



Her Excellency Ms Gloria Macapagal-Arroyo
President of the Republic of the Philippines

Copenhagen and Geneva, 27 October 2009

RE: Signing of the 2009 Act penalising torture and other forms of ill-treatment

Your Excellency,

The International Rehabilitation Council for Torture Victims (IRCT) and the World Organisation Against Torture (OMCT) welcome the recent adoption of the ***Act Penalizing the Commission of Acts of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, prescribing Penalties Therefor and for Other Purposes***, by the Philippine Senate and House of Representatives. Now that the Bill has been transmitted to your office, we trust that you will give it your full support and ensure that it will promptly enter in to force.

Torture and other cruel, inhuman or degrading treatment or punishment are strictly prohibited at all times under international law regardless of the person having committed such unlawful acts and what crimes the victim may be suspected of having committed. Victims of torture and ill-treatment as well as, whenever relevant, their next-of-kin, have a right under international law to effective remedies for the wrongs committed and to receive redress, including compensation and rehabilitation. The enactment of a law against torture and ill-treatment would protect the rights of the potential victims of such ill-treatment and would enable the punishment of the responsible individual(s), thus, ensuring there will be no impunity.

The enactment of the Bill criminalising torture and other forms of ill-treatment would also be seen as important progress by the Philippines in partly implementing the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 23 years after having ratified the Convention. The law would ensure a more effective implementation of Section 12 of the Bill of Rights under Article III of the Constitution of the Republic of the Philippines, which *inter alia* prohibits torture and violence, the use of secret places of detention, incommunicado detention and the use of forced confessions, and which stipulates, moreover, that “[t]he law shall provide for penal and civil sanctions for violations of this Section as well as compensation to the rehabilitation of victims of torture or similar practices, and their families”.

Your Excellency, your decision to abolish the death penalty in the Philippines in 2006 was an important illustration of your determination to eradicate one of the cruelest forms of torture. The signing of the Act of 2009 penalising torture and ill-treatment would be an additional important measure aimed at the eradication and prevention of all forms of torture and ill-treatment in the Republic of the Philippines.

Moreover, many countries in the region still do not have a law criminalising torture and ill-treatment and the Philippines could thus, in particular given its current membership in the UN Human Rights Council, provide a good example for other States to take a similar landmark decision.

Your Excellency, this is an unprecedented opportunity to make a difference in advancing the protection of human rights in the Philippines. We therefore trust that you will sign the Act without delay.

IRCT and OMCT thank you for your attention and remain,

Yours sincerely,

Brita Sydhoff
Secretary-General, IRCT

Eric Sottas
Secretary General, OMCT