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Philippines: Protect the community from crime - but not at the cost of human rights

As President Arroyo declared war on criminality in her State of the Nation address yesterday, Amnesty International warned of an accompanying risk of vigilantism, unlawful killings and the use of torture against criminal suspects.

"The community has a right to be protected from violent crime. However, this must be achieved through a professionalized police force, adequately resourced and trained, and fully respectful of human rights and the rule of law," the organization said.

Following an earlier anti-crime summit meeting in Manila, President Arroyo announced the formation of a police special crime unit which will use 'military-style' tactics to target suspected kidnap gangs. During the meeting, Davao City Mayor Rodrigo Duterte, named by President Arroyo as head of a national 'consultative task force' on crime, appeared to suggest that extreme measures - including extra-judicial executions - were acceptable and effective means to combat criminality.

Concerns over the potential impact of Mayor Duterte's statements are heightened by reports of the killings, by unidentified "vigilantes", of 29 suspected criminals, including youth gang members and street children in Davao since late 2001. Amid repeated threats of tough action against criminals, and the apparent tolerance of sections of the community weary of high crime rates, the wave of killing increased following radio and television broadcasts by the Mayor listing alleged drugs pushers and users. Allegations that city officials may have incited or colluded in the killings persist as investigations have failed to identify the perpetrators -- not least because potential witnesses remain reluctant to testify for fear of reprisals.

"Peace and order will never be achieved by a vigilante's bullet, or by police using a plastic bag to suffocate a suspect to coerce a confession," Amnesty International said.

"Such appalling abuses fall repeatedly on those already most marginalised in society and do not discriminate between the innocent and the guilty. They poison the administration of justice, undermine the rule of law and irrevocably tarnish those institutions charged with protecting the community," the organization continued.

Amnesty International believes that more effective criminal investigations by police must be delivered within a reformed criminal justice system in which human rights and due process are respected in practice and not only on paper. Widespread use of unlawful arrests without a warrant, the use of torture to coerce confessions, and lack of access to competent counsel both at pre-trial and trial stages continue to undermine the rights of the accused and increase the risk of judicial mistakes. Attempts to "cleanse" the police of corrupt or abusive officers remain hampered by failing complaints mechanisms which do not lead to successful prosecutions of perpetrators, thus sustaining a climate of impunity.

In this context, Amnesty International is dismayed that the Arroyo administration may be about to set its face against the clear worldwide trend in favour of abolition of the death penalty and abandon a two year *de facto* moratorium on executions. The Philippines may resume the use of capital punishment in October, with the execution, by lethal injection, of a convicted rapist. At least 1,004 of over 2,000 people reported sentenced to death nationwide have been transferred to Death Row, and at least 79 have had their sentences confirmed by the Supreme Court.

"The death penalty is still being presented as a solution to criminality - particularly kidnapping. It is not," Amnesty International said, stressing that no evidence has emerged to show that executions deter criminals more than other punishments. "Also, the basic safeguards ensuring a fair trial and preventing the execution of the innocent are frequently not respected in the Philippines, especially if the suspect is from a poor or marginalised community," the organization added.

Amnesty International is urging President Arroyo not to resume executions, to focus efforts on the provision of effective, professional policing, and to issue a clear statement that the struggle against criminality does not mean the abandonment of those basic human rights which continue to offer protection to every member of the community whatever their status.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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