Report of an Amnesty International Mission to The Republic of the Philippines

11 — 28 November 1981

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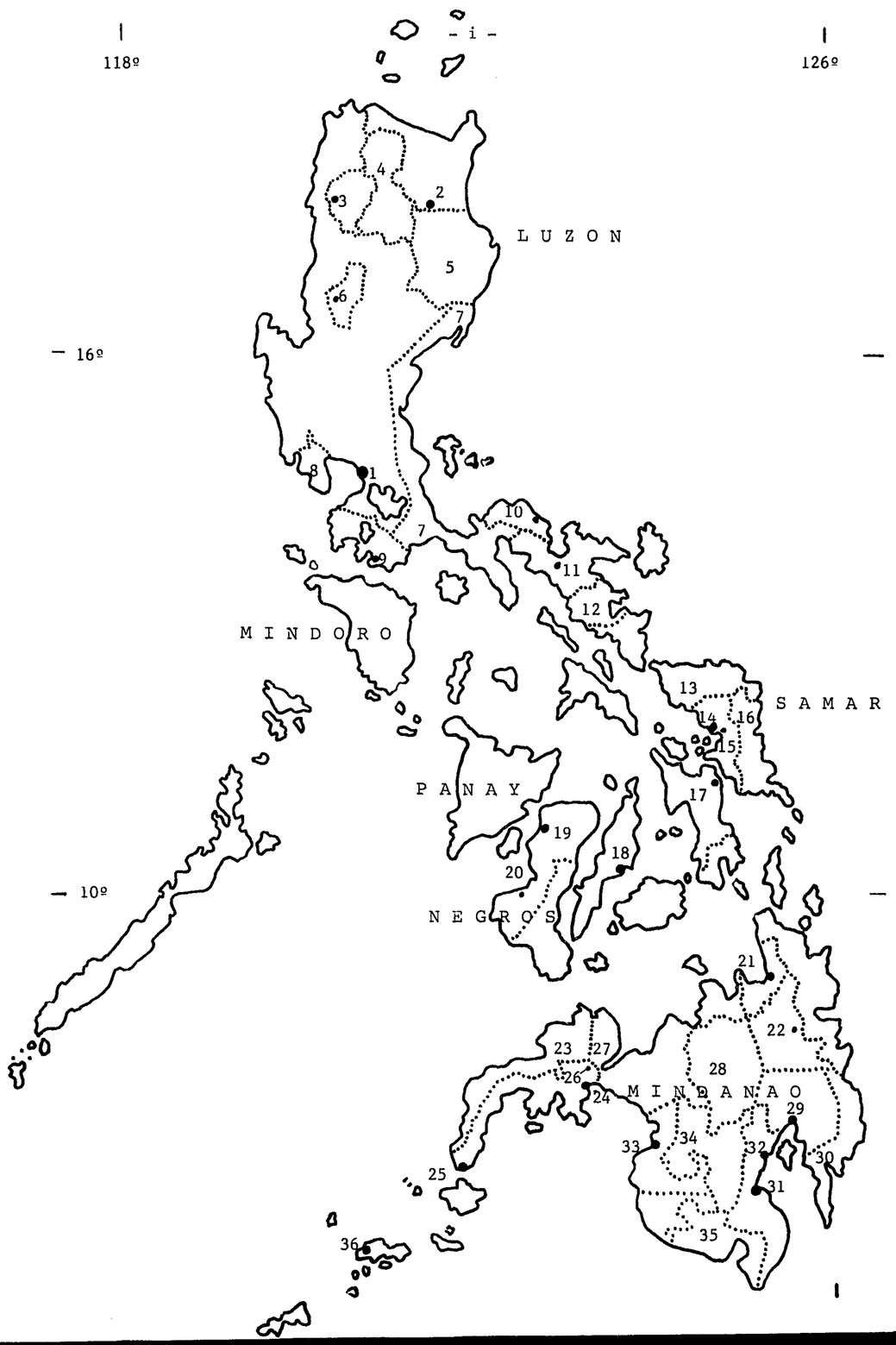

1. Manila
2. Tuguegerao, Cagayan province
3. Bangued, Abra province
4. Kalinga Apayao province
5. Isabela province
6. Baguio, Benguet province
7. Quezon province
8. Bataan province
9. Batangas City, Batangas province
10. Daet, Camarines Norte
11. Naga City, Camarines Sur
12. Albay province
13. Northern Samar
14. Catbalogan, Samar
15. Wright, Samar
16. East Samar
17. Tacloban, Leyte
18. Cebu City, Cebu
19. Bacolod, Negros Occidental
20. Kabankalan, Negros Occidental
21. Butuan, Agusan del Norte
22. San Francisco, Agusan del Norte
23. Zamboanga del Norte
24. Pagadian City, Zamboanga del Sur
25. Zamboanga City, Zamboanga del Sur
26. Josefina, Zamboanga del Sur
27. Misamis Occidental
28. Bukidnon
29. Tagum, Davao
30. Davao Oriental
31. Digos, Davao del Sur
32. Davao City, Davao del Sur
33. Cotabato City, Maguindanao
34. North Cotabato
35. South Cotabato
36. Jolo, Sulu

CHAPTER I: INTRODUCTION

In recent years, Amnesty International has been receiving reports from the Philippines such as the following: (*)

Adora Faye de Vera, then 22 years old, married with one child, was arrested without warrant by a joint team of intelligence and regular Philippine Constabulary (PC) personnel with two others, Rolando Federis and Flora Coronacion, at the railway station in Lucena City, Quezon province on 1 October 1976. The three were taken to a "safehouse" (secret place of detention) for interrogation. There they were beaten and subjected to sexual indignities. Between October 1976 and 30 June 1977, when Adora Faye de Vera was released, the three were transferred from one "safehouse" to another where they were subjected to continual torture and ill-treatment, during which the women were raped. Requests to notify their relatives, for legal counsel, for transfer to a regular detention centre and for medical care were refused. On her release, Adora Faye de Vera swore an affidavit recounting the treatment she and the others had undergone and appealing for the prosecution of named members of the armed forces said to be responsible. As far as can be ascertained, no investigation of her complaint was made. A number of the soldiers named have since reportedly been promoted. The two others arrested with Adora Faye de Vera, Rolando Federis and Flora Coronacion, are still missing and are presumed dead.

Sixto Carlos Jr., then 31 years old, married with two children, was arrested in Manila without warrant on 23 April 1979 and was reported missing until he was located in September 1979. During that period he was held in a "safehouse" and at the Maximum Security Unit (MSU), Fort Bonifacio, Manila and was reportedly subjected to physical and psychological torture and ill-treatment, including severe beatings, deprivation of food and sleep, death threats and denial of medicine for a chronic heart complaint. After he was located his family asked the authorities to investigate his alleged treatment. The family were later informed that an investigation had been made but its findings have not been released. Sixto Carlos Jr. was still detained without formal charge as of May 1982.

Leonilo Artagame, a lay church leader, then aged 25, was taken from his home in the rural barrio of Locotan, Kabankalan, Negros Occidental on 6 February 1978 by soldiers apparently searching for members of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines. After taking him a short distance from his house, the soldiers beat Leonilo Artagame and then tried to run him over with a truck. Leonilo Artagame managed to evade the truck and to escape his captors despite suffering a gunshot wound in the process. After his escape, he executed a sworn statement. The authorities have taken no action to investigate the incident.

(*) Edited statements of Adora Faye de Vera, Sixto Carlos Jr. and Leonilo Artagame are contained in Appendix II.

Macli-ing Dulag, a tribal chief of the Kalingas in Northern Luzon, who had led opposition to government plans to a dam project in Kalinga territory, was shot dead in his home on 24 April 1979. Following widespread expressions of public concern at the incident, both domestically and internationally, the Minister of National Defense appointed a commission to inquire into it. The commission recommended the arrest and detention of four soldiers pending the filing of charges for murder. The case was not brought to trial and at least one of the soldiers is reported to have returned to active duty.

Amnesty International is aware that the Government of the Philippines faces armed insurgencies and has invoked emergency powers to combat them. However international standards governing situations of armed conflict and emergency explicitly prohibit certain practices in any circumstances including torture and arbitrary killing. Reports received by Amnesty International suggested that members of the armed forces of the Philippines had been responsible for acts of unusual brutality for which they were not held accountable. The victims of these practices were reportedly people who were suspected by the authorities of being opposed to the government. The nature of reports received by Amnesty International indicated that those who were victims of these practices included people who had not taken up arms against the government and that they were not engaged in armed combat at the time of the alleged abuses but that many of them were in some form of custody.

Amnesty International's mandate is specific. It seeks the release of "prisoners of conscience" -- people who have been imprisoned for the non-violent exercise of their beliefs, for their ethnic origin, colour, sex, language or religion. It advocates fair and prompt trial for all political prisoners. It opposes without reservation the imposition and infliction of all death penalties, whether court-imposed or otherwise, and torture and other forms of cruel, inhuman or degrading punishment.

Since the imposition of martial law in the Philippines in September 1972, Amnesty International's concerns have extended across the whole spectrum of its mandate. The nature of the reports received from the Philippines in more recent years, including since the lifting of martial law in January 1981, focussed Amnesty International's concern particularly on incommunicado detention, torture and ill-treatment and arbitrary killing.

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The following report is based on the findings of an Amnesty International delegation which visited the Philippines from 11 November to 28 November 1981. The mission delegates were A. Whitney Ellsworth, former Chairperson of the U.S. Section of Amnesty International, Michael Posner, Executive Director of the Lawyers Committee for International Human Rights, and a member of staff of Amnesty International's International Secretariat.

This was the second Amnesty International mission to the Philippines. The first was received by government officials during November and December 1975 and was able to interview detainees held under regulations introduced after the imposition of martial law in September 1972.

In September 1972 President Ferdinand E. Marcos had declared martial law in the Philippines, citing the activities of "lawless elements", comprising principally the Communist Party of the Philippines (CPP), its armed wing, the New People's Army (NPA), and various mass organizations said to be aligned with the CPP, who were alleged to be "waging an armed insurrection and rebellion against the Government of the Republic of the Philippines in order to forcibly seize political and state power." (*) Other elements said to be contributing to the climate of lawlessness were Muslim secessionists active in the western provinces of Mindanao and in the Sulu archipelago; members of the parliamentary opposition officially described as "rightists" alleged to be acting in consort with the CPP; and syndicates engaged in criminal activities often of a violent nature.

With the proclamation of martial law, President Marcos assumed all governmental powers. He used these powers to issue decrees curtailing the rights of assembly, association and expression. He suspended the privilege of the writ of habeas corpus and ordered members of the Armed Forces of the Philippines (AFP) to arrest and detain people suspected of offences affecting national security and public order. Military tribunals accountable to the executive were created to try people charged with these offences.

In the first three years of martial law, over 50,000 people were arrested under the emergency regulations, almost all of whom were detained without charge or trial. The Amnesty International mission which visited the Philippines in November to December 1975 was officially informed that 6,000 people were still detained as of May 1975. The 1975 mission found that 71 of the 107 prisoners interviewed alleged that they had been tortured. The mission found also that torture occurred most often during interrogation after arrest when detainees were commonly held incommunicado, often in secret holding centres known as "safehouses".

The armed forces underwent a substantial expansion in size after the proclamation of martial law. From approximately 60,000 in 1972, AFP strength more than tripled to reach an estimated strength of 200,000 by

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(*) Proclamation No. 1081 Proclaiming a State of Martial Law in the Philippines, 21 September 1972.

1979. An estimated two-thirds of its combat strength was deployed against the Muslim secessionist movement, the Moro National Liberation Front (MNLF), concentrated in the southwest of the country. The armed forces were also engaged in armed combat with the NPA, which expanded its activities from its original bases in Central and Northern Luzon to establish a presence in provinces throughout the archipelago. In addition to its combat role, the armed forces assumed extensive intelligence and law-enforcement functions in connection with their powers to arrest and detain suspected "public order violators".

Since its 1975 mission Amnesty International has continued to receive reports of arrests and detentions in which international law and nationally-prescribed procedures have been violated. Many such arrests have resulted in the "disappearance" of detainees for several months, during which they are reported to have been tortured.

While the pattern of violations noted by the 1975 mission delegates persisted, subsequent reports have given rise to new concerns. Although the number of people believed to be detained for political reasons fell from about 6,000 in 1975 to fewer than 1,000 by the end of 1980, reports in the same period indicated that more people were becoming victims of human rights violations of the utmost gravity, including "disappearance" and extrajudicial execution.

A "disappearance" occurs when a person is taken into custody by the authorities who subsequently deny responsibility for the arrest or abduction and claim to know nothing of the victim's fate or whereabouts. "Extrajudicial executions" are unlawful killings perpetrated for political reasons by order of a government or with its complicity. The United Nations has expressed its concern in recent years at reports of "disappearance" and killings of political opponents by governments as human rights violations of the most serious kind.

It has been noted that "disappearance" and extrajudicial executions commonly violate a number of the most fundamental rights guaranteed in the Universal Declaration of Human Rights: the right to life, liberty and security of person (Article 3), freedom from torture (Article 5), freedom from arbitrary arrest and detention (Article 9), the right to a fair trial (Article 10) and the right to be presumed innocent (Article 11). Resolutions have been adopted within the United Nations calling upon governments to take effective measures to prevent such acts and requesting that the machinery of the United Nations be used to the same end.(*) In February 1980 the United Nations Commission on Human Rights established the Working Group on Enforced or Involuntary Disappearances mandated to "seek and receive information from governments, intergovernmental organizations, humanitarian organizations, and other reliable sources."

The Government of the Philippines has taken a prominent role in sponsoring resolutions in the United Nations calling on governments to

(*) see, e.g., U.N. General Assembly Resolution 33/173 on Disappeared Persons adopted without a vote on 20 December 1978, and Resolution 5 (Extra-legal executions) adopted by the 6th U.N. Congress on the Prevention of Crime and the Treatment of Offenders.

take specific measures for the protection of human rights. The Republic of the Philippines was a sponsor of the Declaration Against Torture adopted by the General Assembly in 1975. Subsequently, it was among the few governments to make a Unilateral Declaration whereby, in Proclamation 1914 signed by President Marcos in October 1979, it stated its intention to comply with the Declaration and implement its provisions through national legislation and other effective measures. During the 35th session of the U.N. General Assembly in 1980, the Republic of the Philippines was a sponsor of Resolution 35/178 on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and of Resolution 35/170 on a Code of Conduct for Law Enforcement Officials, which calls on states to consider favourably the use of the code within the framework of national legislation and practice. The Philippine Government has also stated its intention to promote regional mechanisms for the protection of human rights. (*)

During 1980 the UN Working Group on Enforced or Involuntary Disappearances sent information to the Philippine Government on more than 200 cases of "disappearances" which had been reported to it. In reply the government stated: "Though we share a deep concern for missing persons in the Philippines, we believe ... these persistent reports ... to be misleading and may be again part of the overall propaganda effort of the underground to discredit the Government."

Many of the principles for the protection of human rights set forth in these international instruments, already embodied in the Bill of Rights contained in the Philippine Constitution of 1935, were reaffirmed in the new constitution ratified in 1973 after the imposition of martial law.

The Government of the Philippines consistently affirmed during martial law that "the operation of laws and constitutional provisions not directly related /to/ or affecting the state of emergency" should continue. (**) It introduced extensive formal safeguards intended to ensure that those laws and constitutional provisions were not violated by agents entrusted with law-enforcement and security functions.

Beginning in late 1976 the government announced steps towards "normalization" of the political situation. On 17 January 1981 President Marcos lifted the state of martial law. In doing so, he stated that the government had "significantly defused the dangers of subversion, sedition and rebellion."

Despite these measures and the constantly stated commitment of the government to the protection of human rights, Amnesty International continued to receive reports of gross violations of human rights.

(*) Republic of the Philippines, Discussion Paper, 6th U.N. Conference on the Prevention of Crime and the Treatment of Offenders, 1980, p. 31.

(**) Ferdinand E. Marcos, The Democratic Revolution in the Philippines (Manila, 1977), p. 329.

With regard to some of these reports the involvement of government agents appeared to have been confirmed when the "disappeared" person was located in a regular detention centre. In others, the "disappeared" person's body had been found after the victim had been seen alive in the custody of government agents. Amnesty International has also received detailed testimony from people who alleged that they had been held incommunicado in "safehouses" with others whose fate or whereabouts remain unknown.

In addition, Amnesty International has since 1975 received reports of outright killings of people not engaged in armed combat, particularly in areas where the armed forces had been engaged in operations against insurgent groups. In a few such cases wide publicity and the intervention of influential people led to the initiation of investigations by the government. However, despite repeated assertions by the government that allegations of violations of human rights by its agents would be investigated, the impartiality of the few such investigations that have occurred has been questionable.

The main objective of the 1981 Amnesty International mission was, therefore, to "learn at first hand how ... international customary norms (promoted by the Government of the Philippines in the United Nations) were being observed so as to provide remedies and avenues of redress for those violations of human rights which fall within Amnesty International's mandate" (telex message from Thomas Hammarberg, Secretary General of Amnesty International, to Carlos P. Romulo, Minister of Foreign Affairs of the Republic of the Philippines, 30 January 1981).

The mission's terms of reference included: 1) the investigation of alleged violations of human rights within Amnesty International's mandate, particularly those violations, such as "disappearances" and extrajudicial executions, which were reported to have been becoming increasingly prevalent; 2) the effectiveness of domestic legal and other remedies for such alleged violations; and 3) an assessment of the impact on human rights in the Philippines of the government's decision to lift martial law in January 1981.

To achieve these aims, the mission delegates sought meetings with government officials acquainted with the measures taken by the Philippines both internationally and domestically for the protection of human rights, including officials of the Ministries of Foreign Affairs, National Defense and Justice and the Solicitor General's Office. They also sought the opinions of members of the churches and the legal profession and of others who might enable them to assess the human rights situation in the country particularly after the lifting of martial law. Finally, they arranged extensive interviews in Manila, Davao City, Cebu City, Cebu and Bacolod City in Negros Occidental with victims, relatives and friends of victims and others with first-hand experience of human rights violations allegedly perpetrated by government agents.

The Ministry of Foreign Affairs informed the delegation on 26 November 1981 that it had been unable to arrange meetings with the Solicitor General and the Minister of Justice as requested by the mission delegates because of the unavailability of these officials. However, the delegates were able to meet the Deputy Minister of Defense and Chief of the Office of Detainee Affairs (ODA), Carmelo Z. Barbero. They also met officials of

the ODA, the Command for the Administration of Detainees (CAD) and the Judge Advocate General's Office (JAGO). The delegates found that their discussions with these officials yielded useful information on procedures governing detainees held under the administration of the Ministry of National Defense. They also sought a meeting with the Minister of National Defense, Juan Ponce Enrile, at the end of the mission to seek clarification on certain matters that had arisen during the mission and to convey the areas of Amnesty International's concerns: the meeting did not take place because the minister was occupied with other business. Amnesty International wrote to him after the mission raising questions about arrest and detention procedures since the lifting of martial law; procedures for the investigation and prosecution of complaints against military personnel; and the status of a number of specific cases where investigations or prosecutions of military personnel were reported to have been initiated. No reply was received. Amnesty International sent a second letter on 30 March 1982, after receiving reports of the incommunicado detention and torture of 23 people arrested on 26-27 February 1982 in Manila, and called on the minister to investigate these reports. No reply was received. Amnesty International has sent a copy of this report to the Philippines Government and has undertaken to make public any response received.

The Amnesty International mission delegates met a number of people unconnected with the government interested in the human rights situation including senior church officials and prominent jurists. The former included His Eminence Jaime Cardinal Sin, Archbishop of Manila and President of the Catholic Bishops Conference of the Philippines; the Very Reverend Luis Hechanova, Chairman of the Association of Major Religious Superiors of Men in the Philippines; the Most Reverend Antonio Ll. Mabutas, Archbishop of Davao; and the Reverend Joaquin Bernas, Provincial of the Society of Jesus. The jurists included the then Acting Chief Justice of the Supreme Court, Justice Claudio Teehankee; the President Emeritus of the Integrated Bar of the Philippines, Jose B.L. Reyes, a former Supreme Court judge; the Chairman of the National Committee on Legal Aid of the Integrated Bar of the Philippines, Roberto Concepcion, also a former Supreme Court judge; and the co-Chairman of the Free Legal Assistance Group (FLAG) of the Civil Liberties Union of the Philippines, the former Secretary of Justice Jose W. Diokno.

In the course of its interviews with people with first-hand testimony to present, the delegation received information on 49 cases not previously examined by Amnesty International in any detail in which there were grounds for Amnesty International concern. These cases involved serious allegations of violations of human rights including:

- Twenty-six cases of arbitrary killing in which the victims were reported to have been taken into some form of custody by government agents or by paramilitary units believed to be operating with government sanction. Several of these cases involved multiple killings; ill-treatment, whether taking the form of "manhandling" or systematic torture, which was reported to have occurred before execution in at least 12 cases. One victim is believed to have died as a result of torture.

- Six cases in which the victims may have been executed by government agents but where this could not be confirmed either because the persons involved had "disappeared" or the precise circumstances of death could not be determined. (*)

- A total of 32 cases involving allegations of torture. The proportion was higher in cases of people held in some place of detention: 23 out of 30 such cases included allegations of torture.

Ill-treatment in detention most commonly occurred in unauthorized places of detention, which included "safehouses" and military barracks not designated for holding prisoners. Torture was reported to have commonly occurred in these circumstances while the victim was undergoing "tactical interrogation" immediately after arrest. (**) The delegation also received testimony alleging ill-treatment, torture and executions by government agents outside places of detention, for example in the victim's house. Such reports were particularly common in remote areas where government agents appear to consider themselves exempted from all accountability for what they did.

The Amnesty International mission found that government agents acting in violation of established procedures and laws are rarely held accountable for their actions, even where prima facie evidence of such violations is overwhelmingly strong. The mission confirmed, for example, that in several cases where people had "disappeared", they were later located in a recognized place of detention after having undergone interrogation and torture in a "safehouse". This practice, which violates national legislation, appears to be so prevalent as to amount to standard operating procedure for security and intelligence units. Amnesty International knows of no instance where the authorities have taken disciplinary steps against military personnel specifically on the grounds that they had engaged in such practices. (Further reports of similar human rights abuses have reached Amnesty International since the mission.)

The delegation was able to investigate only a limited number of cases because of their complexity and the constraints of time. Almost all of the cases of alleged violations of human rights it investigated had occurred since the lifting of martial law. A number of cases in which there was no evidence of political motivation or the involvement of government agents were presented to the delegation but are not included in this report. The cases which are included were drawn from all but two of the country's 14 military regions and sub-regions. They represent only a small proportion of the total number of reported cases.

(*) see e.g. the cases of Antonio Santa Ana et al and Leonardo Rombawe, Appendix I.

(**) "Tactical interrogation" is understood to be interrogation intended to elicit information about the disposition, activities and plans of organized forces or groups regarded by the authorities as being engaged in activities undermining public order or national security.

Amnesty International continually receives so many reports of such violations that it is unable to investigate them all in detail. For example, in Cagayan province alone, the Amnesty International delegation was able to examine four cases of arbitrary killings reported to have occurred between February and September 1981 -- yet a domestic human rights group reported 27 cases of individual and 10 of multiple killings described as "massacres" in the period January to November 1981. Moreover, the group's list was evidently not complete: it contained only two of the four cases presented to the Amnesty International delegation. Amnesty International believes that the cases presented to the delegation in themselves are of such a serious nature as to arouse grave concern. However, there is also concern that these cases may have to be regarded as merely representative of the much larger number of reported but unexamined cases involving allegations of a similar nature.

A number of people outside the government told the Amnesty International delegation that members of the armed forces and other government personnel regarded the practices summarized above as justified by the "subversive" activities of government opponents or by overriding interests of national security. In this regard it is worth repeating that legal standards relating to human rights and humanitarian law explicitly prohibit practices like arbitrary execution and torture in all circumstances, including situations of emergency and armed conflict. (*)

In addition, it should be noted that the mission was presented with convincing evidence that in many cases victims of military abuses who were alleged to be "subversives" were either selected at random or abitrarily or because they were engaged in non-violent activities such as organizing unions, participation in the movement to boycott the presidential elections or membership of church-sponsored social action groups.

Finally, the Philippines Government has constantly affirmed its commitment to the rule of law and has introduced extensive measures intended to uphold principles for the protection of the rights of people in the custody of its agents. In practice, the mission found there is overwhelming evidence that the principles enunciated by the government on the treatment of people suspected of crimes of a political nature are systematically disregarded.

(*) see in particular Article 4 of the International Covenant on Civil and Political Rights, common Article 3 of the Geneva Conventions of 12 August 1949 and Protocol II additional to the Geneva Conventions of 12 August 1949. The Republic of the Philippines has signed the International Covenant on Civil and Political Rights and has ratified the Geneva Conventions. It has neither signed nor ratified Protocol II to the 1949 Geneva Conventions.

CHAPTER II: CONCLUSIONS AND RECOMMENDATIONS

Amnesty International concludes from the evidence gathered during its mission to the Philippines in November 1981 that the security forces of the Philippines have systematically engaged in practices which violate fundamental human rights, including the right to life, the right to security of person and the right against arbitrary arrest and detention. Amnesty International has noted in this report the repeatedly stated commitment of the Government of the Philippines to uphold and protect human rights in accordance with the well-developed legal tradition of the country.
Amnesty International is gravely concerned that the types of human rights violations recorded in this report indicate a significant movement away from the principles embodied in that legal tradition. Amnesty International believes that this development is to be dated from the introduction of martial law but has continued since its repeal.

Amnesty International is aware that elements of the opposition confronting the Government of the Philippines are armed and dedicated to the government's violent overthrow. This fact can in no way justify the type of practices attributed in this report to members of the security forces. Amnesty International is concerned that the government's failure to investigate promptly allegations of abuses of the type described in this report and to bring those responsible to justice will result in a further deterioration in the human rights situation. The Amnesty International delegation was deeply impressed by the common desire of those aggrieved parties who presented evidence of violations of human rights to obtain redress through legal channels. Their interest in testifying to the Amnesty International delegation often appeared as a last resort in an attempt to gain redress from the authorities. At the same time, the delegation also noted a growing cynicism in many quarters about the efficacy of redress through legal channels. Amnesty International has received reports of reprisals taken against people acting on behalf of the government who were alleged to have engaged in torture, abduction and killing.
Amnesty International in no way condones such actions by any party. However, Amnesty International believes that they add urgency to the need for prompt measures to bring agents of the government within the framework of the law.

1. Amnesty International has noted the active role played by the Government of the Philippines in sponsoring resolutions in the United Nations calling on governments to take specific measures for the protection of human rights. In particular, the Republic of the Philippines has sponsored resolutions in the United Nations pursuant to the Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Code of Conduct for Law Enforcement Officials, and has issued a Unilateral Declaration stating its intention to comply with the Declaration against Torture and implement its provisions.

Amnesty International recommends that the Government of the Philippines give effect at the national level to the Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Code of Conduct for Law Enforcement Officials particularly with regard to Articles 9 and 10 of the Declaration providing for the impartial investigation and institution of criminal proceedings in cases where there are grounds to believe that acts of torture have been committed and Article 5 of the Code of Conduct prohibiting torture or other cruel, inhuman or degrading punishment in all circumstances including situations of war, public emergency and other threats to national security.

2. Amnesty International is concerned that members of the armed forces and of authorized paramilitary groups such as the Integrated Civilian Home Defense Force (ICHDF) have systematically violated the rights of prisoners including both civilians and captured armed opponents. This has happened sometimes in circumstances of armed conflict. While governments may in such circumstances derogate from certain provisions of international human rights instruments, they may not derogate from the provision against arbitrary deprivation of life or that against torture. This is spelled out in Article 4 of the International Covenant on Civil and Political Rights. Furthermore, Common Article 3 of the Geneva Convention, governing conflicts of a non-international character prohibits *inter alia* torture or killing of prisoners whether civilian or combattant.

The Amnesty International delegation was presented with evidence on 49 cases in which serious allegations were made of abuses by members of the Armed Forces of the Philippines (AFP), the ICHDF, the Integrated National Police (INP) and irregular paramilitary units apparently operating with official sanction. These included allegations of:

- arbitrary killings;
- "disappearance";
- torture and other forms of ill-treatment;
- arbitrary arrest;
- incommunicado detention.

Amnesty International recommends that the government institute immediate and full inquiries into the cases listed in Appendix I of the mission report. These inquiries should be conducted by an impartial body whose terms of reference, working methods, findings and recommendations would be made public. The body of inquiry should have access to all necessary evidence. The government should take all steps necessary to ensure the cooperation of witnesses including steps for their protection.

3. The Amnesty International mission found that the procedures for filing complaints against members of the security forces and other personnel acting with official sanction were deficient. In those few cases where complaints have been investigated, the findings and recommendations resulting from such investigations were rarely announced. Persons wishing to make complaints were often deterred from doing so out of fear of reprisals or because of lack of confidence in the efficacy of doing so. Where investigations found grounds for

recommending criminal or administrative action, these recommendations were not implemented. In particular the mission found that

i) the military prosecutor (the Judge Advocate General's Office) and the courts martial have not shown impartiality in disposing of cases involving military personnel;

ii) agents of the government, primarily members of the armed forces, have enjoyed de facto or de jure immunity from accountability to the civil court system;

iii) agents of the government, again primarily members of the armed forces, have disregarded rulings made by the civil courts.

Amnesty International recommends that the Government of the Philippines review the procedures for investigation, prosecution and punishment of alleged abuses by military personnel and other government employees.

