

PUBLIC

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FURTHER INFORMATION ON MEDICAL LETTER WRITING ACTION

**Marlon Parazo
PHILIPPINES**

(See AI Index: ASA 35/17/99, 28 May 1999)

Theme: death penalty / medical concern / re-trial

On 8 July 1999, the Supreme Court of the Philippines overturned its 1997 decision confirming the death sentence of Marlon Parazo and granted a re-trial of his case.

Marlon Parazo, a 28-year-old Filipino who has been deaf-mute since birth and has been diagnosed as mildly mentally retarded, was convicted of rape and attempted homicide by the Cabantuan City Regional Trial Court (RCT) in March 1995. The Supreme Court confirmed the death sentence on 14 May 1997 despite the fact that the trial court had not taken any special provisions to ensure that Marlon Parazo could understand and follow the proceedings.

In May 1999, Amnesty International expressed concern that Marlon Parazo was among those on death row whose execution could be imminent. The organisation urged the authorities to overturn the death sentence and to grant Marlon Parazo a fair re-trial respecting internationally recognised standards as set out in the International Covenant for Civil and Political Rights, to which the Philippines is a party.

Also in May 1999, a medical report by the Supreme Court's clinical services concluded that Marlon Parazo suffered "severe" hearing loss in his right ear and "profound" hearing loss in his left ear. Psychiatrists from the College of Medicine and Philippine General Hospital said that due to his mild mental retardation, Marlon Parazo would have been unable to fully understand the facts of the offence he was charged with. Based on this evidence the Supreme Court decided, on 8 July 1999, to set aside its 1997 decision and to grant Marlon Parazo a "re-arraignment and re-trial ... before the Executive Judge of the Regional Trial Court of Muntinlupa City". The Court said that in this re-trial, Marlon Parazo will be assisted by a counsel and a "competent sign language expert".

Background

The execution on 8 July 1999 of Dante Piandiong, Jesus Morallos and Archie Bulan, convicted in 1994 of killing a policeman, took to five the number of convicts killed by lethal injection since the Philippines resumed executions in February this year. The Supreme Court dismissed a last-minute petition from the men's lawyers regarding procedural issues. On 25 June 1999, Eduardo Agbayani was also executed by lethal injection after a phone call from President Estrada granting clemency failed to get through to the execution chamber in time.

To date, the Supreme Court has affirmed the death sentences of another 37 convicts. More than a thousand prisoners are currently on death row in the Philippines, the majority of whom come from the poorest, most disadvantaged sectors of society. Most death row prisoners have been convicted on charges involving rape.

No further action by the health professional network on the case of Marlon Parazo is required at the moment. Amnesty International will continue to monitor the case. If resources are available, a final round of letters can be sent to President Joseph Estrada, Secretary of Justice Serafin Cuevas and/or the Chief Justice of the Supreme Peoples' Court, Andres R. Narvasa:

- welcoming the Supreme Court's decision to overturn the death sentence of Marlon Parazo and to grant him a re-trial before the Regional Trial Court of Muntinlupa City
- urging President Estrada to place a moratorium on all forthcoming executions and to commute the death sentences already confirmed by the Supreme Court

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NB: An article published in the Philippine Daily Enquirer on the day after the Supreme Court's decision can be found at http://www.inquirer.net/issues/jul99/jul09/news/news_5.htm . Please note that Amnesty International has not undertaken independent verification of the contents of this article and does not take any responsibility for them].