

## Recommendations – Attachment 2 to submission of L4L for the UPR

In order to stop the killings, threats and harassments of lawyers and judges, Lawyers for Lawyers calls on the Government of The Philippines to:

1. consistently condemn all forms of attacks against lawyers and judges publicly, at all levels and in strong terms;
2. fully comply with the Basic Principles on the Role of Lawyers, in particular articles 16, 17,18, 19, 20, 21 and 22 adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990;
3. address the underlying root causes of the extrajudicial killings effectively and to leave no stone unturned in investigating the serious allegations that its own military forces are involved in the killings;
4. ensure that the proposed truth commission will be established and that such body will be an independent, credible and impartial civilian body, i.e. not under the control or the influence of the government, composed of members selected exclusively from nominees from lawyers organizations, civil society, the Church and the like in a transparent way, who are known for their human rights record, independence and integrity. The commission must also be entrusted with the necessary investigative and prosecutorial powers to investigate promptly, impartially and effectively - under international supervisory mandate - all reports and complaints against state security agents with respect to extrajudicial killings, threats and other forms of harassment. The commission should be fully supported by your administration and its recommendations should be immediately followed and implemented;
5. fully implement a framework within which the pattern of extrajudicial killings can be stopped in accordance with the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and the Declaration of Basis Principles of Justice for Victims of Crime and Abuse of Power, adopted by the UN General Assembly in Resolution 40/34 of 29 November 1985;
6. immediately use the principle of command responsibility as a basis for criminal liability of perpetrators; if and to the extent that this principle cannot be used within the current applicable legal framework in the Philippines, identify as urgent before Congress draft legislation on the principle of command responsibility in line with the Melo Commission's recommendations;
7. duly implement the Memorandum of Agreement with the European Union regarding the EU technical assistance program in the field of police investigation and prosecution, human rights awareness and judiciary;
8. Further develop the Writ of Amparo in terms of implementation and enforcement to make it more effective;
9. Invite the UN Special Rapporteur on the independence of Judges and Lawyers to visit the Philippines as soon as possible.
10. take all other measures needed to end the culture of impunity and to restore the people's faith in the functioning of the constitutional state and the rule of law.

