

UA 178/99

Imm.**PHILIPPINES Josefina Esparas, 45**

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Josefina Esparas is scheduled for execution on 16 August 1999. She was sentenced to death for drug trafficking in April 1995. If the execution goes ahead, she will be the first woman to be executed in the Philippines since the death penalty was restored in 1994.

President Estrada has stated that he is unlikely to grant a reprieve to Josefina Esparas, saying in a radio interview that "Drug trafficking is the most heinous of crimes...That is why I don't think I can grant a pardon, whether the convict is a man or woman..This should be a lesson to all drug pushers who are destroying the future of our youth." Josefina Esparas is reported to have been one of 10 people on death row, into whose cases President Estrada ordered a review in early July 1999, "to see if the convicts committed heinous crimes out of poverty." He stated that "if they committed the crime due to poverty, their sentence will be commuted."

Josefina Esparas was convicted of trafficking 20.09 kilograms of methamphetamine hydrochloride, popularly known as "speed" or "ice" on 27 April 1995. She escaped from jail before her sentence was publicly announced, and was recaptured in April 1998.

**BACKGROUND INFORMATION**

The Philippines abolished the death penalty in 1987 but reintroduced it in 1994. The death sentence is applicable for 46 offences and mandatory for 21 in the Philippines, where 1070 people are reportedly now on death row. The death sentences of 38 or more convicts on death row have been confirmed by the Supreme Court, of whom at least 10 may be executed in 1999. The death penalty is an optional punishment for the unauthorized importation, sale, administration, transportation, manufacture, possession or use of drugs where the quantity of drugs involved is 40 grams or more of opium, morphine, heroin or cocaine; 50 grams or more of marijuana resin; 750 grams or more of marijuana; and 200 grams or more of methamphetamine hydrochloride. Death can also be imposed on those who cultivate marijuana or opium poppy. The death penalty is mandatory regardless of the quantity of the drugs if **they are sold to** a minor, or if the offender is a government official or member of the armed forces or police.

Leo Echegaray, a convicted child rapist, was the first person to be executed in 23 years when he was put to death by lethal injection on 5 February 1999. In June and July 1999 four other people were executed, including Eduardo Agbayani, who was convicted of the incestuous rape of his daughter. His daughter had requested presidential clemency. President Estrada is reported to have instructed his aides to telephone the prison authorities to stay the execution at the last minute. However, the call was received after the lethal injection was administered. Dante Piandiong, Jesus Moralles and Archie Bulan were executed on 7 July 1999. Dante Piandiong had alleged that he was tortured during pre-trial detention. Amnesty International has no information about any investigation of these claims by the authorities. The men continued to protest their innocence until the moment of their death.

President Estrada has granted a temporary reprieve at least four times in the last three months shortly before a scheduled execution.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:**

- acknowledging the seriousness of the crime for which Josefina Esparas was convicted, but explaining your opposition to the death penalty in all cases as a violation of the right to life, pointing out that it has never been shown to have a unique deterrent effect, and is brutalizing to all involved in its application;
- urging the President to use his constitutional powers to grant clemency and commute this and all other pending death sentences;
- drawing attention to world trends to abolish or reduce the use of the death penalty, in accordance with Article 6 of the International Covenant on Civil and Political Rights, to which the Philippines is a state party
- 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  
Malacañang Palace  
J.P. Laurel St  
San Miguel 1005  
Manila  
Philippines

**Telegrams: President Estrada, Manila, Philippines**

**Faxes: + 63 2 742 1641 / 832 3793 (via Dept of Foreign Affairs - works best)  
/ 731 1325 (via Press Secretary to the President)**

**E-mail: erap@ops.gov.ph**

**Salutation: Dear President Estrada**

**COPIES TO:**

Secretary of Justice  
Serafin Cuevas  
Department of Justice  
Padre Faura, Ermita, Manila  
Philippines  
**Fax: + 63 2 521 1614**

Chairperson, Commission on Human Rights  
Aurora Navarrete-Reciña  
SAAC Building,  
U.P. Complex  
Commonwealth Avenue  
1100 Quezon City  
Philippines

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

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 16 August 1999.