

## WILLIAM “BILLY” BURTON

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*"Had this offence occurred in this country, [Billy] would have been freed after five years. [He] has deteriorated more rapidly than would have been the case had he not been disabled."*

**Guy Tweedy, Deputy Chairman of the National Advisory Council to the Thalidomide Trust, commenting on William “Billy” Burton’s sentence**



### Summary

William “Billy” Burton, a 49 year old British national with serious health problems, has spent 18 years in a maximum security prison in Manila after he was arrested while in possession of 12 pounds of cannabis. He was initially given a 30 year sentence in 1992 with the possibility of parole after 8 years. However, due to changes in the drug laws of the Philippines, his sentence was increased to 40 years. A further change in the law retroactively applied to Billy also means that he has been deprived of the possibility of parole. His current release date is 2032, by which time Billy will be seventy years old.

Billy suffers from a number of birth defects as a result of his mother having taken the drug Thalidomide during her pregnancy. His incarceration in a maximum security prison with overcrowding and poor conditions has caused his health to deteriorate more rapidly than it would have had otherwise. He is in serious need of medical care only available outside of prison.

A clemency petition for Billy has won initial approval from the Parole and Pardons Board in the Philippines, and Fair Trials International is calling on President Beningo S. Aquino to grant the pardon.

### Background

Billy Burton was arrested at Manila Airport, Philippines, on 26 December 1992 for drug trafficking when trying to board a flight to Australia while carrying 12 pounds of cannabis. He was 29 years old.

Billy was found guilty under the Dangerous Drugs Act 1972. He was initially given a life sentence, which at the time was understood to offer the chance of parole after 8 years. However, later changes to the Philippines’ laws meant that the minimum to serve on a life sentence changed to 30 years, and later increased to 40 years. These laws were implemented after Billy was sentenced. Currently, he is not due to be released until 2032, when he will be 70 years old. Billy has now been in a maximum security prison in Manila since 1992.

Billy is a Thalidomide victim. He was born with shortened arms and twisted hands. His health has deteriorated more rapidly than would have been the case had he not been disabled.

His initial arrest in 1992 was tainted with irregularities. He was never officially informed that he was under arrest. When questioned at trial, none of the three officials who approached Billy could confirm which one of them had arrested William. Additionally, Billy was not informed of his rights. Billy was not offered legal representation during his subsequent interview, during which he was subjected to physical and mental abuse. No records of the interview are available.

Despite these problems, Billy has always taken full responsibility for his offence, and has shown both remorse and good behaviour since his arrest. He is asking for clemency on humanitarian grounds, given the amount of time he has already served and his serious need for medical attention that is not available inside New Bilibad Prison (Manila).

### **Fair Trials International's call for clemency:**

Billy is an ideal candidate for clemency. He takes full responsibility for his offence and shows remorse and good behaviour in prison. He has already served nearly 19 years of his sentence, far longer than the 8 years he believed he would serve when first sentenced. Most importantly, there is a pressing humanitarian need to release Billy. His disability and resulting health problems, including progressive hearing loss that may be halted if properly treated, make him extremely vulnerable in prison. At the age of 48, having spent most of his adult life in prison, his condition will only worsen unless he is released and allowed to seek the medical attention he needs.

In August 2011, the Philippines' National Board of Pardons & Parole (NBPP) considered Billy's appeal for clemency and has forwarded a recommendation of clemency to President Benigno S. Aquino III.

Fair Trials International has written to President Aquino to urge him to pardon Billy. It is hoped that the decision may be made by the end of 2011.

#### **What you can do to help**

**Raise the profile:** You can write to the following to express your concerns about the case.

- Secretary of State for Foreign & Commonwealth Affairs, Rt Hon William Hague MP (King Charles Street, London SW1A 2AH)
- President Benigno S. Aquino III, Office of the President, Malacanang Palace, JP Laurel Street, San Miguel, Manila NCR 1005, the Philippines.

**Donate to our work:** FTI does not charge for its services and relies on your support to help hundreds of people just like Billy and his family. You may also wish to consider organising your own fundraising events. We are always happy to hear what people are doing to raise funds.

**Inform others:** Tell colleagues, friends and family about this case and how FTI works for a world where every person's right to a fair trial is respected.