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Philippines: Amnesty International joins incest victim's plea for clemency for her father on death row

Amnesty International today urged Philippines President Joseph Estrada to grant clemency to Eduardo Agbayani, 50, who faces execution by lethal injection on 25 June for the rape of his daughter, Eden.

On 22 June, Eden Agbayani delivered a petition for clemency for her father to the presidential residence in Manila, along with members of the Catholic church. She and her sisters also made public appeals to President Estrada on 24 June, asking him to commute their father's death sentence. Eduardo Agbayani was sentenced to death for raping Eden in 1994. She was 14 at the time.

"It is in President Estrada's power to ensure that no more suffering is inflicted on Eduardo Agbayani's family," Amnesty International said. "However heinous his alleged crime, ending his life will not ensure that justice is done -- neither for him nor his daughter. The rights of victims deserve true protection -- executions are not the answer."

If it goes ahead as scheduled, Eduardo Agbayani's execution will be the second to take place in the Philippines in more than 20 years. President Estrada has reportedly approved a cabinet committee's recommendation for the execution to go ahead, but retains the power to stop it at any time.

Background

The incestuous rape of a minor is among 21 crimes which carry a mandatory death sentence in the Philippines. More than one in 10 of the 1,050 people currently on death row in the Philippines have been sentenced for incestuous rape. The death penalty is also mandatory for seven other crimes involving rape, and more than half of those on death row have been sentenced for crimes involving rape.

Among those on death row are individuals arrested without warrant and held incommunicado; who were allegedly tortured during pre-trial detention; who were convicted on limited evidence or who may otherwise have received an unfair trial. They include Marlon Parazo, who is profoundly deaf and mute and has the mental age of an eight-year old. He was sentenced to death despite the fact that the trial court did not ensure that he understood the proceedings.

The death penalty was reintroduced in the Philippines in early 1994 and can be imposed for 46 offences. *The first execution, following reintroduction, took place in February 1999, when Leo Echegaray was killed by lethal injection. At least 17 people could still be executed in 1999.*

President Estrada has given temporary reprieves of execution to seven individuals in the last three months, shortly before their scheduled execution was due to take place. On May 27, Pablito Andan, whose execution was scheduled for 28 May, was given a 30 day reprieve. Amnesty International is concerned that he and another of those to have been reprieved, Dante Piandiong, were allegedly tortured during detention, a fact which could have prejudiced the fairness of their trials.

Amnesty International is unconditionally opposed to the death penalty as it violates the most fundamental of all human rights -- the right to life. The death penalty is no solution to any crime, including that of sexual violence. The organization has urged the Phillipines government to suspend all executions with a view to completely abolishing the death penalty, in line with the United Nations Commission on Human Rights resolution 1998/8.

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For more information please call Amnesty International's press office in London, UK, on 44 171 413 5566.