4. The Amnesty International delegation noted that an extensive array of procedural safeguards exist regulating the treatment of persons in the custody of the security forces. The delegation found that these had been systematically ignored with apparent impunity. In Amnesty International's experience, disregard for such safeguards by a government is often a precondition for torture and arbitrary killing.

Amnesty International recommends that the Government of the Philippines ensure that enforcement of laws against violation of procedural safeguards protecting the rights of persons in their custody be undertaken in a manner reflecting the seriousness of such violations.

5. The Amnesty International delegation was disturbed to find that persons held in the custody of government agents were frequently reported to have signed statements waiving their Constitutional rights. The delegation found that such statements were usually reported to have been signed under some type of duress often including torture.

Amnesty International recommends that the Government of the Philippines should guarantee certain basic rights of detainees as non-waivable, including the right to appear before a judicial authority within a prescribed time period. Amnesty International further recommends that the "waiver of detention" by which the detainee waives the right to be delivered to a judicial authority within a prescribed period as provided in Rule 112 of the Rules of Court be abolished.

Amnesty International further recommends that when a detained person acting voluntarily wishes to waive the right e.g. of access to legal counsel, the waiver should be valid only when it has been attested to before an independent witness, preferably a member of the Integrated Bar of the Philippines.

6. The Amnesty International delegation found that intelligence units regularly took persons they arrested to secret places of detention

("safehouses") or held them incommunicado in special holding centres such as the Maximum Security Unit (MSU) at Fort Bonifacio, Manila, or in regular detention centres. During such detention, detainees were often tortured while under interrogation.

Amnesty International recommends that the Government of the Philippines declare that the guarantees accorded to detainees apply to all persons taken into custody by its agents, whatever the reason for their arrest, and that all arrests must be immediately acknowledged and the families informed.

Amnesty International further recommends that the Government of the Philippines set up impartial bodies (constituted like those recommended in 2. above) to inquire into the many well-attested cases of "disappearances", such as those of Milagros Lumabi-Echanis, Sixto Carlos Jr and Adora Faye de Vera, where the victim has subsequently been located in the custody of the military authorities, and that the Government of the Philippines take appropriate action on the findings of such commissions.

Amnesty International further recommends the dissolution of the MSU as a special holding centre where detainees are held in conditions falling far short of those required by the UN Standard Minimum Rules for the Treatment of Prisoners.

Amnesty International further recommends that the practice of holding prisoners in secret places of detention known as "safehouses" should be discontinued immediately.

7. Amnesty International is concerned at the continued suspension of the privilege of the writ of habeas corpus since the lifting of martial law and the introduction through Letter of Instruction (LOI) No. 1211 of 9 March 1982 of procedures giving military personnel discretion not to seek the authorization of the civil courts for arrests and detention.

Amnesty International recommends full restoration of the privilege of the writ of habeas corpus and the repeal of LOI No. 1211.

8. Amnesty International is concerned that the independence of the civil judiciary has been seriously threatened by acts taken by the government during martial law and since its lifting and that, despite the restoration to the jurisdiction of the civil courts of cases involving civilians on the lifting of martial law, the judiciary may be so undermined as to prevent it discharging its functions with the necessary independence.

Amnesty International recommends that the Government of the Philippines introduce a bill to repeal the Judiciary Reorganization Act of 1981 and take all steps necessary to restore security of tenure in the judiciary.

Amnesty International further recommends that the supervision and administration of the judiciary be fully restored to the Supreme Court.

Amnesty International further recommends that cases involving civilians charged with offences of a political nature which are still pending before military tribunals be transferred to the civil courts.

9. Amnesty International has received credible and repeated allegations that irregular paramilitary groups operating with official sanction have committed gross violations of human rights. These include paramilitary groups reported to have been recruited in the Integrated Civilian Home Defense Force (e.g. Rock Christ) and to have been designated Special Unit of the Armed Forces of the Philippines (e.g. Lost Command).

Amnesty International recommends that the Government of the Philippines immediately disband the so-called Lost Command based in San Francisco, Agusan del Sur.

Amnesty International further recommends that investigations to be conducted into the activities of the Lost Command and of Rock Christ also examine the reported links of these groups with members of the Armed Forces of the Philippines and other members of government.

CHAPTER III: THE SECURITY FORCES AND VIOLATIONS OF HUMAN RIGHTS

The Role of the Armed Forces: Martial Law and After

The proclamation of martial law gave the Armed Forces of the Philippines (AFP) extensive new powers. Proclamation No. 1081 reads:

> "Now, therefore, I, Ferdinand E. Marcos, President of the Philippines, by virtue of the powers vested upon me by Article VII, Section 10, paragraph (2) of the Constitution, do hereby command the Armed Forces of the Philippines to maintain law and order throughout the Philippines, prevent or suppress all forms of lawless violence as well as any act of insurrection or rebellion and to enforce obedience to all laws and decrees, orders and regulations promulgated by me personally or upon my direction."

Subsequent General Orders issued by the President authorized the armed forces to arrest people suspected of specified offences including those relating to public order. The Chief of Staff of the AFP was empowered to establish special military tribunals to try cases of people charged with these offences. Their detention under the terms of the orders was to be administered by the AFP. During the period of martial law the size of the AFP more than trebled, its membership growing from 60,000 to 200,000.

The lifting of martial law has led to a reduction of the role of the armed forces only in so far as new cases were removed from the jurisdiction of military tribunals. Proclamation No. 2045, lifting martial law, provided that "the call to the Armed Forces of the Philippines to prevent or suppress lawless violence, insurrection, rebellion and subversion, shall continue to be in force and effect". Earlier, on Armed Forces Day, President Marcos told the troops that when martial law had been lifted the armed forces should "stay in place, continue with your operations and attain your objectives".

The phenomenon of "militarization" in the country has been noted and its consequences deplored by influential Filipinos, including senior members of the church, the judiciary and the legal profession. Jaime Cardinal Sin has observed:

> "Daily we experience the increasing militarization of our lives: the pervasive surveillance of citizens who express dissent democratically by military intelligence; the lack of mercy and prudence shown by special military units against suspected criminals; the use of torture to extract information; the unexpected wealth of many military officers." (*)

(*) Letter to Archbishop John R. Roach, President of the National Conference of Catholic Bishops/United States Bishops Conference, 4 September 1981

Of specific concern to Amnesty International have been persistent reports of torture, "disappearances" and extrajudicial executions allegedly perpetrated by members of the AFP. Reports of "disappearances" and extrajudicial executions have been received with increasing frequency in recent years.

The prevalence of arbitrary killings by people with law enforcement functions has been particularly widely noted in the Philippines, where the practice is commonly referred to as "salvaging". Protests from senior members of the church and the legal profession have not resulted in any evident decline in "salvaging". The Associate Chief Justice of the Supreme Court, Justice Teehankee, stated shortly after the lifting of martial law that "the propensity for violence of undesirable elements of the military and police and others authorized to bear firearms has apparently not abated". (*) In an earlier speech he had noted that "there appear to be no official investigation and verification of the incidents and confirmation of the justification for the killings - at least the same have not been made public or published". (**)

The targets of such killings have been various. Justice Teehankee cites a number of reported cases: indiscriminate firing at crowds by policemen and security guards; the shooting to death of union officers by unidentified gunmen during an industrial dispute; the killing of a Jesuit priest, Father Godofredo Alingal, in Kibawe, Bukidnon; the murder in Numancia, Aklan, of one Celso Rembulat, allegedly by members of the Philippines Constabulary "not lawfully ordered nor in hot pursuit"; the killing of the Kalinga tribal chief, Macli-ing Dulag, allegedly by uniformed Philippines Constabulary men; the killing of nine people in Kabankalan, Negros Occidental, in March-April 1980. Nineteen people, including the Mayor of Kabankalan and members of a special Philippines Constabulary unit were later charged with the murder of seven of the victims. Justice Teehankee described in some detail the killing of Leumin Minguito, a Councillor of Busilac, La Libertad, Negros Oriental, in August 1980:

> "Leumin Minguito was found by village residents dumped dead in a hole located at a nearby hamlet of Mabolho on 28 August last year. His body, with three bullet wounds, was autopsied by the Municipal Health Officer three days later.
>
> "Interviewed by the Concerned Citizens' Committee on Social Justice, Mrs Minguito recalled the Philippines Constabulary men took her husband from their house to the hamlet at about 5 a.m. on 28 August. A few hours later, at about 7.30 a.m., Mrs Minguito heard three gunshots coming from the hamlet.

(*) Address at the Induction of Officers and Governors of the Philippine Ambassadors Association, 19 May 1981, p.2.

(**) Address at the First Annual Convention of the 5th House of Delegates of the Integrated Bar of the Philippines, 12 April 1981.

> "Believing it was the same lawmen who killed her husband, she reported the incident to Mayor Napoleon Camero, who instead endorsed her to a certain Captain Malasa, chief of all Philippines Constabulary men assigned in the municipality. She met the captain twice and was informed that her husband was guilty because he was an NPA /member of the New People's Army/".

Amnesty International has received numerous such reports in recent years. Its delegation was especially concerned to investigate the cases of people who were apparently killed because of their political activities. The delegation was also presented with cases of people killed for reasons that were apparently not political, but rather as a result of private disputes and altercations with government agents or with people who had the backing of government agents. Although it was not within the delegation's terms of reference to investigate allegations of military abuse in general, it was evident that extra-judicial executions, within Amnesty International's definition of the term (*), as well as "disappearances" and torture, occur within a broader context of arbitrary practice: the delegation was informed of instances when government agents had allegedly engaged in robbery, intimidation, sexual molestation and other serious forms of harassment for both political and non-political reasons.

Moreover, in a number of cases reported to the Amnesty International delegation, it was alleged that people in the custody of government agents had been threatened with "salvaging" if they refused to confess involvement in subversive activities. It appears that the fear of being killed after being taken into custody of law enforcement officials is widespread and has been deliberately fostered by government agents to intimidate detainees into making confessions, waiving their constitutional rights, disclosing information or signing statements that they had not been ill-treated while in detention. Such threats assume their force because of the widespread belief that there is a policy of eliminating political opponents. This belief was held by many people interviewed by the Amnesty International delegation and led the mission delegates to look for direct evidence of such an explicit policy on the part of the government. Such evidence as was uncovered or reported was inconclusive in so far as proving that there was a general policy of eliminating political opponents. What emerged more clearly was a pattern of denial and condemnation of such military abuse without effective control being exercised to stop them.

Although it does not appear that particular "disappearances" and extrajudicial executions were authorized by the government before being carried out, failure by the government to take effective action in implementing investigations, making known the findings and disciplining the culprits strongly indicates that the government

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(*) See above p. 4

tolerates, if not condones, such abuses. This makes repetition of such human rights violations more likely. Amnesty International recognizes that government officials have on several occasions expressed their condemnation of military abuses including arbitrary killings. For example, the Minister of National Defense, Juan Ponce Enrile, approved the recommendation of the Barbero Commission after its hearing in Davao City in August 1979 requiring the Chief of Staff of the AFP and the Chief of the Philippine Constabulary

> "to remind all subordinate military/police units to observe at all times the human rights of individuals in the conduct of their operations even as against enemies of the state; that persons who are arrested/captured in operations must be treated with dignity and in accordance with the traditions of the noble profession of arms and that any violation thereof will be a ground for dismissal from the service of the offending personnel without prejudice to their criminal prosecution as the evidence may warrant."

In April 1981 the Chief of the Philippine Constabulary, General Fidel V. Ramos, was reported to have issued guidelines to law enforcement officials on self-defence in response to widespread reports of arbitrary killings by such officials. A summary of these guidelines reads:

> "1. The only justification for law enforcers to kill criminals is self-defense which can only be resorted to when the risk of subduing them peacefully will result in the death of law enforcers or citizens;
>
> 2. The primary duty under the criminal justice system is to arrest offenders and initiate court action against them ... The Philippine Constabulary will not tolerate lawmen becoming prosecutors, judges and executioners of offenders;
>
> 3. All cases of encounters with criminals being arrested or escaping prisoners as a matter of standard operating procedure, shall be covered by autopsy and investigation reports."
>
> (Evening Post, 15 April 1981)

Despite such official guidelines and directives, Amnesty International has continued to receive reports of summary executions, massacres and "disappearances" where the victims are believed to be dead, all allegedly carried out by government agents. In addition, allegations of torture and ill-treatment, which the Amnesty International mission of November to December 1975 found to be widespread, have continued to be received, including allegations of people dying as a result of torture.

Amnesty International recognizes that allegations of abuses of such a serious nature require careful evaluation. It believes that the cases examined by its mission establish strong grounds for believing that such abuses are common, particularly in areas where the New People's Army (NPA) are reported to have established a presence (*). Victims were most commonly people accused of being "subversives", often of being associated with the NPA. According to most reports, active armed opposition was generally regarded as being small-scale even in areas where the NPA were well-established (**). Estimates of the NPA's strength, active membership and mass base vary. In October 1980 the Minister of National Defense put the number of NPA regulars at 5,400, of which 2,800 were armed. In September 1972, when proclaiming martial law, President Marcos put total NPA strength at 7,900, composed of 1,028 regulars, 1,500 combat support and 4,400 service support members. In March 1982 General Fabian Ver was reported to have said that the armed strength of the NPA had not grown in the decade since 1972. The NPA itself reported in late 1980 10,000 armed personnel nationwide, of whom 2,500 were regulars. The National Democratic Front (NDF), which describes itself as "a framework or channel for the unity, cooperation and coordination of all national democratic forces ... basically rely[ing] on the people's armed revolution to overthrow and replace the fascist dictatorship ... and extending support to the New People's Army, the Bangsa Moro Army and other armed organizations determined to fight the U.S. - Marcos dictatorship" (***), claimed in September 1980 a total mass base of 4.5 million, one million of whom were in mass organizations.

A large number of cases of military abuses reported to the Amnesty International mission occurred in the Cagayan Valley of Northern Luzon, the Bicol region of Southeast Luzon, Negros Occidental and Samar in the Visayas and several provinces of Mindanao. These were predominantly remote areas where the NPA had established a presence and may be considered as a representative but not exhaustive list of provinces from which reports of military abuses have been received. In addition such reports have also emanated from more inhabited and accessible areas, including Manila, Davao City and provincial capitals.

The mission was presented with evidence that in a high proportion of cases killing occurred after interrogation and torture or after the victim had been taken to a place of detention, indicating that death occurred after the victim had been taken into some form of custody. The mission found no evidence in any of the cases investigated that the victims were killed in encounters with military or police personnel as the authorities have sometimes alleged. In most of the cases brought

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(*) Amnesty International has also received frequent reports of such types of abuse in areas of Mindanao where the MNLF is active, but has been unable to investigate these allegations.

(**) In late 1981, an NPA spokesman asserted that the NPA was active in more than 400 municipalities in 47 of the Philippines' 72 provinces.

(***) Asiaweek, 19 March 1982

to the mission's attention the authorities also alleged that the victims of torture, "disappearance" and killing were in some way associated with the NPA, but there was considerable evidence that the violations reported were in fact arbitrary or due to the victim's engagement in non-violent activities such as union organizing, participation in the movement to boycott the presidential elections of June 1981 or membership of church-sponsored social and pastoral organizations. Most important, as has been officially recognized, such practices by government agents would not be justified even if the victims were active NPA members.

Structure of the Security Forces

The Philippines military establishment consists of four services: the army, navy, air force and the Philippines Constabulary (PC). Of these, the PC has been regarded as the senior service in terms of both age and prestige. While the role of the armed forces in what had traditionally been civilian matters was expanded with the proclamation of martial law, historically the separation between military and police functions in the Philippines has not been clearcut, especially with regard to the duties of the PC.

The PC, originally named the Insular Police Force, was founded by the U.S. colonial authorities in 1901 to maintain peace and order throughout the Philippines. As such, it rather than the local police, over which the PC then had supervisory powers, undertook all but routine law enforcement duties including the suppression of dissident movements. Although charged with civilian responsibilities and under the control of the Department of the Interior, it was organized along military lines and its members subject to military discipline.

From 1935 to 1950 the PC underwent several phases of separation from and integration with police and military establishments. In July 1950 it was fully merged with the AFP and placed under the control of the Department of National Defense, a status which it has retained ever since. In 1975, by Presidential Decree (PD) No. 765, the Integrated National Police (INP) was established, comprising the PC as its nucleus and the integrated police forces as components, to function directly under the Department of National Defense. Although the INP is not part of the AFP, PD No. 765 provided that the PC would remain a major service of the AFP.

The duties of the PC under martial law were officially defined as comprising "general police duties"; "miscellaneous police duties" as assigned by explicit provision of law, by direction of the President, by deputation and by request which include enforcement of the Anti-Subversion Law; "special duties", including general supervision of the police forces; "national defence duties", including providing "rear area security and damage control during war" and "building up its Reserve Force during peacetime"; and "martial law duties", consisting of the "enforcement and implementation of Presidential Decrees, General Orders and Letters of Instruction". (*)

(*) Investigator's Handbook, pp. 3 - 5

Since the proclamation of martial law, the PC's duties in practice included: intelligence and security duties; combat duties in suppressing movements aiming at the armed overthrow of the government; the administration of detainees arrested by members of the armed forces, the police and officials designated to make arrests under the martial law provisions; supervision of the Integrated Civilian Home Defense Force (ICHDF), the civilian militia which has greatly expanded since 1972 to assist the AFP in its law enforcement role; and the integration of municipal and local police forces. The wide-ranging powers of the PC since the proclamation of martial law therefore spanned military, intelligence and policing roles ostensibly directed at suppressing the insurrection which occasioned martial law.

In areas where the armed forces were engaged in relatively high levels of combat with the NPA or the Moro National Liberation Front (MNLF), they were organized into special military commands: Northern Command in Northern Luzon; Eastern Command in Samar; Southern and Central Command in Mindanao. However, in addition special units were active which, although sometimes acting in cooperation with regular provincial commands, were directly accountable to regional rather than provincial commanders or directly to central authorities in Manila. These units were: intelligence units; special combat units, such as the Long Range Patrol of the PC and Airborne units of the army; and Task Forces comprising PC and army personnel.

Intelligence Units

Since September 1972 there has been a proliferation of intelligence and security units empowered to arrest and detain people suspected of offences relating to national security. Their chief coordinating body is the National Intelligence and Security Authority (NISA), whose Director-General, General Fabian Ver, is concurrently head of the Presidential Security Command and Chief of Staff of the AFP. NISA is "the focal point for direction, coordination and integration of government activities involving national intelligence and security".(*) Although described as a coordinating agency, NISA has agents of its own in the field who arrest, detain and interrogate alleged political offenders. The Amnesty International delegation was informed by officials of the Department of National Defense that NISA agents undertaking arrests were subject to the COMCAD procedures for reporting arrests.(**) Formally, NISA is also responsible to the National Security Council (NSC) and hence the President, its chairman, for preparation of "intelligence estimates of local and foreign situations for the formulation of national policies by the President". (***) The Director-General of NISA sits as a technical adviser on the NSC and supervises the NSC's secretariat.

(*) PD No. 1498 (National Security Code), sec. 6
(**) For these procedures, see below p. 22
(***) PD No. 1498, sec. 6

The Presidential Security Command (PSC) is closely allied to NISA in both functions and personnel. Also headed by General Fabian Ver, the PSC, which has an estimated strength of 15,000, has reportedly assumed an extensive intelligence role since 1972. The Amnesty International delegation was informed of several instances where approaches to PSC officers were made by families trying to trace missing relatives believed to have been held incommunicado by one of the intelligence services.

The intelligence services coordinated by NISA, which have been most frequently reported to have arrested, detained and interrogated suspects engaged in political activities are:

- the Intelligence Service of the AFP, (ISAFP) whose operating units are known as Military Intelligence Groups (MIGS);
- the PC's intelligence service, C2, whose operating arms are Regional Security Units (RSUs), also referred to as R2s, including the intelligence branch of the PC Metro Manila Command, the Metrocom Intelligence and Security Group (MISG);
- other PC units, with less clearly defined intelligence roles, including the Criminal Investigation Service (CIS), the Constabulary Anti-Narcotics Units (CANU) and Special Operations Group (SOG);
- army intelligence, G2, whose operating units are known as Military Security Units (MSU).

The Amnesty International delegation was informed by an official of COMCAD that its procedures for handling arrests applied in cases where the arresting unit is a branch of the intelligence services. These procedures require:

- the prompt reporting of arrests to COMCAD;
- the prompt transfer of detainees to recognized detention centres;
- prompt access of detainees to relatives, legal counsel and medical examination;
- delivery to an inquest authority who shall determine probable cause and/or confirm the identity of the detained person; and determine that the detainee has not been ill-treated and that any confession has been made in accordance with the constitutional safeguards provided for in Article IV, section 20 of the 1973 Constitution.

The Amnesty International delegation found that in practice intelligence units commonly disregard established procedures, particularly during the period of "tactical interrogation" immediately after arrest. Moreover, statements from officials of the Ministry of National Defense, members of the AFP and members of the judiciary suggest implicit acceptance by these officials that intelligence units are not in fact subject to these procedures. Deputy Minister of Defense, Carmelo Z. Barbero, commenting on the incommunicado detention in PC provincial headquarters, Laguna, of a suspected member of the April 6 movement, Rolando Montiel, was quoted as justifying the denial

to the detainee of access to family and legal counsel on the grounds that he was undergoing "intelligence interrogation" which "could not be interrupted for anybody". (*)

Benjamin de Vera, arrested on 10 June 1981 in Davao City, was missing for more than 50 days after having been removed from a regular place of detention on 13 July 1981. In response to a letter from his father requesting information on his son's whereabouts, Brigadier General Alfredo Olano, regional commander of Region XI, stated that "Benjamin has been borrowed by the intelligence family of a higher authority for further interrogation on a matter of national strategic intelligence value".

It is reportedly the view of some members of the AFP that disregard for the rules governing treatment of persons suspected of national security offences is justified when the latter are undergoing "tactical interrogation" as distinguished from "custodial investigation". The Joint Circular of the Ministers of Justice and National Defense on Implementation of Article IV, Section 20 of the 1973 Constitution dated 11 July 1974 covers people under custodial investigation, which is defined as occurring when "the investigation ceases to be a general investigation of unsolved crimes and begins to focus on the guilt of the suspect and the suspect is taken into custody or otherwise deprived of his freedom of action in any substantial manner". The circular explicitly does not cover "general on-the-scene questioning of citizens in the fact-finding process". However, Amnesty International finds no authority in Philippine law or in international law for such an interpretation, and government officials have asserted unequivocally that the respect for human rights required of members of the AFP and law enforcement personnel is absolute (see above).

As already noted, the mission found that detainees were commonly tortured during periods of incommunicado detention while undergoing "tactical interrogation" in non-recognized places of detention such as "safehouses".

The delegation was also presented with cases where even after detainees had been transferred to a regular place of detention after interrogation in a "safehouse", relatives were denied information on their whereabouts.

Special Combat Units

The delegation learned of the existence of a number of special combat units only loosely incorporated into the regular chain of command whose activities have given ground for concern. These included the PC, the Philippines Army (PA) and composite task forces assigned to provincial, regional or special commands, whose units often appear to be accountable only to their own commanders. Among the task forces

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(*) Evening Post, 6 February 1981, p. 4

brought to the delegation's attention, against which allegations of concern were made to Amnesty International, were:

- Task Force Kanlaon, operating in Negros Occidental under the command of the Deputy Regional Commander, Region VI, Colonel Rafael Jotie;
- Task Force Lorro, based in Libertad, Butuan City, and operating in Agusan del Norte and Agusan del Sur, under the command of Colonel Ricardo Viajar;
- the Philippines Army Task Force Agusan, based in Butuan City and operating along the Agusan River, under the command of Colonel Rogelio Villanueva;
- First Composite Infantry Battalion, comprising PC, PA, navy and air force personnel and based in Trento Agusan del Sur; it is commanded by Colonel Roberto Manlongat and is accountable to Brigadier General Jose F. Magno, head of Central Command covering Regions X and XI.

Amnesty International has also received reports of particular PC and PA battalions who had gained notoriety for their allegedly persistent misconduct. These included the 60th PC Battalion, assigned in Kalinga-Apayao in 1978 and then transferred to Northern Samar; the 44th PA Battalion assigned in Kalinga-Apayao from October 1979 until June 1980; and the 51st PC Ranger Battalion. formerly based in Bukidnon.

In addition, Amnesty International has received disturbing reports about the activities of special combat units assigned to particular areas to combat armed dissidents and criminal groups. The Long Range Patrol Group (LRP) of the Philippines Constabulary is one such special force. It is based at Camp Bagong Diwa, Bicutan, Metromanila, but its units are assigned throughout the country. Amnesty International has received reports of LRP units active in Samar, the Bicol region, the Cagayan Valley, Abra and Negros Occidental.

In one case an LRP unit is reported to have abducted seven men from a wedding party in March 1980; their bodies were found six months later on a hacienda. An LRP unit of about 50 men under Captain Florendo Baliscao was assigned to Kabankalan, Negros Occidental in March 1980, reportedly at the request of local planters who were concerned at rising violence in the area. According to evidence presented in court, "the place was a haven of lawless elements such as subversives, bandits, fanatic groups, etc ... for which reason ... Captain Baliscao and his troop were dispatched to that place. This is because his troop of the PC was trained ... to effect counter offensive moves (against) all these conditions inimical to the goals of the New Society". The order to send the LRP to Kabankalan was given by the Chief of Constabulary, General Ramos, and a subsequent decision that the unit should remain in the area, despite requests to move them, was made by President Marcos who, in a note addressed to

General Ramos, said:

> "Let us keep the special task force you sent to Southern Negros Occidental based in Kabankalan. And let us train the local ICHDF and arm them before we withdraw the task force. This is necessary as there are reports of subversive activity there again." (*)

The LRP were reported to have been assigned to track down members of a quasi-religious armed band, the Salvatores, and members of the NPA in the area. The unit did not wear uniforms, but were often distinguished by tee-shirts bearing the words "Walang Patawat" (No Mercy). They were reportedly not accountable to the provincial commander but to their commanding officer, Lt.Col. Bernardo Ocampo, based at Camp Bagong Diwa.

The bodies of the seven men were found on 16 September 1980 on the hacienda of the father of Pablo Sola, Mayor of Kabankalan. The victims were allegedly abducted on 29 March 1980 by members of the LRP accompanied by guides. After the discovery of the bodies murder charges were brought against five named people, including Pablo Sola and Captain Baliscao, and 14 John Does identified only as members of the LRP. A warrant of arrest was served on Captain Baliscao on 25 October 1980. His commanding officer, Lt. Col. Ocampo, had already requested the municipal court of Kabankalan on 14 October to grant him custody of Captain Baliscao, citing Executive Order No. 106 of 1937, which authorizes a commanding officer to take custody of a subordinate charged before a court. While under his commanding officer's custody, Captain Baliscao was assigned to active duty in Northern Luzon. In his motion for custody addressed to the court, Lt. Col. Ocampo stated:

> "Capt. Florendo Baliscao is in command of a company in operation somewhere in Northern Luzon in the Task Force Wildfire ... the service of said officer is badly needed not only for the good of the service but also for the peace and order campaign presently being launched ... the undersigned [Lt.Col. Ocampo] is ready, willing and able to take said officer into custody and undertakes and obligates himself to produce the body of said Capt. Florendo Baliscao whenever and wherever this Honourable Court may direct."

This motion was granted by the municipal court judge on 28 October "in the interest of state security".

(*) Opposition to Motion of Prosecution to Transfer Detention of Captain Florendo Baliscao, People of the Philippines V Pablo G. Sola et al (Criminal Case Nos. 4352-58), p.7

Captain Baliscao appeared in April 1981 for bail hearings and arraignment before the Court of First Instance, Bacolod City, to which the case had been transferred. On 21 May 1981 a lawyer of the Judge Advocate General's Office presented a motion to the Court of First Instance opposing an earlier prosecution motion for the transfer of Captain Baliscao to detention in Bacolod City. The motion argued on the basis of a memorandum from President Marcos to Supreme Court Justice Ericta that Captain Baliscao should be tried by court martial. (*) Moreover, it was argued that evidence of Captain Baliscao's guilt was not strong:

> "... the police records show widespread killing, banditry, subversive [activity] etc. [in the area]. It is our belief ... that there is more reason to believe that it was the insurgents, the bandits and/or outlaws who have committed the alleged offense, unless of course the deceased persons were the outlaws themselves for whom the Government (had) dispatched the LRP. [emphasis in original] If they are, then I pray time to this Honourable Court to submit evidence showing that the Government have awarded unto the LRP, particularly to Captain Baliscao, for work well done."

On 14 July 1981, the Court of First Instance was informed through the PC provincial command that Captain Baliscao had gone absent without leave. He did not reappear at subsequent hearings of the murder case.

The Integrated Civilian Home Defense Force (ICHDF)

The ICHDF is under the supervision of the Office of the Integrated Civilian Home Defense Force of the Philippines Constabulary and is under the command of the Philippines Constabulary. It operates as a civilian militia throughout the country and in January 1979 was reported to be approximately 75,000 strong. Amnesty International has

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(*) The relevant section of the memorandum reads:

> "On the sound and wise policy long recognized in civilized countries that the Armed Forces are composed of men who fall under the Articles of War which are by no means rescinded by the constitution and in recognition of the right of every soldier to demand a court martial by his own peers which is recognized in such Articles of War, I direct that the Armed Forces personnel charged with any offense related to the performance of their duties be placed under the jurisdiction of Court Martial created under the Articles of War."
> (Memorandum of President Marcos to Justice Ericta, 26 April 1981)

The principle that Armed Forces personnel charged with an offence related to the performance of their duties should be tried exclusively by court martial was reaffirmed in PD No. 1822 dated 16 January 1981 but published in May 1981 (see Legal Background, p. 62.

received persistent reports of abuses committed by members of the ICHDF both acting alone and in conjunction with armed forces personnel. Disturbing allegations about the nature of ICHDF recruits and their lack of training were made to the Amnesty International delegation.

