mass movement called for the release of the women, applying significant pressure on the NTF-ELCAC and the military. After their release, several government officials supported the narrative of the NTF-ELCAC and the military, stating that the women were liars and their actions were 'just part of the communist playbook'.

Ms Castro and Ms Tamano filed a writ of *amparo* (for protection) and a writ of *habeas data* (for access to information), which have not yet been fully granted. The court proceedings required the women to present proof that they were victims, which they found retraumatising as they were trying to come to terms with their ordeal. They believe that the writ applications have been unduly prolonged as the NTF-ELCAC and the military called 19 witnesses against them. The military has also filed a case against the two women alleging perjury and grave oral defamation, which is still pending. Ms Castro and Ms Tamano consider that the law is being used to harass them and pressure them not to speak out.

TACKLING IMPUNITY: ACCOUNTABILITY AND REMEDIES

Multiple speakers throughout the day commented that a pervasive climate of impunity has existed for a long time in the Philippines, extending over successive regimes. Despite overwhelming evidence that many extrajudicial killings during the Duterte administration were state sponsored, it was claimed that none of the efforts by the current government have so far managed to secure accountability.

Signe Poulsen, Senior Human Rights Adviser to the United Nations in the Philippines, recalled the UN Office of the High Commissioner for Human Rights report published in 2020 detailing how a heavy-handed focus on countering national security threats and illegal drugs had resulted in serious human rights violations in the Philippines, including killings and arbitrary detention, and that persistent impunity and formidable barriers to accessing justice need to be urgently addressed.²⁷

Following this, a UN Human Rights Council resolution²⁸ underlined the importance of the government ensuring accountability for human rights violations and abuses, conducting independent, full and transparent investigations and prosecuting those who have perpetrated serious crimes. The resolution mandated a three-year UN Joint Programme (UNJP) on human rights, launched in 2021,²⁹ to provide technical assistance and capacity-building in six areas:

- a) strengthening domestic investigative and accountability mechanisms;
- b) data gathering on alleged police violations;
- c) the establishment of a national mechanism for reporting and follow-up;
- d) civic space and engagement with civil society and the Commission on Human Rights;
- e) counter-terrorism legislation; and
- f) human rights-based approaches to drug control.

Ms Poulsen outlined that technical cooperation and capacity building mechanisms can:

- Support civil society organisations that are working at the grassroots level to provide direct support and protection to victims, including lawyers' organisations providing free legal aid.

27 United Nations Office of the High Commissioner for Human Rights, Philippines: UN report details widespread human rights violations and persistent impunity, www.ohchr.org/en/press-releases/2020/06/philippines-un-report-details-widespread-human-rights-violations-and-persistent-impunity.

28 United Nations, Resolution adopted by the Human Rights Council on 7 October 2020, Technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines, <https://documents.un.org/doc/undoc/gen/g20/264/91/pdf/g2026491.pdf>.

29 United Nations Philippines, Philippines, UN launch first-ever national joint programme for human rights following Human Rights Council resolution 45/33, <https://philippines.un.org/en/137080-philippines-un-launch-first-ever-national-joint-programme-human-rights-following-human-rights-council-resolution-45-33>.

- Provide technical expertise from other countries in areas such as investigations into unlawful deaths, documentation and forensic capacity, to raise domestic capacities and create a momentum towards establishing institutions, such as a forensic institute.
- Build advocacy for legal reform, such as establishing a national preventative mechanism on torture, strengthening the mandate of the Commission on Human Rights and developing anti-discrimination legislation.

She noted that although these are small steps they are cumulative and can help support a broader infrastructure needed to achieve accountability.

Ms Poulsen commented that the UNJP was not intended as an accountability mechanism, rather the intention was that the ‘government would buy into it and would then speed up its efforts towards accountability’. However, it was noted that accountability has not yet been achieved with many cases still not tried.



(From L–R) Panellists Neri Colmenares and Signe Poulsen with moderator Triona Lenihan

‘Smoke and mirrors’

Concerns were expressed about the Special Committee on Human Rights Coordination formed in May 2024 to enhance human rights protection in the Philippines, which is tasked with sustaining the initiatives of the UNJP.³⁰ It was asserted that this body is mere ‘smoke and mirrors’ and is likely to yield no concrete

³⁰ Administrative Order No. 22, May 8, 2024, Further Enhancing Mechanisms for the Promotion and Protection of Human Rights in the Country and Creating the Special Committee on Human Rights Coordination for the Purpose, https://lawphil.net/executive/ao/ao2024/ao_22_2024.html.

impact on the ground as it is composed of government agencies that are responsible for many of the human rights abuses in question.

