

PUBLIC

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23 January 2009

Further Information on UA 274/08 (ASA 35/007/2008 25 September 2008) and follow-up (ASA 35/009/2008 6 November 2008; ASA 35/010/2008 19 November 2008) - Enforced disappearance

PHILIPPINES

James Balao (m), aged 47, Indigenous rights activist

On 19 January 2009, the Regional Trial Court in La Trinidad, Benguet province, ruled that the authorities must disclose the whereabouts of abducted Indigenous people's rights activist James Balao immediately. However, the ruling does not grant permission for his relatives and their representatives to inspect places of detention where he may be held, nor does it compel the authorities to hand over documents relating to his case, or offer protection to those who witnessed his abduction.

The Court's ruling was in response to a writ of amparo filed by relatives on 9 October 2008, in an effort to establish what happened to James Balao, one of the founders of the Indigenous people's organization, the Cordillera People's Alliance (CPA). James Balao disappeared on 17 September in La Trinidad town, northern Philippines. Witnesses have told the CPA that they saw him being abducted by armed men, who claimed that they were from the police. The CPA has also said that they had been informed that James Balao is still alive and is being held by state security forces at an unknown location. He is at risk of torture or other ill-treatment.

The 13-page decision on the writ of amparo directed the authorities to "disclose where James Balao is detained or confined, to release James Balao considering his unlawful detention since his abduction, and to cease and desist from further inflicting harm upon his person."

The Court further stated that: the "abduction came at a time when the government is engaged in an all-out war against its perceived enemies, which has resulted in unabated extrajudicial killings, abductions, political persecution...", that "the investigation was very limited, superficial and one-sided", and that "on record is evidence pointing to the more likely than not motive for James Balao's disappearance—his activist/political leanings."

However, while the Court's statements were welcome, the fact that it did not permit the inspection of places of detention, witness protection or the presentation of state documents on James Balao's security and whereabouts; and the fact that the Court took three months to rule on the writ of amparo, have denied James Balao the protection that should have been granted immediately.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Filipino or your own language:

- calling on the Philippine National Police and the Armed Forces of the Philippines to publicly reveal the whereabouts of James Balao, and for the authorities to charge him with a recognizably criminal offence or release him immediately;
- calling on the authorities to order an impartial, prompt, thorough and effective investigation, publish the results and bring those responsible for his abduction to justice;
- calling on the authorities to ensure that all Indigenous rights activists are able to carry out their legitimate work without restrictions or fear of reprisals;
- calling on the authorities to ensure that all cases of extrajudicial execution and enforced disappearance are investigated promptly, impartially and effectively;

APPEALS TO:

Chief of Police

Chief Director General Jesus Verzosa
Philippine National Police
Room 301 DND Building, Camp Emilio Aguinaldo,
E. de los Santos Avenue, Quezon City, Philippines

Email: pio@pnp.gov.ph

Salutation: **Dear Director General**

Chief of Staff (armed forces)

Gen. Alexander B. Yano
Chief of Staff, Armed Forces of the Philippines
Camp General Emilio Aguinaldo
Quezon City, Philippines

Email: via website: <http://www.afp.mil.ph/ghq/csafp/index.htm> (follow link on left-hand side to guestbook)

Salutation: **Dear General Yano**

Important note: If you are sending an appeal through email and the email bounces, please, send to jamesbalao.appeal@gmail.com, with the name of the addressee (e.g. Chief Justice Reynato S. Puno) in the subject line. Your emails will go to AI Philippines, who will print them out and send them by post to the intended recipients.

COPIES TO:

Hon. Leila De Lima
Chairperson, Commission on Human Rights
SAAC Bldg., UP Complex
Commonwealth Avenue
Diliman, Quezon City, Philippines

Email: drpvq@chr.gov.ph, atty_delima@yahoo.com.ph

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 6 March 2009.