In some areas recruits are reported to include criminals and the personal bodyguards of locally powerful figures. Another source of recruitment is reported to be members of irregular quasi-military political, religious or criminal groups. For example, Rodrigo Labajo was arrested in Laac, Davao del Norte, on 10 August 1981 by members of the Caballeros de Rizal for Agricultural Endeavour, an armed quasi-religious organization, some of whom had been recruited into the ICHDF; Epifanio Puebla was last seen on the South Davao Development Corporation (SODACO) farm in Toril, Davao City, on 22 April 1981, in the custody of men described by different informants as company security guards, members of the ICHDF and "reformists" (i.e.members of a quasi-religious group, the Rural Reformist Movement).

Although members of the ICHDF are strictly accountable to the PC, Amnesty International has received reports that non-PC units had also recruited and armed civilian personnel who had thereafter been designated as ICHDF members. After its assignment to the border region of Zamboanga del Sur and Misamis Occidental in May 1980, the Airborne unit of the Philippine Army recruited members of the quasi-religious organization Rock Christ into the ICHDF and supplied them with arms. (*) The Presidential Assistant on National Minorities (PANAMIN), the government agency charged with responsibility for tribal Filipinos, has its own security organization, PANAMIN-CHDF. These ICHDF units are commanded by PANAMIN-appointed tribal chiefs and are under the sole authority of PANAMIN. (**) The Amnesty International delegation was informed, however, of instances where PANAMIN-CHDF members had engaged in joint operations with AFP units, but regular AFP commanders have asserted that they had no authority over the activities of the PANAMIN-CHDF.

With the exception of the PANAMIN-CHDF, all the units described above are part of the structure of the AFP and fall within its chain of command, even if some of them appear to operate more or less independently.

Irregular Paramilitary Units

Amnesty International has also received reports of human rights violations by irregular paramilitary groups allegedly acting with

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(*) See below, p. 45

(**) It is reported that the largest component of PANAMIN's budget is for security; it is heavily staffed with former military personnel.

official approval. These groups were reported to be religious, political or criminal in character and in some cases to exhibit a combination of these characteristics. The delegation received allegations that in Mindanao alone the following paramilitary groups operated with government sanction in 1891: Rock Christ, the Lost Command, the Rural Reformist Movement, the Charismatic Movement of the Philippines, the Ilagas and the 4Ks (Kasal-anan, Kaluwasan, Kinabuki, Kabus (sin, salvation, life, poverty)). (*)

(*) This is not a comprehensive list of such groups reported to be active in the area. A survey of quasi-religious groups covering only the provinces of Zamboanga del Norte, Zamboanga del Sur and Misamis Occidental recorded 14 other groups, some of which were alleged to have been armed (Tribal Forum, February - March 1982, pp. 2 - 5).

Illustrative cases

A. Violations by regular security forces

Antonio Abon, "Temy" and others (*)

Early on the morning of 23 July 1981 a dozen soldiers raided Juanito Salas' farmhouse in Barrio Osmena, Maraput, southwest Samar and arrested him and his 16-year-old brother-in-law, Antonio Abon. The soldiers, who were not in uniform, belonged to the 20th Mechanized Infantry Battalion (MIB) of the 5th Division based in Parasunan, Pinabacdao, southwest Samar. They were accompanied by two local policemen and a guide. No arrest warrant was produced.

The group was led by Captain V.A., a commander of the Gebarin Detachment, Bravo Company. The guide was a man from Legaspi who was reported to have been tortured earlier as an NPA suspect. Captain V.A. accused Juanito Salas of being "Commander Opuc" of the NPA.

The two prisoners were taken to the house of a neighbour, Alfredo Bachau, who was ordered out. All three were then tied up and taken to another part of the barrio, where six others were arrested. All of the prisoners were then tied to banana trees and beaten. Juanito Salas' nose was cut by a soldier. The others were also tormented before all were taken to the guards' quarters in the barracks in Gebarin where the PC detachment was based. The soldiers began drinking and interrogated the prisoners who were forced to sing while the soldiers used their heads as drums, beating them with two-inch square wooden battens until they bled. The prisoners were made to dance; ordered to remove their trousers; to masturbate and kiss and punch each other.

The soldiers then took them outside and made them lie down between the guards' quarters and the barracks proper. A prisoner called Temy was taken behind the barracks. The sound of gunfire was heard. "Then a soldier came in again and told V.A. 'one more, sir'", Juanito Salas said later. "This time it was my brother-in-law (Antonio Abon) who was taken out and likewise shot at the back of the barracks." That night the six remaining prisoners were taken to the General Headquarters of the 5th Infantry Division in Parasanun, where they were kept for a week and were again beaten and ill-treated.

Meanwhile, the wives of Juanito Salas and Alfredo Bachau were trying to obtain their release. In Tacloban, Leyte, Station DYBL has a radio program, Operation Bulig (Need) in which listeners are invited to phone in their problems. The family talked on the radio about their missing relatives. They said that even if their relatives were dead, they wanted to see the bodies. The radio announcer telephoned Brigadier General Salvador Mison, commander of Eastern Command (EASCOM), and asked for an explanation.

(*) This account is based on information supplied to Amnesty International.

The prisoners were later transferred to Camp Lukban (EASCOM HQ): they were told they were being sent there for their wounds and injuries to heal. During their week in the camp, however, they were interrogated under torture. They were beaten, hung by the neck for five minutes and "used as punching bags" when they refused to admit that they were NPA. Others were beaten by a drunken soldier, Sergeant G. They received no medical treatment.

When they were freed on 23 August they were told that if they were found in their mountain farmlands again, they would be killed. The release paper signed by Matasalin Pereiras, Mayor of Maraput, reads:

"Official Receipt

The undersigned received the living body of the following named individuals in good physical condition this 22nd day of August 1981 at Gebarin, Maraput, Western Samar.

Names

1. Robert Bachao y Villanueva
2. Freddie Bachao y Jaclito
3. Juanito Salas y Anyano
4. Rodrigo Naraja
5. Sonny Allevo y Llasyon
6. Avelino Grefiel Buniel

The undersigned further certifies that the above named individuals are all in good condition when I received them"

Amnesty International knows of no investigation into the incident. It has received information that Captain V.A. has been replaced as commander of the Gebarin detachment -- he is reported to have been promoted to major and assigned to Tarlac, Central Luzon.

The immediate cause of tension in the area was reportedly the activities of German B. Aranes Incorporated, an Anglo-Filipino logging company with a large concession in the vicinity of Gebarin. In March 1981 a strike of workers at the company was settled with the promise of higher wages. Workers subsequently complained that the promised wage increase had not been paid. The 20the MIB was assigned to Gebarin after a suspected case of arson in May in which the company lost much of its equipment. Amnesty International has received reports that other people were detained, tortured and killed by the 20th MIB during operations in July but has not been able to investigate the allegations.

Ronilo Magdayao (*)

Ronilo Magdayao was approached by two men in civilian clothes with guns drawn on Rigo Street, Pulupandan, Negros Occidental, on the night of 27 October 1981 as he was leaving a food stall. When he tried to run away, they shot him in the left leg. They ordered him to stand up and dragged him to a waiting car where he was forced to lie face down. He said one of his captors was a man called C.C., believed to be a Criminal Investigation Service (CIS) agent of the PC. He later said: "I heard one of them saying that the chief might not want a shooting ... One of them answered that they would just tell the chief that I had resisted C."

Ronilo Magdayao was driven to a "safehouse" in Murcia, Bacolod City, where his hands were tied; he was gagged and blindfolded and placed in a toilet. He was told that he would be interrogated the next morning and threatened with execution if he did not tell the truth. "One of them told me to prepare for the following morning and advised me to tell everything that I knew. Otherwise my body will be of no use to my family and only the soil can make use of me." Early in the morning, however, he managed to escape, and eventually reached the Riverside Medical Center where he was treated for six days for a gunshot wound.

Ronilo Magdayao believed he was picked up as a suspected member of the NPA. He said his captors addressed him as "commander". In 1976 he was dismissed from his full-time job at the Hacienda Montilla, Pulupandan, after he had taken part in a drive to organize a branch of the sugar workers' union, NUSI-PAFLU. He later became an active member of the local Kristianong Katilingban (KK, the Basic Christian Community initiated by the Bishop of Bacolod, Msgr. Antonio Y. Fortich).

Margarito and Evilio Osorio (**)

In a pre-dawn raid on 21 April 1981, nine uniformed men surrounded the house of Avelina Osorio in Mudiang, Ilang, Bunawan, Davao City. They identified themselves as members of the PC and said they wanted her son, Margarito. Another son, Evilio, and his wife, Felicissima, who lived nearby, heard the commotion and went to see what was happening.

(*) This account is based on information provided to Amnesty International; on affidavits sworn by Ronilo Magdayao and Basilio Pungyan; and on a medical certificate issued by Dr. Nicanor Torres of Riverside Medical Center, Bacolod City.

(**) This account is based on information supplied to Amnesty International; on the affidavits of Felicissima L. Osorio and Avelina T. Osorio; on Medico-Legal Necropsy Reports of the Office of the City Health Officer, Davao City; and on newspaper reports in the Mindanao Daily Mirror (4 June 1981), the Mindanao Times (4 - 5 June 1981) and the San Pedro Express (8 - 10 June 1981).

They were intercepted at gunpoint by members of the PC unit. Soon after the barrio captain arrived, escorted by nine other PC members. He vouched for the good character of the two brothers, but the soldiers replied they were members of the NPA and would be taken for investigation into the San Pedro Cathedral bombing. They escorted the brothers in the direction of Tibungco cemetery, refusing to allow Avelina and Felicissima Osorio to accompany them.

Less than an hour later the women heard the sound of gunfire. Felicissima Osorio ran to the Tibungco cemetery but was forbidden to enter by the soldiers. She waited outside for about three hours and then saw the bodies of her husband and brother-in-law being carried away on wooden planks. Avelina Osorio had in the meantime visited the Tibungco police station and the PC Headquarters in Davao City looking for her sons. She returned to the Tibungco police station at about 11 a.m. and saw their bodies there.

The soldiers were believed to be members of the 56th PC Battalion. Two were identified by their nameplates as "M." and "F.".

Two days before the killings, on 19 April 1981, Easter Sunday, two bombs exploded in San Pedro Cathedral, Davao City, during evening mass. Soldiers reportedly fired indiscriminately in the direction of the cathedral as the explosives were heard. Nineteen people died and approximately 150 were wounded in the incident.

In a sworn statement, Avelina Osorio said the PC had told her they were taking her sons away in connection with the cathedral bombing.

After the shooting of the Osorio brothers, another person was killed and others arrested by the PC and the police, all reportedly in connection with the cathedral bombing:

- On 22 April Miguel Balbaina was shot dead by plainclothes police in Magsaysay Park, Davao City, allegedly as he was about to throw two grenades;
- On 23 April six people accused of being members of the NPA and responsible for the San Pedro Cathedral bombing were arrested in Sitio Ubalde, Agdao, Davao City, by a PC unit led by Metrodiscom (Davao City, District Command) commander, Lt.Col. Wilfredo Cruz;
- On 25 April three Muslims (Malu Alba, Rusty Tipas and Reynaldo Usman) were arrested by a Metrodiscom unit in Matina and Talomo, Davao City, on suspicion of being members of the MNLF responsible for the bombing. On 29 April Malu Alba reportedly signed a five-page "confession", later subscribed before a judge of the city court, in which he reportedly admitted handing grenades to two unnamed men, who were assumed to have thrown them into the cathedral. On 1 May he was flown to Manila under military escort reportedly to meet President Marcos and be confined in Camp Aguinaldo.

After the killings, the military authorities said that Margarito and Evilio Osorio were members of the NPA who had been "killed in an encounter". In early May the Davao City chapter of the Integrated Bar of the Philippines (IBP) set up a fact-finding committee to investigate the San Pedro Cathedral bombing and related incidents, including the killing of the Osorio brothers. The committee held public hearings, took statements from Avelina and Felicissima Osorio and interviewed eye-witnesses at the site of the killing. On 3 June the committee announced that it had concluded that the brothers had not been killed in an encounter and that they would be filing a murder complaint against 18 men of the 56th PC Battalion. Following the announcement, General Ramos, Chief of the PC, and Brigadier General Olano, Commander of PC Region XI, were reported to have ordered an investigation. The IBP's complaint was filed at the city fiscal's office on 9 June.

The Medico-Legal Necropsy reports of the City Health Office, Davao City, recorded that the body of Evilio Osorio had eight gunshot wounds and his brother's 22. There were also contusions on both bodies.

Antonio Santa Ana, Jemeliana Paguio and Vivencio Santos (*)

On 24 June 1981 two union organizers in the Bataan Export Processing Zone, Bataan, Antonio Santa Ana and Jemeliana Paguio, were arrested without warrant by 12 members of the 176th PC Company in Orion, Bataan. Antonio Santa Ana was arrested with his wife and seven-year-old daughter. They were taken to Camp Tolentino, Balanga, Bataan. Their families were not allowed to visit them for a week. On 29 June 1981 Antonio Santa Ana's wife and child were released after relatives had presented a temporary release order. The order applied also to Antonio Santa Ana but his release was refused.

On 7 July 1981 the camp was visited by the family of another detainee held in Camp Tolentino, Vivencio Santos, reportedly arrested on 8 June 1981 for participation in the election boycott movement. They were told that he, Antonio Santa Ana and Jemeliana Paguio had escaped earlier that day. On 11 July Antonio Santa Ana's wife visited the camp and she was told that the three had escaped. Since the alleged escape, none of the three has contacted relatives or friends, who fear that they were killed in detention.

On 19 July 1981 relatives of Jemeliana Paguio and Antonio Santa Ana wrote to President Marcos requesting him to order an investigation and giving their reasons for believing that the three had not escaped as alleged, including the fact that Antonio Santa Ana was in the process of finding a guarantor for his temporary release; that Jemeliana Paguio had already found a guarantor for her release; and that Vivencio Santos would have been eligible for bail when he came up for trial on 8 July 1981.

(*) This account is based on information supplied to Amnesty International.

The Bataan Export Processing Zone (BEPZ) is an industrial area west of Manila. Union activity in the zone, as in all processing zones in the Philippines, is limited: under labour legislation introduced during martial law, the government can order striking workers in "vital industries", which include companies in export processing zones, to return to work and accept arbitration. After martial law was lifted, there was a substantial increase in the number of strikes in the Philippines, including in the BEPZ. Antonio Santa Ana and Jemeliana Paguio had reportedly assisted in organizing strikes, overtime bans and protests against excessive quotas and unfair working practices.

Mamerto Penaflor, Dominador Penaflor, Antonio Bandola (*)

Mamerto Penaflor, 52, his cousin Dominador Penaflor, 34, and Antonio Bandola, 40, were taken separately from their homes in Barrio Beberon, San Fernando, Camarines Sur (Bicol region) by a group of eight men believed to be members of the PC and ICHDF early on 23 August 1981. The arresting unit wore military fatigues but no nameplates. They did not present warrants of arrest. One of the ICHDF members was identified as N.L. The wives of Mamerto and Dominador Penaflor recognized other members of the arresting unit as members of the PC detachment based in Antipolo, Minalabac, Camarines Sur.

Mamerto Penaflor was accused by the unit of harbouring members of the NPA in his house and hit twice in the stomach with the muzzle of a rifle. The other two were not ill-treated at the time of arrest. The three prisoners were seen being led away in the direction of the PC Camp in Antipolo.

At about 9 a.m. the wife of Dominador Penaflor saw a car pass her house coming from the direction of Antipolo. It contained a number of men whom she identified as PC soldiers, her husband, Mamerto Penaflor and Antonio Bandola. The three prisoners' hands and feet were bound. Thirty minutes later, she heard gunfire and shortly after, a private jeep followed by a PC jeep passed her house. Her husband and the two others inside the private jeep were, she said, "riddled with bullets".

That afternoon Lydia Penaflor and Josefina Bandola, the wife of Antonio Bandola, went to the municipal building in San Fernando, where they saw the bodies of their husbands and Mamerto Penaflor. Policemen at the municipal building told the women that the bodies had been

(*) This account is based on information supplied to Amnesty International; and on the affidavits of Lydia Penaflor, Ursula Penaflor and Josefina Bandola sworn before the assistant provincial fiscal of Camarines Sur; and on Medico-Legal autopsy reports issued by the Regional Health Office, San Fernando, Camarines Sur.

delivered to them by PC soldiers who had alleged that the three men were NPA members. The next day, on learning from Lydia Penaflor of the killings, Ursula Penaflor, wife of Mamerto Penaflor, went to the municipal building. She was also told by the police that a group of PC soldiers had delivered the bodies alleging that they were "subversives and enemies of the government".

Autopsy reports issued by the municipal health officer state that all three men had suffered multiple gunshot wounds and gave the cause of death as "irreversible shock secondary to severe haemorrhage due to multiple gunshot wounds".

On 24 August Lydia Penaflor reported the incident at the PC provincial headquarters. She met the deputy provincial commander, but "when I was about to reveal [the incident] to that person ... [he said] that I was the wife of an NPA and, feeling afraid that something wrong might happen to me ..., I left the PC headquarters and went home".

On 2 September 1981 the wives of Mamerto Penaflor, Dominador Penaflor and Antonio Bandola sent a telegram to President Marcos saying their husbands were not NPA members and requesting him to "cause fair and honest investigation of said case so we may be cleared of our disturbed mind". The three women swore statements in Naga City before the assistant provincial fiscal of Camarines Sur on 9 October 1981. Ursula Penaflor concluded her statement by telling the fiscal: "I want the incident to be investigated and brought to the proper authorities so that justice will be given to my husband". On 9 October 1981 they joined a group of about 175 people from various towns of Camarines Sur who went to the provincial council of Camarines Sur to complain about military abuses. The women were assured of assistance and protection by the chairman of the council; the provincial fiscal; the head of the local Citizens Legal Assistance Office (CLAO); and the president of the Camarines Sur chapter of the IBP. As of May 1982, no further action is known to have been taken on the cases.

Silvino (Ninoy) Octeza

Silvino (Ninoy) Octez was shot dead outside a ricemill in Sagaysay, Guinobatan, Albay, Camarines Sur (Bicol) after lunch on 21 June 1981. Eye-witnesses identified his killer as a sergeant of the PC detachment based in Upper Binogsacan, Guinobatan.

In a statement sworn before an assistant provincial fiscal in Legaspi City, Albay, on 18 November 1981, Felicissimo Flores, a farmer, said he was standing at the door of the ricemill when the incident took place:

> "I saw PC C.O. and policeman Dante Oliquino riding on a motorcycle. [They] stopped in front of the ricemill carrying long arms which I believe were armalites. Sergeant C.O. alighted ... and called Ninoy Octeza who was also riding on a motorcycle. Ninoy, who was alone, stopped ... Sergeant C.O. approached Ninoy [and] fired

his armalite at him. Ninoy slumped over his motorcycle bleeding profusely ... Sergeant C.O. came forwards and placed a hand gun just a few inches from Ninoy's dead body. Then he went away."

It was later alleged by the police that Silvino Octeza was about to shoot at Sergeant C.O. In the course of a statement by Silvino Octeza's father, Simplicio Octeza, to an assistant provincial fiscal in Legaspi City on 23 October, the following exchange occurred:

Q. It appears from the police blotter of Guinobatan, Albay, that your son, Ninoy, had a gun which he was about to fire /at/ Sergeant C.O. What can you say about that?

A. That is not true, sir. I never saw or heard that my son carried a gun. On the contrary, from my own investigation, I learned that the alleged gun was only thrown in by Sergeant C.O. - after he shot my son Ninoy - to justify his murder.

The authorities have also alleged that Silvino Octeza was a "known NPA commander". The allegation was made on 28 July 1981 in the Solicitor General's return to the writ of habeas corpus presented to the Supreme Court by J. Antonio Carpio and Grace Vinzons Magana, in which the government sought to establish ties between the NPA and the boycott movement, the Kilusang Mamamayan para sa Tunay na Demokrasya (KMTD, the People's Movement for Genuine Democracy), in which the petitioners were involved. The return also asserted that Silvino Octeza was killed in an encounter with the PC. The relevant section of the return reads:

"One of the speakers in the rally of the KMTD held at Daraga, Albay, on June 7, 1981, was a certain Ninoy Octeza, a known NPA commander, who was killed two weeks later, in a shoot-out with elements of the PC."

On 24 June 1981, 71 residents of Guinobatan signed a letter addressed to both President Marcos and the Minister of National Defense describing Silvino Octeza as someone who "openly decried the abuses of the military in his community" and calling for justice. A copy of the letter was sent to the Albay chapter of the IBP which unanimously adopted a resolution on 29 June 1981 appointing eight lawyers to investigate the killing "with the end and view of prosecuting /the assailant/". On 23 October 1981 Simplicio Octeza swore an affidavit before an assistant provincial fiscal of Albay. According to the local FLAG lawyers, "no formal charges have been filed due to fear of witnesses".

Jaime Nierra

Jaime Nierra, a 19-year-old market vendor, was arrested without warrant as a suspected member of the NPA at the Queen's Cinema in

Davao City on 8 June 1981 by policemen from Bansalan, Davao del Sur, which is where he lived. On arrest his hands were tied and his face covered and he was taken by bus to Bansalan. There he was reportedly taken to a "safehouse", interrogated and tortured. He was able to identify only three of his interrogators, the others being masked. Numbering in all about 20, they reportedly took turns in beating him on the chest and lower abdomen. Those he could identify were Patrolman A.G., a Patrolman E. and a member of the ICHDF called D.

The following day he was taken to the ABC Gym next to the Bansalan municipal hall, where the local INP has its headquarters. He collapsed after reportedly being beaten and placed in a sack and was taken to the municipal jail. He later asked relatives who visited him and fellow detainees to see that he received hospital treatment. They were apparently afraid to do so.

Two days after his arrest, on 10 June 1981, his family received information that his body was in a local funeral parlour. It was covered in bruises, especially dark about the ribs. There were scald marks on his skin around the buttocks. His finger joints appeared to be broken. His genitals were swollen and bruised. Stitches closed a cut over his right eyelid. The body had been delivered to the funeral parlour by policemen who reportedly ordered the owner of the funeral parlour not to disclose this fact.

No action was taken on the death of Jaime Nierra until 31 September 1981, when his sister wrote to Dominador N. Calumba II, a lawyer and co-Chairman of the Digos Community Relations Action Center (CRAC), one of two centers set up with government and private participation after the August 1979 Barbero Commission hearings in Davao City. (*) Copies of the letter were sent to Bishop Generoso Camina of Digos and the Minister of National Defense. The letter concludes:

"His incident of salvaging never reached the ears and eyes of the unknowing public. Only a handful of fearful citizens know /of/ the incident. Even the press and radio people were innocent /of the incident/ or, if not, preferred to remain silent."

Further steps, such as the filing of a complaint for murder against the identified policemen and ICHDF member, were not taken because of fear of reprisals.

Amnesty International has received frequent reports of alleged abuses by military personnel in Davao del Sur. A list covering the month of August 1981 includes cases of unauthorized arrest, detention without trial, abduction followed by killing and burning to death (**)

(*) See below, p. 90

(**) It is alleged that on an unspecified date in August 1981, ten farmers of Kapalagan Digos, Davao del Sur, were arrested by soldiers of the 22nd Marine Company. After the soldiers had failed to gain any information from interrogation, the farmers were allegedly burned to death.

as well as other serious forms of harassment of the civilian population. Amnesty International has not been able to investigate these allegations.

Teodoro Alegado and Epifanio Simbayon

Teodoro Alegado and Epifanio Simbayon were arrested on 25 June 1981 with two women at the house of the sister of the barrio captain of Barrio Lourdes, Pagadian City, Zamboanga del Sur, by elements of the 461st PC Company on suspicion of being members of the NPA. One of the women was released immediately with her seven-month-old baby. The others were taken to the PC provincial headquarters at Camp Abelon, Pagadian City. In the afternoon of 26 June the two men were transferred to Pagadian City Jail. (The second woman was not transferred but was released the next day.)

At about 4 p.m. on 29 June the two were taken by four members of the local CIS investigating team back to Camp Abelon for investigation into the recent killings of three men, among them a member of the CHDF, Teodoro Mong. According to the statement of the leader of the investigation team, Sergeant E.L., Teodoro Alegado executed an affidavit which he refused to sign admitting membership of the NPA and mentioning the vicinity in which firearms were hidden. At about 6 p.m. a group of five CIS and four police officers took the two prisoners to look for the guns. About two hours later residents of Barrio Danlugan heard the sound of gunfire and later saw the police and PC group emerging from a coconut grove. According to statements later taken from police and PC, Teodoro Alegado had grabbed an automatic rifle hidden in the grove and tried to open fire but the gun jammed. At the same time Epifanio Simbayon had tried to escape. Both were shot dead by two sergeants, Sergeant C.E. and M.R.

Teodoro Alegado had been arrested previously on 1 May 1981, while attending a rally, on suspicion of being a member of the NPA. He had been released that same day.

On 13 July 1981 a letter by "families, friends and concerned citizens" was sent to President Marcos outlining the incident and asking:

- Why had the rifle been hidden in such a public place?
- Why were the group looking for the rifle at night?
- Why were Epifanio Simbayon's wounds almost all frontal, if he was trying to escape?
- Why, if the rifle jammed, was it necessary to shoot the victims more than 10 times?

On 21 July the mayor asked the City Fiscal to set up an investigating panel to examine the case. Between July and September 1981 the panel took statements from the City Fiscal, three members of the CIS team and the police captain. Representatives of the Integrated Bar of the Philippines attended the hearings. The case was referred to the Minister of National Defense on 28 August 1981. No further action on the case is known to have been taken by the authorities.

Felix Aballe

Felix Aballe, aged 21, married with two children, was stopped by four policemen outside the house of a neighbour in Barrio Tagolo, Tukuran, Zamboanga del Sur at about 2 p.m. on 22 October 1981. He was taken into the neighbour's house where he was interrogated and severely beaten. His wife, Anastacia, was also interrogated when she came to the house looking for her husband. During the night the sound of gunfire was heard near the house. His body was found the next morning on a basketball court behind the Iglesia ni Kristo church about 500 metres away. A revolver was lying by his body.

Some days earlier, on 18 October 1981, an unidentified armed group had raided the houses of members of the ICHDF in Tagolo. They took four guns and killed Roman Acenas, the father-in-law of T.B. T.B. is a member of the Sangguniang Bayan (town council) in Caromatan, Lanao del Norte, and the chief of the CHDF in Tagolo. After that killing, inhabitants of the barrios of Tagolo and San Antonio began to leave for the town of Tukuran. After Felix Aballe was killed on 23 October, the inhabitants of the barrios around Tukuran left their homes for the town en masse. Olipio Suson, a 50-year-old tuba gatherer who had not left his home in Tagolo, was killed on 29 October. A number of other people were harassed after the 18 October killing, accused of belonging to the mass base of the NPA. A majority of voters in Tukuran had boycotted the presidential election of June 1981. Felix was a member of the local Basic Christian Community, the Katilingbanong Pag-ampo, which was regarded with suspicion by the police. His wife had been questioned about the Katilingbanong Pag-ampo when she was interrogated on 22 October.

On 10 November 1981 evacuees from Tagolo and other barrios wrote to the mayor of Tukuran requesting the removal of T.B. as a member of the CHDF; the return of stolen property; and an investigation into the killings that had occurred since 18 October. On 16 November they met the Vice-Governor of Zamboanga del Sur, the PC provincial commander and the administrative officer of 8th Infantry Battalion (IB) of the Philippine Army. They requested that the 8th IB be assigned to their barrios in place of the PC and the police and that an investigation be held into the events of the preceding month. On 18 November a meeting was held with the Governor of Zamboanga del Sur, Vicente M. Cerilles, who ordered an investigation, to which three members of the provincial fiscal's office were assigned. The results of any investigation had not been made public as of May 1982.

Loreto Castillo

Loreto Castillo, aged 23, was arrested in Barrio Gerrahin, Pitogo, Quezon, on 18 July 1981 by a group of PC led by a Sergeant B. from the Pitogo detachment camp. He was shown a warrant but was told he was being arrested "to find out if there was a reason to arrest him."

A former student at the Luzonian University, Lucena City, Quezon, Loreto Castillo had come to Barrio Gerrahin to study the conditions of the peasantry for the Ecumenical Research Center. On the basis of later interrogation in detention, he understood that the prime reason

for his arrest was that he had boycotted the presidential elections of 16 June 1981. He also believed that his research, particularly into the local coconut industry, was related to his arrest.

After arrest, he was taken for initial interrogation to Camp Assenu Natividad, Gurnaca, Quezon, headquarters of the 232nd PC company. He was then transferred to the municipal jail in Pitogo for two or three days. During that time he was brought to the election registrar to check whether he had voted on 16 June. For the first 24 hours of his detention he was given no food but managed to get a message asking for food to Monsignor Atilano Oracion, pastor of Pitogo.

