

**Statement on what we concern the on-going situations in the Philippines**  
**Prof. Emeritus Osamu NIIKURA, Aoyama Gakuin University and Attorney**  
**at Law**

**Board Member of the Japan Lawyers International Solidarity Association,**  
**JALISA founded in 1957, President: Makakazu OKUMA)**

**Officer at the International Association of Democratic Lawyers, IADL in**  
**consultative status with ECOSOC, founded in 1946 (President: Ms. Jeanne**  
**MIRER)**

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Extrajudicial Killing (EJK) is apparently illegal by all means. The United Nations takes it seriously and has appointed since long time a Special Rapporteur on Extrajudicial, Summary or Arbitral Killings or Executions (Resolution 1992/72). Since 1<sup>st</sup> August 2016, the Special Rapporteur has been assumed by Ms. Agnes Callamard. She made public a courageous solidarity message on 6 December 2018. It was for a “Conference on Upholding Life, Dignity and Justice.” On the day to come to celebrate the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights, e.g. 10<sup>th</sup> December 2018, she said in this message, as I quote, that “I have unfortunately no doubt that several families in the Philippines will be burying their loved ones, killed by the Police or unknown hit-men, killed as part of a senseless, government-initiated, war on drugs.” She also pointed out that, as I quote again, “the near complete lack of investigation into thousands of police killings violates the most basic State obligations; that it points to state-sanctioned killings.” In short, she wants to say that a whole system of Rule of Law is broken, and that even the right to live in peace, may it be individual or people’s right, has been violated by the Police or Security Force of the Government itself.


We come to realize and confirm the same situation. And you are on the same footing, as you have already heard our friend(s) from the Philippines. The International Fact-Finding Mission of Lawyers was conducted from 14<sup>th</sup> to 19<sup>th</sup> March of this year. From Japan Mr. Hajime Inoue, lawyer in Yokohama city, participated and made the report. He feels sorry for his absence here as he is very busy lawyer. The mission consisted of 9 lawyers from various countries. Press conference was held at the Headquarters of the Integrated Bar of the Philippines, in Manila. President of the Bar, a judge and President of the National Union of Peoples’ Lawyer, NUPL took part in it. The delegates

of lawyers visited the Court, office of Prosecutors' League of the Philippines, Commission on Human Rights (CHR), Integrated Bar of the Philippines (IBP), and also offices of National Union of Peoples' Lawyers, BAYAN and KARAPATAN. Many witnesses of attacks were heard. We came to know concretely that among many victims killed by hit-men were prosecutor Mary Ann Castro, and Deputy City Prosecutor of Quezon City Rogelio Velasco. This is very significant. And hearing was also held on lawyers threaten by death.

And the Japan Lawyers International Solidarity Association, JALISA, has already made a "Statement of Condemnation on the Murder of the 14 Farmers in Negros Oriental and Other Human Rights Violations in the Philippines," dated of 11<sup>th</sup> April 2019. The copy is on your desk. The attacks are heinous and destructive as it means that farmers participating in a land dispute were killed en bloc, and that even a lawyer who served for these farmers, Mr. Benjamin Ramos by name, was shot dead on his way home. The Sagay 9 was the case. The attack was apparently targeting to kill ordinary people with a clear intent to destruct civil and normal organization of society. It is deplorable that disputes are not resolved by rule of law or in the court, but that they are given by so-called "final solution" of extrajudicial killings or in the street. It is a matter of justice and democracy, matter of rule of law, matter of human rights, matter of whole international mechanism to protect and promote human rights all over the world. So it is right that The Special Rapporteur on Extrajudicial Killings calls for the International Criminal Court to take an initiative to start preliminary investigation by the Prosecutor's Office of the ICC. The situation in the Philippines merits a crime against humanity, in which the International Criminal Court has a jurisdiction.

I want to ask the Government of Japan, as it is one of the most powerful state parties to the ICC, to take an initiative to restore and prevail justice and order, human rights and rule of law in the Philippines. The Diplomacy of Values and the recent baselines of diplomacy of our Government deserve it.

17<sup>th</sup> MAY 2019

A handwritten signature in black ink, appearing to read "Osamu Nishikawa". The signature is written in a cursive style with a long horizontal stroke at the bottom.