

UA 163/96

Death penalty

1 July 1996

PHILIPPINES Supreme Court confirms first death sentence

Leo Pilo Echegaray, house painter, aged about 35

On 25 June the Philippine Supreme Court confirmed the death sentence passed on Leo Pilo Echegaray. He had been sentenced to death in September 1994 by the Quezon City Regional Trial Court for the rape of his 10-year-old step-daughter. This is the first sentence to be confirmed by the Supreme Court since the Philippines re-introduced the death penalty at the end of 1993. Leo Pilo Echegaray has the right to appeal to the Supreme Court within 15 days to reconsider his case. Although the Supreme Court may take up to two years to reach a decision on a further appeal, it is thought likely that it will decide quickly.

Amnesty International opposes the death penalty in all cases as the ultimate form of cruel, inhuman and degrading punishment and a violation of the most fundamental of human rights - the right to life, as proclaimed in the Universal Declaration of Human Rights. The death penalty is inherently unjust and arbitrary, however heinous the crime for which it is provided. Moreover, it is often imposed on those with fewer resources available for their defence, or whose social status has made them vulnerable to unfair conviction. The risk of error in applying the death penalty is inescapable, yet the penalty is irrevocable. In addition, the overwhelming conclusion from studies on the topic is that there is no reliable evidence that the death penalty has a deterrent effect on crime.

BACKGROUND INFORMATION

The last execution to take place in the Philippines, by electrocution, was in 1976. The death penalty was abolished by the 1987 Constitution but restored in December 1993, despite opposition by human rights groups and the Roman Catholic Church. It can be imposed for 13 "heinous" crimes, including murder, rape, drug offences, kidnapping and arson. In certain aggravated circumstances, such as the rape of a minor by a relative or guardian, a mandatory death penalty is stipulated. Since 1994 over 150 death sentences have been passed - mostly for rape, murder or drugs offences - and the rate of new death sentences imposed has steadily increased to an average of around six per month.

Death penalty convicts are held in extremely cramped conditions in the National Penitentiary, in a building designed to hold only 40 people.

According to the death penalty law, death sentences are automatically reviewed by the Supreme Court and executions are to be carried out no earlier than one year and no later than 18 months following confirmation of the sentence. Death penalty convicts may also submit a petition for clemency directly to President Ramos, for consideration by the Board of Pardons and Parole. In March 1996 a new law was passed providing for executions to be carried out by lethal injection (see UA 40/96, ASA 35/01/96, 16 February 1996 and update, ASA 35/02/96, 29 March). The Department of Justice has since been instructed to start building an execution chamber.

The majority of those currently under sentence of death are waiting for the Supreme Court to review their cases. So far the Supreme Court has acquitted one person, commuted two sentences to life imprisonment and sent a number of others back to the lower courts for re-trial. There has been increasing public

pressure for the Supreme Court to speed up the processing of cases so that the first executions can be carried out. There have even been calls for the first execution to be broadcast on television.

Amnesty International is concerned that the Philippine authorities re-introduced the death penalty in reaction to rapidly rising crime rates, without addressing the root causes of criminality or considering a thorough reform of the judiciary to bring suspected criminals to justice more effectively. Furthermore, despite re-introduction of the death penalty, high crime rates continue to be a cause for public concern.

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

- urging the President to commute the sentence passed on Leo Pilo Echegaray;
- expressing unconditional opposition to the death penalty as a violation of the most fundamental of all human rights - the right to life;
- recognizing the need to combat the high crime rate in the Philippines but emphasizing that studies have concluded that the death penalty has no known deterrent effect in countries where it is imposed;
- urging the authorities to commute all other death sentences - however heinous the crimes - and to abolish the death penalty.

APPEALS TO:

President Fidel V. Ramos
Malacañang Palace Compound
J.P. Laurel Street
San Miguel, Metro Manila
Philippines

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

Telegrams: President Ramos, Manila, Philippines

Salutation: Dear President

COPIES TO:

Andres R. Narvasa
Chief Justice
Supreme Court of the Philippines
Padre Faure, Manila
Philippines

Faxes: +63 2 522 3211

Archbishop Oscar Cruz
President
Catholic Bishops Conference of the Philippines
470 General Luna Street
Intramuros
Philippines

and to diplomatic representatives of Philippines accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 August 1996.