After Loreto Castillo was returned to Camp Natividad, he overheard a PC lieutenant, 1st Lt. C, ask a Sergeant N. whether "it was clean". The sergeant replied that "the father /Atilano Oracion/ knows". The lieutenant allegedly said: "Too bad, otherwise we could throw him in the ocean and nobody would know."

On 20 July Loreto Castillo was confronted with a bag containing literature, including an NPA newspaper and a copy of the sayings of Mao Tse-tung. He was accused of being a member of the NPA and of "possession of subversive material".

On 27 July two PC sergeants, Sergeants C.A. and W.D., tortured him, trying to get him to confess that the literature was his. They placed bullets between his fingers and squeezed them hard. They also repeatedly clapped his ears. He refused to make a confession but did sign a waiver of detention. (*)

From the end of July until mid-September, he was made to work in the camp piggery. During this period, he was held in a shed. Monsignor Oracion and a lawyer, Procopio Beltran Jr, regional coordinator of the Free Legal Assistance Group (FLAG), tried unsuccessfully to visit him. When the lawyer visited the camp, the authorities denied that Loreto Castillo was being detained there.

On or about 11 September, a group in civilian clothes identified as a Strike Force unit of the armed forces arrived at the camp. Loreto Castillo was informed of their military status by a PC officer.

On 15 September two unidentified members of the Strike Force tortured Loreto Castillo. They ripped out his right thumbnail and beat him until virtually his whole body was bruised. He signed a confession that the alleged subversive materials were his, but was tortured again when he could not say who had given them to him. The torture stopped when he named three people who had supposedly supplied the material.

(*) See above, p. 12

Loreto Castillo was granted "temporary release" from the camp the following day on condition that he report back monthly. Camp Assenu Natividad appears to be used as a "safehouse" for interrogating prisoners. Loreto Castillo mentioned the names of eight others held there during his period of detention. All were accused of NPA connections. One, Alberto Pera, who had been shot in the left shoulder and left hip during arrest, did not receive medical treatment to his wounds after being moved to the camp from hospital on 12 July. He was the only one of the eight to have been released by the time Loreto Castillo was freed. Two other detainees, Jaime Lutronio and Mario Llaneta, were also reportedly tortured by the Strike Force.

Rudy del Carmen (*)

Rudy del Carmen was taken from his house in Barrio Bacuyangan, Hinoba-an, Negros Occidental, without warrant of arrest by soldiers at dawn on 16 August 1981. The arresting unit consisted of five PC members of Task Force Kanlaon and the local PC detachment commanded by a Lt. M. They said they had been told that Rudy del Carmen was a member of the NPA and had an illegal firearm. His wife, Virginia, witnessed the arrest.

The prisoner was brought to ILCO (International Lumber Company) PC detachment camp in Hinoba-an. On 17 August his wife and her mother were able to see him in the camp. He was badly bruised on his chest and face and later told her how he had been tortured. In a statement to a Church-Military Liaison Committee meeting in Hinoba-an on 5 September 1981 she said:

> "First, he was stripped naked. Then the soldiers squeezed his testicles with pliers. They poured vinegar with pepper on his eyes. They poured gasoline on his feet and burned them. The butt of an armalite was struck against his body. They forced him to drink two litres of water through his nose. He moved his bowel and vomited blood. In addition, they gave him electric shocks." (**)

Rudy del Carmen said he was unable to identify any of his torturers. On 19 August 1981 he was allowed home to visit his sick child providing he returned to the detachment camp the same day. Fearing further torture, he resolved instead to leave with his wife and child for Sitio Labao, 30 kms from his home.

(*) This account is based on information supplied directly to Amnesty International; affidavits and statements referred to below; and reports in the Southern Negros Times, 1-15 September 1981.

(**) Affidavit of Virginia Guc-ong Vda. de del Carmen, 22 September 1981.

At dawn on 30 August 1981, about 10 soldiers led by a Captain P. surrounded the house. Rudy del Carmen jumped out of a window. His wife heard two shots and later several more. (*) The soldiers came in and took her and her child to the ILCO detachment, where she was interrogated. She says she signed a statement she did not understand. While she was being interrogated, her husband's dead body was brought to the detachment station.

Rudy del Carmen was one of several people in his locality arrested as NPA suspects on 16 and 17 August 1981. On 17 August four men were detained in Bacuyangan, Hinoba-an; all were accused of being associated with the NPA. They later swore affidavits stating that they had been beaten, humiliated and otherwise ill-treated immediately after arrest and while in detention at the ILCO PC detachment at South Bend, Hinoba-an. They were released on 23 August 1981 after six days' detention in Hinoba-an's municipal jail on condition that they report to the PC station commander every two days. (**)

The arrests are believed to have been prompted by the murder of a member of the ICHDF, Leny Magallanes, in July 1981. A neighbour who had a land dispute with Rudy del Carmen is reported to have told the authorities that the latter was involved in the killing, was a member of the NPA and illegally possessed a firearm.

In affidavits signed before the assistant provincial fiscal on 18 September 1981, the four men arrested on 17 August said they had been forced by two policemen to sign an affidavit on 15 September 1981 identifying a number of people, including Rudy del Carmen, as members of the NPA. Relatives of Rudy del Carmen deny that he had any NPA connection. He, like the four arrested men, was a member of a church community association, the Kristianong Katilingban.

Captain E., the commander of the PC detachment, has been assigned in various parts of southern Negros Occidental since 1972 and is alleged to have been responsible for other killings and acts of torture. The affidavit of one of the four arrested on 17 August alleged that Captain E. had been responsible for the arrests and subsequent ill-treatment.

(*) This as well as the allegations of torture are supported by the Medico-Legal Testimony of Dr Nelson de los Reyes of Hinoba-an, who examined the victim's body on 31 August 1981. His report states: "there was clear evidence of multiple bullet wounds and torture". He records five bullet wounds in the chest, abdomen and head; a lacerated wound of the right upper arm and the presence of contusion with haematoma and edematous on the scrotum. Amnesty International has photographs of Rudy del Carmen's body which corroborate these findings.

(**) Affidavits of Federico Tugonon and Ludovico Lalangan; and joint affidavit of Ricardo Castro and Mariano Escultor.

Local priests had informed Antonio Y. Fortich, the Bishop of Bacolod, of Rudy del Carmen's killing and he requested the local military commanders to convene a public meeting of the Church-Military Liaison Committee (CMLC) on 5 September in Hinoba-an; it was attended by an estimated 4,000 people. The armed forces were represented by Colonel R.H. Deinla, PC provincial commander; Colonel Rafael Jotie, Deputy Regional Commander, Region VI, and commanding officer of Task Force Kanla-on; and 1st Lieutenant M.E. Sanson, commanding officer of the 332nd PC command, Hinigaran. Bishop Fortich, Colonel Deinla and Colonel Jotie addressed the meeting. Rudy del Carmen's wife presented a statement describing what had happened to her husband. Others testified to the fear aroused by military harassment of people in the mountain barrios, which had led many to evacuate their homes. They said that membership of the Kristianong Katilingban attracted the suspicion of the military.

As a result of the meeting, 1st Lieutenant Sanson was ordered by Colonel Jotie, Deputy Regional Commander, Region VI, to investigate the killing of Rudy del Carmen. On 10 September the colonel told a Rotary Club meeting in Kabankalan that the investigation had shown "Rudy del Carmen was not touched by the military."

On 18 September 1981 Romeo Sarentas, a resident of Sitio Labao where Rudy del Carmen had been killed, signed an affidavit in which he stated that a policeman had ordered him to carry the victim's body to the road and not to tell anyone of the incident, "especially the priest."

In the last week of October 1981 Captain E. reportedly warned the victim's brother-in-law, Cesar Gocong, that he would kill the whole family if they did not withdraw their case against soldiers allegedly involved in the killing. The family had not filed a case.

B. Violations by irregular paramilitary groups

The Amnesty International delegation received testimony on the activities of two non-governmental paramilitary groups, Rock Christ and the Lost Command. The testimony indicated strongly that these two groups were operating with official sanction.

Rock Christ

Between the first week of July and the end of October 1981 an outbreak of violence involving the killing of at least 16 people and the beating, abduction and "disappearance" of others, occurred in barrios around the towns of Josefina, Zamboanga del Sur and Osmena, Zamboanga del Norte. Most of these incidents (detailed below) were

reported to be the work of the quasi-religious Rock Christ group based in San Jose, Osmena, Zamboanga del Norte. (*)

- First week of July: a 13-year-old girl, Anicia Urukan, from Lalud, Tudela, Misamis Occidental, "disappeared" while on an errand for her parents. A Rock Christ member reportedly confessed in September 1981 that the group had stabbed her to death and cut her body into pieces.

- Mid-July: Boy Umpad, Rosalio Gumate and nine unnamed people were reportedly accosted and robbed by members of Rock Christ who tied them up and beat them.

- 5 August: Segundino Tuastumban was stabbed to death by Rock Christ members in Napangan, Sinacaban, Misamis Occidental.

- 8 August: Jaime Maghanoy was stabbed to death by Rock Christ members while harvesting corn in Napangan.

- 10 August: Three local politicians were abducted from their houses and stabbed to death by members of Rock Christ between 7 p.m. and midnight. The victims were: Carlito Luminding and Alipio Culalho, both of Tuno, Tudela, Misamis Occidental, and Placido Pepito of Sitio Egos, Lalud, Tudela, Misamis Occidental.

- 24 August: Ten people - Chiquito Macan, his wife and four children and Tranquilino Gumalay, his wife and two children, all of Tuno, Tudela - were abducted on their way home from their farms by Rock Christ members and held captive for five days in the house of a Rock Christ member, Segundo Sumanduran. They were accused of boycotting the presidential elections and of supporting the New People's Army. While being interrogated, Chiquito Macan had a knife held against his head. He and Tranquilino Gumalay were reportedly invited on 25 August to join the Rock Christ group in the killing of Tingol Gumapon and his relatives (see below).

- 25 August: At approximately 9 p.m. Rock Christ members strafed and burned the house of Tingol Gumapon in Gitason, Tudela. Three families, comprising 14 of Tingol Gumapon's relatives, were staying in the house. Later ten bodies with gunshot and stab wounds were found in a shallow mass grave nearby. Four of those staying in the house survived the incident.

(*) Rock Christ, like several other such groups active in Mindanao, is affiliated to the Philippines Benevolent Missionary Association whose leader is Ruben Ecleo, a resident of Dinagat Island north-east of Surigao del Norte, Mindanao. Its members wear amulets which they believe render them invulnerable. Their high priests are said to have healing powers.

- 2 October: Lucio Adapon, an elected member of the Josefina People's Council, his wife, their five children (aged from nine months to ten years) and a nephew were shot dead in their house in Napolan just after midnight. It is reported that Lucio Adapon may have been suspected of being a New People's Army sympathizer because, unlike most of the population of the area, he did not evacuate his home when the violence started. There is no evidence of Rock Christ involvement in this incident. Witnesses saw members of the 125th Airborne Company, the ICHDF and police in the vicinity of the house at the time of the killings.

- 28 October: Ulpiano Antipolo of Sebucang, Josefina, was dragged from his house and shot dead by five ICHDF members.

The violence attributed primarily to Rock Christ and ICHDF members during this period is alleged to have been instigated and encouraged by a unit of the 125th Airborne Company based in Pagadian City. The unit, under a Lieutenant B., was assigned to the area shortly before the presidential election of 16 June 1981. The movement to boycott the election gained considerable support in the area. Attendance at rallies organized by the movement was reportedly high and on 16 June a majority of the people reportedly abstained from voting. In the barrios of Tuno, Lalud and Lampasan, fewer than 100 of the more than 1,000 eligible voters cast a ballot. The abductions and killings of 10 and 24 August were reportedly connected with the victims having organized or participated in the boycott.

When the Airborne unit arrived in the area, they began recruiting members of Rock Christ into the ICHDF. Amnesty International has a signed receipt for a rifle and ammunition issued by the 125th Airborne Company to Ireneo (Jessie) Sumagang, a known member of Rock Christ and an ICHDF recruit. The receipt is dated 16 July 1981, by which time Rock Christ had already committed their first alleged killing. Members of the Airborne unit were alleged to have been directly involved in one of the reported incidents, the abduction and detention of ten people on 24 August. Government complicity is also suggested by the reported participation in Rock Christ of a number of people holding official positions, including the founder of Rock Christ, Ayoy Balase, a reservist colonel, and Maximo Laure, a barrio captain. Before the Airborne unit was assigned to the area, no incidents of violence by the Rock Christ group had been reported.

Amnesty International believes that there is considerable circumstantial evidence linking Rock Christ to the 125th Airborne Company and that further investigation of the incidents between July and October 1981 should be undertaken, particularly with a view to establishing whether or not the Airborne unit was guilty of complicity in the violence.

Amnesty International understands that, in response to representations by lawyers of the Free Legal Assistance Group, the Minister of National Defense, Juan Ponce Enrile, on 28 October 1981

ordered an investigation into the incidents to be carried out by Brigadier General Delfin Castro, Commander of the 4th Brigade, Philippine Army. The results of this investigation have not been made public. Ayoy Balase, the founder of Rock Christ, was reported to have been killed by a New People's Army unit during October 1981. In May 1982 Amnesty International was informed that one Rock Christ member suspected of involvement in the murder of Tingol Gumapon and his relatives was being detained in Oroquieta City Jail. Other Rock Christ members were reported to be still armed, despite assurances by the Minister of National Defense on 29 October that they would be disarmed. They had recently threatened to raid the Franciscan Missionaries Mission Convent, a centre for people who had evacuated their barrios out of fear of the sect.

The Lost Command

The Amnesty International delegation received extensive allegations about the activities of the Lost Command, a paramilitary group whose Commander, Colonel Carlos Lademora, has publicly stated that he is an active officer of the Philippines Constabulary and that his unit is a Special Unit of the Armed Forces of the Philippines engaged in counter-insurgency operations. (*)

The Lost Command is based in Tambis in the Dimata mountain range in Agusan del Sur, Mindanao, near the town of San Francisco. According to information received by Amnesty International, its strength is about 250: about 15 are regular PC officers and men and the remainder are convicted military and civilian criminals and deserters. The Lost Command is reported among other things to run protection rackets in the San Francisco area, to act as security guards to agricultural corporations and, by Colonel Lademora's own claim, to undertake counter-insurgency missions on the orders of the government. In one incident in September 1981, some of its members are alleged to have massacred 45 men, women and children in Barrio Sag-od, Las Navas, northern Samar.

Numerous complaints about the activities of the Lost Command are reported to have been made to President Marcos and senior military officers by the provincial administration. The Bishop of Butuan, the Most Reverend Carmelo D.F. Morelos, in whose diocese the Lost Command are based, wrote a pastoral letter in July 1981 to "share ... the griefs and anxieties of our brethren in Christ in the communities along the Agusan River". Among the concerns raised in this letter were the activities of "the dreadful Lost Command". Despite the known location of the Lost Command base, no action has been taken to disband the unit. It is reported that the Lost Command was expanded in size after being constituted as a Special Unit of the Armed Forces of the Philippines (SUAFP) and that its recruits received training from among others

(*) See Sheilah Ocampo, "Angels of Death", Far Eastern Economic Review, 19 March 1982, pp. 21 - 22; and "Charlie's Deadly Angels", Newsweek, 15 March 1982, p.42.

a PC Battalion based in Bicutan, Rizal. Funds for this training program were reportedly channeled through the Chief of Intelligence for Region X.

Amnesty International has received allegations of other official links to the Lost Command. It was reportedly operating in and around Cotabato City in southern Mindanao during the Moro National Liberation Front offensive of 1974 to 1975. According to one account, the unit was already composed of criminals and military personnel under arrest or in disgrace and was under the command of PC officers, including Lieutenant Colonel Lademora. In 1975 he was made provincial commander of Agusan del Sur. After this appointment his son, Carlos Jr, and remnants of the Lost Command reportedly perpetrated numerous abuses in the province. Complaints about these abuses led to Lieutenant Colonel Lademora's resignation as provincial commander in 1979.

In January 1980 Carlos Jr and two of his men were killed in a gun battle with a PC officer. Lieutenant Colonel Lademora then took over operational command of the Lost Command and began to build up its strength. The group secured control of a number of economic activities in the locality, including gold panning, illegal gambling and fish and meat supply. Members of the Lost Command have also reportedly acted as the security force for an 8,000-hectare palm oil plantation in Agusan del Sur, owned by a corporation, NGPI, jointly controlled by the government-owned National Development Corporation and the originally British-owned, now Malaysian-owned Guthrie Plantations Inc. According to the British manager of the plantation, the Lost Command "facilitated" the purchase of land from indigenous Manobo tribesmen and settlers from the Visayas, and the recruitment of labour. (*) Church sources have said that more than 80 people were killed in and around San Francisco in 1980 and 1981.

In the spring of 1980, Lieutenant Colonel Lademora, reportedly dissatisfied with the name "Lost Command", sought to have his force designated a SUAFP. In June or July 1980, after a period of training, 150 members of the Lost Command were sent on a counter-insurgency mission to Samar to fight the New People's Army. In February 1981 a small Lost Command group were reportedly operating under Lieutenant Colonel Lademora's command in the islands of Masbate and Romblon in the northern Visayas.

In the early morning of 15 September 1981, 45 people were massacred in Barrio Sag-od, Las Navas, northern Samar. Survivors of the attack have stated that about 18 armed men entered the barrio and separated the inhabitants into two groups; men and older children, and women and young children. As they were being led away, the women and young children heard gunfire in the barrio. The commander of the armed men then questioned the women on the whereabouts of the New People's Army, which he accused the villagers of supporting. After the group denied all knowledge of the New People's Army, the men

(*) The Observer (London), 31 January 1982

opened fire, killing all but a few of the assembled women and children. A few hours later a unit of the 14th Infantry Battalion arrived and burned some of the houses with bodies in them. Some of the survivors, who worked for the nearby San Jose Timber Corporation, which has large logging concessions in the provinces of northern and eastern Samar, claimed that the armed men were part of a special security force hired to guard the timber company against the New People's Army. Two guides accompanied the armed men and were recognized by villagers as belonging to the ICHDF based at a camp at "Kilometer 7" within the timber company's logging area. One of the men involved in the massacre was identified by a survivor as a member of the special security unit.

The massacre was not reported in the Philippine national press until 24 September, when the Manila newspaper Bulletin Today reported that 35 men, women and children had been killed by "still unidentified armed men"; it erroneously located the barrio of Sag-od in the province of eastern Samar. Camp Aguinaldo in Metro Manila, the headquarters of the military command and the Ministry of National Defense, was named as the source of the report. According to Bulletin Today, "some survivors said the armed men said they were army troops". The next day it reported that the Minister of National Defense, Juan Ponce Enrile, had ordered a thorough investigation into the reported massacre. The article again located Sag-od and Las Navas in the province of eastern Samar. The minister was quoted as saying that he had directed General Fabian Ver, AFP Chief of Staff and head of the Presidential Security Forces, and Lieutenant Colonel Fidel V. Ramos, Vice-Chief of Staff and Chief of the PC, to undertake the investigation immediately. On 29 September Bulletin Today reported:

> "Authorities here identified today the armed group responsible for the massacre ... as the security forces of a big logging company. The commander of the group [meaning the whole security force], said to number about 80 men armed with Armalite rifles, M-203 grenade launchers, and other high-powered guns, was identified as a "Lieutenant Colonel" known in some areas as "Tatang" /an honorific meaning uncle/.
>
> "Officials who supplied these details requested anonymity, saying that the group was vicious and had shown no mercy to people who had antagonized them in the past. They attributed some unsolved killings to the group. ...
>
> "Eastern Command authorities [the military command responsible for Samar] have vehemently denied that the group was a unit attached to the command.
>
> "Sources disclosed the big logging concessionaire in Las Navas had influential connections. The firm had reportedly been repeatedly harassed by Communist dissidents active in the place.
>
> "Provincial authorities, meanwhile, asked President Marcos to act on the killings and rid Samar of the vicious armed group. ...
>
> "The Lieutenant Colonel was described as between 50 and 55 years old and sporting a long beard and moustache. He was further described as a very well-informed man."

On 2 October Bulletin Today quoted the Minister of National Defense as warning against "speculations" and reported that 16 people had survived the massacre, six of them children. The newspaper said that the management of the logging company in Las Navas had denied involvement in the massacre, claiming that "the firm's security forces have strict orders not to operate outside the firm's premises". The newspaper added that "sources said that the suspected killers are members of the 'Lost Command' in Mindanao".

On 29 September 1981 Lieutenant Colonel Lademora had invited friends to celebrate his birthday at his house in San Francisco. One of the guests showed him the report in Bulletin Today, datelined Samar, which identified the armed group responsible for the Sag-od massacre as the security force of the timber company and mentioned that the commander was a lieutenant colonel known as "Tatang". According to information received by Amnesty International, Lieutenant Colonel Lademora left for Manila the next morning after instructing his son, "Boy" Lademora, to assassinate the political leaders associated with the Agusan del Sur provincial governor, Valentina G. Plaza, if he had not returned in seven days. On 30 September he flew to Manila. It has been reported that while there he had his hair cut short and bought two or three wigs. He then reportedly went to Samar and returned to San Francisco with the bodies of two members of the unit based at the timber company. According to one theory, the Sag-od villagers had been massacred to avenge killings of these two members of the Lost Command. Lieutenant Colonel Lademora was reported to have contacted several people in San Francisco after his return from Samar with a view to establishing that he was in the town on 15 September.

The investigation of the massacre ordered by the Minister of National Defense was headed by Brigadier General Salvador Mison, Commander of Eastern Command. Other members of the panel included three colonels: Romeo Tarayo, Commander of the 14th Infantry Battalion, Bayani Fabic, PC brigade Task Force Commander, and Vicente Garcia, Chief of Staff of the PC/INP Region VIII. In October 1981 Brigadier General Mison told a meeting of the provincial council in Laoang that the Sag-od matter was closed and that the investigation had determined that the New People's Army was responsible for the massacre. (*)

Despite these findings the Lost Command security force at the San Jose Timber Corporation was withdrawn in mid-October and reportedly shipped back to Mindanao. In San Francisco Lieutenant Colonel Lademora was reported to have said that he had been investigated by the regional commander, who had later insisted that the unit leave Samar.

(*) In an interview with WHO magazine (27 February 1982), Brigadier General Mison said: "We have not found any witnesses who can positively identify [the killers]. We have been inviting people to give to the Provincial Fiscal statements that may lead to the positive identification of the perpetrators. We have even guaranteed them the full protection of the law but you know how it is ... nobody came."

CHAPTER IV: LEGAL BACKGROUND

The constitutional system established under martial law was officially described as one of "constitutional authoritarianism". The term was intended to connote that, despite the introduction of extraordinary measures to meet the emergency, the government would continue to adhere to constitutional principles and the rule of law.

President Marcos has stated that "on announcing to the nation the state of martial law on September 23, 1972, by virtue of a proclamation I had signed two days earlier, I emphasized the following: that martial law was being proclaimed in accordance with the 1935 Constitution of the Philippines; that it was not a military takeover of the civilian government; that the operation of law and constitutional provisions not directly related /to/ or affecting the state of emergency would continue; and that this extraordinary power vested in me by the Constitution was to be employed in saving the Republic and in the reform of society". (*)

The measures introduced with the proclamation of martial law included: orders to arrest and detain people regarded as threatening national security and public order; the suspension of the privilege of the writ of habeas corpus, and the creation of military tribunals. In addition, Presidential Decrees were issued limiting the rights of expression, assembly and association.

These measures were held to be compatible with the principles of international law governing states of emergency as set forth in Article IV of the International Covenant on Civil and Political Rights. Formal safeguards governing arrest, detention and trial were introduced with the intention of upholding these principles, in particular the principles that emergency measures must be taken and maintained "to the extent strictly required by the exigencies of the situation" and certain fundamental rights may not be violated under any circumstances. (**)

This chapter describes the measures taken by the Government of the Philippines during martial law with the stated aim of upholding these principles. These measures included ones for the protection of rights regarded as inalienable, such as the right against torture, as well as of other rights such as the right to due process to which the Government of the Philippines committed itself despite the state of emergency. Amnesty International believes that these measures were not sufficient to prevent the systematic violation of human rights under martial law. Since the lifting of martial law in January 1981 the

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(*) Ferdinand E. Marcos, The Democratic Revolution in the Philippines, Manila, 1977, pp. 328-29

(**) These principles are referred to as the principle of proportionality and the principle of inalienability of certain fundamental rights (see Mrs N.Questiaux, Study of the Implications for Human Rights of Recent Developments Concerning Situations Known as States of Siege or Emergency, U.N. Economic and Social Council, E/CN.4/Sub.2/490 - 28 August 1981 - pp 5-6).

formal powers available to and used by the authorities in so far as they affect people subject to arrest and detention for political reasons have continued to be broadly the same as under martial law. Most seriously, the lifting of martial law has not curtailed the incidence of those grave violations which occur in disregard of the most fundamental human rights regarded as inalienable in all circumstances.

The proclamation of martial law by President Marcos in September 1972 conferred on the President and on authorities designated by him (primarily the Minister of National Defense and members of the Armed Forces of the Philippines) powers to take all steps necessary to suppress the rebellion and insurrection which had occasioned the proclamation. General Orders issued by the president shortly after the proclamation empowered the armed forces to arrest, detain and try people held for a number of specified offences, including those of a political nature, such as subversion, insurrection and rebellion as well as new offences arising out of Presidential Decrees restricting the rights of assembly, association and expression.

The legal framework of the Philippines has for many years embodied principles providing for the protection of civil and political liberties. These principles were maintained, and in some respects strengthened, in the Bill of Rights contained in Article IV of the 1973 Constitution, which was ratified in January 1973 after the proclamation of martial law. The Philippine Government has asserted on a number of occasions that, despite the imposition of martial law, measures were taken to ensure that nobody's fundamental rights were denied, including people "taken into custody in connection with rebellion or subversion or criminal acts against society". (*) However, although there exists an extensive array of formal legal safeguards and directives designed to prevent the denial of fundamental human rights, Amnesty International believes that a number of them have been systematically violated since the imposition of martial law and that this has continued since it was lifted. Amnesty International believes also that, despite the introduction of procedures to protect those rights and penalties in case of violation, the authorities have flagrantly disregarded their existence.

Although a number of changes were announced with the lifting of martial law, which extended the role of the civil judiciary and the civilian authorities in handling the imprisonment and trial of political detainees, the changes were insufficient to prevent the continued systematic violation of human rights. Moreover, almost all of the emergency powers invoked in September 1972 and defined in subsequent Presidential Decrees and presidential directives, General Orders and Letters of Instruction are still available to the President and his agents.

(*) Ferdinand E. Marcos, Five Years of the New Society, Manila, 1978, p. 24

Emergency Powers under Martial Law

When President Marcos proclaimed martial law (by Proclamation No. 1081), he did so by invoking Article VII, Section 10(2) of the 1935 Constitution then in force. (*) Article VII, Section 10(2) reads:

> "The President shall be commander-in-chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of habeas corpus, or place the Philippines or any part thereof under martial law."

In his capacity as Commander-in-Chief, the President ordered the armed forces "to maintain law and order throughout the Philippines, prevent or suppress all forms of lawless violence as well as any act of insurrection or rebellion and to enforce obedience to all the laws and decrees, orders and regulations promulgated by me personally or upon my direction" (Proclamation No. 1081). By General Order No. 1 issued on 22 September 1972, President Marcos undertook to "govern the nation and direct the operation of the entire government including all its agencies and instruments", thus assuming all powers of government, executive, legislative and judicial.

(*) At the time martial law was declared a Constitutional Convention had been deliberating for 16 months on a new constitution to replace that of 1935. A motion introduced after the proclamation by opposition delegates to suspend the convention while martial law was in force was overwhelmingly defeated. One argument in favour of suspension was that a number of convention delegates had been arrested under the new martial law regulations. The President ordered the convention's proceedings to be speeded up, and on 29 November 1972 it approved a draft constitution. The draft envisaged the eventual establishment of a parliamentary system but incorporated a set of "Transitory Provisions" prepared by the executive which upheld the validity of presidential decrees and orders issued since the imposition of martial law, reaffirmed the President's power to legislate by decree and provided for repeal of such decrees only when the regular National Assembly was convened at some unspecified future date. On 17 January 1973 it was announced by Presidential Proclamation No. 1102 that the new constitution had been ratified after a process of consultation with Citizens Assemblies. Subsequent challenges to the ratification process filed in the Supreme Court were overturned and the new constitution was declared to have come into force on 17 January 1973.

After the 1973 Constitution was ratified, the President derived his legislative powers from Article XVII of the constitution, known as the "Transitory Provisions". Section 3(2) of Article XVII stated that:

> "all proclamations, orders, decrees, instructions, and acts promulgated, issued or done by the incumbent President shall be part of the law of the land, and shall remain valid, legal and binding, and effective even after lifting of martial law or the ratification of this Constitution, unless modified, revoked or superseded by subsequent proclamations, orders, decrees, instructions or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly".

