

Amal Clooney and Caoilfhionn Gallagher KC condemn Court of Appeals' failure to reverse Maria Ressa's conviction and sentence for 'cyber libel'

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Amal Clooney and Caoilfhionn Gallagher KC, on behalf of the international legal team acting for journalist Maria Ressa, have condemned today's court decision affirming Ms Ressa's 6-year sentence for 'cyber libel' and call on the new administration in the Philippines to demonstrate its commitment to press freedom and the rule of law by dropping all charges against her. As things currently stand, Ms Ressa will have just 15 days to file a final appeal before the Philippines Supreme Court. The Court may then refuse to hold an oral hearing and determine the appeal based on written submissions alone.

The ruling today by the Philippines' Court of Appeals upholds an earlier [decision](#) of the Court of Appeals dated 7th July 2022 upholding Ms Ressa's conviction for cyber libel and increasing her maximum prison sentence to more than 6 years' imprisonment.

Ms Ressa, co-founder of news website Rappler.com and [Nobel Peace Prize Laureate](#), was charged with cyber libel, a crime in the Philippines, after Rappler published a story about alleged corruption by the Chief Justice of the Philippines Supreme Court. The article stated that the judge drove a car belonging to a businessman with an allegedly '*shady past*'. It was alleged that this tarnished the businessman's reputation and that, as a result, Ms Ressa should be imprisoned for up to 6 years and 8 months.

This draconian sentence is based on a law that did not exist when the article was published and on charges that were brought six years after the time limit expired. The article was not even authored by Ms Ressa and, as a report on a matter of public interest written in good faith, should be protected free speech in Philippine law. The sentence also flies in the face of [international law -- including legal protections codified in treaties that the Philippines has ratified --](#) as well as the [warning](#) by the Philippines Supreme Court that '*the constitutionality of criminalizing libel is doubtful*'.

In its 7th July 2022 decision, the Court of Appeals upheld the [June 2020 decision](#) of Judge Rainelda Estacio-Montesa at the Manila Regional Trial Court, convicting Ms Ressa and former Rappler journalist Reynaldo Santos Jr., and even added a further eight months and 20 days to their prison sentences. Ms Ressa and Mr Santos Jr filed an application with the Court of Appeals on 22nd July 2022, seeking a reconsideration. However, today the Fourth Division of the Court of Appeals - the same three Associate Justices who upheld Ms Ressa's conviction in July - ruled that her conviction and extended sentence should stand.

The Court of Appeals' decision comes just months after the Philippines' Securities and Exchange Commission [issued an order](#) against Rappler to shut it down by revoking its certificates of incorporation. These developments are merely the latest steps in a sustained campaign of state-sponsored legal harassment against Ms Ressa, Rappler and its team of journalists, who face a barrage of vexatious criminal and regulatory proceedings including accusations of allegedly illegal foreign ownership and spurious tax charges.

The Philippines' actions in this case have been condemned globally. The UN [expressed](#) grave concern at the treatment of Ms Ressa and highlighted '*the staggering cost of the relentless and systematic assault on the most basic rights of Filipinos*' by the government. The UN Special Rapporteur on

Freedom of Opinion and Expression [described](#) the July 2022 ruling as ‘yet another example of the relentless attack against Maria Ressa for daring to speak truth to power’ and said that ‘criminal libel law has no place in a democratic country and should be repealed.’ The U.S. Department of State [said](#) it was ‘concerned’ by the verdict in the case and called for resolution of the case ‘in a way that reinforces ... freedom of expression’. The European Union [stated](#) that the conviction ‘raises serious doubts over the respect for freedom of expression as well as for the rule of law in the Philippines’. And the Media Freedom Coalition of States – a group of over 50 states – issued a [statement](#) condemning ‘the various charges against Maria Ressa’ and ‘the increasing restrictions on freedom of the press in the Philippines’.

In 2020, the US Congress also [identified](#) Ms Ressa as a journalist in need of protection in legislation directing the imposition of sanctions on foreign government officials involved in the intimidation of independent journalists. And the Nobel Committee awarding her the Nobel Peace Prize in October 2021 (jointly with fellow journalist Dmitry Muratov) [praised](#) her ‘courageous fight for freedom of expression in the Philippines’.

This latest ruling by the Court of Appeals in Ms Ressa’s appeal comes as the country is marking the first 100 days in office of the new President. The new government’s press secretary has [claimed](#) that ‘[t]he Government, under the leadership of President Ferdinand R. Marcos Jr., recognizes and respects press freedom in our country that is stated in the Constitution.’

Ms Ressa will now be appealing her conviction and sentence to the Supreme Court.

Commenting on the Court of Appeals’ ruling in the cyber libel case against Ms Ressa today, **Ms Amal Clooney** said:

‘With today’s judgment Maria has reached the end of the road in her criminal libel case. She now has one last chance to see justice being done - in a final appeal that will be heard by the Philippines Supreme Court. We will soon know whether freedom of expression, and the rule of law, will survive.’

Ms Caoilfhionn Gallagher KC said:

‘Days ago, yet another journalist, Percy Lapid, was killed in the Philippines – the second journalist killed in the short time since President Marcos Jr. took office. Our courageous client, Maria Ressa, faces intimidation, harassment and decades behind bars for being a journalist. Now we see three Court of Appeals Judges marking their own homework, finding they were right to uphold Ms Ressa’s conviction and increase her prison sentence.

The new Philippines government has reassured the European Union, the US and other international partners that it believes in the importance of freedom of expression and ensuring a strong independent media environment. Now is the time to show these are not merely empty words.’

Ms Maria Ressa said:

‘The ongoing campaign of harassment and intimidation against me and Rappler continues, and the Philippines legal system is not doing enough to stop it. I am disappointed by today’s

ruling but sadly not surprised. This is a reminder of the importance of independent journalism holding power to account.

Despite these sustained attacks from all sides, we continue to focus on what we do best – journalism.”

Ms Amal Clooney and Ms Caoilfhionn Gallagher lead the international counsel team acting for Ms Ressa, working with fellow barristers Can Yeginsu and Claire Overman. The team works closely with Peter Lichtenbaum, Stephen Rademaker, Rani Gupta and Lisa Peets of Covington & Burling LLP, as well as Ms Ressa’s counsel team in Manila.

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