

# Philippines: Lawyers' group opposes death penalty, 'shoot-to-kill' policy

Sunday 29 May 2016, by [GERONIMO Jee Y.](#), [MACARAIG Ayee](#) (Date first published: 21 May 2016).

**The Free Legal Assistance Group says the proposals of President-elect Rodrigo Duterte are 'illegal and unconstitutional,' and would 'render our legal system impotent and meaningless'**

MANILA, Philippines - The Free Legal Assistance Group (FLAG) expressed its alarm over the plans of President-elect Rodrigo Duterte to restore the death penalty [see below] and give security forces "shoot-to-kill" orders against organized criminals or those who violently resist arrest.

In a May 20 statement signed by FLAG chair Jose Manuel Diokno, the group said Duterte's proposals are "illegal and unconstitutional", would "render our legal system impotent and meaningless", and would "blatantly violate international law."

The death penalty was abolished in 1986 when President Corazon Aquino took over the reins of power from Ferdinand Marcos. It was reintroduced by President Fidel Ramos in 1993, then suspended again in 2006.

The human rights lawyers organization on Saturday said the poor are vulnerable to the death penalty and a "shoot-to-kill" policy since they lack the resources to hire good lawyers.

For instance, FLAG said that when the death penalty was abolished in 2006, 73% of the 1,121 inmates on death row then earned less than P10,000 a month, while 81% worked in low-income jobs (sales, service, factory, agricultural, transport, construction workers).

The group also cited the Supreme Court which revealed in the landmark *People vs Mateo* case in 2004 that 71% of death sentences handed down by trial courts "were wrongfully imposed" - meaning, 7 out of 10 convicts on death row "did not deserve to be there."

According to FLAG, most of these convicts are poor.

"If these numbers are any indication, it is those who live in poverty who will suffer the most if the death penalty is restored," the group said in its statement.

FLAG also slammed Duterte's proposal to employ death by hanging "until the head is completely severed from the body". They said the president-elect's proposals "reflect a callous disregard for human dignity not befitting a Chief Executive".

"Advocating state-sanctioned killings is not just anti-poor but anti-life," they said, adding that the country needs a better justice system, not death penalty nor a "shoot-to-kill" policy which "will not deter crime."

**What local, international laws say**

FLAG also reminded Duterte that the Philippines signed the Second Optional Protocol to the International Covenant on Civil and Political Rights on September 20, 2006 and ratified it on November 20, 2007 “without reservation”.

“The Second Optional Protocol ‘is the only international treaty of worldwide scope to prohibit executions and to provide for total abolition of the death penalty.’ States that ratify the Second Optional Protocol ‘are required to renounce the use of the death penalty definitively,’” the group added.

In its statement, FLAG cited “highly-respected experts on death penalty” – Sir Roger Hood of the University of Oxford, and William Schabas of the Leiden University – who noted that “no State has ever attempted to denounce the Second Optional Protocol. It would be unprecedented. I think it would also be illegal.”

“If the Philippines reinstates capital punishment [after having ratified the Second Optional Protocol], the country would be condemned for violating international law. It would be a great stigma,” FLAG quoted the experts as saying.

As for the “shoot-to-kill” policy, the group said such proposal disregards rights guaranteed by the Constitution and “gives unbridled discretion to law enforcement officers to take the law into their own hands and act as judge, jury, and executioner.”

“FLAG, therefore, calls upon the President-elect to abandon his plans to restore the death penalty and impose a ‘shoot-to-kill’ policy,” the statement read.

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\* Rappler.com. Published 1:31 PM, May 21, 2016. Updated 1:31 PM, May 21, 2016:  
<http://www.rappler.com/nation/133788-flag-opposes-duterte-plans-death-penalty-shoot-to-kill>

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## **Duterte vows to reintroduce death penalty**

**The tough-talking mayor of Davao City warns his campaign threats to kill were not rhetoric.**

DAVAO CITY, Philippines – President-elect Rodrigo Duterte vowed Sunday, May 15, to reintroduce capital punishment and give security forces “shoot-to-kill” orders in a devastating war on crime.

