



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I am writing to you on behalf of the Human Rights Committee, the monitoring body of the International Covenant on Civil and Political Rights (ICCPR) and the two Optional Protocols, including the Second Optional Protocol, aiming at the abolition of the death penalty. The Philippines is a State party to all of these treaties. In ratifying the Second Optional Protocol, States parties guarantee that no one will be executed within their jurisdiction.

The Committee is currently in session in Geneva. It expresses its grave concern at information it has received about the passage of a bill through the Houses of Congress to reintroduce the death penalty, for drug related offences, in the Philippines. It understands that the Senate will consider this bill soon.

The State party will recall that the Committee welcomed the enactment in June 2006, of Republic Act 9346 abolishing the death penalty, as well as the ratification by the Philippines of the Second Optional Protocol, in its concluding observations on the State party's fourth periodic report (CCPR/C/PHL/CO/4). It also closed the follow-up to many individual cases upon which the Committee had made adverse findings against the State party under the First Optional Protocol, following the commutation of death sentences to life imprisonment. The Committee regrets this recent development in the State party and recalls that in his statement to the 71st session of the General Assembly last year, the Chairperson of this Committee expressed concern at possible plans by some States to reintroduction the death penalty.

The Committee recalls that article 6 (2) of the ICCPR, which regulates the imposition of the death penalty, provides that, "in those States which have not abolished the death penalty, the sentence of death can only be applied for the most serious crimes". Under the same article, once the death penalty is abolished, through amending domestic law or acceding to the Second Optional Protocol, States are barred from reintroducing it. The Committee reminds the State party about denunciations of the Second Optional Protocol, as set out in its General Comment No. 26 on Continuity of Obligations. The Second Optional Protocol excludes the possibility of denunciation by omitting a denunciation clause to guarantee the permanent non-reintroduction of the death penalty by States that have ratified it.

On behalf of the Committee, I call on the State party to take its obligations under the ICCPR and the Second Optional Protocol seriously and refrain from taking retrogressive measures, which would only undermine human rights progress to date.

Yours sincerely,

Yuji Iwasawa,
Chairperson, Human Rights Committee

Her Excellency, Ms. Maria Teresa T. Almojuela
Ambassador
Deputy Permanent Representative

Cc: Mr. Aquilino Pimentel III
President of the Senate of the Philippines