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Philippines: Children under Sentence of Death -- breach of domestic and international laws

Philippine and international law are clear: child offenders cannot be sentenced to death or executed, Amnesty International said today, launching its latest report "*Philippines: Something hanging over me: child offenders under sentence of death*".

Both domestic law and the Convention on the Rights of the Child define child offenders as those who are under the age of 18 at the time the crime in question was committed. Despite these provisions, at least seven child offenders have been sentenced to death in the Philippines.

"This is not only a breach of Philippine law but also a flagrant violation of the Philippines' commitments under international law," the human rights organization emphasized.

The Philippines was one of the first countries in the region to ratify the Convention on the Rights of the Child and has many domestic provisions protecting children's rights. It should be legally impossible for youth offenders to be sentenced to death. Yet Ramon Nicodemus, Saturani Panggayong, Roger Pagsibigan, Larina Perpinan, Elmer Butal, Christopher Padua, and Ronald Bragas were all reportedly under the age of 18 at the time of offending and all are currently under sentence of death.

"We welcome the current moratorium on executions and recognize that the sentences of the seven youth offenders named above are under review. Nonetheless we are concerned that the imposition of death sentences, and the protracted delays in rectifying the sentencing constitute a serious breach of international human rights law. "

In the report, Amnesty International urges the government of the Philippines to implement a number of recommendations regarding the death penalty and the sentencing of youth offenders. These include measures to:

Immediately commute any death sentences passed on youth offenders upon proof of minority;

Change conditions of detention in line with international standards for the detention of juvenile offenders;

As a matter of urgency, strictly enforce the law prohibiting the sentencing of child offenders to death. The age of any suspect accused of a crime for which Philippine law allows the death penalty must be established prior to sentencing in order to ensure that children are not sentenced to death;

Ensure that the documented age of a minor is brought to the attention of all judicial and custodial officials coming into contact with the child and is noted in the custodial investigation report.

For the full text of the report, please go to:
<http://www.web.amnesty.org/library/index/engasa350142003>

Public Document

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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