Mr Conde also noted that the Committee is supposed to function as an extension of the UNJP, which unfortunately was not renewed. While the UNJP was described as a ‘good effort for the long-term institutionalisation of human rights’ and providing capacity building, calls were made for the international community to provide further support to accountability efforts. To this end, the work of the International Criminal Court was regarded as encouraging. On 15 September 2021, Pre-Trial Chamber I authorised the Prosecutor to commence an investigation of crimes allegedly committed in the Philippines between 1 November 2011 and 16 March 2019 in the context of the ‘war on drugs’.³¹

Ms Bacalso noted that ‘elements of transitional justice have been very elusive’, with ‘truth, justice, reparation and guarantees of non-reoccurrence’ remaining ‘hollow bywords’. Ms Palabay suggested government taskforces set up to achieve accountability and address impunity have been ‘window dressing’ and have failed to achieve real progress. For example, the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations³² has only achieved 13 convictions out of 385 cases it has handled, with 127 cleared.³³

A lack of effective investigation and prosecution of human rights violations was noted by Mr Colmenares, with only 52 of the deaths during the ‘war on drugs’ investigated by the government,³⁴ and failings at different stages of the criminal justice system enabling impunity to prevail. He recalled Rule 15.4 of the Revised Philippine National Police Operational Procedures,³⁵ which requires an inquest investigation for any death of a suspect death during a police operation. However, there has not been a practice of in-depth, or any, inquest investigations in cases of shooting by the police. Police officers who have shot citizens have often claimed that the persons fought back, and the deaths occurred in self-defence, leading to prosecutors dismissing the cases.

‘The killers investigate themselves’

Dr Raquel B del Rosario-Fortun, Professor and Chair of the University of the Philippines College of Medicine Department of Pathology, described how impunity in the Philippines is also fuelled by a lack of technical resources and adequate training. Dr Fortun – the first, and still only one of two forensic pathologists in the country – noted that investigations are not conducted properly, regardless of who the victim is, with no established independent system of forensic pathology in the Philippines.

31 International Criminal Court, Republic of the Philippines, www.icc-cpi.int/philippines.

32 Administrative Ordinance No. 35 Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons, https://lawphil.net/executive/ao/ao2012/ao_35_2012.html.

33 Rappler, DOJ’s task force vs EJK: Few convicted, most perpetrators cleared, www.rappler.com/newsbreak/in-depth/ao-35-doj-task-force-extrajudicial-killings-data.

34 Human Rights Watch, Philippines: ICC Should Continue ‘Drug War’ Investigation, www.hrw.org/news/2021/12/14/philippines-icc-should-continue-drug-war-investigation.

35 Rule 15.4 (Inquest Proceeding Necessary When the Suspect Dies), Revised Philippine National Police Operational Procedures, December 2013, www.policinglaw.info/assets/downloads/Revised_Philippine_National_Police_Operational_Procedures.pdf.



Dr Raquel B del Rosario-Fortun intervening from the floor during the IFTD event.

Dr Fortun enumerated a number of specific concerns:

- In some cases, there has been no crime scene investigation, or the investigation has been poorly conducted, with, for example, bullet casings left behind.
- Bodies may be compromised due to poor handling or transfer from the crime scene to the morgue. Bodies are typically handled by for-profit funeral parlours, and are almost immediately embalmed even before examination, as funeral parlours are not equipped with refrigerators, which are the most effective way to maintain evidence.
- Most medico-legal doctors are municipal officers, rather than forensic pathologists with formal training, impacting the quality of the investigation.
- In a number of cases, autopsies have not been conducted, despite the death certificate indicating this, or they have been conducted poorly. For example, the body may have stitches, indicating it has been opened, but the inside of the body has not been disturbed.
- There may not be an autopsy report, or the autopsy report may not be detailed, such as providing a vague cause of death or failing to identify the entry point of bullets.
- In some cases, the death certificate misclassifies the cause of death, for example, stating the cause of death as natural causes or a skin infection despite the body itself and witnesses indicating that the person was shot.
- The crime labs in the Philippines are under the auspices of the National Bureau of Investigation and Philippine National Police, leaving lab and ballistic experts susceptible to pressure from the police and military.

