

PUBLIC

AI Index: ASA 35/06/99

22 January 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) - Imminent Execution

PHILIPPINES Leo Echegaray, aged 38, house painter

The execution of Leo Echegaray is scheduled to take place on 5 February 1999, according to an announcement made on 22 January by Secretary of Justice Serafin Cuevas.

Leo Echegaray was sentenced to death in 1994 for the rape of his step-daughter. On 4 January 1999 his scheduled 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 stating it would not 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. Lawyers representing Leo Echegaray are filing a motion asking the Supreme Court to reconsider its decision.

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. It would also make the Philippines the first country in the world to resume executions after reintroducing the death penalty. The Philippines has 864 people on death row, among the highest number in the world. More than half of these 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. He also rejected a resolution by the Senate, approved on 3 December 1998, asking him to commute his death sentence and those of others whose sentences have been confirmed by the Supreme Court, or at least to defer any executions for two years, while Congress completes a review of the law on capital punishment.

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 imminently be scheduled 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 and 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 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 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
Malacaang 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.