

EXTRA 64/99

Imm.**PHILIPPINES** Pablito Andan, 26

Pablito Andan is scheduled for execution by lethal injection on Friday 28 May 1999. Amnesty International is concerned that he may have been tortured during interrogation, and that his right to a fair trial may have been violated. The organization is further concerned that these allegations of torture have not been fully and impartially investigated.

Pablito Andan, a former cycle-taxi driver, was convicted and sentenced to death for rape and murder in August 1994. He has testified that he was detained in February 1994 by men believed to be the local mayor's bodyguards, who took him to a hotel room where they blindfolded him and ordered him to confess to the crime of rape and homicide, before taking him to police detention cells. Pablito Andan alleges that to force him to confess the men beat him, held him down on the floor and poured water down his nostrils, repeatedly forced his head down a dirty toilet bowl and injected him in the neck and the buttocks with an unknown substance that made him feel disorientated.

Subsequently Pablito Andan is reported to have confessed to the crime, both to police and later in the presence of the local mayor, police officers and media. At no time was a lawyer present. Pablito Andan retracted his confession when he stood trial, and stated that he had been tortured during interrogation. The Supreme Court recorded Pablito Andan's allegations of torture. However, the Supreme Court admitted Pablito Andan's confession in front of the mayor and members of the police and local media, despite the absence of a lawyer.

BACKGROUND INFORMATION

The Philippines abolished the death penalty in 1987, but reintroduced it in late 1993. On 5 February 1999, the Philippines carried out its first execution in 23 years when Leo Echegaray, a convicted child-rapist, was put to death by lethal injection. The death sentence is applicable for 46 offences and mandatory for 21 in the Philippines, where more than 915 people are now on death row.

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 imposed. Studies have shown that it is more likely to be imposed on those who are poorer, less educated and more vulnerable than average. The death penalty is irrevocable, yet there is always a risk of error in applying it. The risk of error becomes even greater when there are credible allegations that convicted prisoners have been tortured.

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

- urging President Estrada to commute the death sentence passed on Pablito Andan;
- 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 emphasizing that studies around the world have failed to find convincing evidence that the death penalty deters criminals more effectively than other punishments;

- expressing concern at reports that Pablito Andan was tortured during interrogation, a factor which may have prejudiced the fairness of his trial, and calling for a prompt and impartial investigation into this allegation, as required under the UN Convention Against Torture.

APPEALS TO:

President Joseph Estrada
Malaca_ang Palace
Manila
Philippines

Telegrams:President Estrada, Manila, Philippines

Fax:+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
Padre Faura, Ermita, Manila
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and to diplomatic representatives of the Philippines accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 May 1999.