

PUBLIC

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EXTRA 181/99

Imminent execution

17 December 1999

PHILIPPINES

Alex Bartolome, labourer

Alex Bartolome is due to be executed in early 2000. According to a report in the *Manila Times* his execution has been scheduled for 4 January.

He was sentenced to death in 1995 for the rape of his daughter. The sentence, imposed by the Cagayan de Oro Regional Trial Court, was later confirmed by the Supreme Court.

Amnesty International opposes the death penalty in all cases, however heinous the crime for which it is imposed, as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment, as proclaimed in the Universal Declaration of Human Rights. The death penalty is an inherently unjust and arbitrary punishment: studies have shown that it is more likely to be imposed on poorer, less educated and more vulnerable defendants. The death penalty is irrevocable and there is always the risk that it may be applied in error. Furthermore, there is no convincing evidence that it deters crime more effectively than other punishments.

BACKGROUND INFORMATION

Well over 1,000 prisoners have been sentenced to death since the death penalty was reintroduced in late 1993 for a wide range of crimes, including rape, murder, kidnapping, drugs offences, treason, piracy and bribery.

In February 1999 the Philippines carried out its first execution in 23 years. Leo Echegaray, convicted of the rape of his step-daughter, was executed by lethal injection, despite appeals on his behalf by the Catholic Church, human rights groups and the international community. Since then five others have been executed, including three men who claimed they were tortured by the police and continued to maintain their innocence to the end. Torture and ill-treatment by the police to coerce confessions is reported to be widespread and trials in capital cases often fall short of international standards for fairness. The vast majority of those on death row in the Philippines are poor and unable to afford the best possible lawyer for their defence.

At least 37 prisoners have had their death sentences confirmed by the Supreme Court, the majority of whom were sentenced for crimes involving rape. Prisoners awaiting execution may submit an appeal for clemency to President Estrada. A "conscience committee", created in September and headed by Executive Secretary Ronaldo Zamora, considers each appeal for clemency and recommends to the President whether the condemned prisoner should live or die. The other members of the committee are a Catholic leader, two psychology professors and the chairwoman of a pro-death penalty citizens' group. On the advice of the "conscience committee" President Estrada recently commuted four death sentences but allowed the execution of Pablito Andan to go ahead.

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

- calling on Executive Secretary Ronaldo Zamora and the members of the "conscience committee" to urge President Estrada to grant clemency and

commute to a more humane alternative the death sentence passed on Alex Bartolome;

- acknowledging the seriousness of the crime of which he was convicted, but pointing out that the death penalty has never been shown to have a unique deterrent effect, and is brutalizing to all involved;
- expressing unconditional opposition to the death penalty as a violation of one of the most fundamental human rights - the right to life;
- urging the Philippines to establish a moratorium on executions, with a view to abolishing the death penalty, in line with resolution 1998/8 adopted on 3 April 1998 by the UN Commission on Human Rights.

APPEALS TO (please note that fax tones are sometimes difficult to obtain):

Executive Secretary Ronaldo Zamora (head of the "conscience committee")
Office of the Executive Secretary
2nd Floor, New Executive Building, J.P. Laurel St,
San Miguel 1005, Manila
Philippines

Telegrams: Executive Secretary Ronaldo Zamora, Manila, Philippines

Faxes: + 63 2 736 1010

Salutation: Dear Executive Secretary Zamora

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)

E-mail: rap@ops.gov.ph

Salutation: Dear President Estrada

COPIES 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 14 January 1999.