

**EMERGENCY RESOLUTION IN SUPPORT OF
FREEDOM FOR THE 43 HEALTH WORKERS
IN THE PHILIPPINES**

The National Lawyers Guild takes note of the following facts:

1. On February 6, 2010 a force of 300 Philippine police and military illegally raided and abducted 43 community health workers including doctors and nurses who were conducting health skills training in Morong, Rizal, Philippines. These health workers and doctors administer health services to poor communities, and were participating in a week long First Responders Training, sponsored by the Community Medicine Foundation, Inc. (COMMED) and Council for Health and Development (CHD).
2. These health workers were being trained to go to rural areas where the government does not provide medical services and who are most vulnerable during devastating typhoons which have been hitting the Philippines and devastating many rural communities. But, because people in many of these rural country side areas are considered enemies of the state, the government as part of its "counterinsurgency plan" targets people such as these health workers claiming they are in fact part of the insurgent movement in the Philippines and if the work is of a progressive nature they are assumed to be members of the New People's Army.
3. The training took place at a conference center owned by a renowned Doctor in the Philippines. The workers were rounded up and taken to the central conference room while the military conducted an illegal search of the cabins and grounds, and claimed to have found a gun and some explosive materials. The workers deny any connection to such materials and believe that the evidence was planted. Their personal belongings, as well the training materials used, were all confiscated by the military.
4. These arrests represent the single biggest number of activists arrested in one day in the history of the Philippines.
5. The lawyers for the workers immediately filed a petition for habeas corpus, claiming the search warrant was defective and the arrest illegal. Marcos era law indicates that if those arrested are charged within 36 hours the illegality of the search and arrest cannot be attacked in a habeas petition. . In this case the charges, of possession of explosives, a non bailable offense, were not filed until 5 days later.
6. The Supreme Court where the habeas was initially filed referred the case back to the court of appeal. The court of appeal at first split 2-1 in favor of granting the habeas, but the government then added two more judges to the

- appeals panel making resulting in a 3-2 denial of the habeas.
7. The lawyers have appealed the cases to the Supreme Court which has not acted.
 8. In the meantime the 43 were held in Military camps until May 1, 2010. For days they were deprived the right to counsel during interrogation and there are many reports of sleep deprivation, beatings, electrical shock and the like.
 9. Although they were transferred to jails near Manila in May their cases are in limbo. They cannot be arraigned and tried while the habeas is pending because under Philippine law, if they are arraigned they lose the right to challenge the illegality of the search and the arrests through a habeas and a potential trial of all 43 would take years.
 10. On September 15, 2010 members of the IADL bureau met with the new Justice Secretary (attorney general) Ms. Leila de Lima, and urged her to conduct a review of these cases, Ms. De Lima had been the head of the Human Rights Commission before the recent election of Ninoy Aquino and had investigated the legality of the arrests, and was about to issue the report when she was appointed Justice Secretary by the new government. She had agreed before her meeting with the IADL bureau to review these cases, and render an opinion on whether the cases should go forward.
 11. **The IADL at its bureau meeting in Manila on September 16-17, 2010 decided to launch a world wide campaign to continue the pressure on the government to rescind the charges against these health workers and in particular to ensure that the Justice Secretary will act quickly to review the charges and withdraw them. IADL is asking that National Affiliates such the NLG join in this effort.**

Based on the foregoing recitation of the facts, the NLG hereby resolves to

1. Send a letter to the Justice Secretary to express our concern for the rights of these health workers, and requesting her to review and rescind the charges;
2. Send a delegation to meet the Philippine Ambassador in the US to discuss this case with the Ambassador;
3. Issue a press statement calling for the release of the 43 workers;
4. Disseminate this resolution to other bar associations requesting they take similar actions as noted in 1,2, and 3 above.
5. Work with the Philippine Subcommittee of the International Committee to make the case of these workers known throughout the NLG.

.Implementation by the International Committee
Submitted and endorsed by the International Committee