



PUBLIC

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4 February 1999

Further information on EXTRA 84/98 (ASA 35/11/98, 17 November 1998) and follow-ups (ASA 35/13/98, 17 December 1998, ASA 35/15/98, 30 December 1998, ASA 35/01/99, 4 January 1999, ASA 35/04/99, 20 January 1999, ASA 35/06/99, 22 January 1999) - Imminent Execution

**PHILIPPINES Leo Echegaray, aged 38, house painter**

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The execution of Leo Echegaray by lethal injection is scheduled to take place at 3 pm local time (7 am GMT) on Friday 5 February 1999.

President Joseph Estrada told reporters on 4 February that he has had the telephone line from the presidential palace to the national penitentiary cut. Defending the resumption of executions, he said earlier: "I've got to be firm, to send a message to future rapists that we mean business...No one will change my mind."

Leo Echegaray was sentenced to death in 1994 for the rape of his step-daughter. On 4 January 1999 his execution - due to take place in three hours' time - was averted by a last-minute Supreme Court decision to stay his execution until 15 June, in response to an appeal by his lawyers. This was to allow him to benefit from a congressional review of the 1993 law that restored capital punishment for "heinous" crimes such as rape and murder.

On 19 January, however, Congress passed a resolution not to debate the death penalty law "at this time". The Supreme Court subsequently allowed a government appeal against its earlier decision and lifted the stay of execution.

The execution of Leo Echegaray would be the first in the Philippines for 23 years, and the first since the country reintroduced the death penalty in 1993. The Philippines has one of the highest death row populations in the world, with 915 people awaiting execution. More than half of them have been sentenced to death for crimes involving rape. The death sentence is applicable for 46 offences in the Philippines and is mandatory for 21.

Despite appeals from human rights groups, the Catholic Church and the European Union, President Estrada has stated that he will not grant Leo Echegaray clemency.

Regional Trial Court judges were reportedly instructed on 22 January 1999 by Secretary of Justice Cuevas to set execution dates for convicts whose death sentences have been upheld by the Supreme Court. Among those whose executions may be scheduled imminently are Dante Piandong, Jesus Moirallos and Archie Bulan, sentenced in 1994 for robbery with homicide; Pablito Andan, also sentenced in 1994, for rape and homicide, and Marlon Parazo, who is deaf mute and has severe learning difficulties, who was sentenced to death for rape with frustrated homicide in 1995 (for further information on these individuals please see Amnesty International reports, *Philippines: The Death Penalty: Some Questions and Answers and Appeal Cases*, October 1997, AI Index: ASA 35/10/97, and *Philippines, Marlon Parazo, Deaf and Mute, faces Execution*, August 1998, AI Index 35/07/98).

**FURTHER RECOMMENDED ACTION: Please send telegrams/E-mails/faxes/express/airmail letters in English or in your own language:**

- urging President Estrada to commute the death sentence passed on Leo Echegaray;

- expressing unconditional opposition to the death penalty as a violation of one of the most fundamental human rights - the right to life;
- pointing out that the death penalty is imposed disproportionately on the poorest and most disadvantaged, who cannot afford the best possible lawyers for their defence;
- acknowledging the need to combat serious crime in the Philippines, but emphasising that studies around the world have failed to find convincing evidence that the death penalty deters criminals more effectively than other punishments;
- urging President Estrada to consider suspending executions, with a view to completely abolishing the death penalty in line with the United Nations Commission on Human Rights resolution 1998/8;
- reminding the government of the Philippines of its commitment to the Universal Declaration of Human Rights, in particular Article 3: "Everyone has the right to life..."

**APPEALS TO:**

President Joseph Estrada  
Malaca\_ang Palace  
Manila  
Philippines

**Telegrams: President Estrada, Manila, Philippines**

**Faxes: + 63 2 832 3793 (via Department of Foreign Affairs)**

**or + 63 2 731 1325 (via Press Secretary to the President)**

**e-mails: erap@erap.com**

**Salutation: Dear President Estrada**

**COPIES TO:**

Serafin Cuevas  
Secretary of Justice  
Department of Justice  
Padre Faura, Ermita, Manila  
Philippines

**E-mails: doj@erap.com**

**Faxes: + 63 2 521 1614**

**and to diplomatic representatives of the Philippines accredited to your country.**

**PLEASE SEND APPEALS IMMEDIATELY.**