

PUBLIC

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Further information on EXTRA 75/99 (ASA 35/20/99, 22 June 1999) - Imminent Execution

PHILIPPINESEduardo Agbayani, 51

Eduardo Agbayani was executed by lethal injection today. President Estrada decided at the last minute to grant a stay of execution, reportedly on the urging of an influential bishop in the Catholic church, but the call from the presidential palace at 3.09 pm came too late. Eduardo Agbayani died two minutes after the call arrived.

Eduardo Agbayani, who has six daughters, the youngest of whom is 11 years old, had been sentenced to death for the incestuous rape of his daughter Eden, who appealed with her sisters and members of the Catholic church to President Estrada to grant him clemency. Outside the prison today, one of his daughters said, "Instead of lethal injection, let him serve a life term in prison. We cannot bear to have him taken out of our lives."

According to the presidential secretary, authorities called the national penitentiary where the execution was taking place, but were not able to get through in time. Prison authorities state that the telephone call granting a stay was received after Eduardo Agbayani had died. A journalist, one of 24 witnesses present at the execution, reported that he saw the door to the death chamber open soon after the lethal injection had been administered, and heard a voice shout "Hold, hold." A prison superintendent who had been standing in the execution chamber rushed out, and there was a commotion in the room beyond. His daughter, who believed the call to be a reprieve that had arrived too late, reportedly cried out "My father, now, when my father is gone. Bring back the life of my father."

President Estrada had earlier told the press: "The only thing I can say is that he should not be forgiven for his sin. His crime is not due to poverty but due to bestiality...This kind of person should no longer live to serve as an example to others."

No further action is required by the Urgent Action network. Many thanks to all who sent appeals on behalf of Eduardo Agbayani. Participants may send a final round of telegrams/telexes/faxes/express/airmail letters, in English or your own language:

- expressing regret at the execution of Eduardo Agbayani;
- 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 review its use of the death penalty, and 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:

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Secretary of Justice
Padre Faura, Ermita, Manila
Philippines

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Commission on Human Rights
Chairperson Aurora Recina
SAAC Building, Commonwealth Avenue
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Philippines

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

PLEASE SEND APPEALS IMMEDIATELY.