

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Promoting human rights by protecting those who defend them
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BY AIRMAIL and e-mail

Atty. Leila De Lima

Secretary, Department of Justice

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THE PHILIPPINES

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Monday, October 19, 2015

Re: Death of Judge Jude Erwin Alaba, Baler Regional Trial Court

Dear Madame De Lima,

The Dutch Foundation Rechters voor Rechters (Judges for Judges) and Lawyers' Rights Watch Canada (LRWC) would like to draw your urgent attention on the killing of Jude Erwin Alaba on September 1, 2015.

According to our information the killing took place during daytime, around 1 PM, just before judge Alaba and his wife arrived at the Baler Regional Trial Court. Judge Alaba was shot, and his wife was wounded and taken to a hospital. Several people saw the murder taking place.

Shortly after the murder the Chief Justice of the Supreme Court urged the authorities to take all necessary steps to resolve this crime. According to Chief Inspector Jun Dela Cruz Judge Alaba had presided over several convictions that might have angered some people. Court Administrator Jose Midas Marquez declared that judge Alaba had dealt with sensitive drug cases and some land dispute cases. On the day of the murder, the National Union of Peoples' Lawyers (NUPL), stated that, in the most sensitive case Judge Alaba had dealt with, he acquitted Delfin

Pimentel, an alleged leader of the New People's Army (NPA), of a multiple murder charge, and afterwards dismissed charges of illegal possession of firearms against Pimentel and his wife Imelda. Public authorities confirmed one week later that Judge Alaba had dealt with these cases.

The killing of a judge is, of course, a very serious matter, especially when there are indications that the murder may have been in reprisal for the judge's work. Indications that the latter is the case are the place of the murder, and the above mentioned apparently very sensitive cases Judge Alaba had dealt with.

As recognized by the *Basic Principles on the Independence of Judges*, "judges are charged with the ultimate decision over life, freedoms, rights, duties and property of citizens" It is widely accepted that to ensure the independence of judges, states must adopt and maintain effective measures to ensure the safety of judges and their freedom to carry out judicial duties free from reprisals. The duty of the Philippines to ensure a thorough, competent and timely investigation of the murder of Judge Alaba that results in the identification of suspects and enables the identification and punishment of the perpetrators is essential to fulfilling this duty.

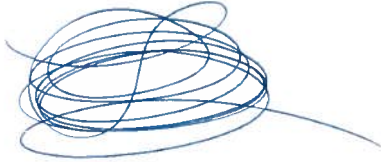
To fulfill the requirements of the *International Covenant on Civil and Political Rights*, Articles 1, 2 and 7, ratified by the Philippines 23 January 1987, and the *UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, an investigation of this murder must:

1. be conducted by investigators independent from state agents with alleged criminal involvement;
2. lead to the identification and prosecution of suspects;
3. ensure that investigators take reasonable steps to secure evidence including eyewitness testimony, forensic evidence, objective analyses of clinical findings and conduct an autopsy that provides an accurate record of the injuries;
4. be prompt and reasonably expeditious;
5. afford sufficient public scrutiny of the investigation and the results to secure accountability; and
6. afford to Judge Alaba's next-of-kin whatever involvement in the process is necessary to safeguard their interests and ensure the remedies to which they are entitled.

We request that you inform us if measures will be taken to prevent such crimes against judges, and if progress is made with regard to the investigation and remediation of this murder.

We thank you for your attention in this very important matter.

Sincerely,



Gail Davidson, LRWC Executive Director



Tamara Trotman, Judges for Judges

Copied to:

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