

UA 236/02

Fear of execution

25 July 2002

PHILIPPINESAlfredo Nardo (m), aged 40

Alfredo Nardo is scheduled to be executed on 16 October. If the execution goes ahead, it will be the first in the Philippines for over two years.

Alfredo Nardo was sentenced to death by the Regional Trial Court in Legaspi City for raping his daughter. His sentence was confirmed by the Supreme Court in March 2001. President Arroyo has the right to grant clemency but the Secretary of Justice has reportedly said there was only a "slim chance" that she would stop the execution from going ahead.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment, as proclaimed in the Universal Declaration of Human Rights. The death penalty is an inherently unjust and arbitrary punishment, however heinous the crime for which it is inflicted. Studies have shown that it is more likely to be imposed on those who are poorer, less educated and more vulnerable than average. The death penalty is irrevocable, yet the risk of error in applying it is inescapable. While Amnesty International recognizes the need to combat violent crime, there is no convincing evidence that the death penalty deters crime more effectively than other punishments.

BACKGROUND INFORMATION

A *de facto* moratorium has been in place since the former President, Joseph Estrada, announced a suspension of executions to mark the Christian Jubilee year in 2000. When President Arroyo came to power, she apparently stated she would not support the death penalty being carried out. However, in response to pressure from anti-crime lobbyists, she later announced a change of heart, saying that convicted kidnappers would be executed.

According to the Free Legal Assistance Group (FLAG), a leading organization of human rights lawyers, by June there were 1,007 prisoners, including 28 women, on death row at the New Bilibid Prisons and the Correctional Institution for Women. 20 prisoners, including Alfredo Nardo, whose sentences have been confirmed by the Supreme Court are at risk of execution this year. Most were convicted of rape, while two were sentenced to death for kidnapping for ransom and two for homicide. No other execution dates are known to have been set but there are fears that executions could resume as early as August.

The death penalty was reintroduced in late 1993 for a wide range of crimes, including rape, murder, kidnapping, drugs offences, treason, piracy and bribery. Executions resumed in 1999 after a period of 23 years. Seven people were executed by lethal injection between 1999 and 2000. Amnesty International has grave concerns about serious failings in the Philippine criminal justice system. The torture and ill-treatment of criminal suspects in order to coerce confessions is commonplace, increasing the risk of miscarriages of justice. Criminal suspects are often denied access to lawyers for prolonged periods and trials fall short of international standards for fairness.

There have been recent moves in Congress towards abolition of the death penalty. In May, the House Committees on Revision of Laws and Civil, Political and Human Rights approved bills providing for abolition. The Senate is currently considering a similar bill.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the President to grant clemency to Alfredo Nardo;
- expressing unconditional opposition to the death penalty as a violation of one of the most fundamental human rights - the right to life;
- expressing sympathy for the victims of rape but pointing out that the death penalty has never been shown to have a unique deterrent effect, and is brutalizing to all involved;
- expressing concern at serious defects in the Philippine criminal justice system, including the use of torture, lack of access to lawyers and unfair trials, which increase the risk of executing the innocent;
- urging the President to grant clemency to all other prisoners currently awaiting execution, and to support current moves within Congress to abolish the death penalty.

APPEALS TO: (Please note that fax tones are sometimes difficult to obtain)

President Gloria Macapagal-Arroyo
Malacañang Palace
J.P. Laurel St
San Miguel 1005
Manila
Philippines

Telegrams: President Macapagal-Arroyo, Manila, Philippines

Fax: + 63 2 736 1010 / 832 3793

Salutation: Dear President Macapagal-Arroyo

COPIES TO:

Secretary of Justice
Secretary Hernando Perez
Department of Justice
Padre Faura, Ermita, Manila
Philippines
Fax: +63 2 521 1614

and to diplomatic representatives of the Philippines accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 September 2002.