



PUBLIC

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Further information on EXTRA 84/98 (ASA 35/11/98, 17 November 1998) and follow-ups (ASA 35/13/98, 17 December 1998, ASA 35/15/98, 30 December 1998 and ASA 35/01/99, 4 January 1999) - Imminent Execution

PHILIPPINES Leo Echegaray, aged 38, house painter

Amnesty International fears that Leo Echegaray's execution may be imminent. Quezon Trial Court Judge Ponferrada today set a date for the execution, and instructed prison officials that Leo Echegaray may only be informed of his impending execution after sunrise on the day itself.

Leo Echegaray was sentenced to death in September 1994 for the rape of his step-daughter. On 4 January 1999 the Philippines Supreme Court had granted an appeal by Leo Echegaray's lawyers to stay his execution. The execution, which was scheduled to take place in three hours, was delayed until after 15 June 1999, in order to allow Leo Echegaray to benefit from a congressional review of the law that restored capital punishment for "heinous" crimes such as rape and murder. The government subsequently appealed against the Supreme Court's decision. After Congress passed a resolution in the early hours of the morning of 19 January 1999 to postpone debate on the death penalty law, the Supreme Court allowed the government's appeal and lifted the stay of execution. Lawyers representing Leo Echegaray have 15 days to file a motion asking the Supreme Court to reconsider its decision.

The execution of Leo Echegaray would be the first in the Philippines in 23 years, and the first since the country reintroduced the death penalty in 1994. It would also make the Philippines the first country in the world that has reintroduced the death penalty to resume executions. The Philippines has one of the highest numbers of prisoners on death row in the world, 864. More than half of those have, like Leo Echegaray, been sentenced to death for rape. The death sentence is applicable for 46 offences in the Philippines, and is mandatory for 21.

Despite appeals from human rights groups, the Catholic Church and the European Union, President Estrada has stated that he will not grant clemency. He also rejected Resolution No. 305 by the Philippine Senate, approved on 3 December, asking him to commute the death sentence on Leo Echegaray and others whose sentences have been confirmed by the Supreme Court, or at least to defer any executions for two years, while Congress completes a review of the law on capital punishment.

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

- urging President Estrada to commute the death sentence passed on Leo Echegaray;
- expressing unconditional opposition to the death penalty as a violation of one of the most fundamental human rights - the right to life;
- pointing out that the death penalty is imposed disproportionately on the poorest and most disadvantaged, who cannot afford the best possible lawyers for their defence;
- 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 President Estrada to consider suspending executions, with a view to completely abolishing the death penalty in line with the United Nations Commission on Human Rights resolution 1998/8

- reminding the government of the Philippines of its commitment to the Universal Declaration of Human Rights, in particular Article 3: "Everyone has the right to life..."

APPEALS TO:

President Joseph Estrada
Malaca_ang Palace
Manila
Philippines

Telegrams: President Estrada, Manila, Philippines

Faxes: +63 2 833 7793

or +63 2 832 3793 (via Department of Foreign Affairs)

or +63 2 731 1325 (via Press Secretary to the President)

e-mail: erap@erap.com

Salutation: Dear President Estrada

COPIES TO:

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

Faxes: +63 2 521 1614

Salutation: Dear Secretary Cuevas

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

"Everyone has the right to life..."

Article 3, Universal Declaration of Human Rights

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>