



PUBLIC

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EXTRA 84/98

Imminent Execution

17 November 1998

PHILIPPINES Leo Echegaray, aged 38, house painter

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Amnesty International fears that Leo Echegaray may imminently be executed by lethal injection, following the issuing of a death warrant by Judge Ponferrada of the Quezon City Court. Echegaray's only hope now lies with President Estrada, who has the power to grant clemency. If this execution goes ahead, it will be the first in more than 20 years in the Philippines.

**BACKGROUND:**

Leo Echegaray was sentenced to death in September 1994 by Quezon City Regional Trial Court after being convicted of raping his 10-year-old step daughter. His sentence was confirmed by the Supreme Court in June 1996. Two months later the Free Legal Assistance Group (FLAG) - a leading association of human rights lawyers - filed an appeal against Leo Echegaray's sentence, arguing that his alleged crime had not been proven beyond reasonable doubt and that his trial was unfair. In February 1997 the Supreme Court rejected FLAG's arguments and subsequently ruled that Leo Echegaray could be executed between 28 February and 28 August 1998.

In February 1998 FLAG filed another petition, questioning the constitutionality of execution by lethal injection on the grounds that it is a cruel, inhuman and degrading punishment which violates the Philippines' obligations under the International Covenant on Civil and Political Rights (ICCPR).

However, in rulings on 13 and 21 October 1998 the Supreme Court affirmed the constitutionality of execution by lethal injection. The Court stated that international conventions recognized that "*capital punishment is an allowable limitation to life*" and that "*any infliction of pain in lethal injection is merely incidental... and does not fall within the constitutional proscription against cruel, degrading or inhuman punishment*".

Flag filed a final petition, asking for Leo Echegaray's death sentence to be commuted to life imprisonment on the basis that his execution did not take place within 12 to 18 months after final confirmation of the sentence, as prescribed in the death penalty law. However, the Supreme Court dismissed this appeal and on 16 November 1998 Judge Ponferrada issued a death warrant for Leo Echegaray. In issuing the death warrant, Judge Ponferrada also denied Flag's motion to be notified of the date of execution. Under the death penalty rules, Leo Echegaray will be informed of his execution only 8 hours before it is scheduled to take place.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment, as proclaimed in the Universal Declaration of Human Rights.

The death penalty is an inherently unjust and arbitrary punishment, however heinous the crime for which it is provided. Studies have shown that it is more likely to be imposed on those who are poorer, less educated and more vulnerable than average. The risk of error in applying the death penalty is inescapable, yet it is irrevocable. Furthermore, there is no convincing evidence that the death penalty deters crime more effectively than other punishments.

The Philippines abolished the death penalty in 1987 but reintroduced it in late 1993, despite opposition from human rights groups and the Catholic Church.

It may be imposed for a wide range of "heinous" crimes, including rape, murder, drug-trafficking, robbery with violence, arson and bribery. Since 1994 more than 820 people have been sentenced to death, the majority from the poorest and most disadvantaged sectors of society who are unable to afford a good lawyer for their defence. Amnesty International is concerned at credible allegations made by a number of death row inmates that they were tortured during interrogation to coerce a confession. There are also concerns at the lack of safeguards to ensure that those facing the death penalty receive a fair trial.

See also UA 163/96 (ASA 35/05/96) and updates (ASA 35/07/96, 6 September 1996 and ASA 35/02/98, 24 February 1998).

**RECOMMENDED ACTION: Please e-mail/ send telegrams/faxes/express/airmail letters in English or 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 those from the poorest and most disadvantaged sectors of society who cannot afford the best possible lawyer for their defence;
- acknowledging the need to combat serious crime in the Philippines, but emphasizing 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 of Human Rights resolution 1997/12.

**APPEALS TO:**

President Joseph Estrada  
Malacañang Palace  
Manila  
Philippines

**Telegrams: President Estrada, Manila, Philippines**  
**Faxes: +63 2 832 3793 (via Dept of Foreign Affairs)**  
**or + 63 2 731 1325 (via Press Secretary to the President)**  
**e-mail: president@philippines.gov.ph**  
**Salutation: Dear President Estrada**

Atty. Reynaldo G. Bayang  
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**Salutation: Dear Secretary Cuevas**

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

**PLEASE SEND APPEALS IMMEDIATELY.**

***"Everyone has the right to life..."***  
*Article 3, Universal Declaration of Human Rights*

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>