

PUBLIC

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To: Health professionals
From: Medical Office / Southeast Asia Subregional Team
Date: 21 January 1999

***Further Information on
MEDICAL LETTER WRITING ACTION***

Leo Echegaray: possible imminent execution

PHILIPPINES

[See AI Index: ASA 35/10/98; 27 October 1998]

Theme: imminent threat of resumption of executions/ lethal injection / professional ethics / Philippines

Summary

The Philippine Supreme Court on 19 January 1999 lifted the temporary restraining order on the execution of Leo Echegaray that it had issued on 4 January 1999. The order had been imposed by the Court just hours before Leo Echegaray was due to be executed. Following the new ruling, Quezon Trial Court Judge Thelma Ponferrada was reported on 20 January 1999 to have set a new date for the first execution in the Philippines in over twenty years. Prison officials have been ordered not to divulge the date to Echegaray until sunrise of the day of execution. Justice Secretary Serafin Cuevas was quoted on 21 January as saying that the execution might take place in February.

On 19 January, following ten hours of discussion, the Philippine House of Representatives passed a resolution saying it 'does not desire at this time' to review the death penalty law. 148 members of the 220-member body voted for the pro-death penalty resolution. Following this decision, the Philippine Supreme Court voted 11-2 [with 2 judges abstaining] to lift the temporary restraining order and stated that a new execution date should be set without any further delay. It had issued the restraining order on 4 January in order to allow for further debate of the death penalty law in Congress.

In a public statement, the Catholic Bishop's Conference of the Philippines on 19 January regretted the ruling. Cardinal Jaime Sin told reporters he was 'scandalized' and expressed his disappointment that while 'the rest of the world is abolishing the death penalty ... we, a Roman Catholic country, are re-introducing it'.

Recommended Actions

Appeals are urgently requested from health professionals to the addresses below:

- expressing understanding of the problems caused by crime in the Philippines
- expressing nevertheless unconditional opposition to the death penalty as a violation of the right to life as guaranteed in many international human rights standards, including Article 3 Universal Declaration of Human Rights
- expressing concern that the death penalty carries a risk of irreversible judicial error, and that this risk is heightened by credible reports of the use of torture or ill-treatment of criminal suspects to extract confessions in the Philippines

- emphasising that executions themselves are inhumane and that the use of lethal injection as execution method does not render them humane
- urging President Estrada to commute the death sentence passed on Leo Echegaray

Please send copies of any replies you do receive as soon as possible to the International Secretariat (att: medical team) or inform us of any other feedback.

ADDRESSES

President Joseph Estrada
Malacanang Palace
Manila, Philippines
Fax: +63.2.731.1325
[via Press Secretary to the President]
or: +63.2.833.7793
or: +63.2.832.3793
[via Department of Foreign Affairs]
Email: president@philippines.gov.ph or
erap@erap.com

Serafin Cuevas
Secretary of Justice
Department of Justice
Padre Faura, Ermita, Manila
Philippines
Fax: +63.2.521.1614

COPIES TO:

Domingo Siazon Jr
Minister of Foreign Affairs
Ministry of Foreign Affairs
DFA Building, 2330 Roxas Boulevard
Pasay City
Metro Manila, Philippines
Tel: +63.2.711.6080/831.4407/831.4778/831.4783
Fax: +63.711.9503

Philippine Medical Association
P.O. Box 4039
Manila Philippines
Tel: +63.2.973514
Fax: +63.2.929.4974

Please send either copies of your letters to government authorities with an explanatory cover note to the Medical Association, or address it directly outlining Amnesty International's concerns and noting that medical ethics forbid participation of health professionals in executions. Please refer to the Medical Letter Writing Action AI Index: ASA 35/10/98, 27 October 1998, and the paper 'Lethal Injection: The Medical Technology of Execution', AI Index: ACT 50/01/98, January 1998 for reference.

Please send copies of your appeals to representatives of the Philippines accredited to your country.

Sound bites

"The death penalty is being promoted by its advocates as the magic bullet that will finally slay the beast of criminality. But like other examples of legerdemain, capital punishment is an illusion."

Today Newspaper, Philippines, 20 January 1999

"We are not against abolition, but let us give it a try to see whether it has a deterring effect."

Serafin Cuevas, Philippines Justice Secretary, 12 January 1999

"Well, we are still a developing country, we have no sophisticated intelligence work and equipment. So I think, (changes thought) and we are not yet, I mean, that economically stable, so when everything is already in place, I think we can abolish this death penalty. Echegaray is an exception. He did this not because of poverty, (but) because of his animalistic (character). So, I do not concur in having (changes thought) giving him clemency or reprieve... "

President Joseph Estrada, 12 January 1999, on why he refused to sign the UN protocol against the death penalty

"Capital punishment is an allowable limitation to life...any infliction of pain in lethal injection is merely incidental...and does not fall within the constitutional proscription against cruel, degrading or inhuman punishment."

Philippine Supreme Court, 13 and 21 October 1998

"I am scandalised...The rest of the world is abolishing the death penalty and we, a Roman Catholic country, are re-introducing it."

Cardinal Jaime Sin, Philippines, 20 January 1999

"Darkness is upon us as both the legislative and executive branches of our government insist on finding a solution to criminality by seeking shelter in the shadow of death."

Catholic Bishops' Conference of the Philippines, 19 January 1999

"We are appalled by the court's seeming emotional response to a likewise emotional public opinion on the issue of capital punishment ...Their conduct, much like a lynch mob, best exemplifies the kind of politics this country does not need....These recent events demonstrate the culture of violence, hypocrisy and vengeance that capital punishment perpetuates."

Theodore Te, Leo Echegaray's lawyer, 20 January 1999

"Good...so the death sentence will proceed....so that we can get over this, so that we can start praying for his soul. "

President Joseph Estrada, 19 January 1999