



**THE RESUMPTION OF EXECUTIONS IN THE PHILIPPINES:
AN OPEN LETTER FROM AMNESTY INTERNATIONAL TO PRESIDENT ESTRADA**

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Dear President Estrada,

I am writing concerning the planned execution by lethal injection of Leo Echegaray on 5 February 1999 - the first execution in the Philippines in twenty-three years.

Amnesty International has followed closely the intense public debate concerning the death penalty which has taken place in the Philippines since the Supreme Court's temporary stay of Leo Echegaray's execution on 4 January 1999. Now that the Supreme Court has lifted the stay, Amnesty International again appeals to your Excellency to commute Leo Echegaray's death sentence.

The organisation believes a historic crossroads has been reached, and calls on your government to lead Philippine society away from a course which will not serve our common struggle for justice and human rights - and will not offer real protection to the Philippine people from the threat of criminality.

This appeal is written on behalf of the one million members of Amnesty International worldwide, including the Philippines and throughout Asia, who seek to defend and promote the principles enshrined in the Universal Declaration of Human Rights (UDHR) and to work on behalf of victims of human rights violations.

The global struggle for the dignity and fundamental rights of every human person is especially critical for those most vulnerable - so often the poor, women and children. Amnesty International, in the light of this work, has profound sympathy for 'Baby' Echegaray whose stepfather, Leo Echegaray, has been found guilty of raping her when she was 10 years old, and for those many other victims and their families who have suffered the effects of appalling crimes.

However Amnesty International opposes the use of the death penalty as a punishment unconditionally around the world as a violation of the '*right to life*' and the '*right not to be subjected to cruel, inhuman or degrading treatment or punishment*' as proclaimed in the UDHR.

The organisation warmly welcomed the abolition of the death penalty in the Philippines in 1987 and made repeated appeals to Government and Congress not to restore the death penalty in

1994. We have continued to campaign for death sentences passed against Filipinos in the Middle East, Southeast Asia and the Philippines itself to be commuted to periods of imprisonment.

In promulgating the 1987 Constitution the Philippine people moved decisively to restore respect for human rights following the illegal killings, arbitrary arrests, torture and “disappearances” of the Marcos years. Amnesty International believes that the constitutional abolition of the death penalty was an inherent part of this hard-won achievement. Abolition of the death penalty affirmed that the fundamental principles of the UDHR are inalienable, and that in order for human rights to protect us all, they must apply to us all. They cannot be taken away from particular individuals, even those who have committed the most atrocious of crimes.

Amnesty International understands that widespread public calls for the immediate execution of Leo Echegaray following the unexpected Supreme Court stay reflect deep feelings of frustration, anger and fear at sharp increases in the incidence of rape and other violent crimes, and at seemingly chronic failures in an equitable, fair and speedy delivery of justice. It is clear that many in the Philippines believe that the death penalty will serve to deter crime, will offer justice through retribution, and will serve to alleviate the suffering of crime victims.

Amnesty International is convinced that the death penalty will provide no such solutions, but will further reduce respect for the value of human life and risk entrenching a culture of violence deeper into society.

Moreover there is no evidence that the death penalty acts as a more effective deterrent against crime than other form of punishments; it is inherently unjust in that, in practice, it is applied in an arbitrary, selective way that falls disproportionately on the disadvantaged, the ill-educated and those unable to afford competent legal defence; and there is an ever-present risk of trial errors leading to the irrevocable judicial murder of the innocent. Amnesty International is particularly concerned that the risk of judicial errors has been sharply increased due to credible reports of patterns of ill-treatment and torture of criminal suspects in pre-trial detention by law enforcement officials in order to coerce confessions.

At your inauguration as President in June 1998, reflecting on your electoral mandate and public aspirations, you prioritised your government’s commitment to confront criminality and to improve the lives of the poor. Amnesty International deeply regrets that these legitimate aspirations and priorities have been channelled in the direction of the death penalty as a ‘solution’. The organisation believes that genuine crime deterrence lies, not in the prospect of the death penalty, but in the certainty of arrest, conviction and long periods of imprisonment. We therefore urge that official energies and public opinion be redirected towards a comprehensive review of the true nature and causes of criminality, and towards a determined and sustained reform of the criminal investigation and judicial systems.

In many ways the Philippines has been a positive model for the protection of human rights in the region and worldwide. As an original co-sponsor of the 1989 Second Optional Protocol of International Covenant on Civil and Political Rights (ICCPR), aiming for the abolition of the death penalty, the Philippines was at the forefront of a clear worldwide trend towards the progressive restriction and eventual abolition of use of the death penalty. One hundred and three countries -more than half in the world - have now abolished the death penalty in law or practice, and the numbers continue to grow.

The Philippines has moved directly against this trend. Failing to ratify the Second Optional Protocol it had co-sponsored, the Philippines reimposed the death penalty at home in 1994. Rather than seeking to restrict the number of crimes covered by the death penalty to the most exceptional circumstances, the Philippines, with 46 capital offences - 21 of which carry mandatory death sentences - retains among the highest number of capital offences in the world, and there are moves in Congress to add more. In January 1999 51 prisoners were reported sentenced to death raising the total number sentenced in the four years since reimposition to over 900 - one of the highest conviction rates in the world.

Amnesty International deeply regrets these developments and seeks to express international support for the many Philippine voices from Church, human rights, legal and other groups who are dismayed by resumption of executions in the Philippines. The organisation is acutely aware that Leo Echegaray will only be the first person to be strapped to a bed and injected with poison - he is due to be followed this year by Dante Piandong, Jesus Morallos, Archie Bulan, Pablito Andan and Marlon Parrazo, who are among the 23 convicts whose sentences have already been confirmed by the Supreme Court. The execution of Leo Echegaray could set in motion a conveyor belt of judicial executions.

In the light of this grim prospect may I once again appeal to you to grant the clemency petition of Leo Echegaray, and to seek other ways to protect your fellow citizens from crime while upholding the respect for fundamental human rights enshrined in the UDHR - for which, until now, the Philippines has gained rightful international esteem.

Yours sincerely,

Pierre Sané
Secretary General