This section was judged by the Supreme Court to have put beyond doubt the President's legal authority to issue decrees. (*) He remained the sole legislative authority until the Interim Batasang Pambansa (Interim National Assembly) was convened in June 1978 after elections in April of that year. Although constitutional amendments ratified by plebiscite in October 1976 granted the Interim Batasang Pambansa the same powers given to the full National Assembly under the 1973 Constitution, the President, who was also to act as Prime Minister under the amendments, was empowered under Amendments 2 and 5 to continue to exercise legislative powers until martial law was lifted. Moreover, under Amendment 6, even after the lifting of martial law, the President could issue acts forming part of the law of the land "whenever in (his) judgment ... there exists a grave emergency or a threat or imminence thereof, or whenever the Interim Batasang Pambansa or the regular National Assembly fails or is unable to act adequately

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(*) See the Supreme Court's rulings in Aquino v. COMELEC and Aquino v. Military Commission. General Orders No. 2 and 3, issued on 22 September 1972, and its amended version, GO No. 3-A, had removed from the jurisdiction of the civil courts, including the Supreme Court, a number of types of cases, including those involving the validity, legality or constitutionality of Proclamation No. 1081 and of any decree, order or act issued by the President or his duly designated representative in accordance with the proclamation. In practice GOs Nos. 3 and 3-A were not enforced. When Presidential Proclamation No. 1081 was challenged, the government decided not to contest the jurisdiction of the Supreme Court since in President Marcos' words "submission to the Court would ... calm the fears of every cynic who had misgivings about my intentions or claimed that I was ready to set up a dictatorship" (Ferdinand E. Marcos, The Democratic Revolution in the Philippines, Manila, 1977, p. 214). The court having dismissed petitions challenging the validity of the ratification of the 1973 Constitution relied thereafter on Section 3(2) of the Transitory Provisions of that constitution in effect to place all presidential acts beyond judicial review.

on any matter for any reason that in his judgment requires immediate action". The legislative powers of the Interim Batasang Pambansa were heavily circumscribed. For instance, Article VIII, Section 19(3) of the 1973 Constitution required that no bill of general application could be placed before the assembly without the prior recommendation of the cabinet. Since the President was concurrently Prime Minister, under Amendment 3 of the October 1976 amendments, and as such empowered to appoint and remove cabinet members at his discretion (under Article IX, Section 4 of the 1973 Constitution), ultimate authority to recommend bills of general application to the Interim Batasang Pambansa rested with President Marcos. In practice, President Marcos continued to exercise his power to issue legislative acts after the convening of the Interim Batasang Pambansa in June 1978, and the overwhelming majority of bills passed by the Interim Batasang Pambansa were of local application.

Constitutional Rights

The Republic of the Philippines signed the International Covenant on Civil and Political Rights in December 1966. However, since signing it, the government has stated that it does not favour ratification, the reason given being that it considers provisions allowing states parties to the covenant to bring petitions against one another constitutes a derogation from national sovereignty. At the same time, the government has stated that it "fully subscribes" to all the rights enumerated in the covenant. (*)

The Philippine Constitution of 1973 contains a Bill of Rights (Article IV) which broadly guarantees many of the rights set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Philippine Bill of Rights explicitly guarantees the following:

- the rights to life, liberty and property; due process of law and equal protection of the law;
- the right against unlawful search and seizure;
- the right of free association;
- the rights to free speech, press and assembly and to petition the government for redress of grievances; the right to be protected against ex post facto laws; the right to petition for a writ of habeas corpus (this right may be suspended in cases of rebellion, invasion or insurrection or involving other threats or "where the public safety requires it");
- the right to a speedy trial or administrative hearing;
- the right to due process of law in criminal cases;
- the right to seek bail, except in capital cases; protection against excessive bail; the right to counsel and to a full and fair public trial; the right against self-incrimination; the right against cruel or unusual punishment;
- the right to be protected against double jeopardy; and free access to the courts.

(*) See Ferdinand E. Marcos, The Democratic Revolution in the Philippines, Manila, 1977, pp. 290-291; Republic of the Philippines, Discussion Paper, 6th U.N. Conference on the Prevention of Crime and the Treatment of Offenders, 1980, pp. 25-31

The Philippine Bill of Rights thus substantially provides for rights recognized in the International Covenant on Civil and Political Rights, including the right to freedom of expression, assembly and association, the right to freedom from arbitrary arrest and detention, the right to a fair hearing before a court of law and the right against cruel, inhuman and degrading treatment.

International Standards under States of Emergency

Both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights explicitly recognize that there are times of national crisis when emergency powers may legitimately be invoked. However, the introduction of a state of emergency is subject to clear conditions and limitations. Article 4 of the International Covenant on Civil and Political Rights states:

> 1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law...
>
> 2. No derogation from Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

Even in times of "public emergency which threatens the life of the nation" therefore, governments are expressly prohibited from derogating from fundamental rights, including the right to life and the right not to be arbitrarily deprived of one's life (Article 6); the prohibition on torture and cruel, inhuman or degrading treatment or punishment (Article 7); the prohibition on ex post facto laws (Article 15); the right to recognition as a person before the law (Article 16) and the right to freedom of thought, conscience and religion (Article 18). Moreover, Article 4 of the International Covenant on Civil and Political Rights makes clear that restrictions on the exercise of other rights guaranteed in the covenant are to be limited in both scope and duration "to the extent strictly required by the exigencies of the situation".

It is widely recognized that, in times of emergency, the suspension of rights from which states may derogate jeopardizes respect for other rights from which derogation is not permitted under any circumstances, and that, in the words of the Human Rights Committee established under the International Covenant on Civil and Political Rights, "the protection of human rights becomes all the more important, particularly those rights from which no derogation may be made". (*)

(*) Report of the Human Rights Committee, U.N. Doc. A/36/40, p. 110 (1981)

The Government of the Philippines has acknowledged that the proclamation of martial law contained an inherent threat to basic rights internationally acknowledged to be inalienable even in times of emergency. After September 1972 it introduced several measures to protect these rights and stated its intention to uphold existing provisions designed for the same purpose. Amnesty International believes that these measures have proved inadequate to protect people being arbitrarily killed, tortured or subjected to cruel, inhuman or degrading treatment or punishment; nor have they safeguarded the individual's right to recognition as a person before the law.

The Curtailment of Rights under Martial Law

Amnesty International has been particularly concerned by the restriction of the following rights by presidential orders and decrees issued during the martial law period: freedom of expression, assembly and association; freedom from arbitrary arrest and detention; and various rights of the accused in criminal cases.

Proclamation No. 1081 stated that:

> "all persons ... detained ... for crimes of insurrection or rebellion ... and for such other crimes as will be enumerated in orders I shall subsequently promulgate ... shall be kept under detention until otherwise ordered released by me or by my duly designated representative."

The first of the subsequent orders referred to was issed as General Order No. 2. It ordered the Secretary of National Defense to arrest named individuals who were said to be "active participants in the conspiracy to seize political state power ... in order to prevent them from further committing acts that are inimical or injurious to our people, the Government and our national interest". In addition, it ordered the arrest and detention "until otherwise ordered released by me or by my duly authorized representative" of people who might have committed the crimes of insurrection or rebellion, crimes against national security, the law of nations, the fundamental laws of the state, public order and crimes involving usurpation of public authority; persons who had violated decrees and orders promulgated by the President or on the President's direction were also to be detained. Amendments to this General Order specified and expanded the offences for which arrest and detention by the Secretary of National Defense were authorized. The most significant amendment was GO No. 2-A of 25 September 1972, which specified 19 categories of offences. They included not only the public order offences specifically mentioned in GO No. 2 but also numerous other crimes, such as robbery, kidnapping, tax evasion, graft, forgery, fraud, drugs offences, crimes against public morals, and price manipulation. Later amendments ordered the armed forces to arrest people for spreading "false news and rumours" (GO No. 19); for further specified crimes against personal liberty (GO No. 24); and for swindling and deceit (GO No. 29).

On 24 June 1977 GO No. 2 was amended again with the stated aim of limiting the number of offences for which the Secretary of National Defense was authorized to issue what by then were known as Arrest, Search and Seizure Orders (ASSOs). General Order No. 60 stated that arrest orders issued by the Secretary of National Defense should be limited to those offences over which military tribunals had exclusive jurisdiction as defined in GO No. 59, which was promulgated on the same day. (*) However, the limitation had two important qualifications. The first was that there were still some specified offences (in addition to those which resulted in trials by military tribunals) for which an ASSO might be issued, including hijacking, murder, kidnapping, arson, robbery and piracy. The second was contained in section 3 of the order:

> "Notwithstanding the provisions of section 1 hereof, the Secretary of National Defense may cause the arrest and detention of persons ... for crimes which although not cognizable by the military tribunals likewise have the effect of undermining national security or public order as determined by him."

The power of the Secretary of National Defense to issue ASSOs, by now already effectively unlimited, were extended even further by GO No. 68 of 17 November 1980 to include "not only those crimes directly affecting national security or public order but also those that are pernicious and inimical to social and economic stability". Not only were all the previously mentioned offences included but others as well, such as cattle rustling; illegal fishing; illegal telephone, water and electrical connections; violation of immigration laws; squatting on public and private property; fraud in relation to government, professional and civil service examinations. This cover-all General Order is still in force.

The powers of arrest and detention granted to the Secretary of National Defense and the President under successive general orders were therefore extremely broad and included the power of preventive detention. These powers were recognized as valid by the Supreme Court which ruled in 1974 in Aquino v. Enrile that "the power to detain persons even without charges for acts related to the situation which justifies the proclamation [is conceded]".

(*) GO No. 59 defined the following crimes as falling under the exclusive jurisdiction of military tribunals: offences committed by military personnel in the performance of their duties; insurrection and rebellion; violation of the Anti-Subversion Law; espionage; crimes against public order falling under Articles 134, 136-139, 141-142 and 146-147 of the Revised Penal Code; printing, possession and distribution of subversive material; firearms offences; and usurpation of military authority.

Restrictions on Habeas Corpus

In Aquino v. Enrile the Supreme Court also held that the declaration of martial law in 1972 implicitly suspended the privilege of habeas corpus. The Constitutions of 1935 and 1973 both provide for its suspension only in exceptional circumstances. According to the 1973 Constitution: "The privilege of the writ of habeas corpus shall not be suspended except in cases of invasion, insurrection, rebellion or imminent danger thereof, where the public safety requires it." (Article IV, Section 15)

In practice, although detainees were allowed to petition the Supreme Court and Court of First Instance for writs of habeas corpus, the courts were precluded from exercising the privilege to challenge the basis for detention.

The Philippine authorities have persistently denied that people have been held in preventive detention or without charge. In a typical statement of the government position, President Marcos told the University of the Philippines Law Alumni Association in January 1977:

> "I would like to state that if by political prisoners we accept the original connotation of the word in international law, which means those who have been detained without proper criminal cases filed against them, we have no political prisoners in the Philippines."

Government officials have asserted that in carrying out arrests and detaining persons under the general orders, the authorities have acted with restraint and have not exercised to the full the powers available to them. In a Department of National Defense document, Preserving the State and Human Rights, published in April 1975, it is stated:

> "As confirmed later by the Supreme Court in the Aquino v. Enrile case, those arrested could have been detained even without charges, because under martial law a person may be legally arrested and detained without being charged and without sufficient evidence of guilt at the time as long as his arrest and detention were carried out to preserve order and on the basis of reasonable belief that he committed the offence. However, from the very start, the President of the Philippines adopted it as a matter of policy that sufficient evidence of guilt must first exist before any arrest is made and that every detainee is properly charged before the competent court or prosecuting officer." (*)

(*) This echoed a statement by President Marcos in a radio and television address on 11 December 1974: "I have demanded and I demanded at the very beginning of martial law, that there always be sufficient evidence of guilt before any arrest is carried out. Likewise, I have directed that every detainee face the proper charge ... We have not jailed people merely for the sake of jailing them." The President also explicitly claimed more than once to have ordered the release of all prisoners against whom charges had not been filed (see p.70 below).

Stated government policy on arrest and detention therefore rested on two principles: that arrest should be carried out only if there were sufficient evidence of the commission of an offence ("probable cause"), and that the arrested person should not be held without being formally charged. The procedures for arrest and detention incorporating these principles were set out in Letter of Instruction (LOI) No. 621 of 27 October 1977 covering offences listed in GO No. 60. LOI No. 621 specified the following categories of arrest: (a) arrest by ASSO; (b) arrest by virtue of a warrant issued by a competent court, civil or military; (c) citizen's arrest. Section 8 stated that people arrested by ASSO and on court-issued warrants were considered to be facing charges immediately after arrest since it was assumed that a determination of "probable cause" has been made before issuing the ASSO. People held after a citizen's arrest were to be delivered to an Inquest Authority under the authority of the Judge Advocate General of the Armed Forces of the Philippines specifically for the purpose of determining "probable cause". However, all detainees were to be delivered to an Inquest Authority within a specified period (ranging from 18 to 72 hours, depending on the gravity of the alleged offence). The authority is required, among other things, to determine the detainee's physical condition whether his or her confession accords with constitutional requirements and whether the detainee has been ill-treated.

The executive alone has the authority to decide whether there was sufficient evidence of the commission of an offence listed in GO No. 60, and its decision was not subject to subsequent examination by the courts (because of the suspension of the privilege of the writ of habeas corpus).

During the period of martial law Amnesty International received information indicating that people were in fact commonly arrested for preventive reasons. In the government's submission to the U.S. House of Representatives' Foreign Affairs Committee, Sub-Committee on International Organizations and Movements of 14 June 1975, it was stated that "in certain cases /after the proclamation of martial law/, persons had to be detained as preventive measures either to remove them from possible conspiracy in the existing rebellion or to protect them from those who may seek to destroy them and blame their death on the government". Chief Justice Enrique Fernando has maintained that, though preventive detention was resorted to in the early days of martial law, the authorities subsequently adhered to the policy enunciated by the President that people should not be detained without charge and discontinued the practice.

Use of Military Tribunals

The imposition of martial law resulted in the transfer to the jurisdiction of military tribunals of a wide range of offences more or less co-extensive with those falling under GO No. 2. Military tribunals were explicitly defined as agencies of the executive, created by the President in his capacity as Commander-in-Chief, rather than as branches of the judiciary. This was reflected, for example, in the composition

of the courts, whose five members were serving military officers only one of whom was required to have legal training; and in the procedure for appeals against judgments of military tribunals. The record of trial was to be sent first to the Chief of Staff of the Armed Forces of the Philippines, who, in cases where the sentence imposed was 20 years' imprisonment or more, was to refer it to a Board of Review composed of senior military officers. The recommendation of the Chief of Staff and, where relevant, the Board of Review was then to be sent to the President through the Minister of National Defense, who was to undertake his own review of the case. The President was empowered to modify the decision of the military tribunal as he liked. Thus once it had been established that sufficient evidence existed to charge someone under this provision, the power to dispose of the case rested solely with the executive and was not subject to appeal through civilian courts.

A new procedure for appellate review from military tribunals intended to "promote the confidence of military personnel and the civilian populace in the overall fairness of the military justice system" was introduced in August 1976 but never implemented. Under this procedure, appeals against sentences of six years' imprisonment or more would have been referred to a Court of Military Appeals composed of civilians: retired judges of the Court of Appeals or long-serving government lawyers. The Amnesty International delegation was informed by Colonel Lopez of the Judge Advocate General's Office that the new procedure had not been implemented because no civilians prepared to sit on the court could be found.

Once an ASSO was served, the decision to file charges before a military tribunal was made by the Judge Advocate General's Office of the AFP based on the recommendation of a panel of military lawyers appointed to conduct a summary preliminary investigation. This investigation was to be completed within three months of the investigating officer receiving the case. One reason given by the government for expanding the jurisdiction of military tribunals was that they would ensure speedy trials. This was said to be necessary and justified both by the state of emergency and by the past failure of the civil judiciary to act expeditiously on cases referred to it.

The institution of safeguards

After the imposition of martial law, the government introduced a series of legal safeguards directed primarily towards protecting the constitutional rights of detainees in military custody. They included regulations and orders governing arrest and detention under martial law which provided for: access to detainees by family members and legal counsel; medical examinations; prompt arraignment before a proper judicial authority; detention in a known place of detention; the provision of death certificates to the families of detainees who died in custody (see page 69). The Philippine Government has persistently maintained that among the rights to be upheld were those of people arrested and detained by the authorities. President Marcos noted in 1978:

> "The introduction of crisis government always creates the possibility of abuses. ... Precisely because of this, the crisis leadership was at the start of the emergency anxious to check every possible abuse by a member of the government or the military. Measures were taken very early in the emergency to ensure that citizens taken into custody in connection with rebellion or subversion or criminal acts against society are not denied their basic rights or subjected to torture or degrading punishment." (*)

In practice, detainees were frequently reported to have been arrested without ASSOs or other forms of warrant and to have subsequently been detained without charge or trial: in other words, they were effectively held in preventive detention. This was so even where formal procedures were partially observed, it being particularly common for people who had been charged to be denied their right to speedy trial. Moreover, Amnesty International believes that the safeguards introduced by the Philippine Government have not prevented the systematic use of torture, incommunicado detention and long-term detention without charge or trial.

The Lifting of Martial Law

On 17 January 1981 President Marcos formally terminated the state of martial law by Proclamation No. 2045. In doing so, he announced the partial restoration of the privilege of the writ of habeas corpus; the revocation of GO No. 8 granting jurisdiction over martial law offences to military tribunals; and the transfer of legislative power to the Interim Batasang Pambansa. Officials had earlier stated that after the lifting of martial law prisoners held in military detention centres would be transferred to civilian prisons (municipal and provincial prisons and the National Penitentiary). Between 27 November 1980 and 18 January 1981 the authorities announced that several hundred detainees and former detainees had been released or granted amnesty. However, despite the lifting of martial law, the President retained extensive emergency powers. Under section 3(2) of the Transitory Provisions of the 1973 Constitution, all presidential proclamations, orders, decrees, instructions and acts were to remain in force after the lifting of martial law unless revoked by the President or the regular national assembly. Presidential orders and decrees still in force were compiled in a National Security Code (PD No. 1498), which was issued after the lifting of martial law. At the same time the Public Order Act (PD No. 1737) was also issued. It was derived from Amendment 6 to the Constitution empowering the President to exercise emergency powers short of declaring a state of martial law whenever in his judgment "there exists a grave emergency or a threat or imminence thereof, or whenever the Batasang Pambansa or the regular National Assembly fails or is unable to act adequately on any matter for any

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(*) Ferdinand E. Marcos, Five Years of the New Society, Manila, 1978, p. 24

reason in his judgment requiring immediate action". The Public Order Act allows the President to take any measures he may deem necessary to meet an emergency "including but not limited to preventive detention".

Proclamation No. 2045 of 17 January 1981 provided for the continued suspension of habeas corpus "in the two autonomous regions of Mindanao ... and in other places ... with respect to persons at present detained as well as others who may be similarly detained for the crimes of insurrection or rebellion, subversion and conspiracy or proposal to commit such crimes". Letter of Instruction No. 1125-A, issued on 25 May 1981, presribed procedures for the arrest and detention of people for the crimes cited in the proclamation. Whereas the letter of instruction required reference to a judge, fiscal or "other authorized investigating officer" before the President issued a Presidential Order of Arrest (POA) or Presidential Commitment Order (PCO) under his powers of arrest and detention, practice since the lifting of martial law suggests that the authorities do not interpret this provision as necessarily requiring reference to the civil judiciary (see below p.63).

At least ten presidential decrees (PDs) have been made public since 17 January 1981 although they have been dated 16 January 1981. They included a number bearing on Amnesty International's concerns, such as PD No. 1791 (granting immunity from suit with respect to all official acts, decisions or orders done pursuant to Proclamation No. 1081); PD No. 1804 (prohibiting the granting of permits for the holding of public assemblies to persons found guilty of or charged with rebellion, sedition or subversion); PD No. 1811 (prescribing the mandatory death penalty for persons using a deadly weapon "in committing terroristic activities" or committing an attempt on the life of high government officials or their families); and PD No. 1822 (providing for trial exclusively by court martial of members of the armed forces charged with offences related to the performance of their duties).

Proclamation No. 2045 dissolved military tribunals created by GO no. 8 after completion of those pending cases "which may not be transferred to the civil courts without irreparable prejudice to the state in view of the rules on double jeopardy, or other circumstances which render further prosecution of the cases difficult, if not impossible". The Amnesty International delegation was informed by a member of the Judge Advocate General's Office that cases would continue to be heard before military tribunals if the accused had already been arraigned before the lifting of martial law.

Among the issues raised in a petition for a writ of habeas corpus decided by the Supreme Court after the lifting of martial law was the right of civilians to trial in regular civilian courts especially in view of the lifting of martial law. The petition was made by three detainees charged with subversion and rebellion (Bernabe Buscayno, Jose Maria Sison and Juliet Sison v. Military Commissions 1, 2, 6 and 25, GR No. 58284). It was rejected by the court (with one judge

dissenting) on the specific issue of the right of the accused to be tried by civilian courts. (*)

Since the lifting of martial law, all new cases involving civilians that would previously have been referred to military tribunals have been referred to the civil courts. However, Amnesty International is concerned that there are also a significant number of cases of arrest and detention for political reasons which are never referred to the appropriate civil court. (**)

Amnesty International is also concerned about steps taken by the government, both during the martial law period and since, which have threatened to undermine the independence of the judiciary. In addition to removing a wide range of offences from the jurisdiction of the civil courts, a number of measures were introduced during the martial law period which threatened the principles on which an independent judiciary relies, most notably that of security of tenure. Letter of Instruction No. 11 issued on 22 September 1972 required all judges except those of the Supreme Court to submit their resignation. The resignations of at least 14 judges had reportedly been accepted as of late 1975 and it is assumed that the resignations submitted by other judges still in office are still liable to be acted on. The Transitory Provisions of the 1973 Constitution provided that members of the judiciary could continue in office only "until otherwise provided by law or decreed by the President".

The Judiciary Reorganization Act which had been presented by President Marcos to the Interim Batasang Pambansa in 1980 was approved in 1981. Under it, all existing courts except the Supreme Court are

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(*) The dissenting opinion of Associate Justice Claudio Teehankee reads:

> "With the official lifting of martial law ... there is no longer any justification for continuing to subject petitioners-civilians to trial by military commissions in derogation of the judicial power vested exclusively by the civil courts ... Military commissions or tribunals are not courts and do not form part of the judicial system. Since we are not enemy occupied territory nor are we under military government, the military tribunals cannot try and exercise jurisdiction over civilians for civil offences committed by them which are properly cognizable by the civil courts that have remained open and have been regularly functioning ... Certainly neither the respondents nor the state claim, much less have shown, that the transfer of petitioners' case to the civil courts would render further prosecution 'difficult if not impossible'."

(**) Such cases are described in Chapters III and V.

to be abolished, and their judges are to cease holding office (Section 44). The courts are to be replaced by new courts with different names but substantially the same duties. The act had not been implemented as of June 1982. Nonetheless, Amnesty International regards its passage and the possibility of its implementation to be a further threat to the independence of the judiciary.

CHAPTER V: ARREST, DETENTION AND TRIAL

During the period of martial law the government established rules to be followed by its agents on the arrest and detention of people suspected of committing "public order" and "national security" offences. (*) These rules specified:

- categories of authorized arrest;
- the proper conduct of law enforcement officers making arrests;
- the procedure for reporting arrests;
- the recognized detaining authorities to whom an arrested person should be delivered;
- the treatment and safeguards to be accorded to detainees including rights of access;
- the procedures for the delivery of detainees to a proper judicial authority;
- the procedures for charging and trial of detainees.

After the lifting of martial law, changes in these rules were announced, particularly with regard to the turning over to the civilian authorities of detention and judicial procedures. However, the Amnesty International delegation found that the announced changes have not altered the pattern established during martial law whereby people authorized to arrest and detain suspected "public order violators" systematically disregard the established procedures set out in the rules. In every case examined by the mission delegates, it was found that some deviation from established procedures had occurred. Moreover, deviation from the rules was rarely only technical or minor but entailed serious violation of the rights of the person arrested and detained, including such fundamental rights as the right to life and the right not to be subjected to torture or other cruel, inhuman and degrading treatment. In a high proportion of cases, the methods used by government agents against alleged opponents in no way approximated prescribed arrest and detention procedures. These methods included outright executions and abductions to secret places of detention ("safehouses") and isolated places where the victim was tortured and, in some instances, executed. (Such cases are presented in Chapter III.)

Categories of Authorized Arrest

Letter of Instruction (LOI) No. 621 of 27 October 1977 specified the following categories of arrest under martial law:

- arrest by Arrest, Search and Seizure Order (ASSO) issued by the President, the Minister of National Defense or a duly designated representative;
- arrest by warrant issued by a competent court, civil or military;
- citizen's arrest.

(*) People arrested on these grounds are officially referred to as "public order violators" (povs).

The authority of the Minister of National Defense and members of the AFP to issue ASSOs was formally limited by LOI No. 772 of 27 November 1978, which required that there should be prior clearance by the President.

Since the lifting of martial law, categories of authorized arrest have remained broadly similar to those permitted under martial law. The continued suspension of the privilege of the writ of habeas corpus in national security cases, as provided for in Proclamation No. 2045, was regarded as providing the President with the power to order the detention of people believed to be "engaged in crimes related to national security" without recourse to the courts. These orders are known as Presidential Orders of Arrest (POA) and Presidential Commitment Orders (PCO). LOI No. 1125-A of 25 May 1981 specified procedures to be followed by military personnel wishing to apply for a POA or PCO. It required that they refer applications to a court or "duly authorized investigating officer" who would make a recommendation on whether or not to issue the appropriate order. The preamble to LOI No. 1125-A states that "in view of the full normalization of the government following the inauguration of the New Republic, it is necessary and proper that the regular procedures prescribed by existing laws for the arrest and detention of persons accused of violation of criminal laws be observed with respect to those charged with /national security and public order/ crimes and offences".

The Amnesty International delegation found that in practice arrest and detention were commonly carried out without POA or PCO and that the latter were issued without reference to the civil judiciary. These practices were apparently legitimized by LOI No. 1211 of 9 March 1982, which reaffirmed that in national security cases people might normally be arrested and detained only upon proper warrant issued by a judge - but added the proviso that a military commander or head of a law enforcement agency might apply directly to the President through the Minister of National Defense for a PCO "when resort to judicial process is not possible or expedient without endangering public order and safety" (emphasis added).

Proper Conduct of Law Enforcement Officials Making an Arrest

The government has issued regulations governing the identification of persons making an arrest, the times of day during which an arrest may ordinarily be made and the degree of force which may legitimately be used in making an arrest. On arrest, a person has the right to be informed of the reason for arrest. Some but not all of these rules have been incorporated into the Philippine Constabulary Investigator's Manual, which specifies the circumstances in which an arrest may legally be made. The manual requires that "no unnecessary or unreasonable force shall be used and the person arrested shall not be subjected to any greater restraint than is necessary for his detention"; and that "an arresting officer must inform the person to be arrested of the cause of the arrest and that a warrant has been issued for his arrest".

Recognized Places of Detention and Reporting Arrests

On 16 November 1972 President Marcos issued GO No. 16 creating a national command for the administration of detainees held under martial law power. Known as the Command for the Administration of Detainees (CAD), it was described as "the focal point for coordination and integration of government activities from national down to provincial level involving the administration of all persons arrested or apprehended in connection with Presidential Proclamation No. 1081". The Chief of the Philippine Constabulary (PC) was appointed Commander of CAD, which was to "utilize the existing organization structure and resources of the Armed Forces of the Philippines, particularly the Philippine Constabulary /which was to serve as/ the nucleus of the Command". Among the goals of CAD was to be that of "minimiz/ing/ the occurrence of arbitrary detention". (*)

The rules of CAD covered procedures for delivery of arrested persons to proper places of detention and for reporting arrests. These rules specified that an arrested person should be booked at the nearest AFP unit and then delivered to an Inquest Authority within between 18 and 72 hours, depending on the gravity of the alleged offence. (**) The functions of Inquest Authority, in addition to determining probable cause in case of citizen's arrest, and to identifying properly persons arrested on an ASSO were to establish that the rights of the detainee had not been violated. (***) The inquest team was to comprise a senior officer (the provincial commander at the provincial level) assisted by a military lawyer or provincial fiscal (prosecutor). Recognized places of detention under the CAD system were: stockades of PC provincial and regional headquarters, Camp Bagong Diwa (formerly Bicutan Rehabilitation Center), the PC national headquarters at Camp Crame, Metromanila; the Maximum Security Unit, Fort Bonifacio, Metromanila; and the stockade of the Intelligence and Security Agency of the AFP (ISAFP), Camp Aguinaldo, Metromanila. The rules also required the immediate reporting of arrests to the Minister of National Defense through the Commander of CAD. (****)

Prior to the lifting of martial law, it was announced that detainees held in military detention centres would be transferred to civilian prisons under the administration of the National Bureau of Prisons, an agency of the Ministry of Justice, once martial law had been lifted. After 17 January 1981, a number of political detainees were transferred to

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(*) Col. Simplicio S. Onano, The CAD System, p. 6

(**) 18 hours for light offences; 48 hours for "less grave" offences; and 72 hours for grave offences.

(***) LOI No. 621, Section 6 (c,d,e)

(****) Department of National Defense, Departmental Order No. 740, Section 6

civilian prisons, though others remained in military detention centres and some of those arrested after the lifting of martial law were also held under military administration. Detainees transferred to civilian prisons often faced worse prison conditions.

