

Hon. Pantaleon D. Alvarez
Speaker
House of Representatives, Philippines Congress

c/o philippinenbüro e.V. im Asienhaus
Hohenzollernring 52
D-50672 Köln/ Germany
Ph.: 0049 [221] 7161 21 22
Fax: 0049 [221] 7161 21 10
e-Mail: icking@amp.ngo

Cologne, December 5, 2016

Dear Hon. Pantaleon D. Alvarez,

The Aktionsbündnis Menschenrechte – Philippinen (AMP – Action Network Human Rights – Philippines) calls on the members of the 17th Congress of the Philippines not to reinstate the death penalty as proposed in House Bill No. 1. We categorically oppose the death penalty in all cases and under all circumstances. We consider its application to be a violation of the right to life and freedom from cruel, inhuman, or degrading punishment. The experience in the Philippines before its abolition in 2006 and worldwide shows that the death penalty is not only ineffective in deterring crime. It is also a fundamentally unjust punishment that is often disproportionately applied against the poor.

We learn from our partner organizations in the Philippines that the argument for the re-imposition is based on the reported high levels of drug-related crime in the country. We acknowledge that drug-abuse is a serious problem and are deeply concerned about the suffering it inflicts on the addicted, their families and society. However, no empirical research supports the claim that the threat of execution deters drug use, drug trafficking, or any other serious crime. For example, current data from the 2012 UN Report on Drugs and Crime suggest that seizures of illegal drugs remain high even in those countries in which traffickers face the threat of being executed.¹

The death penalty is often applied unjustly. A 2004 study of the socio-economic backgrounds of capital offenders in the Philippines showed that over 80% of them had previously worked in low-income jobs or were un- or underemployed.² Before the abolition of the death penalty, it were thus mainly the poor who were sentenced to death. The death penalty was also frequently misapplied. In the landmark case of *People vs. Mateo*, the Philippine Supreme Court revealed that in an astounding 71% of cases, the death sentence was wrongfully imposed by lower courts.³

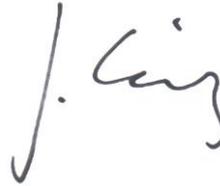
Finally, by re-imposing the death penalty, the Philippines would break its legal obligations under international law. As a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Philippines has committed itself not to carry out executions within its jurisdiction.⁴ The Philippines would be the only nation to reintroduce capital punishment after having ratified the Optional Protocol. Furthermore, if used at all, international law only allows for the application of the death penalty to the “most serious crimes.”⁵ The UN Human Rights Committee and the Special Rapporteur on extrajudicial, summary or arbitrary executions have, however, concluded that drug-related offences do not meet this threshold.⁶

We share our Filipino partner organizations' serious concerns about plans for reinstating death penalty. We therefore call on you to ensure that House Bill No. 1 does not pass and that the right to life of all Filipino citizens is upheld.

Yours sincerely,



Elmar Noé
Chair



Johannes Icking
Coordinator

Copies to:

Michael Hasper
Chargé d'Affaires German Embassy Manila

Stavros Lambrinidis
EU Special Representative for Human Rights

Bärbel Kofler
Federal Government Commissioner for Human Rights Policy and Humanitarian Aid at the German Federal Foreign Office

Members of the Committee on International Trade of the European Parliament

Members of the Committee on Human Rights of the German Bundestag

Members of the Subcommittee on Human Rights of the European Parliament

The Action Network (Aktionsbündnis Menschenrechte – Philippinen, AMP) is an initiative of seven major German church-based agencies and human rights organizations to promote advocacy and information work in Germany and the EU regarding the human rights situation in the Philippines. Member Organizations of the AMP are Amnesty International Germany, Bread for the World – Protestant Development Service, International Peace Observers Network (IPON), MISEREOR, Missio Munich, philippinenbüro e.V. im Asienhaus, and the United Evangelical Mission (UEM). The main focus of the network lies on the core human rights issues of extrajudicial killings, enforced disappearances, and fabricated charges against political activists.

¹ United Nations Office on Drugs and Crime, World Drug Report 2012, pp. 27-32

² Free Legal Assistance Group, Socio-Economic Profile of Capital Offenders in the Philippines, 2004, Download: <http://pcij.org/blog/wp-docs/flag-survey-death-row.pdf>

³ The People of the Philippines versus Efrén Mateo Y García, G.R. No. 147678-87, 7 July 2004

⁴ Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Article 1(1)

⁵ International Covenant on Civil and Political Rights, Article 6(2)

⁶ UN High Commissioner for Human Rights, Study on the impact of the world drug problem on the enjoyment of human rights: Report of the UN High Commissioner for Human Rights, 4 September 2015, para. 38