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# amnesty international

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## PHILIPPINES

### Marlon Parazo, deaf and mute, faces execution

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Marlon Parazo, aged 27, was born into poverty in the province of Nueva Ecija, Philippines. Profoundly deaf and mute since birth, he is effectively isolated from ordinary contact with society and is only able to communicate with his family through touch and gestures. He has never learned any official form of sign language and is unable to read or write, having received only two months' schooling at the age of seven. In the Philippines, there is little or no provision for special schooling for the disabled.

In March 1995 Marlon Parazo was convicted of rape and attempted homicide and was sentenced to death, despite the fact that the trial court made no attempt to ensure that he understood the proceedings against him. Article 14 of the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is a party, states that the defendant has the right to be informed "*in detail in a language which he understands of the nature and cause of the charge against him*" and "*to have the free assistance of an interpreter if he cannot understand or speak the language*

*used in court*". During the trial no one - not even Marlon Parazo's court-appointed defence lawyer - made any reference to his disabilities. Despite this violation of his right to a fair trial, the Supreme Court confirmed his death sentence in May 1997.

Marlon Parazo's case has now been taken up by the Free Legal Assistance Group (FLAG), a leading association of human rights lawyers. In May 1998 his new lawyer submitted an urgent appeal to the Supreme Court, urging that his death sentence be overturned on the basis that he could not possibly have received a fair trial as he could neither hear nor understand the charges against him, nor speak in his own defence. The lawyer also maintained that, given his disability and learning difficulties, it was extremely unlikely he had understood the gravity of the charge against him or the severity of the penalty he faced. FLAG have also called for the case to be sent back to the lower courts to determine, after both physical and psychiatric examination, whether Marlon Parazo is competent to be tried in court.

Members of an Amnesty International delegation met Marlon Parazo in March 1998 during a visit to prisoners on death row at New Bilibid Prison, Muntinlupa. Throughout the meeting he appeared withdrawn, on the verge of tears and seemed unable to communicate using even the most simple sign language.

### **Background information**

More than 600 people have been sentenced to death in the Philippines since the death penalty was reintroduced in late 1993. The death penalty may be imposed for a wide variety of crimes, including rape, murder and drug-trafficking. The method of execution is by lethal injection. Surveys of those on death row in the Philippines have shown that the majority come from the poorest, most disadvantaged sectors of society, most of whom could not afford a good lawyer for their defence. A number of death row inmates have made credible allegations that they were tortured during interrogation to force them to confess to crimes they did not commit. There is also a lack of safeguards to ensure that those facing the death penalty receive a fair trial. Although no executions have been carried out since reintroduction of the death penalty, a number of cases have been confirmed by the Supreme Court, heightening fears that the first execution could be imminent. For further information about Amnesty International's concerns, please see *Philippines: The Death Penalty - Criminality, Justice and Human Rights* (AI Index: ASA 35/09/97).

#### **WHAT YOU CAN DO:**

- Express concern that Marlon Parazo, profoundly deaf and mute since birth, has been sentenced to death, despite being unable to hear or speak during his trial;
- Express concern that his trial appears to have fallen short of standards for a fair trial which are required under Article 14 of the International Covenant on Civil and Political Rights;
- Urge the authorities to overturn his death sentence;

-- Express unconditional opposition to the death penalty in all cases as a violation of one of the most fundamental of human rights - the right to life;

-- Express concern that that the death penalty in the Philippines is most frequently imposed on the poor, the disadvantaged and those less able to defend themselves;

-- Urge the authorities not to resume executions in the Philippines, but to take steps to reform the police and judiciary in order to combat crime more effectively.

**Please send appeals to:**

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