

PHILIPPINESEduardo Agbayani, aged 50

Eduardo Agbayani is scheduled for execution by lethal injection on 25 June 1999. He was found guilty in September 1994 on two counts of the incestuous rape of his daughter. Earlier today Eduardo Agbayani's daughter reportedly sought presidential clemency for her father.

BACKGROUND INFORMATION

The Philippines abolished the death penalty in 1987 but reintroduced it in 1993. On 5 February 1999, Leo Echegaray, a convicted child rapist, became the first person to be executed in 23 years when he was put to death by lethal injection (EXTRA 84/98, ASA 35/11/98, 17 November 1998 and follow ups).

The death sentence is applicable for 46 offences and mandatory for 21 in the Philippines, where 1050 people are reportedly now on death row. The death penalty is mandatory for a number of offences involving rape, including all cases of incestuous rape in which the victim is under 18 years old. Of the 38 or more death sentences that have been confirmed so far, at least 28 have been for cases involving rape.

President Estrada has granted a reprieve three times in the last three months shortly before a scheduled execution. On 15 June he granted a 60 day reprieve to Jurry Andal, Ricardo Andal and Edwin Mendoza, who had been scheduled for execution on 16, 17 and 18 June (see EXTRA 70/99, ASA 35/18/99, 11 June 1999 and follow up). On 6 April a 90 day reprieve was granted to Dante Piandiong, Jesus Morillos and Archie Bulan, who had been scheduled for execution the following day (see EXTRA 47/99, ASA 35/14/99, 24 March 1999 and follow up). On 27 May, Pablito Andan, who had been scheduled for execution on 28 May, was granted a 30 day reprieve (see EXTRA 64/99, ASA 35/15/99, 24 May 1999 and follow up). Amnesty International had raised concern that Dante Piandiong and Pablito Andan were allegedly tortured during detention, a fact which may have prejudiced the fairness of their trials.

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 also that it is more likely to be imposed on the poorer, less educated and more vulnerable sectors of the population. The death penalty is irrevocable and always carries the risk of error in applying it. This risk of error is heightened when torture is used to pressure prisoners into admitting their guilt.

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

- urging President Estrada to commute the death sentence passed on Eduardo Agbayani;
- expressing unconditional opposition to the death penalty as a violation of 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;

- urging the Philippines to establish a moratorium on executions, with a view to completely abolishing the death penalty, in line with resolution 1998/8, adopted on 3 April 1998 by the UN Commission on Human Rights.

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) / + 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
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.