Immediately after the lifting of martial law, 33 detainees held in the military detention centres Camp Bagong Diwa (the Bicutan Rehabilitation Center) and Camp Guillermo Nakar, Lucena City, Quezon, were transferred to the civilian National Penitentiary, Muntinlupa, Metromanila. The 33 went on hunger strike in February 1981 in protest at their prison conditions. In the following two months, 12 of the prisoners were released from the National Penitentiary and the rest transferred to Camp Bagong Diwa. Among the military detention centres which remained open was the Maximum Security Unit (MSU), Fort Bonifacio. Conditions in the MSU have been of particular concern to Amnesty International. Most prisoners in the MSU are held in poorly-lit and poorly-ventilated cells measuring four by eleven feet and are not permitted to communicate with their fellow detainees. Prisoners are commonly held incommunicado in the MSU with their arrest not being acknowledged by the authorities. (*)

The Amnesty International delegation was informed by Lt. Col. Ricardo C. Villanueva, Chief of Operations in the CAD Secretariat, that CAD rules apply to all arrests of "public order violators" whatever the type of arrest made and whatever the unit making the arrest. An arrest made by Presidential Order of Arrest (POA) would be reported to CAD and the Minister of National Defense, who would report it to the President. Arrests made by units not falling within the regional/provincial chain of command, such as intelligence units, would also be reported to CAD through the headquarters of the relevant unit. Arrests made by Integrated Civilian Home Defense Force (ICHDF) personnel or by AFP personnel on military operations must also be registered in the CAD system using PC resources. The delegation was also informed that reports of arrests were usually made to CAD within 24 hours.

COMCAD figures indicate a sharp decline in the number of persons held as "public order violators" in the period from the lifting of martial law until June 1981 followed by an increase in subsequent months. The following statistics on the number of "public order violators" (povs) and "criminal code violators" (ccvs) under COMCAD administration were given to the delegation.

	POVs	CCVs	TOTAL
December 31, 1980	1913 (-1670)	912 (-562)	2825
June 4, 1981	243 (+101)	350 (+326)	593
November 19, 1981	344	676	1020

(*) See, for example, the cases of Sampatu Maulana and Milagros Lumabi, p. 100 and pp. 76-77 respectively.

The decline in the number of povs held under COMCAD administration must be presumed to be due to the release of a number of detainees in the period covering the lifting of martial law and the transfer of others to the administration of the civilian National Bureau of Prisons. The subsequent increase in numbers of detainees classified as povs in the period 4 June to 19 November is due in part to new arrests. However, new arrests can be presumed to account for only part of this increase since ODA and COMCAD officials told the delegation that no more than 20 povs had been arrested in the entire period between the lifting of martial law and mid-November 1981. It must therefore be assumed that most of the increase in povs in the period June to 19 November is to be accounted for by the transfer of detainees back to the places of detention under COMCAD administration.

Amnesty International believes that the number of people actually arrested for what would be classified as public order offences between the lifting of martial law and mid-November 1981 far exceeds the figure of 20 acknowledged as having been reported to COMCAD. The discrepancy between COMCAD's figures and those available to Amnesty International suggests that the procedures for reporting arrests to COMCAD are not followed.

Safeguards for Detainees

An extensive array of safeguards of the rights of detainees is included in the 1973 Constitution, in General Orders and Letters of Instruction issued by the President, in the Revised Penal Code and in departmental directives and circulars.

In addition to the constitutional rights to due process, equal protection before the law and to the assistance of legal counsel - and against arrest without "probable cause", self-incrimination and the infliction of cruel and unusual punishment - protection of the rights of detainees held in military custody is to be afforded through:

- articles of the Revised Penal Code including those forbidding illegal detention (Article 124); delay in delivery of detainees to the proper judicial authority (Article 125); delaying release (Article 126); and ill-treatment of prisoners (Article 235);
- LOI No. 621 prescribing rules for the delivery of detainees to an Inquest Authority within a set period to determine the detainee's physical condition, the voluntariness of any confession and whether the detainee has been ill-treated or tortured;
- departmental and COMCAD directives. (*)

(*) These directives cover among other matters, implementation of the rights against self-incrimination and against coercive methods (Joint Circular of the Department of Justice and the Department of National Defense of 11 July 1974); on the rights of detainees

Charge and Trial

The Philippine Government has maintained that there are no political prisoners in the Philippines in the sense that detainees are not held without being charged with a criminal offence. (*) On three occasions in 1977 President Marcos announced that he had ordered the release of detainees not formally charged and not tried in court. (**) Although empowered by the suspension of habeas corpus to detain without charge or trial, stated government policy was not to use these powers.

The practice, however, was different. During martial law, including the period after January 1977, Amnesty International received frequent reports of political detainees being held without charge or trial. Moreover, almost all the cases of those who were brought to trial were pending for several years with very few reaching a verdict - with the result that even those who had been formally charged were commonly denied their right to a speedy trial. (***) This was so despite the official justification that the expanded jurisdiction of military tribunals would speed up the disposition of cases.

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to remain silent and to have access to counsel (SOP 6 of the GHQ of the Armed Forces of the Philippines dated 27 January 1975); limits on the period of detention for which people arrested under GO No. 2 may be held (Department of National Defense Order No. 775 of 19 August 1975); the prohibition on torture or ill-treatment and the responsibility of commanding officers for violations of this prohibition by their subordinates (COMCAD Letter Directive on Arrest and Detention of 28 July 1975); the requirement that interrogations be supervised by a commissioned officer (COMCAD Code of November 1972); the requirement that detainees be medically examined within the first 24 hours of detention (COMCAD Directive of 18 April 1973); and investigation of the death of a detainee (COMCAD Directive of 18 April 1973).

(*) see above, p. 58

(**) The President's announcements were made on 7 January 1977 to the University of the Philippines Law Alumni Association; on 3 June 1977 to the Foreign Correspondents Association of the Philippines; and on 22 August 1977 to the World Peace Through Law Conference.

(***) For a typical case, see the case of Saturnino Ocampo, p. 81 Amnesty International knows of only three cases filed with military tribunals involving persons charged with political offences in which verdicts were reached. These were the cases of Benigno S. Aquino et al (MC-2-19 to MC-2-24), Osmeña et al (MC-5-11) and Nilo Tayag (MC-21-10). In the Aquino case, former Senator Aquino and his co-defendants, Lt. Victor Corpuz and Bernabe Buscayno were found guilty of violation of the anti-subversion law, murder and illegal possession of firearms in November 1977 and sentenced to death. President Marcos ordered a retrial after the sentences were the subject of international protests. In April 1981, in the absence of Senator Aquino, abroad, Lt. Corpuz and Bernabe Buscayno were again sentenced to death.

Illustrative Cases

The Amnesty International delegation found in the cases presented to it that arrest and detention were commonly conducted in violation of prescribed procedure. Specifically, the delegation found that:

- arrests were commonly made without warrant;
- such arrests could not be regarded as "citizen's arrests" since reference to the proper judicial authority either did not occur at all or did not occur within the prescribed period;
- the conduct of those making arrests commonly violated established procedure, often involving undue force at the time of arrest, including beatings and other forms of ill-treatment;
- detainees were held for long periods without charge or trial;
- arrests were not reported to the proper authorities;
- detainees were ill-treated and tortured in detention;
- access to relatives, lawyers and medical examination were systematically denied;
- military personnel refused to submit to the rulings of the civil courts;
- detainees were commonly coerced into signing waivers and statements - among other things, waiving their right to delivery to proper judicial authority ("waiver of detention") and stating that they had not been ill-treated while in detention.

The following cases are intended to illustrate these violations of procedure. They are a sample of the cases involving arrest and detention reported to Amnesty International. The particular violations alleged to have occurred are summarized in brackets at the beginning of each case.

Pastor Romeo O. Buenavidez (*) (arrest without warrant, torture and ill-treatment, incommunicado detention in unauthorized place of detention, forced to sign statement)

Romeo O. Buenavidez, a pastor of the United Church of Christ of the Philippines (UCCP), was arrested without warrant at approximately 5.15 p.m. on 2 August 1981 by a barrio captain of Bangonay, Jabonga, Agusan del Norte. The pastor had been in Bangonay attending a preparatory meeting for the annual regional assembly of the UCCP and, at the time of his arrest, was waiting by the highway with other participants in the meeting for transport to take him back to his parish of Santiago, Agusan del Norte.

(*) This account is based on information supplied to Amnesty International; on a medical certificate signed by Dr Teodoro B. Vesagas of Santos Hospital, Butuan City; and on a record of habeas corpus petition hearings before Court of First Instance, Agusan del Norte and Butuan City, 6 - 7 August 1981.

The barrio captain arrested Romeo Buenavidez at gunpoint. When the pastor's colleagues tried to accompany him, the captain pointed his gun at the group and said: "Nobody should get near us." (*)

Romeo Buenavidez was taken to the captain's house where they were joined by soldiers of the 57th PC Company assigned to Bangonay. The pastor was accused of being an NPA sympathizer and the soldiers threatened to kill him. He was beaten with a rifle butt and kicked in the chest and stomach. His captors, who refused to believe that he was a UCCP pastor, were particularly interested in knowing the whereabouts of a farmer who had left the barrio.

After about 30 minutes, Romeo Buenavidez was taken to the PC checkpoint, where he was further interrogated and beaten. He was made to sit cross-legged while the soldiers put their full weight on his thighs; struck on the face with a wet towel; ordered to place his hands on his head so he could not protect himself; kicked in the throat, struck on the chest and his left leg was drawn up to his shoulder. The PC personnel allegedly involved in the interrogation and beatings were Sergeant A.A. and Constables F.B., M.I., A.M., R.G., C.F. and A.M. During the interrogation, the chief of police of Jabonga, P.O., arrived, accompanied by policemen and two farmers. The pastor was again beaten and kicked. His captors then handcuffed him and questioned the farmers about his identity. This questioning was accompanied by further beating. During the interrogation, two more farmers were brought in by P.O. The farmers testified under interrogation that Romeo Buenavidez had encouraged them to boycott the presidential election of 16 June 1981. (**)

At about 9.30 p.m., the pastor and the four farmers were taken to the Jabonga Municipal Jail. A few minutes later Lt. F.G. of the Military Intelligence Group (MIG) (***) arrived with unidentified men in plain clothes. This group took the pastor's personal details and questioned him further about his allegedly subversive activities. He was then told by the MIG agents that he would be taken to Butuan City. On the way there, he was blindfolded and then taken to a "safehouse" in Agusan Pequeno, about five miles from the city. He was held in a "safehouse" for three days during which time he was given further beatings and threatened with death.

On the morning of 6 August 1981 he was taken to Camp Evangelista, Cagayan de Oro City, Misamis Oriental, and again interrogated by intelligence officers. He was told to sign a waiver stating that he had been treated well during his detention. Later he was taken to

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(*) Transcript of testimony of Pastor Poncilito Moran in a Petition for habeas corpus heard by the Court of First Instance of Agusan del Norte and Butuan City, 6 August 1981.

(**) The four farmers, Bonie Laquino, Welhelmino Montil, Criso Dingding and Albino Dingding, were released from custody on 3 August 1981.

(***) The MIG is the operational branch of the Intelligence Service of the Armed Forces of the Philippines.

Butuan City. On the morning of 7 August he was surrendered to the court by Lt. F.G., against whom a writ for habeas corpus had been served the previous day. The court turned Romeo Buenavidez over to Aquino W. Gambe, President of the Agusan del Norte and Butuan City chapter of the Integrated Bar of the Philippines, who brought him to an ecumenical prayer rally that had been organized to publicize his "disappearance". Afterwards he was examined at the Butuan City General Hospital and later by two private physicians. These examinations showed findings consistent with the ill-treatment he alleged. (*)

On 3 August 1981, the day after his arrest, fellow-UCCP pastors, his parents and members of support groups visited the provincial commander of Agusan del Norte, Col. Ricardo Viajar, and later the chief of the Integrated National Police in Butuan City, seeking information about Romeo Buenavidez's whereabouts. Both Col. Viajar and Lt. Tupaz denied all knowledge of the pastor's whereabouts.

The same group again visited Lt. Tupaz and Col. Viajar. The latter informed them that Romeo Buenavidez was in the custody of the MIG and said he had no authority over it. He suggested that they approach the regional command. The group then visited Col. Rogelio Villanueva, commander of the 4th Infantry Brigade based in Butuan City, who promised to help them.

In the afternoon of 6 August 1981 counsel for Federico Buenavidez, the pastor's father, presented a petition for habeas corpus against the barrio captain before Judge Fortunato A. Vailoces of the Court of First Instance, Butuan City. Counsel for Federico Buenavidez were officers of the Agusan del Norte and Butuan City chapter of the Integrated Bar of the Philippines, including the chapter President, Aquino W. Gambe. The judge ordered the provincial fiscal to investigate the barrio captain and issued a writ against him, Lt. F.G. and the Jabonga chief of police, P.O., to produce the body of Romeo Buenavidez. He set the next hearing for 10 August 1981. On the morning of 7 August Lt. F.G. delivered Romeo Buenavidez to the court. Judge Vailoces ordered the pastor to be turned over to Aquino Gambe. The judge noted:

> "The court takes judicial notice of the fact that in this province and city there is now an ongoing campaign being conducted by the government through the intelligence units of the military to check the infiltration and the inroads of certain subversive and/or dissident or misguided elements. It was in connection with said intelligence operations that Romeo Buenavidez, according to Lt. F.G., was taken along by him last Sunday for some questioning."

(*) Dr Vesagas found abrasions and haematomas on Romeo Buenavidez's forehead, shoulder blades, neck, ribs, abdomen, thighs and right forearm. He also found periosteal avulsion of the 7th and 8th rib mid-axillary line.

On 25 August 1981 lawyers filed complaints with the provincial fiscal against Lt. F.G., the barrio captain and the seven PC soldiers alleged to have detained and ill-treated Romeo Buenavidez before his transfer to the custody of the MIG. The complaint was accompanied by affidavits to support charges against the barrio captain of robbery with serious physical injuries against Romeo Buenavidez, illegal possession of firearms, unlawful arrest, and serious physical injuries against two of the arrested farmers; against the seven PC soldiers for robbery with serious physical injuries against Romeo Buenavidez; against Lt. F.G. for arbitrary detention; and against the barrio captain, the PC sergeant and other soldiers for conspiracy in the crime of arbitrary detention.

As of November 1981 the fiscal's office had not initiated an investigation into the complaints filed by Romeo Buenavidez's lawyers. The fiscal's office had instead referred the complaint to the Ministry of Justice on the grounds that the ministry's approval is required for investigations into offences allegedly committed by elected officials like the barrio captain.

In May 1982 it was reported that there had been no further developments in the case.

Jose Alto (arrest without warrant, illegal search, "disappearance")

Jose Alto, a former construction worker, "disappeared" on 27 November 1980 after being abducted on his way home from the Don Bosco School where he was working. As he approached his house in San Jose Street, Barrio Magsaysay, Tondo, Metro Manila, two men accosted him, forced him into a parked car and drove away. The abduction was witnessed by his sister, Erlinda Alto Aristorenas, who lives next door. She said a long-haired man wearing sunglasses, shorts and slippers had stayed in the car and pointed out her brother to the two outside; they had military-style haircuts and wore polo shirts, she said.

On 1 December 1980 the houses of the brother and sister were searched by a group of military men in civilian clothes. Nothing was taken away. The mother, Priscilla Alto, who lives in Jose Alto's house, was asked to sign a statement to the effect that nothing had been taken, which she did.

Jose Alto's family have been unable to trace him since his abduction. Between 5 and 10 December 1980 his mother visited police stations, the headquarters of the Philippine Constabulary, Camp Crame (where she made contact with officials of the Military Intelligence and Security Group (MISG) and the Criminal Investigation Service (CIS)) and Camp Bagong Diwa (the Bicutan Rehabilitation Centre) in search of her son. The authorities whom she approached denied all knowledge of his whereabouts.

On 18 March 1981 a neighbour informed her that he had seen Jose Alto that day accompanied by two men in civilian clothes sitting in a stationary brown Volkswagen. He had approached and greeted Jose Alto, whereupon the car had been hurriedly driven off.

On 31 March 1981 Priscilla Alto delivered a letter to the Ministry of National Defense requesting assistance in trying to locate her son. She also visited the Office of Detainee Affairs (ODA) of the Ministry of National Defense, where she reported the sighting of the brown Volkswagen. Officials of the ODA suggested she go to the License Division of the Land Transportation Division. There she was told that the owner of the car could not be identified on the basis of the incomplete number plate noted by the neighbour.

In 1974 Jose Alto became involved in the Fathers' Club of Don Bosco School, a civic action project involved in housing and resettlement projects in the Tondo, a slum district of Manila.

In August 1974 he was one of 20 people arrested in a raid by a METROCOM unit on the Sacred Heart Novitiate in Novaliches, Quezon City. He was later held incommunicado for one month in the Maximum Security Unit, Fort Bonifacio, before being released in early 1975. He was accused of being an NPA commander but was not formally charged. He was arrested again in May 1978 by two policemen who presented an Arrest, Search and Seizure Order (ASSO). He was delivered to the Military Intelligence and Security Group of the Philippine Constabulary at Camp Crame, where he was again held incommunicado for about one month. He was then transferred to Bicutan Rehabilitation Centre and held for a further six months. After his release in early 1979, he returned to work at the Fathers' Club of Don Bosco School.

Felix Ocido III (arrest without warrant; authorities' refusal to acknowledge detention; torture and ill-treatment in detention; refusal of military personnel to submit to court ruling; possible "disappearance")

A labourer and trade union organizer, he was arrested in Tagum, Davao del Norte, before work on 3 August 1981 by N.A., a member of the ICHDF. He was taken to the PC barracks in Tagum where, he said later, he was beaten for refusing to admit being a member of the NPA. During the afternoon he was escorted from the barracks by a guard and allowed to eat a meal at a nearby food stall. Fearing that he was to be "salvaged", he tried to grab his guard's rifle and escape but was returned to the barracks and repeatedly beaten again. He said he lost two teeth in the beatings, was hit in the stomach and on the knees and that his genitals were repeatedly struck with a stick. He was able to identify only one of the soldiers who beat him, Major M.

On the evening of 3 August the chief of intelligence at the local barracks, Lt. R.L., searched the house of the prisoner's aunt, Minda Bersabal. He did not produce a search warrant nor did he reveal that Felix Ocido had been arrested. He said the authorities had been informed there were firearms in the house; he found none.

Minda Bersabal learned of her nephew's arrest from an acquaintance on 5 August. She went to the PC barracks, where Lt. R.L. confirmed her nephew's detention but said she could not see him without permission from the provincial commander, who was unavailable. She returned to the

barracks later with other relatives, including the prisoner's mother. While they were waiting, Felix Ocido came out of an office. They could see that he had been beaten. He told them of his beatings and that he had been confined in the bartolina (isolation cell).

A week later, on 12 August, he was granted bail by the municipal court but the PC refused to sign a release order on the grounds that the warden of the barracks, who was the person authorized to sign it, was not available. Bail was granted again on 19 August after a subversion charge had been filed against the prisoner. This time he was released. He spent two days in Christ the King Hospital, Tagum, receiving treatment for injuries he had received while in detention. After being discharged from hospital, he went to stay in his parents' house in Davao City. Two days later he went out shopping and never returned. His family have tried to trace him by contacting relatives, going to places he used to frequent and visiting barracks in Davao City and Tagum.

He was summoned for arraignment on 23 September. Because of his failure to appear, the family forfeited the bail bond they had put up.

Felix Ocido, who was 25 when he went missing was a labour organizer for the Mindanao Federation of Labor, which is affiliated to the Kilusan Mayo Uno (KMU). He was a commerce graduate of the University of Mindanao.

Milagros Lumabi-Echanis (arrest without warrant; "disappearance"; detention in an unauthorized place of detention; detention without charge for lengthy period; relatives harassed)

She was arrested in Sampaloc, Manila, with her 10-week-old son on 14 August 1980 by a group of soldiers led by Captain R.A. of the PC detachment in Upi, Gamu Isabela. She was staying in a boarding house at the time, having come to Manila to seek medical treatment for her son, Ranmil. She and her baby were taken to the Maximum Security Unit (MSU), Fort Bonifacio, and held in isolation for a period in a cell detached from the main prison building. She and the child were later transferred to a regular isolation cell in the MSU. Towards the end of February 1981 she was moved to a small dark room behind the MSU's dental clinic -- as a result she and her child were not seen by the delegation of the International Committee of the Red Cross (ICRC) which visited the MSU in March 1981. After the ICRC visit, she was returned to a regular isolation cell; she was spotted there by another detainee.

It was only after several months that her mother, Librada Lumabi, learned of where her daughter and grandson were being detained. Librada Lumabi had herself been detained from 13 January to 15 February 1981 in the custody of the chief of police of Cabagan, Isabela. During this period, she was shown a photograph of her daughter and grandson by Captain R.A., who refused to disclose their whereabouts. In March 1981, after she had been released, Librada Lumabi was told by a PC soldier that the two were being held in the MSU. She went to Manila and on 16 March 1981 gained an interview with Colonel Balbino Diego, chief of the Legal Investigation Board of the Presidential Security Command (PSC). He questioned her about

the activities of her daughter and son-in-law, a suspected NPA leader who was being sought by the authorities. Librada Lumabi was finally permitted to visit her daughter in the MSU on 24 April 1981.

On 15 July 1981 Milagros Lumabi's baby was released from the MSU in poor health. On 10 August he and her other son, three-year-old Rayandal, joined her in the MSU at her request.

Preliminary investigation hearings on subversion charges brought against Milagros Lumabi were held in the civil Court of First Instance, Manila on 28 August and 29 October 1981 and in January 1982. On 10 February 1982 Milagros Lumabi was granted temporary release and allowed to leave the MSU with her two sons.

She was born in May 1957 in Barrio Masipi West, Cabagan, Isabela. In February 1972, before she had turned 15, she left home and cut all ties with her family. After this, her parents were repeatedly harassed by the security forces.

Her father, Domingo Lumabi, was arrested in 1972 and held for four months by the PC in Cabagan, Isabela. He is reported to have been tortured while being interrogated about his daughter's whereabouts. On 15 April 1978 both her parents were arrested; her mother was held for one month, her father for slightly longer. They were again asked about their daughter's whereabouts and were accused of aiding her allegedly subversive activities. Her father was reportedly beaten and kicked on several occasions during this period of detention.

On 16 August 1980, two days after Milagros Lumabi's arrest, her son Rayandal, then aged two, and two of her cousins, Imelda Jimenez and Marvic Lumabi, were taken from her parents' house by a security guard of the Westco Sawmill in Cabagan and brought to the PC detachment in Upi, Gamu. Imelda Jimenez was released the next day but Marvic Lumabi and the little boy were held until 4 September despite continual representations by Librada Lumabi to the detachment commander, Captain R.A. Marvic Lumabi is reported to have been raped by a PC civilian employee while in detention.

On 11 November 1980 the barrio captain of Masipi West, Vicente Pinogo, who lived next door to the Lumabis, was killed by unidentified men. Librada and Domingo Lumabi were arrested on 11 November 1980 and held for three days without food while they were questioned about the killing of Vicente Pinogo.

On 13 January 1981 Librada Lumabi was arrested by three members of the ICHDF, including Vicente Pinogo's son, and taken to the Cabagan municipal jail, where she was held until 15 February 1981. During this period she was repeatedly questioned about the killing of Vicente Pinogo and accused of supplying material to the NPA.

Jose Oliver V. Pacres (arrest without warrant; denial of access to relatives and legal counsel; torture; detention in unauthorized place of detention; threatened with execution)

A former student leader at the University of the Philippines, Los Baños, he was arrested without warrant in Cuenca, Batangas, on 27 August 1981 and

tortured sporadically during interrogation for three days. Lawyers seeking access to him were told that he was not detained. On 2 October, while still held incommunicado without access to family or counsel, he was charged with subversion under Presidential Decree 885. Two weeks after his arrest he was transferred from the PC provincial headquarters at Kumintang, Ilaya, Batangas City, to the house of the commander of the 213th PC Company nearby, where he was ordered to work as a houseboy. After a writ of habeas corpus was filed with the Supreme Court on 21 October 1981, he reportedly signed a series of antedated "waivers of detention" running from 27 August 1981 to 16 October 1981. He was released on the recognizance of his lawyer on 3 November 1981 on the order of the Supreme Court.

Jose Pacres had moved to the Lake Taal area, Batangas, in May 1981, reportedly to organize local fishermen to protest against the effects on local fishlife of trawlers operating on the lake. His arrest on 27 August was made without warrant by two members of the Integrated National Police in plain clothes reportedly acting on an allegation by a police informer. The policemen later alleged that they had found subversive documents on Jose Pacres.

The first period of his interrogation at the PC headquarters reportedly lasted from 9 pm on the night of 27 August until 1 am the next morning. His interrogators asked him whether he was a member of the NPA and what organizations he had belonged to while at university. He denied any involvement with the NPA. He was stripped naked and punched in the face and body. His genitals were struck. He was tied to a bench and men sat on his feet and thighs. His shoulders were held down and he was gagged. A funnel was forced into his right nostril and water mixed with detergent was poured into his nose. This was repeated several times that night. At one point he reportedly heard the sergeant in whose quarters the torture was taking place ask the commanding officer, 1st Lt. D.Q., whether they could "salvage" him. The commanding officer is said to have replied, "No, some other day."

During the course of the torture, a knife was held to his right jaw, the point pressing into his flesh and an automatic pistol was twice pressed to his temples. While the torture was taking place, he was interrogated about whether he was a member of the NPA and his membership of other organizations.

After the torture session, he was left lying face down on a bench with his left wrist handcuffed to a nearby cot and his thumbs tied together.

On 28 and 29 August he was interrogated, assaulted and threatened with death. On 29 August he signed a statement that he was an "activist". The next day a PC sergeant showed him three empty cartridges and said, "We are going to take you to another place where you will be fertilizer for the soil. We'll put these empty cartridges and a pattik (homemade gun) next to you to show you attacked us."

Jose Pacres was kept handcuffed day and night for about a fortnight after 29 August. He shared his cell with two detainees, one of whom, Nestor Chavez, had also reportedly been tortured.

Jose Pacres was then taken to work as a houseboy in the home of 1st Lt. D.Q. While working there he witnessed the torture at the back of the house of an NPA suspect named Oscar Baldon who was captured on 17 or 18 September 1981: the suspect was reportedly kicked and given karate blows, then tied to two benches and given the water torture: two pails of water mixed with detergent were reportedly poured through his nostrils. Jose Pacres said later that Colonel S.M., the PC provincial commander was present and he, when asked if Oscar Baldon could be killed, replied: "No, another day when he is 'confirmed' /as an NPA member/."

Oscar Baldon was then held in an improvised isolation cell, the back of an abandoned truck: it was hot during the day and cold at night and stank of the urine and excreta of former detainees. He managed to escape from his cell but was caught on the outskirts of Batangas City and tortured even more severely over the next two or three days by about 10 men, again outside the lieutenant's house.

At the end of the torture period he was again put in the truck. At about midnight on 1 October Jose Pacres said he saw a PC jeep with Oscar Baldon in it leaving the camp. The man never returned and his body has not been recovered.

Three other persons detained at the same camp during September are also reported to have been tortured: Contado Maderazo, Florendo Magapay and Serafin Garcia.

In August Jose Pacres' mother had asked the regional chairman of FLAG for Southern Tagalog, Procopio S. Beltran Jr., to provide legal assistance for her son. On 19 September 1981 the lawyer went to the 213th Company's headquarters at Kumintang Ilaya and asked to see his client. A sergeant told him his client was not in their custody. On the same day the lawyer wrote to the provincial commander, Colonel S.M., asking to be allowed to interview his client. The colonel replied in a letter: "As per our records, Mr Jose Oliver J. Pacres was never detained at the PC/INP Jail in this Command."

On 2 October, while still denied access to legal counsel, Jose Pacres was charged before the municipal court of Cuenca with violation of Presidential Decree 885, the amended Anti-Subversion Law. The complaint alleged that he had "in his possession and control subversive documents promoting the cause of the National Democratic Front ..."

On 15 October 1981 another FLAG lawyer, Luis Ilagan Jr., went to the Batangas PC/INP command and asked to confer with Jose Pacres. He was informed by members of the command (including 1st Lt. D.Q.) that Jose Pacres was not in their custody. Less than two hours later the detainee's mother, accompanied by Maria Rita Louella D. Deocampo, a former student leader at the University of the Philippines, Los Baños, went to Lt. D.Q.'s house and were allowed to talk to Jose Pacres in his presence.

On 21 October 1981 the mother filed a petition before the Supreme Court of the Philippines against Colonel S.M. and 1st Lt. D.Q. requesting that a writ of habeas corpus be issued for the two officers to produce Jose Pacres; that if no charges were filed against the detainee, the court order his release; that his lawyers be allowed to visit him "in the remote

possibility that there is a criminal charge filed against him". She also filed a petition for a writ of mandamus "making said mandatory order permanent".

In reply, the Solicitor General asserted that Jose Pacres had signed a series of waivers of detention between 27 August, the date of his arrest, and 16 October; that he had been charged with violation of Presidential Decree 885 after preliminary investigation by Judge Luna of the Cuenca municipal court on 2 October 1981. Judge Luna had issued a commitment order on 19 October. On 3 November 1981 the Supreme Court ordered Jose Pacres released under the recognizance of his lawyer. In January 1982 the municipal court dismissed charges against Jose Pacres.

Arrest and detention of 45 members of the Tinggian tribe (arrest without warrant; ill-treatment; coercion into signing statement and waiver; refusal of military personnel to submit to court ruling)

In the second week of October 1981 at least 45 members of the Tinggian tribe in the Malibcong district, in the province of Abra, were arrested without warrant by a detachment of the 125th PC Company based in Malibcong.

