



INTERNATIONAL COMMISSION OF JURISTS

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Philippines: ICJ calls on Senate to amend counter-terrorism bill

The International Commission of Jurists (ICJ) today urged members of the Philippine Senate not to adopt a new counter-terrorism bill without significant amendments to ensure compliance with international human rights law. In a letter to the Senate, the ICJ expressed concern over the proposed reintroduction of the death penalty for the crime of terrorism, excessive periods of detention without judicial authorization and a number of other far-reaching law-enforcement powers accorded to the military.

"The draft law whilst showing some improvement to previous drafts would if signed into law create a legal framework prone to abuse. The ICJ recognizes that the Philippines have the duty to protect its citizens from acts of terrorism, but 15 days of detention without judicial authorization is excessive and violates international law", said Gerald Staberock, Director of the ICJ's Global Security and Rule of Law Programme. The ICJ stresses that the right of a detainee to be brought before a judge is a vital safeguard against torture and enforced disappearances, as the judge can assess the reasons for arrest and whether there is any sign of mistreatment. Counter-terrorism laws should not alter such fundamental legal rules.

The ICJ is also concerned by the powers granted to military officers to arrest and detain, to wiretap and to monitor financial transactions. The ICJ notes that history provides ample lessons that the use of the military in policing increases the risks of human rights abuses, as they are not trained to act as investigators, law enforcers, prison officials or experts examining bank records.

"We are troubled about the proposal to reintroduce the death penalty by including it in a counter-terrorism bill only months after capital punishment was finally abolished by Congress", said Gerald Staberock. The ICJ also asks the Senate to ensure that the definition of terrorism is construed narrowly to make it absolutely clear that industrial strikes or demonstrations cannot be construed as acts of terrorism.

The ICJ is further concerned by the powers and accountability of the newly created Anti-terrorism Council.

"The Council will have far-reaching and at times open-ended powers, including the establishment of extensive data-bases, a special counter-terrorism force and other powers without specifying their scope, modalities and democratic control. In a state governed by the rule of law such powers need to be properly regulated in order to forestall disproportionate interferences into fundamental rights", said Gerald Staberock.

For further information, please contact Gerald Staberock, International Commission of Jurists (+41 (0) 22 979 3803 or staberock@icj.org).

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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