- The Philippines does not have a mechanism to match missing persons with bodies that are discovered.

Dr Fortun highlighted the need for international assistance, including the International Criminal Court, and opportunities to strengthen forensic science capabilities in the Philippines. She stressed the importance of a national Forensic Science Institute within the University of the Philippines, to provide access for defence lawyers to independent forensic examination, and the Mandatory Autopsy Bill,³⁶ to define the deaths that would have to be investigated.



³⁶ Senate Bill 1307, 17 January 2024, <https://legacy.senate.gov.ph/lisdata/2530821809!.pdf>.

THE 2024 EBRU TIMTIK AWARD CEREMONY

Marion Bouchetel, a member of the European Association of Lawyers for Democracy and Human Rights (ELDH), moderated the award ceremony. Ms Bouchetel recalled the grossly unfair trial that Ebru Timtik and her colleagues faced and the sacrifice she made.

Ebru Timtik was one of 18 lawyers in Turkey who were members of the Progressive Lawyers Association, some of whom were working at the People's Law Office, made subject to prosecution at the Istanbul 37th Assize Court under Articles 314 and 220 of the Turkish Penal Code for terrorist offences. She and her colleagues were convicted on 20 March 2019 after a trial during which basic procedural safeguards and internationally recognised fair trial principles were ignored.

Ebru Timtik's conviction was based on the testimony of anonymous witnesses, many of whom gave inconsistent accounts of alleged facts. Key documents used as evidence against her, including digital documents, were not made available to the defence. Her lawyers could not see, analyse or challenge these documents, which were never produced, verified or authenticated. In addition, lawyers acting in her defence were frequently prevented from participating in the proceedings and, in some circumstances, were excluded from the court.

The defects in the trial process led Ebru Timtik, together with one of her colleagues, Aytaç Ünsal, to commence a death fast, following a hunger strike that began on 5 April 2020, the Turkish 'Day of the Lawyer'. On 27 August 2020, Ebru Timtik passed away while continuing to protest both her innocence of the charges on which she had been convicted and the lack of respect for fundamental fair trial principles in the criminal justice system that had prejudiced both her and her colleagues, and many thousands of other individuals in Turkey.

In recognition of her sacrifice, the annual Ebru Timtik Award was established to honour an individual or organisation that has made an exceptional contribution towards securing fair trial rights in the country in which International Fair Trial Day is focusing for the year in question. Each year, the recipient of the award is presented with a statuette of Ebru Timtik, which was offered by Défense Sans Frontières – Avocats Solidaires (DSF-AS) for the inaugural International Fair Trial Day in Ebru's memory. In 2024, Étienne Lesage, Vice-President of DSF-AS, brought the statuette to be awarded to the recipient and delivered a speech reflecting on Ebru and the significance of the award.

The award itself is accompanied by a work of art provided by an artist with ties to human rights causes.



Marion Bouchetel moderating the 2024 Ebru Timtik Award Ceremony

The keynote speaker for the 2024 Awards Ceremony was **Herman Veerbeek**, a Dutch attorney, supervisory board member for Free Press Unlimited and representative of the Foundation of the Day of the Endangered Lawyer. Mr Veerbeek recalled the important role of the different pillars of the justice system in respecting and protecting a fair trial. Recalling the risks faced by those in the legal profession, he remarked that the targeting of lawyers ‘regards all of us, as this hurts all of us; it is the community itself that is has been hurt’.

Mr Veerbeek concluded that although there is no easy solution for the realisation of the right to a fair trial, hope remains if we ‘cherish the free press, keep on informing ourselves, educate ourselves, listen more to others, speak up loud when really needed and mobilise others’.

The 2024 Ebru Timtik Award winners – the National Union of Peoples’ Lawyers

The 2024 Ebru Timtik Award was presented by the Award Selection Committee³⁷ to the National Union of Peoples’ Lawyers (NUPL) for their outstanding commitment and sacrifice in the provision of legal services and defence of human rights.

