

**Suggested Remarks for Ambassador Thomas
Luncheon with Philippine Bar Association
Nov 17, 2010, Manila Golf & Country Club**

Madame President [Maria Teresita Sison Go], Fellow Ambassadors, Members of the Judiciary, Members of the Philippine Bar Association, Ladies and Gentlemen, *magandang hapon sa inyong lahat*. It gives me great pleasure to be here today speaking to the distinguished members of the Bar Association of the Philippines. In the U.S. Foreign Service, we are pleased to see an increasing number of lawyers join our ranks, and it highlights the common ground shared by our two professions. This reminds me of the story of a little boy who was sitting with his uncle, who was a lawyer, and his father, who was a diplomat. The little boy asked them what they did in their jobs. The lawyer uncle said, "I represent my client and protect his interests so that he can get the best result." The diplomat father said, "I represent my country and make sure that its interests are protected so that good things happen for our nation." The little boy thought for a while and said, "It sounds like you do about the same thing. What's the main difference?" And the diplomat father said, "About \$800 an hour."

So when I see these young lawyers coming to the State Department, I am, of course, happy to have this talented group, but in terms of their personal finances, it certainly gives new meaning to the word "Counter-flow." Ah, Counter-flow, how well I remember when my driver first told me "Sir, we must go counter-flow." And before I could find out what it was....Whoa!

Seriously, there are those among your ranks who have risked so much going against the flow – defending those Davids against Goliaths or pursuing those Goliaths who think they are immune to the rule of law and that their might makes the single right. This goes not just for the brave prosecutors and judges who face constant death threats but also for those advocates who serve in the private sector and on behalf of human rights organizations. These legal figures are legends, and rightly so because they risk their livelihoods and in some cases, their lives.

But today, I would like to highlight and pay homage to another group of heroes in your justice system. They serve the cause of justice by sheer dent of their courage, both physical and moral. They are ordinary men and women and are the most unlikely heroes until one day their worlds are turned upside down. They are witnesses.

As many of you may have heard, we have made the fight against human trafficking a key priority at our embassy – especially where the perpetrators are Americans. But what pains me is when our agents and your police tell us that the victims who are often the only witnesses [SHORT PAUSE] have been paid off or intimidated with violence or death threats to them or their families. I do not stand in judgment – preserving life and the safety of our families is our deepest instinct. But those who get rich from selling humans know this. When they manage to scare these women who, as I mentioned, are often the only eyewitnesses, the case is dismissed and these human traffickers walk taller and prouder and stronger in the villages where they recruit women and children because they have beat the system and float above the law.

But then there are the heroes. They are young women who have had none of the advantages that most of us in this room today have enjoyed in our early lives. They are naïve, they are jobless, and they are hopeful for a better life. When they realize they have been duped and sold into sexual slavery, they go through horrors and abuse that I will not recount to you at this luncheon. And when the trafficker is arrested and the women taken to a shelter, agents will tell you the women’s mobile phones are ringing off the hook because those in the trafficking syndicate are calling to threaten them and their families. Yet somehow, despite all they have been through, they summon -- from God knows where -- the will to bear witness. These victims will tell the social workers and the prosecutors that they want to try and stop what happened to them from happening to others. And for this bravery and selflessness, they and their families must look over their shoulders for the rest of their lives.

When we reflect on the courage of those who testify in the face of intimidation, I will never forget the recent testimony of a farmer. It was this time last year that he was walking with his kalabaw and taking his corn to the local mill. And then he saw a convoy of cars, people lined up, and heard the sound of machine guns. That morning he witnessed 57 men and women shot in cold blood. He saw the arrival of a backhoe to dig a hole and then shovel them into their shallow grave. The cars they were driving were being crushed and put on top of the bodies and the dirt shoveled on top.

Yes, this is what is known as the Maguindanao Massacre and next week November 23 is the first year anniversary of that event, which shocked the nation. But for that farmer and his family, life changed forever because he refused to back down from bearing witness at the trial court last month. Like most every witness in that trial, he was threatened with extreme violence.

Four witnesses in that trial have had relatives murdered and others have had their fields burned. Until that trial is over – and some estimates put it at seven years – his future is uncertain.

Currently, he and his family with five children are now in an undisclosed location and supported by the government and families of the 57 victims. In the farmer's case, who knows when he and his family will go home, where his children will finish their schooling, when or if he will ever again see the land he and his family have farmed for generations. Yet he sat in that witness chair and told the court what he saw and what he heard.

Under the government's current witness protection program there are upwards of 500 people. Prosecutors will tell you that the lives of every single one of them will never be the same.

That farmer and other lay witnesses in the Maguindanao Massacre, and all those who have testified in trials such as trafficking, fraud, corruption or extra-judicial killings, belong to that circle of heroes that includes Ninoy Aquino. Just outside our embassy on Manila Bay is a statue of that great leader, with a plaque explaining the background to the immortal words he spoke when departing the U.S. for Manila. Facing death threats, he was begged by his loved ones not to return to his native Philippines. He said despite the threat of assassination, he must go back and said, "The Filipino is worth dying for." Dr. King told us, "A man who won't die for something is not fit to live." They were both correct.

So I put it to you. Is seeing justice served on those who terrorize others, who prey on the vulnerable and their hopes or who plunder their country's wealth worth losing your life? Is bearing witness worth dying for? Would any of us do it if we were faced with the same situation? Could we be as brave as those young women trafficked into slavery? Could we be as brave as a farmer who raises corn?

I think everyone is familiar with the recent case of the prosecutor in Region 10 who was abducted in broad daylight and witnessed by a group of people. The Regional Prosecutor in Cagayan de Oro is beside himself because no one will come forward. He understands why people are afraid, but those behind the kidnapping will only grow more bold with the immunity conferred upon them by terrified citizens.

Trust me, we have our witness protection problems in America and it is a dark chapter of American history when gangsters, vigilantes and corrupt officials ruled the roost and terrorized American citizens. Then as now, we depend on brave men and women to take the stand to see

that justice is done. I am not saying anything to you that I wouldn't say to your counterparts in the U.S. However much any justice system has improved over the decades, it can be better yet.

Everyone in this room knows the pitfalls of the system that makes protecting witnesses so difficult. The perpetrators know that their best ally is the lengthy trial process, made longer by delaying tactics by all parties that wear down the witness who are fearful. I wish to commend the Supreme Court's recent circular to the trial courts to give priority to human trafficking cases and to hold those trials continuously with hearing dates spaced not more than two weeks apart. The Supreme Court also ordered that any new cases on a judge's docket should be heard and decided no more than 180 days from arraignment.

As the Bar Association of the Philippines, you have the power to band together to lobby for more changes such as this, to stop the delays, to demand that the Speedy Trial law be enforced, to support your judicial system with pro bono work, to form working groups that will advocate stronger protection of witnesses or at the very least lobby for those procedural changes that will shorten the periods of adjudication.

No person should have to die or lose their livelihood because they take the witness stand. You are the lawyers. And as distinguished members of this Bar, you are the legal conscience of your country. There is too much at stake to remain silent or still. Your heroes need you.

Inya Alaska mo ba ako?

Tama na questions.

Salamat po.

Paa-alam.