

URGENT ACTION

PHILIPPINES SENATE MUST OPPOSE DEATH PENALTY

Bills to reintroduce the death penalty in the Philippines are pending before the Senate, which resumed session on 2 May 2017. Despite the Philippines being a state party to an international treaty that commits it to the abolition of the death penalty, the House of Representatives have adopted measures contrary to this.

The Senate of the Philippines resumed its session on 2 May 2017, during which it is expected to consider eight separate legislative proposals that would reintroduce the death penalty for a wide range of offences. The debates on the measures began in February, however were put on hold on 14 February 2017 after the Senate adopted a resolution reiterating that the termination of, or withdrawal from, international treaties can only be valid and effective with the agreement of the Senate itself. It was supported by 14 out of 24 Senators.

The Philippines, which fully abolished the death penalty for the second time in 2006, has in fact ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, an international treaty which categorically prohibits executions and commits the country to the abolition of this punishment. The adoption of legislation to reintroduce this punishment in national law would violate the country's obligations under this treaty and puts into question how the authorities value the Philippines' international commitments.

In parallel deliberations, on 7 March 2017 the House of Representatives adopted House Bill 472 which would make the death penalty applicable for some drug-related offences. The Bill, a consolidated version of several measures adopted by the Sub-Committee on Judicial Reforms of the Committee on Justice on 29 November 2016, was adopted by 217 votes in favour, 54 against and one abstention. If the Senate adopts a similar measure, the two Bills will have to be reconciled before the President can sign the reintroduction of the death penalty into law.

Please write immediately in English, Tagalog or your own language to the Senators of the Philippines:

- Urging them to fully oppose the adoption of draft legislation to reintroduce the death penalty in the country;
- Reminding them that the Philippines has undertaken international law commitments to abolish the death penalty and that the move would undermine positive efforts to support Filipinos overseas workers facing the death penalty abroad;
- Highlighting that there is no evidence that the death penalty has a unique deterrent effect and that more and more countries have been abolishing the death penalty.

PLEASE SEND APPEALS BEFORE 2 JUNE 2017 TO:

President of the Senate
 Senator Aquilino Pimentel
 Senate of the Philippines
 Rm. 606-609 & 1 (New Wing 5/F)
 GSIS Bldg., Financial Center, Diokno
 Blvd., Pasay City
 The Philippines
 Fax: (632) 822-9759
 Email: kokopimenteloffice@yahoo.com
Salutation: Dear Senate President

Senator
 Juan Edgardo "Sonny" Angara
 Senate of the Philippines
 Rm. 521-A 5/F GSIS Bldg.
 Financial Center, Diokno Blvd.
 Pasay City
 The Philippines
 Fax: (632) 552-6852
 Email:
 sensonnyangara@yahoo.com
Salutation: Dear Senator

And copies to:

Senator Loren B. Legarda
 Senate of the Philippines
 Room 209-210 & 12 (New Wing 5/F)
 GSIS Bldg., Financial Center,
 Diokno Blvd., Pasay City
 The Philippines
 Fax: (632) 833-4987
 Email: loren@lorenlegarda.com.ph

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR ENRIQUE MANALO, Embassy of the Republic of the Philippines, 6-11 Suffolk Street SW1Y 4HG, Tel: 020 7451 1780, Fax: 020 7930 9787, embassy@philemb.co.uk, philembassy-uk.org

Please check with your section office if sending appeals after the above date. This is the first update of UA 282/16. Further information: <https://www.amnesty.org/en/documents/asa35/5307/2016/en/>

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ADDITIONAL INFORMATION

The deliberations at the House of Representatives on the Bill to reintroduce the death penalty were marred by procedural irregularities. The debates were hurriedly put to a close during the week prior to the voting by the Majority Leader and the House Speaker, who also pushed to move to a vote on second and third reading in less than a week. Following the final vote on 7 March 2017, the leaders of the majority coalition stated that 11 of their Representatives who voted against the Bill –including one of the Deputy Speakers and former President of the Philippines, Gloria Macapagal-Arroyo – would be removed from posts in Congress in May 2017.

Under the proposed laws, the Penal Code would be amended to allow for the use of the death penalty for certain circumstances of murder, treason, bribery, rape, kidnapping, robbery, destructive arson, drug-related offences and conspiracy to commit “terrorism”, among others. The draft laws would also make the death penalty the mandatory punishment for some of these offences if carried out in certain instances. Further, it would mandate that the death sentence be implemented by lethal injection between 12 and 18 months after confirmation by the Supreme Court.

Amnesty International opposes the death penalty in all cases and under any circumstances as a violation of the right to life, recognized by the Universal Declaration on Human Rights; and as the ultimate cruel, inhuman and degrading punishment. It is an irrevocable punishment, imposed and administered through justice systems that can be vulnerable to discrimination and error. The organization is concerned by the Philippines authorities’ claims about the death penalty’s ability to deter crime and provide justice to victims, in order to justify this reintroduction. There is no conclusive evidence that the death penalty has a deterrent effect. Statistics from countries that have abolished the death penalty show that the absence of the death penalty has not resulted in an increase in the crimes previously subject to capital punishment, while evidence shows that punitive policies have little influence on the prevalence of drug use.

Since it abolished the death penalty in 2006, the Philippines has played an instrumental role in the protection of the right to life internationally, including through the promotion of the abolition of the death penalty. The authorities of the Philippines supported and co-sponsored five UN General Assembly resolutions on a moratorium on the use of the death penalty that have been adopted since 2007. The resolutions contain a critical call on states that have abolished the death penalty not to reintroduce it.

According to the most recent figures publicly reported and attributed to the Department of Foreign Affairs, as of April 2015 at least 88 Filipinos were facing the death penalty for various crimes in other countries. The Department of Foreign Affairs has been providing assistance to these prisoners to ensure their rights are respected. As part of their efforts, the country’s representatives have applied political pressure to secure the commutation of the death sentences imposed on their nationals. Amnesty International is further concerned that the reintroduction of the death penalty will significantly diminish the capacity of the authorities of the Philippines to protect the rights of its citizens, including the right to a fair trial, when facing the death penalty in other countries.

As of today, 141 countries—more than two-thirds of the world’s countries—have abolished the death penalty in law or in practice. In 2016, 172 (89%) of the 193 UN Member States were execution-free. In the Asia-Pacific region, 19 countries have abolished the death penalty for all crimes following the abolition of the death penalty in Fiji and Nauru in 2015 and 2016, respectively, and a further eight are abolitionist in practice.

Further information on UA: 282/16 Index: ASA 35/6165/2017 Issue Date: 3 May 2017