Felipe Begnalen was arrested on 11 October 1981 in Masishiae on his way from Manila to visit relatives; he was accused of carrying supplies for the NPA. Early on 12 October three high school students, Susan Kawas, Linda Lagikaw and Anita Sandaan, were arrested for having allegedly violated the curfew. Under interrogation, the three Tinggian students said that they had seen a group of 20 NPA members in the area. On 13 October at least 40 residents of the village of Bangilo were arrested. Beforehand the arresting unit subjected villagers to various humiliations, such as forcing them to dance and to imitate animals. On 14 October another resident, Pascual Cagayungan, was arrested after he had expressed his intention to contact lawyers.

Those arrested between 11 and 14 October were initially detained in the PC barracks in Malibcong. Two of them, Miguel Liguica and Pascual Cagayungan, were reportedly beaten with rifle butts. When the wife of Miguel Liguica complained to the commander of the PC detachment and his deputy, 1st Lt. L.L. and Staff Sergeant B.G., all the detainees were compelled to sign a statement that they had not been ill-treated while in detention.

On approximately 16 October, after relatives had contacted lawyers, 24 of the detainees were transferred to the PC provincial headquarters at Camp Villamor, Bangued. On 18 October the 24 signed waivers of detention, reportedly under duress and in the absence of legal counsel. The detainees were also compelled to sign statements admitting that they had links with the NPA and disowning their lawyers as being "anti-government".

On 24 October more than 10 days after the arrests, the municipal judge of Masisiat, Baay-Lieuan, issued simultaneously arrest warrants and commitment orders for the 24 on the grounds that they had violated Presidential Decree 885. A joint affidavit submitted to the court by the detachment commander and his deputy alleged that in the course of investigation the 24 had admitted supplying the NPA with provisions.

After petitions for writs of habeas corpus had been filed on behalf of the 24 and others arrested earlier and detained in Camp Villamor, the Court of First Instance, Bangued, ruled that 21 of the detainees should be released unconditionally, and that the rest were eligible for bail. Despite this ruling, the detainees continued to be held in Camp Villamor until 12 November when their release was ordered after the provincial fiscal had filed a motion for "provisional dismissal" of their cases.

Amnesty International has received frequent reports of arrests, usually short-term, of Tinggians. There is reported to be an NPA presence in the uplands of Abra where most of the tribe live. Some have joined the NPA, reportedly because they were disaffected with the government largely over the activities of Cellophil Resources Corporation, a government-controlled logging and timber processing company with a concession and plant in Abra. At least 127 Tinggians are reported to have been arrested between October 1977 and the end of December 1981. In March 1981, 26 Tinggians were arrested in Labaan, Bucloc and charged with membership of and supplying the NPA. The group was released in stages during 1981. The last to be released was Victorino Bingcan, a trade union organizer at Cellophil. Later in November 1981, after the arrests described above, 14 Tinggians were reportedly arrested in Lacub shortly after military operations had begun in the area. Amnesty International has learned of the arrest of three more Tinggians in Lacub in April 1982.

Military authorities operating in Tinggian areas are reported to have imposed restrictions on freedom of movement by setting curfews requiring people wishing to travel outside their villages to carry safe conduct passes and, since early 1982, by concentrating the population in "strategic hamlets".

Saturnino Ocampo (long-term detention without trial)

Saturnino Ocampo was arrested on 14 January 1976 in Olangapo City, Zambales by a combined unit of the National Intelligence and Security Agency (NISA), the 1st Military Intelligence Group, the 1st and 5th Constabulary Security Unit (CSU) of the Philippine Constabulary, the 20th Infantry Brigade of the Philippine Army and local Philippine Constabulary. He was taken to the headquarters of the 1st MIG at Camp Olivas, Pampanga where he was reportedly subjected to torture and intensive interrogation for the following seven days and nights. He was held incommunicado in a "safehouse" and isolation cells in Camp Olivas and Camp Crame during the following nine months. (*) On 10 January 1977 he was transferred to the Bicutan Rehabilitation Centre.

Charges were filed against Saturnino Ocampo for rebellion and subversion in two separate cases. The first of these arose from his alleged involvement with 91 others in two alleged attempts in 1972 and 1974 to smuggle arms into the Philippines. The case, known as the Karagatan-Andrea case after the two ships allegedly used by the defendants, was one

(*) His treatment during the nine months following his arrest is described in the Report of an Amnesty International Mission to the Republic of the Philippines (Second Edition, March 1977), p. 93.

of the major political cases of the martial law period. The accused included the alleged leadership of the Communist Party of the Philippines and the NPA. In addition, the Karagatan incident was cited by President Marcos in the martial law proclamation as one of the justifications for declaring martial law. As of June 1982, the case was still pending before Special Military Commission (SMC) No. 1 which had been constituted specifically to hear the case and bring it to a speedy conclusion.

The Summary Preliminary Investigation (SPI) of the case to determine whether there was sufficient evidence to bring formal charges against the accused began in October 1975, in the absence of a number of the defendants including Saturnino Ocampo, and was completed in February 1977 with the defendants being formally charged. The case was referred to Military Commission No. 1 in July 1977 but the defendants were not arraigned until November 1978. In the intervening period, counsel for defendants had introduced motions to quash on a number of grounds, including that the constitutional rights of the defendants had been violated by their torture. A similar motion was presented to SMC No. 1 in November 1978 but was again rejected.

A number of the defendants then filed a petition for habeas corpus with the Supreme Court which ordered the military tribunal to suspend the trial pending the Court's decision. The Supreme Court did not decide on the case until 16 January 1981 when it dismissed the petition. However, the petitioners were able to introduce a motion for reconsideration of the rejected petition in the light of the lifting of martial law and the Supreme Court issued a new order restraining the Military Commission from proceeding with the case. Despite this order, the Military Commission resumed hearings in the case in July 1981. The Commission asserted that these hearings were not in violation of the Supreme Court's ruling since they were hearings to "perpetuate testimonies", a procedure said to be justified by the consideration that further delay would adversely affect the administration of justice and national security.

As of June 1982 Saturnino Ocampo was one of only six of the defendants in the case still to be in detention, the rest having been released or never having been apprehended.

Saturnino Ocampo was formally charged in a separate case with subversion together with the alleged leader of the Communist Party of the Philippines, Jose Maria Sison, and 10 others, after completion of SPI in September 1978. Hearings in this case were also suspended in January 1979 when the Supreme Court issued a writ of habeas corpus. The habeas corpus case filed by Saturnino Ocampo and four others was still pending as of November 1981.

Sixto Carlos Junior (detention without charge or trial)

Sixto Carlos Jr. was arrested in April 1979 and as of June 1982 had not been formally charged. His detention was not acknowledged by the authorities until September 1979. (*) After the Judge Advocate General's

(*) For his testimony covering this period of incommunicado detention, see Appendix II.

Office filed a complaint alleging that Sixto Carlos had committed the crimes of subversion and illegal possession of firearms, preliminary investigation of the case opened before the Manila Court of First Instance on 26 March 1981. At that hearing, counsel requested a private conference with his client on the grounds that previous meetings held in prison had been bugged. The court was also requested to extend Sixto Carlos' visitation rights to include visits by his parents, which was granted. Military lawyers failed to bring to court allegedly incriminating evidence consisting of documents said to have been seized from Sixto Carlos and the hearing was postponed until 30 March 1981. On 30 March the hearing was rescheduled when representatives of the Judge Advocate General's Office failed to appear. Hearings set for 12 May and 9 December 1981 and 12 January 1982 were postponed for similar reasons. A hearing set for 9 February 1982 was held. At this hearing military lawyers were unable to produce the original of the Arrest, Search and Seizure Order under which Sixto Carlos was arrested. A final hearing was held on 12 April 1982, but as of June 1982 the judge had not handed down a decision on whether there was a prima facie case against Sixto Carlos.

CHAPTER VI: REDRESS: INVESTIGATION AND COMPLAINTS

Official statistics convey the impression of a functioning and effective procedure for handling complaints of violations committed by military personnel. However, the Amnesty International delegation found that, in the cases it investigated, a large number of those with grievances against civilian and military officials were afraid to complain to the authorities, often because of open threats of reprisal. Moreover, when complaints were made to the authorities, often only with the assistance of influential people, such as senior members of the churches, or institutions, such as the Integrated Bar of the Philippines, or well-connected relatives, the resulting investigations were unsatisfactory. In those rare cases where complaints have led to some form of prosecution, the charges tend to have been dismissed after hearings that were not public or else the punishment has often been incommensurate with the gravity of the offence.

Official statistics

Since the end of 1978 the monitoring of complaints against military personnel has been centralized in an "action centre" of the Office of Civilian Relations of the Department of National Defense under the Deputy Minister of National Defense, Carmelo Z. Barbero. The establishment of the "action centre" followed a statement by the then Chief of Staff of the AFP, General Romeo Espino, that nearly 2,500 officers and men had been dismissed in the previous three years for offences that included murder, kidnapping, rape, robbery, illegal possession of firearms and harassment of civilians; and that another 3,000 cases were pending investigation.

Official statistics, though not consistent, indicate that large numbers of military personnel have been discharged and otherwise disciplined since the declaration of martial law.(*) In March 1979

(*) In October 1976 President Marcos was quoted as saying that 2,700 military personnel had been disciplined "in the past few years" for ill-treating prisoners held under martial law regulations. A report issued by the Department of National Defense in July 1977 said that 1,745 officers and men had been discharged from the AFP in the period 1 January 1973 to 30 June 1977 for abuses against civilians. In August 1977, the Undersecretary for Defense, Jose Crisol, reported that 2,322 of the 4,762 cases filed against military personnel since the declaration of martial law had been investigated, resulting in the discharge of 1,982 officers and men and the demotion, reprimand and admonition of 333 others. In Five Years of the New Society (published in May 1978), President Marcos stated that 2,083 members of the AFP had been "dismissed and penalized" for various abuses, including torture and ill-treatment of detainees; 322 had been sentenced to disciplinary punishment. In September 1978 General Espino stated that 2,500 military personnel had been discharged in the previous three years. In March 1979 the Deputy Defense Minister reported that between the declaration of martial law and the end of 1978 a total of 4,512 civilian complaints against the military

complaints were reportedly being received by the Department of National Defense at the rate of 150 a day. The different sets of statistics on numbers of members of the AFP dismissed and otherwise disciplined during the period of martial law may not be strictly comparable since some refer to all offences committed by military personnel while others refer only to offences against civilians. However, the more detailed statistics given to the Amnesty International mission delegates during their meeting with officials of the Department of National Defense suggested that complaints received cover a wide range of offences of which only a small proportion may relate to abuses against civilians.

The delegates were presented with statistics on the number of complaints received by the Office of Civilian Relations during the period 1 January to 30 September 1981. They revealed that 1,649 complaints had been received (or approximately six complaints a day), of which 183 (11 per cent) had been resolved. In the same period 562 officers and men had been discharged, 265 demoted and 199 reprimanded. Of the 562 discharged, 73 were reinstated on appeal.

Those discharged were categorized by type of offence. A number of cases possibly involving violations of concern to Amnesty International were included: 33 cases of murder/homicide, 28 of physical injury, 22 of threats/harassment and 13 of abuse of authority. The most common offence for which the punishment was dismissal from the service was being absent without leave, for which 220 personnel had been discharged. The categories give little indication of the number of personnel dismissed for offences such as illegal arrest and detention, ill-treatment of prisoners and extra-judicial execution, which were of particular concern to the mission, and the officials interviewed were unable to throw further light on this matter.

Extensive data on investigations of alleged violations of human rights of concern to Amnesty International are presented in President Marcos' book, Five Years of the New Society. (*) In Appendix B he tabulates 79 cases of alleged violations of the human rights of detainees, either investigated or under investigation, including cases of alleged torture and ill-treatment, arbitrary and improperly conducted arrests and deaths and "disappearances". The appendix is intended to document the assertion of President Marcos in the text that:

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had been received, resulting in the discharge of 2,917 military personnel; 704 of them had been reinstated on appeal and 891 cases were pending. In December 1979 he was quoted as saying that more than 3,000 military personnel had been dismissed for various offences since the declaration of martial law, while over 2,000 cases were pending. In a speech marking the lifting of martial law in January 1981, President Marcos said that more than 8,800 officers and men had been dismissed from the AFP during the period of martial law.

(*) Ferdinand E. Marcos, Five Years of the New Society, Appendix B, pp. 205-221 (Manila, 1978).

"Despite the measures taken to ensure the humane treatment of detainees, a number of cases have occurred where military personnel abused and even maltreated prisoners in the course of their interrogation ... Action on these cases has been swift, both in terms of providing remedies to the aggrieved, and in terms of punishing those who were guilty, not only of grave crimes of torture and cruelty, but of even lesser violations in the administration of detainees."(*)

The cases analysed in Appendix B were reported to the government by international and domestic non-governmental organizations, including Amnesty International, the International Commission of Jurists and the Association of Major Religious Superiors of the Philippines (AMRSP) as well as by individuals, including Jaime Cardinal Sin. Investigations had been completed in only 27 of the 79 cases. Further analysis of the cases still pending investigation in 1978 suggests that action on these cases has not been swift. Among them were 16 cases submitted to the government by Amnesty International in June 1976, 12 cases reported by the International Commission of Jurists in a report published in June 1977, five cases included in a March 1976 report by the AMRSP, Political Detainees in the Philippines, and 15 included in the AMRSP report of March 1977.

Of the 27 cases in which investigation had been completed, disciplinary action was taken in only six, resulting in the punishment of 60 AFP personnel: 39 received administrative reprimands, 16 administrative punishment, two demotions and three sentences by general court martial (two cases were tried by general court martial). Of the soldiers found guilty by general court martial, one, Lt. Clifford Noveras, was sentenced to be dismissed from the service and two, Constables Eddie Abalos and Henry Rato, were sentenced to six months' confinement with hard labour.

In the other cases, the investigating body was a specially constituted panel of senior officers and officials of the Ministry of National Defense or investigative bodies such as the Office of the Inspector General of the AFP, the Constabulary Inspectorate General, the Criminal Investigation Service (CIS) of the PC and the Office of the Constabulary Judge Advocate. The court martial of Lt. Noveras and Constables Rato and Abalos is the only one known to Amnesty International to have arisen with respect to allegations of torture made to its delegation which visited the Philippines in November and December 1975. In the other court martial case recorded in Appendix B, charges were brought in July 1977 against two members of the Military Intelligence and Security Group (MISG), Lt. Eduardo Matillano and Lt. Prudencio Regis, on the order of President Marcos for the alleged torture and ill-treatment of Trinidad Herrera, an internationally-known figure who was then President of Zone One Tondo Organization (ZOTO), an organization of the urban poor in the Tondo district of Manila. The defendants were charged under Article of War No. 96 with "conduct unbecoming an officer and gentleman", for which the maximum penalty is dismissal from the service. The court martial was ordered after expressions of concern by the United States Embassy and it took place shortly before the World Peace Through Law Conference was due to be held in Manila. The defendants were found not guilty.

(*) Ibid, p. 26.

The only other military personnel known to have been charged before a court martial for alleged torture and ill-treatment of detainees were three MISG members, 1st Lt. Dencio Laurico, 2nd Lt. Pantaleon Pacis and Constable First Class Pat Ordoña, who were charged in September 1978 with violation of Articles of War Nos. 96 and 94 for alleged torture of Mario Cayabyab and his wife Melvin. The allegations were brought to the attention of the authorities by the President of the Philippine Bar Association. According to a publication of the Ministry of National Defense, (*) international concern was expressed about the case: "the Secretary General of the United Nations and the United States Ambassador to the Philippines ... were among those interested" in the case. Melvin Cayabyab was the daughter of a retired Air Force Colonel.

The two complainants alleged that they had been severely tortured during interrogation. Melvin Cayabyab, who was two months pregnant at the time, alleged that she had been beaten, sexually molested, ordered to strip, given electric shocks through wires placed on her thumbs and threatened with rape and application of electric shocks to her vagina and nipples. On 18 January 1978 the general court martial sentenced the three accused to confinement with hard labour for periods ranging from four months and one day to six months, dishonourable discharge from the military service and forfeiture of pay and allowances. Two of the three convicted, Lt. Laurico and Constable Ordoña, were reported to be back on active duty just over a year later, in October 1979, interrogating detained students, who also alleged ill-treatment.

Fear, intimidation and reprisals

A number of those who presented evidence of human rights violations to the Amnesty International delegation stated that they had been reluctant to make complaints to the proper authorities for fear of reprisals. The delegation found that in a number of cases where complaints were made to the authorities, complainants were in fact threatened and in some cases reprisals were carried out. Others told the mission delegates that they had not complained to the authorities because they did not expect any results. The delegation also found instances where, though complaints had been initiated, they were not pursued because witnesses were afraid to come forward. Government officials have acknowledged that witnesses' fear of reprisals is a factor delaying the resolution of complaints against military personnel. (**)

The delegation found that fear of making and pursuing complaints was common but particularly prevalent in areas such as Samar, the Bicol region of southeastern Luzon and the Cagayan Valley, where the level of armed conflict was relatively high and the strength of civil rights organizations capable of offering assistance to complainants relatively weak.

(*) Malayang Pilipino, January 1980, pp. 14-15.

(**) In August 1977, in his statement on complaints against military personnel, the Defense Undersecretary, Jose Crisol, said that the large number of pending investigations was in part due to witnesses' fear for their lives if they testified against soldiers.

Among such instances reported to Amnesty International's delegation were the following:

- After the killing of her husband, Miguel, in Barrio Lawaan, Wright, Western Samar on 6 August 1981, allegedly by members of the ICHDF and unidentified soldiers, Rita Harumay's response was to flee, reportedly to Manila.

- Angelita Thomas, of Barrio Naddungan, Gattaran, Cagayan, reported that she had been threatened by members of the PC when she was trying to trace her husband in various PC camps after his "disappearance" on 5 February 1981; for that reason she was unwilling to file a complaint after his body was found on 20 February 1981.

- The widow of Francisco Binan fled her home after her husband's death on 24 July 1981 and her subsequent whereabouts are unknown. He was killed with Reginaldo Torres in Barrio Talisay, Oas, Albay, Bicol, allegedly by members of the 52nd PC Battalion and the ICHDF.

- In late October 1981 Captain Estrada, commander of the PC ILCO detachment in Hinoba-an, Negros Occidental, whose soldiers had allegedly tortured and shot dead Rudy del Carmen, reportedly told the victim's brother-in-law, Cesar Gocong that the family would be killed if they did not withdraw their case against soldiers allegedly involved in the incidents leading to the killing. In fact, the family had not filed a complaint.

The delegation also received reports of cases where fear prevented complainants from pursuing claims that had been initiated:

- After the shooting dead of Francisco Binan and Reginaldo Torres on 24 July 1981, the latter's father, Juanito Torres, swore an affidavit before an assistant provincial fiscal in which he stated that the barrio councillor Fidel Casimiro had witnessed the shooting by members of the 52nd PC Battalion and ICHDF, one of whom he was able to identify by name. Despite the support of the Albay chapter of the Free Legal Assistance Group (FLAG), the case could not be pursued, reportedly because of the fear of families and witnesses.

- After Perfecto Nano was released from detention in Barrio Begong, Dumalinao, Zamboanga del Sur on 30 September 1981, he alleged that soldiers of C Company of the 41st Infantry had tortured him. He was dissuaded from lodging a complaint by the barrio captain who reportedly argued that complaints against the soldiers would only bring reprisals against the barrio.

- After the killing of Ulpiano Relon and Domingo Callope, allegedly by members of the PC and ICHDF in Barrio Paulba, Ligao, Albay, Bicol on 26 July 1981, relatives of the deceased and a witness signed sworn statements relating to the deaths. An affidavit by Felisa Callope, mother of Domingo Callope, concludes: "I am executing this affidavit for the purpose of requesting an investigation because ... it would appear that my son Domingo and his brother-in-law Ulpiano were murdered by the PC while they were under detention." The families were subsequently reported to be afraid to pursue the case.

Cases in which reprisals were taken against people who lodged complaints include:

- Orlino Llanto, a councillor of Barrio Naddungan, Gattaran, Cagayan, who had been arrested for short periods twice in 1979, went in October 1980 with the barrio captain to complain to the Mayor of Gattaran and the Provincial Governor of Cagayan about the detention of seven men in the PC Cumao detachment barracks. The seven had been arrested after participating in a rally calling for higher farm prices. At 3 am on 8 October a PC unit broke into Orlino Llanto's house, seized him and took him to the Cumao barracks. There he was beaten with the blunt edge of an axe and kicked unconcious. He was accused of having gone to Manila for education by the NPA. After two weeks in Cumao barracks, he was transferred to PC regional command headquarters in Tuguegerao. He was granted temporary release in February 1981, being required to report to the authorities once a fortnight. He and his wife have not returned to Barrio Naddungan since his release.

- On 8 October 1981, 64 soldiers of Bravo Company of the Composite Infantry Battalion (CIB) attached to Central Command (CENCOM) were assigned to Barrio Binucayan, Loreto, Agusan del Sur, reportedly to clear the area of the NPA. On 25 October 1981, as part of this operation, they entered the house of Galo Aparisi, a 17-year-old farm worker, severely beat his father, Galo Aparisi, and two male friends with their rifle butts and accused them of being NPA members. The soldiers reportedly threatened to cut out the tongues of the four men if they did not admit that they were members of the NPA. When the four said that they were NPA members, the soldiers left. The following day, Brother Bong Tulfo, of the Society of the Divine Word (SVD) stationed in Barrio Binucayan, went to the CIB detachment barracks to complain about the beatings and forced confessions to a Sgt. Santiago, whom he understood to be commander of the detachment. On 27 October a group of soldiers fired indiscriminately at Brother Tulfo's convento causing a great deal of damage, although not injuring any of the occupants - Brother Tulfo; the parish priest Father Almacio Gako; and two assistants. Afterwards four of the soldiers accused them of being members of the NPA. Later they retracted the accusation, but claimed they had opened fire in the belief that two armed NPA members whom they had been pursuing had taken refuge in the convento.

Government responses to complaints from non-governmental organizations

People with complaints against military personnel commonly seek the assistance of domestic non-governmental organizations (NGOs), in particular organizations sponsored by the church or by lawyers. In Brother Tulfo's case, for instance, a petition complaining about the incident was drawn up, signed by priests and religious of the area and sent to Cardinal Sin, President Marcos, the Minister of National Defense, Juan Ponce Enrile and the AFP Chief of Staff, General Fabian Ver. In response, the Defense Minister reportedly sent a member of the Office of the Inspector General of the AFP to Agusan del Sur to investigate. The outcome of the investigation was not made known.

The evidence received by the Amnesty International delegation suggests that while the intervention of NGOs may result in an official investigation of the reported incident, the outcome of the resulting investigation rarely

satisfies the original complainants. A bishop told the delegation that he had refused to agree to the establishment of a Church-Military Liaison Committee (CMLC)(*)in his diocese because he regarded such a forum as ineffective and "a derogation from the proper legal channels". The Amnesty International delegation found that, in certain instances, the institution of a CMLC at the local level was an effective means of bringing complaints to the attention of the authorities. This seemed to be the case in Negros Occidental, where Bishop Antonio Y. Fortich has gained the agreement of the provincial commander on a number of occasions to convene meetings of the CMLC as open public meetings attended by several thousand people. However, in none of the three cases in Negros Occidental presented to the Amnesty International delegation where investigations were promised after meetings of the CMLC did the promised investigations reach a satisfactory conclusion.(**)

Similar reservations apply to inquiries conducted by the so-called Barbero Commission on which information was made available to the Amnesty International delegation. The commission's core membership comprises the Deputy Minister of Defense, Carmelo Z. Barbero, the AFP's Chief of Staff, and its Inspector General, and the chief PC. According to information given by members of the Office of Detainee Affairs to the Amnesty International delegation, the commission is convened at the discretion of the Minister of National Defense and its hearings are public. After the hearings, the commission makes recommendations to the Minister, who decides on the action to be taken. It was first convened on the orders of the Minister on 30 August 1979 in Davao City to investigate the killing of two people and the arrest and torture of a third in Catalunan Grande, Davao City.

After this hearing the commission was convened twice: in March 1980 in Iligan City, Lanao del Norte, to hear allegations of human rights violations attributed to military personnel; and in Kalinga-Apayao in August 1980, to investigate the killing of the Kalinga tribal chief, Macli-ing Dulag.

According to ODA officials interviewed by the Amnesty International delegation, the commission was subsequently convened on a further three occasions in 1981 to examine "not so sensational" cases in which the parties were military personnel.

(*) Church-Military Liaison Committees have been established at the national and local levels since November 1973 to resolve conflicts involving the military and the church. In December 1973 an understanding was reached in the national CMLC whereby the military were not to arrest religious or raid church institutions without prior notification of the appropriate religious officials. Church officials have complained of violations of this agreement on a number of occasions.

(**) The three cases were: the "disappearance" and killing of seven people in Kabankalan in March 1980; the abduction in April 1980 and subsequent killing of Alex Garsales and Herman Moleta in Kabankalan in April 1981; and the arrest, torture and subsequent death of Rudy del Carmen in August 1981. See pp. 24-26, p. 41 and Appendix I.

The Amnesty International delegation received complaints about the procedures followed in the inquiries held in Davao City and Kalinga-Apayao and it was able to examine these in some detail. (*) Its information suggested that in neither investigation were the conditions such as to encourage potential witnesses to testify. There were also complaints that lawyers representing the families of the victims were not allowed to examine the counter-affidavits of military personnel submitted to the commission after the public hearing had been held. People interviewed by the delegation also expressed dissatisfaction with the decisions taken as a result of the hearings and with their implementation.

Among the measures ordered by the Minister of National Defense following the hearing of the Barbero Commission in Davao City in August 1979 were: further investigation of the Catalunan Grande incident by the Criminal Investigation Service (CIS) of the PC; the payment of compensation to families of the victims; the change of status of the soldiers of the 431st PC Company allegedly involved in the incident from "confinement to camp limits" to "arrest and confinement"; the relieving of two officers of their posts as Chief of Staff of PC Regional Command XI and Commanding Officer of the 431st PC Company and their reassignment outside Region XI; the taking of steps to ensure that all military and ICHDF personnel against whom complaints had been lodged be prevented from intimidating witnesses. In addition, the Minister ordered a number of general measures intended to avoid recurrence of military abuses, including that more emphasis be placed on educating troops through the TANGLAW program and that support be given to Community Relations Action Centers (CRACs) established to handle complaints against military personnel. Amnesty International understands that findings of the CIS investigation have not been made public and that no charges have been brought against military personnel allegedly involved in the incident; that the soldiers ordered to be detained were subsequently demoted in rank and transferred to General Santos City, South Cotabato; and that the two officers relieved of their posts were reassigned without loss of rank as ordered.

Following the Barbero Commission's investigation in August 1980 into the killing of Macli-ing Dulag, the wounding of Pedro Dung-ok and

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(*) The third hearing of the Barbero Commission held in Iligan City on 11 March 1980 was convened after a request to the Minister of National Defense from Monsignor Fernando R. Capalla, Bishop-Prelate of Iligan, that complaints of violation of human rights be investigated and redress given. On the basis of the commission's findings, the Minister informed Bishop Capalla on 8 July 1980 that of the 15 cases presented to the commission, 10 had been "terminated" and five were still pending. Of the 10 "terminated" cases, three had resulted in the punishment of eight military men (six of whom had been discharged and two admonished) and six cases had been dismissed, three because of the "complainant's own desistance". In the other "terminated" case, the decision to discharge the offending soldier had already been taken before the Barbero Commission hearing. Amnesty International has not been able to undertake an assessment of the hearing of the Barbero Commission in Iligan City.

other related abuses allegedly committed by military personnel against members of the Kalinga tribal minority, the Minister of National Defense ordered the following measures to be taken: the arrest and detention of Lt. Leodegario Adalem, a sergeant and two draftees pending the filing of charges before a military court for the killing of Macli-ing Dulag; the reversion to inactive status to another officer and dismissal of three of his men without prejudice to criminal prosecution before a civil court; the administrative reprimand of the commanding officer of the 44th Infantry Battalion, to which those alleged to have committed the investigated abuses belonged. The Amnesty International delegation was informed by the Deputy Minister of National Defense, Carmelo Z. Barbero, that charges were brought against Lt. Adalem and his men in the civil courts. However, as of June 1982 no progress has been reported in the case. According to other information received by Amnesty International, Lt. Adalem was restored to active duty after a period of confinement to barracks. Amnesty International also understands that an offer of financial compensation was made by the commission to the widow of Macli-ing Dulag and to Pedro Dung-ok during the course of its enquiry, but that both refused any payment.

The hearings of the Barbero Commission in Davao City and Kalinga-Apayao and the prosecutions brought against those alleged to be involved in the Kabankalan killings were undertaken after the intervention of influential non-governmental organizations on behalf of the aggrieved parties and, in the case of the killing of Macli-ing Dulag, considerable international publicity. Amnesty International believes that even in such exceptional instances the outcome of the investigations undertaken by the authorities was not satisfactory. The Amnesty International delegation found that in most circumstances representations to the authorities made through domestic non-governmental organizations brought an even less adequate response.

The authorities have commonly responded to allegations of human rights violations by placing them in the context of armed conflict, particularly with the NPA. Allegations of torture have been explained away as attempts by opponents to discredit the government. People reported to have "disappeared" have been described as having "gone underground". Those killed by military personnel have been said to have been killed during combat.