In his first press conference since winning the May 9 elections in a landslide, the tough-talking mayor of Davao City warned his campaign threats to kill were not rhetoric.

“What I will do is urge Congress to restore (the) death penalty by hanging,” Duterte, 71, told a press conference in Davao.

He also said he would give security forces “shoot-to-kill” orders against organized criminals or those who violently resisted arrest.

“If you resist, show violent resistance, my order to police (will be) to shoot to kill. Shoot to kill for

organized crime. You heard that? Shoot to kill for every organized crime,” he said.

He said military sharp shooters would be enlisted in his campaign to kill criminals.

Duterte also vowed to introduce a 2 am curfew on drinking in public places, and ban children from walking on the streets alone late at night.

If children were picked up on the streets, their parents would be arrested and thrown into jail for “abandonment”, Duterte said.

### **Fear the law**

Duterte said he wanted capital punishment - which was abolished in 2006 under then-president Gloria Arroyo - to be reintroduced for a wide range of crimes, particularly drugs, but also rape, murder and robbery.

He added he preferred death by hanging to a firing squad because he did not want to waste bullets, and because he believed snapping the spine with a noose was more humane.

The centerpiece of Duterte’s stunningly successful election campaign strategy was a pledge to end crime within 3 to 6 months of being elected.

Duterte vowed during the campaign to kill tens of thousands criminals, outraging his critics but hypnotizing tens of millions of Filipinos fed up with rampant crime and graft.

On one occasion he said 100,000 people would die, and so many bodies would be dumped in Manila Bay that the fish would grow fat from feeding on them.

He complained on Sunday that people no longer feared the law, and he would change that.

“We have a society now where obedience to the law is really a choice, an option only,” he said.

“Do not destroy my country because I will kill you. I will kill you. No middle ground. As long as the requirements of the law are there, if you try to evade arrest, refuse arrest... and you put up a good fight or resist violently, I will say: ‘Kill them’.”

Duterte is due to be sworn into office on June 30 for a 6-year term.

The current president, Benigno Aquino III, warned repeatedly during the campaign that Duterte was a dictator in the making and would bring terror to the nation.

However his preferred successor, Mar Roxas, an establishment politician who promised to continue Aquino’s slow but steady macroeconomic reforms, ended in a distant second place.

### **Death squad fears**

Duterte has been accused of running vigilant death squads during his more than two decades as mayor of Davao, a city of about two million people that he says he has turned into one of the nations safest.

Rights groups say the squads - made up of police, hired assassins and ex-communist rebels - have killed more than 1,000 people.

They say children and petty criminals were among the victims.

Duterte boasted on one occasion during the campaign of being behind the squads, saying they killed 1,700 people. But other times he denied any involvement.

Duterte also made international headlines for constant use of vulgar language, including on one occasion branding the pope a “son of a whore”.

After scorching criticism in the mainly Catholic nation, Duterte sent a letter of apology to Pope Francis.

He also said he would visit the Vatican to make a personal apology, but on Sunday reneged on that pledge.

“No more. That’s enough,” Duterte said when asked about the planned trip, pointing out he had already sent the letter.

He said the trip “could be an exercise in duplicity”, as he complained that some Church leaders in the Philippines indicated he may not have been forgiven.

Duterte was raised a Catholic.

But among his closest advisers is Apollo Quiboloy, leader of the Davao-based Kingdom of Jesus Christ religious group who calls himself “the Appointed Son of God”.

**Ayee Macaraig**, AFP / Rappler.com

\* Agence France-Presse. Published 7:08 AM, May 16, 2016. Updated 7:08 AM, May 16, 2016:  
<http://www.rappler.com/nation/133177-duterte-criminals-shoot-kill-capital-punishment>

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