



ADPAN OPPOSES PRESIDENT RODRIGO DUTERTE'S CALL TO REINSTATE THE DEATH PENALTY IN THE PHILIPPINES

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The Anti-Death Penalty Asia Network (ADPAN), who advocates the abolition of the death penalty, is appalled by the anti-human rights position taken by the Philippines President who is trying to reimpose the death penalty. In his State of the National Address (SONA) on 27 July 2020, President Duterte's called for the reimposition of the death penalty in the Philippines for drug-related offences. In his address, President Duterte expressed support for "the swift passage of a law reviving the death penalty by lethal injection for crimes specified under the *Comprehensive Dangerous [Drugs] Act of 2002*." He added that this change will "not only help us deter criminality but also save our children from the dangers posed by illegal and dangerous drugs".

Since the beginning of his administration in 2016, President Duterte has waged a damaging campaign against drugs, which resulted in extra-judicial killings and a denial of the fundamental right to a fair trial. An estimated 5,600 people have died in this 'drug war'; however, some organisations estimate that the number of deaths could exceed 27,000. Despite widespread condemnation from both local groups and the international community, the comments made during the SONA reflect President Duterte's relentless attempts to undermine fundamental human rights.

Reinstating the death penalty in the Philippines counters a clear global trend towards abolition of the death penalty; to date 142 countries – more than two thirds of the worlds' countries - have abolished the death penalty in law or practice. Further, the statements expressed are in contravention to the Second Optional Protocol to the International Covenant on Civil and Political Rights, to which the Philippines is a signatory. The re-emergence of support for reinstating the death penalty symbolises a concerning disregard for the Philippine's international legal obligations.

During the reintroduction of the death penalty in the Philippines in the 1990s, the *Republic Act 8177* was passed, prescribing the use of lethal injection as the method of implementing capital punishment. In 1999, the first Filipino to be meted by this reinstatement was Leo Echegaray. Echegaray maintained his innocence and was denied an appeal for his conviction. His final words were reported to be "*Sambayanang Pilipino, patawarin ako sa kasalanang ipinaratang ninyo sa akin. Pilipino, pinatay ng kapwa Pilipino*" (People of the Philippines, forgive me of the sin which you have accused me. A Filipino, killed by fellow Filipinos). In 2006, then Chief Justice Artemio Panganiban disclosed that the case against Echegaray had a fatally defective rape charge sheet and indicated that Echegaray's execution was a mistake; that same year, the Philippines abolished the death penalty. A return to the death penalty in the

Philippines may repeat such miscarriages of justice where an innocent person may be wrongly executed by the State.

ADPAN calls on both President Duterte and the Philippines parliament to restrain from the promotion and re-introduction of the death penalty which would be a subversion of international human rights law. The notion that the death penalty is an effective deterrent to committing drug offending has not been supported by empirical evidence. Rather, ADPAN encourages President Duterte and the Philippines parliament to support humane, voluntary and evidence-based policies around crime and drug policy, consistent with the exercise of its sovereign powers and human rights standards.

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ADPAN

ADPAN is the peak regional body for organisations committed to the abolition of the death penalty across Asia-Pacific, with members from approximately 22 countries within the region. As such, ADPAN maintains that the death penalty violates the right to life, that it is the ultimate form of cruel, inhuman and degrading punishment and that the death penalty should be entirely abolished internationally.