

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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PHILIPPINES: JAIL RELEASES A MATTER OF LIFE AND DEATH

Amnesty International urges the Philippine authorities to act now to release prisoners, after outbreaks of COVID-19 cases at two detention facilities in Metro Manila. The outbreaks follow multiple earlier warnings that an eruption of COVID-19 in the country's jails or prisons could be disastrous, due to dangerously high overcrowding and inadequate access to basic services such as food, water, hygiene and healthcare. The authorities must urgently safeguard the health of detainees amid the COVID-19 pandemic, when Philippine jails and prisons could easily become hotspots for infection.

On 21 April 2020, 18 prisoners and one jail staff tested positive for COVID-19 at the Correctional Institution for Women in Mandaluyong City; three days before this, a 72-year-old inmate there was also confirmed to have the virus. On 18 April 2020, authorities transferred 40 inmates out of Quezon City Jail to an isolation facility, after nine inmates and nine jail staff tested positive for the virus. The Quezon City jail has gained notoriety for shockingly high levels of overcrowding, where inmates have taken turns sleeping on staircases or on the floor of an open-air basketball court. However despite news of these COVID-19 outbreaks, and over a month since various quarantine measures took effect, the government has yet to take concrete steps to decrease prison populations, which would curb its spread.

In the past four years, prison overcrowding has increased following the arrest and imprisonment of tens of thousands of people for low-level drug offences in the context of the Duterte administration's anti-drugs campaign. Prison overcrowding in the Philippines is considered among the worst in the world. As of January 2020, the Bureau of Corrections said it housed nearly 50,000 detainees, with a congestion rate of over 300%. Over 100,000 more are detained in Bureau of Jail Management and Penology facilities, according to reports, which reflects a congestion rate of over 500%. The numbers could even be higher, as police records show over 220,000 people arrested under the government's so-called "war on drugs" as of December 2019.

Based on World Prison Brief data, some 75% of the total prison population in the Philippines as of 2018 were pre-trial/remand prisoners. International law requires that imprisonment pending trial should be the exception, not the norm. It can only be justified where it is necessary and proportionate to address a legitimate aim, such as to prevent flight, interference with evidence, or the recurrence of crime. Yet in the Philippines detainees can spend years in pre-trial detention, which is a routine and harsh practice.

Given the urgency of the pandemic, Amnesty International calls on Philippine authorities to take immediate measures to decrease the prison population. This may include considering the early, temporary or conditional release of those most at risk of COVID-19, including older detainees or

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sick detainees, and those held in pre-trial detention, depending in each case on the gravity of the charge and in accordance with domestic laws. All those detained solely for the peaceful exercise of their human rights must be immediately released. Authorities may also consider issuing non-custodial penalties for people charged with minor offences.

Measures should likewise be taken to protect persons deprived of their liberty against possible outbreaks of the virus. Those who cannot be released should have access to medical attention and healthcare of the highest attainable standards in line with people's right to health, including access to diagnosis, prevention and treatment.

Philippine National Police records show that since quarantine measures took effect on 15 March 2020, over 69,000 people have been fined or issued warnings in various regions in the country, including in Metro Manila, for violating these and other measures such as curfews. Authorities should never issue prison sentences for those found to have violated quarantine rules, so that they do not add to overcrowding in detention facilities.

Enforcement of prison sentences is likely to only worsen public health problems stemming from the COVID-19 pandemic, especially given the elevated risks of coronavirus transmission in prisons where social distancing is impossible due to overcrowding, dramatically increasing the potential for the virus to spread. Individuals found to have breached physical distancing measures or quarantines imposed in the context of the pandemic should therefore not be imprisoned, given it is both disproportionate, and counterproductive in safeguarding public health.

Background

On 17 April 2020, the Philippine [High Court](#) gave the government until 24 April 2020 to respond to a petition by lawyers' groups to release vulnerable and low-risk prisoners amid the COVID-19 pandemic. On 20 April 2020, the Supreme Court ordered first- and second-level court judges to conduct an inventory of their pending cases and adhere to existing guidelines on releasing inmates who have been detained for at least the minimum period relative to the offence, or those where there are no essential witnesses to the case.

As noted above, on 17 April nine inmates and nine personnel at the Quezon City Jail [tested positive](#) for Covid-19, barely a month after a government official publicly declared that jails are the "[safest place](#)" amidst the deadly pandemic. An inmate died in the prison on 25 March 2020, with the autopsy report reportedly stating hypertension and a heart condition as the cause of death but noting "possible COVID-19" as a "contributing condition". On 21 April 2020, 18 inmates and one jail worker at the Correctional Institution for Women in Mandaluyong City were [confirmed](#) to have the virus.

Last week, President Duterte hinted that he may order a [military and police takeover](#) if people continue to flout movement restrictions in light of the community quarantine. "I'm just asking for

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your discipline. If you don't want to, if you don't believe [us], the police and the military will take over. I am ordering them now to be ready... It will be just like martial law. You have to choose," Duterte said. Citing the President's statement, the Philippine National Police said on 20 April 2020, "We won't issue warnings; we'll go straight to arrests," referring to those who may violate quarantine guidelines and curfews.