

**PUBLIC**

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**Imminent execution**

**13 January 2004**

**PHILIPPINES**

**Roberto Lara (m)  
Roderick Licayan (m)**

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Amnesty International is increasingly concerned that Roberto Lara and Roderick Licayan will be executed by lethal injection on 30 January 2004. These will be the first executions to take place since President Gloria Arroyo lifted a moratorium on executions in December 2003 for prisoners convicted of kidnapping or drug trafficking offences.

The two men had their 1999 death sentences on charges of kidnapping for ransom confirmed by the Supreme Court in 2001. Preparations in the lethal injection chamber at the Muntinlupa National Penitentiary near Manila, which was last used in January 2000, are reported to have taken place.

The Philippine Public Attorney's Office (PAO) has requested a deferment of the executions pending a review of their case. This request follows the arrest on 9 January and 12 January of two key suspects in the original kidnapping. President Arroyo has not yet expressed her opinion regarding a possible re-opening of the case.

President Arroyo had previously publicly stated that institutional reform of the criminal justice system, and not executions, offered proper and effective solutions to criminality. Despite this, she announced the lifting of the moratorium in response to public concerns at rising rates of violent crime, particularly kidnapping for ransom. Her change of policy was partly in response to pressure from the Chinese-Filipino business community (a major target of kidnap gangs) at a time when campaigning was gathering pace for Presidential and Congressional elections in May 2004.

In response to her decision, the European Union (EU) and the Vatican have publicly expressed their disappointment. The EU insisted that "death penalty does not work as a crime deterrent" and representatives of the Vatican stressed the Pope's pro-life position.

#### **BACKGROUND INFORMATION**

A *de facto* moratorium had been in place since the former President, Joseph Estrada, announced a suspension of executions to mark the Christian Jubilee year in 2000. When President Arroyo came to power in 2001, she stated she would not support the death penalty being carried out and subsequently issued a series of commutations. At the same time the Catholic Church and civil society groups lobbied Congress to repeal the death penalty law. By 2003 bills abolishing capital punishment had reached their second reading in both Houses of Congress. However progress has slowed significantly as the elections approach.

Abolished in 1987 the death penalty was reintroduced in late 1993 for a total of 46 different offences, including rape, murder, kidnapping, drugs offences, treason, piracy and bribery. Executions resumed in 1999 after a period of 23 years, and seven people were executed by lethal injection between 1999 and 2000. No less than 1,916 people are reported to have been sentenced to death nationwide and transferred to Death Row at the National Penitentiary since 1994. All death sentences are automatically reviewed by the Supreme Court and at least 168 of the Death Row inmates are reported to have had their sentences confirmed by the Court. They are at risk of execution at any time unless granted clemency by the President.

Amnesty International has grave concerns about serious failings in the Philippine criminal justice system. The torture and ill-treatment of criminal suspects in order to coerce confessions is commonplace, increasing the risk of miscarriages of justice. Criminal suspects are often denied access to lawyers for prolonged periods and trials fall short of international standards for fairness.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment, as proclaimed in the Universal Declaration of Human Rights. The death penalty is an inherently unjust and arbitrary punishment, however heinous the crime for which it is inflicted. Studies have shown that it is more likely to be imposed on those who are poorer, less educated and more vulnerable than average. The death penalty is irrevocable, yet the risk of error in applying it is inescapable. While Amnesty International recognizes the need to combat violent crime, there is no convincing evidence that the death penalty deters crime more effectively than other punishment.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or in your own language:**

- expressing deep concern at the prospect of renewed executions in the Philippines, and calling on President Arroyo to commute the death sentence of Roberto Lara and Roderick Licayan who are due to be executed on 30 January;
- expressing the hope she will grant clemency to all other prisoners facing executions;
- expressing sympathy for the victims of recent kidnappings and other violent crime but pointing out that death penalty has never been shown to have a unique deterrent effect, and is brutalizing to all involved;
- expressing concern at serious defects in the Philippine criminal justice system, including the use of torture, lack of access to lawyers and unfair trials, which increase the risk of executing the innocent;
- urging the President to reinstitute an official moratorium on all executions, and to support continuing moves within the Congress to abolish death penalty.

**APPEALS TO:**

President

President Gloria Macapagal-Arroyo

Malacanang Palace

J.P. Laurel St

San Miguel 1005, Manila

Philippines

**Telegrams: President Macapagal-Arroyo, Manila, Philippines**

**Fax: +632 736 2495/ 733 2107/ 736 1010**

**Salutation: Dear President Macapagal-Arroyo**

**COPIES TO:**

Secretary of Justice

Secretary Simeon A. Datumanong

Department of Justice

Padre Faura, Ermita, Manila,

Philippines

**Telegrams: Secretary Simeon A. Datumanong, Manila, Philippines**

**Fax: +632 521 1614**

**Salutation: Dear Secretary of Justice**

and to diplomatic representatives of the Philippines accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** All appeals must arrive by 30 January 2004.