

PUBLIC

AI Index: ASA 35/32/99

6 August 1999

Further information on EXTRA 70/99 (ASA 35/18/99, 11 June 1999) and follow-up (ASA 35/19/99, 15 June 1999) - Imminent Execution

**PHILIPPINES**Jurry Andal, 37, farmer] brothers  
Ricardo Andal, 35, farmer]  
Edwin Mendoza, 27, manual labourer

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The men named above are scheduled for execution on 16 August 1999, when the 60 day reprieve granted by President Estrada will expire.

The reprieve was granted in order to allow DNA tests, requested by lawyers of the Free Legal Assistance Group (FLAG), to be done to determine the men's guilt or innocence. The three men were convicted in 1994 of the rape and murder of a 22-year-old teacher.

Forensic scientists from the National Bureau of Investigation (NBI) and the University of the Philippines Natural Sciences Research Institute, who were to carry out the tests, are reported to have submitted their report to the authorities. The report, however, has not been made available to lawyers acting on behalf of the three men. NBI and University of the Philippines forensic scientists have reportedly been told by Justice Secretary Cuevas that he has imposed a gagging order on them speaking about the report. It has also been reported that DNA samples have not yet been taken from the convicted men for comparative testing to take place.

Shortly after their reprieve was granted, the forensics division chief of the NBI told the press that forensic evidence taken from the victim's body and clothing had been rendered 90 percent useless by the chemicals they had been treated with in earlier tests.

Amnesty International is concerned that no investigation has been carried out into reports that Olympio Corrales, the main prosecution witness, was tortured in pre-trial custody and that the defendants' right to a fair trial may have been violated. The prosecutor's case consisted mainly of a statement made by Olympio Corrales, who is the brother-in-law of Jurry and Ricardo Andal. The Philippine Supreme Court ruled that his testimony would carry more weight than the results of a DNA test, saying "...We have ruled that a witness's testimony ought to be entitled to great weight when the accusing words are directed against a close relative... witness Olympio Corrales is a brother-in-law of two of the accused."

#### **BACKGROUND INFORMATION**

Amnesty International has concerns that in the case of Dante Piandiong, Jesus Moralles and Archie Bulan, executed on 7 July 1999, the Presidential Review Committee convened in June 1999 to review allegations of torture, reportedly found "no extenuating circumstance which would call for the President's exercise of his clemency power", despite allegations that the police had used torture to coerce confessions from the three suspects. Amnesty International has no information as to whether, during the Presidential Review process, the claims of torture were properly investigated or what the committee's findings were. The men continued to protest their innocence until the moment of their death.

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

- 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 forms of punishment;
- asking that the findings regarding DNA tests are made available to defence lawyers;
- 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;
- expressing concern at reports that Olympio Corrales was tortured during interrogation, a factor which may have prejudiced the fairness of Jurry Andal, Ricardo Andal and Edwin Mendoza's trial, and calling for a prompt and impartial investigation into this allegation, as required under the UN Convention Against Torture to which the Philippines is a party.

**APPEALS TO:**

President Joseph Estrada  
Malacañang Palace  
J.P. Laurel St  
San Miguel 1005  
Manila  
Philippines

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

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

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

**Salutation: Dear President Estrada**

**COPIES TO:**

Secretary of Justice  
Serafin Cuevas  
Department of Justice  
Padre Faura, Ermita, Manila  
Philippines

**Faxes: + 63 2 521 1614**

Chairperson, Commission on Human Rights  
Aurora Navarrete-Reciña  
SAAC Building,  
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and to diplomatic representatives of the Philippines accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**