NUPL was established during its Founding Congress of 15–16 September 2007, in response to significant human rights violations during the administration of Gloria Macapagal-Arroyo, including extrajudicial killings, enforced disappearances and political persecution. These violations, alongside the potential

³⁷ The 2024 Ebru Timtik Award Selection Committee made its decision by majority vote. The Committee was composed of: Justice Adolfo S Azcuna, former member of the Supreme Court of the Philippines, Chancellor of the Philippine Judicial Academy; Professor Pacifico A Agabin, Professor of Constitutional Law and Chairman of the Constitutional Law Department of the Philippine Judicial Academy; Peter Hanenberg, Former Chair of Rotterdam Bar Association; Stephen Jakobi, English writer and human rights lawyer, Founder and former Chief Executive of Fair Trials; and Turkcan Baykal, MD, PhD, Clinical Psychologist, Psychotherapist.

implementation of the Republic Act No. 9372 (Human Security Act of 2007), underscored the need for organised legal advocacy and intervention.

NUPL emerged to fill this gap, forming a nationwide voluntary association of human rights lawyers, including those from mainstream bar associations or traditional legal practice with an interest in human rights lawyering and advocacy. The organisation aims to coordinate and facilitate legal services and advocacy efforts to counter politically motivated legal actions and state oppression against vulnerable populations. It provides pro bono legal services, engages in community education, legislative advocacy and legal research, and champions the protection of lawyers' rights. The organisation remains a pivotal force in promoting justice and human rights in the country.



2024 Ebru Timtik Awardee, the National Union of Peoples' Lawyers

Pacifico A Agabin, Professor and Chairman of the Constitutional Law Department of the Philippine Judicial Academy, who presented the award on behalf of the Selection Committee, described NUPL as:

‘an organisation which has been active in defending and promoting the right to a fair trial in the Philippines. Members of the NUPL succeeded in upholding the fundamental values of human rights enshrined in the Philippine Constitution. NUPL is thus awarded for giving meaning and substance, at the risk of personal harassment, false accusations, imprisonment, death threats, and even state-mandated liquidations to the Philippine constitutional concept of due process of law. ... The NUPL's members have rendered legal services especially to political dissenters, the poor and the oppressed, pro bono, without any expectation or hope of reward’.

The Selection Committee also expressed their hope that the international recognition for NUPL's work to promote fair trials and justice in difficult circumstances will help NUPL and its members to continue their work.

The 2024 Ebru Timtik Award artwork

This year, the Ebru Timtik Award artwork was provided by prominent artist **Stefanie Wuschitz**.³⁸ Ms Wuschitz is an artistic researcher, currently based in Indonesia. Her work aims at demystifying and decolonising technology production. Her method of feminist hacking reveals hidden degrees of social inequality. Her Ebru Timtik Award artwork was titled ‘Reactive Change’, an animated video that poignantly addresses the pressing human rights issues in the Philippines.³⁹ Through her evocative animation, Ms Wuschitz draws inspiration from Ebru Timtik’s story and the stories of those who struggle for justice and human rights.

Speaking about the artwork Ms Wuschitz noted that:

‘Art can be a way of processing complex, dark, traumatic, content that is hard to unpack. Having lived in Southeast Asia as an arts-based researcher for six months now, I have gone through different stages of grief. And I still digest all the things I heard in interviews and conversations. Some of them pop up in this animation. After countless dark, vibrant and sleepless nights what gave me new courage was looking at street art in the morning. “Only the dead know the end of the war” is one of these sentences I discovered on a street wall, written in a different language. The two creatures in the last scene of my animation, with one eye each merging into a single face, are also inspired by a simple drawing someone painted on a street wall. Like street artists, it helps me a lot to express myself, because this way the restlessness decreases. I feel more safe again and have an easier time finding important allies who validate and enable each other’s struggle. This way I also found the people who helped me to make this animation: Asara Panyalai, Wahyudi Tanjung Raupp, A. Semali and Surya Widodo’.



Still images from Reactive Courage: all eyes opened, all eyes closed



Still image from Reactive Courage: truth

³⁸ Stefanie Wuschitz, <https://stefaniewuschitz.com>.

³⁹ 2024 Ebru Timtik Award Artwork: Reactive Change, www.youtube.com/watch?v=7Clv4cT6V48.



International Fair Trial Day

Find out more on the **IFTD website** and **X account**