The Amnesty International delegation was presented with a number of cases in which the authorities had accounted for killings by asserting that the victims had been killed in encounters between government agents and members of the NPA. Such was the explanation offered by Captain Montano, commander of the 431st PC Company to the Reverend Emetrio Barcelon (*) for the killing of two men in Catalunan Grande, Davao, which led to the creation of the Barbero Commission in August 1979. At the commission's Davao hearing,

(*) Father Barcelon is President of Ateneo de Davao University and a member of the Davao archdiocese Commission on Justice and Peace.

witnesses testified that the two victims had been taken from their homes by soldiers of the PC and that one of them had been severely beaten in front of his family. The autopsy reports showed that the victims had sustained several gunshot and stab wounds and that one of them had died as a result of strangulation. The Barbero Commission's findings gave no support to Captain Montano's allegation that the victims had died in an encounter.

The evidence received by the Amnesty International delegation in a number of other cases of so-called "encounter killings" cast doubt on the official explanation of the killing and was enough to justify a full investigation. In the case of the killing outside a ricemill of Silvino Octeza in June 1981, for instance, it was officially alleged that he had been about to fire a gun at a PC sergeant when the latter shot him dead. This allegation was disputed in sworn statements made by the victim's father and by an eyewitness. (*) As noted above, further investigation of the case by the Albay chapter of the Integrated Bar of the Philippines has reportedly been frustrated because the witnesses were afraid.

According to an affidavit sworn by Felisa Callope, mother of Domingo Callope, who was killed with Ulpiano Relon in July 1981, the PC sergeant who delivered the bodies of the victims to barrio officials said that the two men had been killed in an encounter. Affidavits sworn by relatives of the victims and a barrio official assert that the victims were apprehended by PC soldiers and taken to the local PC detachment camp; that the detention of one of the victims in the camp was acknowledged by a PC sergeant; that the two were seen being escorted to the camp, from which cries of pain were later heard coming; that the injuries sustained by the victims indicated that, in addition to being shot, they had been beaten, stabbed and hacked.

(*) For a summary of the case, see above, pp. 35-36. See also the cases of Edgardo Bangoy and Margarito and Evilio Osorio (pp. 31-33 and Appendix I).

Summary of cases presented to the Amnesty International delegation during the mission to the Philippines, 11 to 28 November 1981

Felix Aballe

Arrested without warrant on 22 October 1981 by members of the INP in house of a friend in Barrio Tagolo, Tukuran, Zamboanga del Sur. Reportedly tortured in house of friend immediately after arrest while being interrogated about alleged links to NPA and membership of local community prayer group (Katilingbanong Pag-ampo). Reportedly transferred to municipal jail during night of 22 to 23 October 1981. Residents of barrio heard gunfire at about 3 a.m. on morning of 23 October 1981. Dead body found by relatives with gun at its side at 6 a.m. on 23 October. Investigation of circumstances of death ordered by provincial governor. As of May 1982, results of investigation not made public (for further details see above p. 39).

Teodoro Alegado and Epifanio Simbayon

Arrested without warrant by PC members on 25 June 1981 in Barrio Lourdes, Pagadian City, Zamboanga del Sur. Transferred from Pagadian City Jail to Camp Abelon on 29 June 1981 for interrogation by team of Criminal Investigation Service (CIS) of PC. Later that day taken to a coconut grove purportedly to locate rifles they had hidden and shot dead. CIS agents later alleged that the two men had been killed while trying to escape. The case was referred to the Minister of National Defense on 28 August 1981. As of May 1982, no further action on the case had been taken by the authorities (for further details see p. 38 above).

Maximo Alson

27-year-old resident of Barrio Sabud, San Vicente, Davao del Norte. Detained at police station and headquarters of 37th Infantry Battalion (IB) in San Vicente, Davao del Norte from 8 to 14 November 1981 after reporting recovery of dead body of barrio captain. During detention, repeatedly beaten and subjected to death threats. Forced to sign "waiver of detention". Those responsible for ill-treatment identified as members of 37th IB, including its commander, Colonel C.

Jose Alto

Missing since abduction outside home in Tondo, Manila on 27 November 1980 (for further details see above pp. 74-75).

Perfecto Balabag

33-year-old farmer and church lay leader from Barrio Langkilaan, Trento, Agusan del Sur. Fled home on 25 May 1981 after being sought by

PC following speech given to protest rally called in connection with movement to boycott presidential election. Taken from house in Barrio Tudela, Trento on 20 June 1981 with owner of house, Doming Blanco, and two others identified as Roger and Abon , by members of 564th PC Company commanded by Captain D. and two guides. Escorted to San Isidro where company was based. There Perfecto Balabag, Doming Blanco and Abon were tortured. The guides then shot dead Perfecto Balabag, Abon and Roger.

Edgardo Bangoy

17-year-old student resident of Mulig, Toril, Davao City. Arrested without warrant with two others on 5 September 1981 in house of friend in Tacunan, Tugbok, Davao City by soldiers in civilian dress believed to be members of the Metropolitan District Command (METRODISCOM), Davao City under the command of METRODISCOM chief of intelligence, Lieutenant D.O. On 6 September 1981 Edgardo Bangoy's dead body was delivered to funeral parlour in Davao City by uniformed soldiers who asserted the victim had been killed in an encounter. In addition to gunshot wounds, body bore marks indicating beating and torture.

Edmundo Baruis

18-year-old farmer, resident of Barrio New Cebu, President Roxas, North Cotabato. Member of local Basic Christian Community, GKK (Gagmaying Kristianong Katilingban). Taken from hut during night of 2 May in Sitio Sikitan, New Cebu, President Roxas, where staying on night before cousin's wedding, by unidentified men in military fatigues believed to be members of ICHDF. Dead body found 3 May 100 meters from hut. Autopsy revealed five stab wounds and extensive bruising as cause of death. Member of ICHDF later claimed to have participated in the killing. No follow-up action taken by the authorities.

Francisco Binan and Reginaldo Torres

Residents of Barrio Ramay, Oas, Labay, Camarines Sur. Reginaldo Torres was mentally retarded. Both reportedly shot dead in public in Barrio Talisay, Oas on 24 July 1981 by members of the 52nd PC Battalion and the ICHDF, none of whom wore nameplates, though one was identified as P.V., and ICHDF member. The PC and ICHDF members, who were reportedly drunk at time of shooting, accused their victims of being NPA members. Autopsy reports found the deaths were due to multiple gunshot wounds. Relatives have been afraid to complain because of fear of reprisals.

Reynaldo Borromeo

33-year-old agricultural worker, resident of Banga Caves, Ragay, Camarines Sur. Shot dead in early morning of 15 September 1981 on coconut estate where he worked by members of ICHDF and police, of whom S.G., O.R. and G.P. were identified by name. Believed to have been killed as an NPA suspect.

Romeo Buenavidez

22-year-old pastor of the United Church of Christ of the Philippines. Arrested without warrant by barrio captain in Barrio Bangonay, Jabonga, Agusan del Norte on 2 August 1981. Transferred successively to custody of PC, police and MIG. Held incommunicado in various places of detention including "safehouse". Tortured under interrogation. Signed waiver under duress. Released 6 August 1981. Complaint filed against named military, police and local government personnel. No action taken by authorities on complaint. (For further details see above pp. 71-74.)

Alfredo Cadagdagon

Farmer and president of community organization in San Vicente, Davao del Norte. Arrested without warrant on 3 July 1981 by soldiers of 61st PC Battalion accompanied by a policeman and a member of the ICHDF in his home. Initially taken to municipal hall, then transferred to PC detachment camp in Ernan. Held in Camp in Ernan until 8 July 1981. During this period, repeatedly beaten and subjected to various forms of torture, including "water cure" and suspension by feet, while undergoing interrogation about alleged NPA links. On 8 July, transferred to PC-INP Stockade in Tagum, Davao del Norte. Charged with subversion. Released on bail on 28 September 1981. Case still pending as of November 1981. Torturers identified as Lieutenant V. and Lieutenant S.

Herminio Cahanap

23-year-old student at University of Mindanao, Tagum, Davao del Norte. Arrested without warrant on 23 July 1981 while staying with relatives in Barrio Awaw, Santa Josefa, Agusan del Sur by soldiers wearing PC uniforms but no name tags. Immediately following arrest punched and kicked. Accused of being NPA commander. Nine others arrested at same time. Taken to Santa Josefa police station. Subjected to further ill-treatment including "water cure". Detained without charge until 8 October 1981 at 419th PC Company barracks in Bunawan, Agusan del Sur. Since release required to report monthly to 419th PC Company barracks. Rearrested 19 January 1982 at University of Mindanao. Taken to Tagum PC Barracks where severely beaten and tortured while undergiong interrogation. Torture included having hot pepper squeezed on eyes, gums and genitals.

Loreto Castillo

23-year-old former student employed by Ecumenical Research Center. Arrested without warrant in Barrio Garrahin, Pitogo, Quezon, on 18 July 1981 by members of PC. Taken to Camp Assena Natividad, Gurnaca, Quezon. Detained until 16 September 1981. During this period tortured, threatened with death, forced to sign "confession" and denied access to legal counsel and friends. (For further details see above pp. 39-41.)

Rudy del Carmen

31-year-old farmer, married with one child. Arrested without warrant on 16 August 1981 in home in Barrio Bacuyangan, Hinoba-an, Negros Occidental by combined unit of Task Force Canlaon and local PC detachment. Tortured in Ilco PC detachment barracks. Fled area after being permitted to go home on 19 August. Shot dead on 30 August 1981 by PC soldiers, allegedly while trying to escape, in Sitio Labao to where he had fled with wife and family. (For further details, see above pp. 41-43.)

Eduardo Dizon and Isabel Ramos

Arrested in Santa Ana, Pampanga on 15 September 1981 by a PC unit led by the PC provincial commander, Colonel T.C. Brought to PC Stockade, San Fernando, Pampanga for interrogation. Both were visited by their families between 16 and 23 September 1981. Relatives who visited Isabel Ramos on 21 September were told by her that she had been told that she and Eduardo Dizon would be transferred to another place of detention, possibly Camp Olivas, Pampanga. On 24 September, the father of Eduardo Dizon was told by the camp authorities that his son had been released. On the same day, relatives who had come to visit Isabel Ramos were told by the authorities that she was undergoing interrogation and could not be seen. On a subsequent visit, they were told that she had been released on 24 September. Despite repeated requests, it was some time before the families were shown release papers, purportedly signed by the two detainees. Both families thought that the signatures on the release papers had been falsified. Eduardo Dizon and Isabel Ramos were still missing as of June 1982, their fate or whereabouts unaccounted for.

Abraham and Jubert Enriquez

Abraham Enriquez, aged 35, a farmer from Barrio Limao, Penaplata, Samal Island, Davao del Norte. More than 20 soldiers of the 431st Infantry Battalion of the Philippines Army (PA) broke into Abraham Enriquez's house at 4 a.m. on 5 September 1981 and questioned him in connection with assassination of Major Odilon Assis, assistant PC commander of Davao City. Interrogation by Lieutenant C. was accompanied by beating and death threats. Later that morning taken to PC barracks in Davao City. Released after further questioning at 4 p.m. on 5 September. Received further death threat on 29 September 1981 from INP member.

Jubert Enriquez, aged 18, also from Barrio Limao, was arrested without warrant in his home on 26 September 1981 by a group of 15 PC, INP and ICHDF members. Held for one week in PC barracks in Davao after which released into custody of his father and lawyer on condition that he report once a week to the barracks. On return to barracks the following week, re-detained. That night taken from barracks to Davao Motel, Agdao, Davao City, a place identified by others as a "safehouse". There tortured while undergoing interrogation. Then returned to PC barracks. The following evening taken to Times Beach, Davao City, beaten and threatened with death. Again returned to PC barracks. Released two days later.

Alexander Garsales and Herman Moleta

Farmers and church lay leaders of local Basic Christian Community (Kristianong Katilingban, KK). Taken from their homes in Barrio Tanawan, Kabankalan, Negrôs Occidental on night of 7 April 1980 by approximately 15 men in fatigues of whom only one, ICHDF member R.E., positively identified. Others in abducting team tentatively identified as members of Long Range Patrol (LRP). Dead bodies found on 13 April 1980 one kilometer from homes. Results of investigations by provincial fiscal's office and National Bureau of Investigation have not been made public

Miguel Harumay

Aged 38, resident of Barrio Lawaan, Wright, Western Samar. Stopped by two uniformed soldiers and seven ICHDF members, one of whom was identified as R.L., on or about 7 August 1981 while returning in jeepney with wife, Rita, and son, Modesto, from market in Catbalogan. Miguel Harumay taken by arresting team to nearby schoolhouse where beaten. Rita Harumay returned to Catbalogan and instructed Modesto to go to their farm, pick up some food and then rejoin her in Catbalogan. Shortly after reaching the farm, Modesto witnessed arrival of soldiers and ICHDF members escorting his father. Modesto then witnessed the soldiers and ICHDF members tying Miguel Harumay, holding him down and decapitating him with an army dagger. No formal complaint made.

Josefina killings

Between July and the end of October 1981, at least 16 people were killed and others were beaten, abducted and "disappeared" in the vicinity of Josefina, Zamboanga del Sur. Most of these incidents were reportedly perpetrated by the quasi-religious Rock Christ group. Despite assurances by the authorities, no investigation has been made public of the incidents and the evidence linking Rock Christ to a unit of the Airborne Brigade of the Philippine Army (for more details, see above pp. 43-46).

Killing of seven persons in Barrio Marcopa, Kabankalan, Negros Occidental (the "Kabankalan killings")

Eight persons -- Arsolo Juanica, Mateo Olimpos, Rolly Callet, Fernando Fernandez, Alfredo Perez, Custodio Juanica, Benvenido Emperado and Victor Magtalis -- were abducted from a wedding party at about 5 a.m. on 29 March 1980 by a group of soldiers believed to be members of the LRP guided by an informer recognized by witnesses. Following discovery on 11 September 1980 of bodies of seven of those abducted on estate of family of mayor of Kabankalan and statements of survivor, Victor Magtalis, the mayor, the mayor's cook, the vice-mayor, a councilman, the informer and members of the LRP were indicted for murder. The deaths may have been connected with the mayor's known suspicion of the activities of the Basic Christian Community, Kristianong Katilingban. Progress of the trial was impeded by reluctance of witnesses to testify and non-appearance of LRP

unit commander. The mayor was reported to have been assassinated by unknown persons in January 1982. (For further details on the trial, see above pp. 24-26.)

Rudegario Labajo

Aged 21, from Sitio Combaoto, Barrio Kapangatan, San Vicente, Davao del Norte. Picked up on 10 August 1981 by J.O., a member of the ICHDF and of the quasi-religious group, Caballeros de Rizal for Agricultural Endeavour (CRAE), as suspect in attack on CRAE compound in Kapagatan. Held in CRAE compound where beaten and humiliated, and ordered to dig grave. Transferred to PC barracks, Tagum from where released on bail on 23 October 1981 after being charged with subversion. Rudegario Labajo is described as "marginally subnormal".

Wilfredo Labid, Mario Piedad and two unidentified persons

Wilfredo Labid and Mario Piedad, both tricycle drivers, and two unidentified passengers were stopped by a patrol composed of Airborne and ICHDF members while travelling between Dao and Tulangan, Pagadian City, Zamboanga del Sur at approximately 6.30 p.m. on 14 July 1981. The four men were escorted towards the Tulangan detachment headquarters. On the way one of the passengers was shot and presumably killed. The three others were severely beaten while undergoing seven hours' interrogation at the Tulangan detachment headquarters. Mario Piedad was shot in the shoulder while escaping but managed to get away. The following morning, the two remaining prisoners were brought to Airborne headquarters where they underwent further interrogation accompanied by beatings. The second passenger was transferred on 16 July 1981 purportedly to Brigade headquarters in Dao. Wilfredo Labid was released on 18 July 1981.

Orlino Llanto

32-year-old farmer and barrio councillor of Naddungan, Gattaran, Cagayan. Arrested without warrant by members of PC on 8 October 1980 and taken to barracks of PC detachment in Cumao. Arrest followed Orlino Llanto's intervention on behalf of seven arrested after rally in Gattaran in late September 1980. Beaten and kicked until lost consciousness while held in Cumao detachment barracks. Transferred to provincial PC headquarters in Tuguegerao City after being held for two weeks. Released without having been charged in February 1981, though required to report every two weeks. Had previously been detained twice for short periods in 1979 when also beaten and humiliated (for further details see above p. 89).

Milagros Lumabi-Echanis

Arrested with child in Sampaloc, Manila on 14 August 1980 by PC unit. Held incommunicado in MSU, Fort Bonifacio, until located in March 1981. Granted temporary release February 1982. (For further details see above pp. 76-77.)

Ronilo Magdayao

Shot in leg and abducted on street in Pulupandan, Negros Occidental by men led by suspected agent of Criminal Investigation Service (CIS) of PC on 27 October 1981. Taken to "safehouse" in Murcia, Bacolod City from which he managed to escape during night. (For further details see above p. 31.)

Manuel Marbid

Aged 33, farmer. Wife executed affidavit stating that she had witnessed the killing of her husband by six named members of the ICHDF on 15 September 1981 in Sitio Saogan, Barrio Tabgac, Ragay, Camarines Sur. Affidavit also alleged that wife had seen one of the ICHDF members taking 2,000 pesos received in payment for carabao from her husband's body. It was announced on the radio that Manuel Marbid had been shot as an NPA suspect. Authorities undertook no investigation of case.

Victoriano Marquez

Aged 37. Married with nine children. Killed some time after being taken by two PC soldiers identified as Sergeants J. and L. from house of neighbour in Barrio Morato, Ragay, Camarines Sur on morning of 27 September 1981. Wife identified body of Victoriano Marquez at municipal building, Ragay at about 7 p.m. that day. In statement to preliminary inquiry into Victoriano Marquez's death before assistant provincial fiscal, wife stated that in addition to five bullet wounds her husband's skull was cracked and there were bruises on his chest and abdomen. No further investigation of the case by the authorities as of June 1982.

Sampatu Maulana

One of approximately 40 Muslims arrested in Manila in June 1981 in connection with an alleged conspiracy to assassinate President Marcos. Arrested on 21 June 1981 by men in plain clothes identifying themselves as members of METROCOM. Missing until located in MSU, Fort Bonifacio on 24 September 1981. Reportedly held immediately after arrest in "safehouse" for three or four days where tortured with repeated punches and electric shocks.

Rolando Montiel and Jesus Cellano

Rolando Montiel and Jesus Cellano were arrested on 3 December 1980 by PC personnel on suspicion of being members of the April 6 Movement. Held incommunicado in PC provincial command headquarters barracks and detention denied despite requests for access from relatives and legal counsel and authorization of access from Deputy Minister of Defense. Transferred in January 1981 to Camp Crame after petition for writ of habeas corpus filed with Supreme Court. Charged with subversion with 11 other alleged members of the April 6 Movement by Court of First Instance,

Quezon City, in February 1981. Transferred to Bicutan Rehabilitation Center (Camp Bagong Diwa) in January 1982. At arraignment in February 1982 Jesus Cellano pleaded guilty to membership of a subversive organization and Rolando Montiel accused of being a principal in the organization pleaded not guilty. Both were sentenced to four months' imprisonment and having already served 18 months expected to be released immediately. However, none of the accused was released until April 1982 when, after a hunger strike and protests from a number of prominent Filipinos, seven of the group including Jesus Cellano were released. New charges of rebellion were brought against the six others including Rolando Montiel who was still detained as of May 1982. (For further details on period of incommunicado detention, see above pp. 22-23.)

Perfecto Nano

Aged 34, a farmer; married with two children. Arrested without warrant in his home in Begong, Dumalinao, Zamboanga del Sur by soldiers of C Company, 41st Infantry Battalion, Philippine Army (PA) at about 7 p.m. on 29 September 1981 on suspicion of being implicated in the theft of a rifle from a soldier. Brought to detachment headquarters in Begong where interrogated by the commanding officer, 1st Lieutenant A.M.S.M. and other soldiers. During two periods of interrogation from 8 p.m. to 10 p.m. and 2 a.m. to 4 a.m. the following morning, was repeatedly beaten with fists and rifle butts on his face, stomach and ribs; his head was banged against a wall; a rifle was pointed at his head; he was forced to drink from a bottle of urine. Released at about 7 p.m. on 30 September 1981 after signing a release paper stating that he had been "investigated fairly, treated humanely and provided with decent food, quarters and adequate facilities necessary for my comfort." In fact, he had not received any food during the 24 hours of his detention.

Gregorio Negrido

Farmer and barrio councilman of Barrio Tandang Sora, General Macarthur, Eastern Samar. Aged 29, married with four children. Apprehended while on way to market in General Macarthur at 5 a.m. on 11 October 1981 in square of barrio by soldiers of 591st Company of the 59th PC Battalion and members of ICHDF. Tied and taken outside barrio where beaten and stabbed. Found still alive and taken to hospital where he died at about 6 p.m. same day. Before dying, identified three of his assailants as PC Sergeant V.C. and CHDF members C.D. and Ca. Wife filed a murder complaint with the provincial fiscal's office against these three and 12 John Does. No follow-up action taken by the authorities as of May 1982. Gregorio Negrido is believed to have been apprehended on suspicion of having links with the NPA.

Jaime Nierra

Aged 19, a market vendor, from Bansalan, Davao del Sur. Arrested without warrant by policemen in Davao City on 8 June 1981. Taken to

"safehouse" in Bansalan where tortured under interrogation. Tortured again on 9 June in ABC Gym, Bansalan. Died as a result of torture (for further details see above pp. 36-38).

Ricardo Nolasco

Aged 26, a trade union organizer resident in Manila; regional vice-president of the United Lumber and General Workers Union of the Philippines and a national council member of Kilusan Mayo Uno (KMU). Apprehended at the Lawton Bus Terminal in Manila on 13 November 1981 by a man who identified himself as a METROCOM agent. Forced into a car, blindfolded and taken to a "safehouse". Subjected to various forms of torture including the application of electric shocks to different parts of his body including his genitals. Threatened with "salvaging". Forced to sign a statement implicating himself and others in the trade union movement as members of the Communist Party of the Philippines. On 15 November, after he agreed to act as an informer, he was escorted back to his home and released. On 17 November 1981 he went with lawyer and family to report his treatment to METROCOM and was assured of their assistance. The case was reported in the press and the Minister of National Defense stated publicly that he was ordering an investigation. The results of any investigation have not been made public.

Felix Ocido III

Aged 25, resident in Tagum, Davao del Norte, a labourer and organizer for the Mindanao Federation of Labor (MFL). Arrested by a member of the ICHDF on 3 August in Tagum and taken to PC barracks. Severely beaten and held in isolation cell. Released 19 August after being charged with subversion (for further details see pp. 75-76).

Silvino Octeza

Aged 29; resident of Barrio Agpay, Guinobatan, Albay; married with three children. Shot dead by PC sergeant outside ricemill in Guinobatan on 21 June 1981 (for further details see above pp. 35-36).

Benedicto Orolfo

Aged 26; farmer resident in Lower Santa Cruz, Ragay, Camarines Sur. Arrested without in home by four members of Long Range Patrol unit tempori temporarily based in Ragay and two members of the ICHDF on 7 August 1981. Taken to barracks in Ragay where interrogated about alleged links to NPA. During interrogation, beaten in stomach and gun held at head. Following release on 11 August 1981 executed sworn statement before provincial fiscal. No investigation or follow-up by the authorities.

Margarito and Evilio Osorio

Aged 38 and 33 respectively; both farmers resident in Mudiang, Ilang,

Bunawan, Davao City. Shot dead after being taken from their homes by a PC unit on 21 April 1981. The military authorities subsequently asserted the two had been killed in an encounter. An investigation conducted by the Davao City chapter of the Integrated Bar of the Philippines concluded that they had not been killed in an encounter (for further details see pp. 31-33).

Jose Pacres

Former student who had gone to Batangas to organize fishermen. Arrested without warrant on 27 August 1981. Tortured during interrogation in PC headquarters, Batangas City and threatened with death. The authorities denied his detention to family and legal counsel. Coerced into signing waivers of detention and statement admitting that he was an activist. Released under recognizance of lawyer on 3 November 1981. Charges of subversion against him were dropped in January 1982 (for further details see above pp. 77-80).

Cristina Pargas

26-year-old teacher. Arrested without warrant in Munoz, Batangas on 27 May 1981 on suspicion of being a member of the NPA by a unit of Region III intelligence (R2). Taken to a "safehouse" believed to be located in San Jose, Batangas where she underwent periods of interrogation during which she was slapped and sexually molested. Transferred from "safehouse" to Camp Olivas, Pampanga in afternoon of 28 May. Released on bail on 24 June after having been charged with possession of subversive documents. Before release, signed statement to the effect that she had not been tortured or ill-treated while detained in Camp Olivas.

Mamerto Penaflor, Dominador Penaflor and Antonio Bandola

Three farmers from Barrio Beberon, San Fernando, Camarines Sur. Shot dead after being taken from their homes by members of the PC and ICHDF on 23 August 1981 (for further details see above pp. 34-35).

Ulpiano Relon and Domingo Callope

Brothers-in-law, aged 29 and 18 respectively; farmers resident in Ligao, Albay. Ulpiano Relon was married with three children. Apprehended on 26 July 1981 while travelling to market in Paulba by members of PC and taken to PC detachment camp in Paulba. While they were in custody, father of Domingo Callope visited the camp and was told that the two were being interrogated but would be released that evening. A witness who later executed an affidavit heard cries of pain coming from the camp. That evening family members heard that the dead bodies of the two men had been left in the road in Palapas. The following day relatives went to Palapas and were told by barrio officials that the bodies had been turned over to them by a PC sergeant from Paulba who stated that the two had been killed in an encounter. An autopsy revealed stab wounds and bruises in addition to gunshot wounds (for further details see above pp. 88 and 93).

Leonardo Rombawe

Aged 22, a student resident in Barrio Naddungan, Gattaran, Cagayan. Arrested without warrant with his father on 28 June 1981 by soldiers of the 17th Mechanized Infantry Battalion (MIB) commanded by a Lieutenant M. and based in Cumao, Gattaran and members of the ICHDF. The following day the father was released but was told that his son would have to stay as he was wanted to go on military operation as a "civilian informer". Repeated inquiries over the following weeks at the 17th MIB camp by barrio officials and relatives brought the response that Leonardo Rombawe was still on a mission. In early November 1981 Leonardo Rombawe's dead body with a gunshot wound in the head was located by his family at the municipal hall in Gattaran.

The killing of 45 people in Sag-od, Las Navas, North Samar

(For further details see above pp. 47-49.)

Antonio Santa Ana, Jemeliana Paguio and Vivencio Santos

The three, two of whom were trade union organizers working in the Bataan Export Processing Zone, have been missing since 7 July 1981 when, the authorities allege, they escaped from detention at Camp Tolentino, Balanga, Bataan. Their families fear that they were killed while still held in Camp Tolentino (for further details see above pp. 33-34).

"Temy", Antonio Abon and six others

Arrested on 23 July 1981 by soldiers of the 20th Mechanized Infantry Battalion (MIB) in Barrio Osmena, Maraput, southwest Samar as NPA suspects. Taken to PC detachment in Gebarin. All were tortured and humiliated. "Temy" and Antonio Abon are believed to have been shot dead. The six survivors were released from Camp Lukban, Catbalogan on 23 August 1981 (for further details see above pp. 29-30).

Manuel Thomas

Aged 32, farmer resident in Barrio Naddungan, Gattaran, Cagayan; married with four children. Presumed killed on morning of 5 February on way back to home alone after spending night in mountains with companions. Body located on 20 February 1981 after extensive inquiries had been made by family and friends at local military camps. Companions had sighted soldiers of 51st PC Battalion of whom Lieutenants Cad. A. and B. were identified, in area where body was eventually located.

Rudolfo Timple, Jose Valdez, Alfredo Valdez

Residents of Nabaccayan, Gattaran, Cagayan. Abducted from house of Alfredo Valdez on 4 July 1981 by approximately 20 members of 17th MIB

commanded by Lieutenant M. accompanied by three members of the ICHDF (M.B., P.D., E.B.). Rudolfo Timple was accused of being an NPA commander. As of November 1981 the three had not been seen since their arrest. M.B. and P.D. were reported to be going around wearing the jackets of the victims.

Arrest and detention of 45 members of the Tinggian tribe

(For details see above pp. 80-81.)

Silvestre Vijer

Aged 32, resident in Barrio Naddungan, Gattaran, Cagayan. Killed by members of 17th MIB commanded by Lieutenant M. accompanied by ICHDF member M.B. The 17th MIB were on an operation in the area. Shortly before a soldier of the 17th MIB had been killed in an encounter with the NPA. Silvestre Vijer was ordered out of his house and interrogated about presence of NPA in the area. While being interrogated he was repeatedly beaten with rifle butts. He was ordered to run and was shot dead. The soldiers subsequently claimed that they had shot an NPA commander.

Adora Faye de Vera (*)

"I am Adora Faye E. de Vera, a graduate of the Philippine Science High School and former NSDB scholar of the University of the Philippines, residing at 71 Malakas Street, Panahan, Quezon City, 22 years old, married with one son.

"At around 11 o'clock on the evening of October 1, 1976, at the PNR (Philippine National Railways) station at Lucena City, while I was aboard a train to Bicol, I was taken together with two other persons, by plainclothesmen whom I learned later were elements of 2MIG, 2CSU and 231st PC Company. I learned later that my two companions were Rolando Federis y Morallo and Flora Coronacion, residents of Project 4, Quezon City and Real, Quezon respectively.

"We were dragged from the train to a waiting ambulance which took us to an unlighted three-door apartment somewhere in Lucena City. Our heads have been pushed down into the laps of the men and our eyes covered during the trip, so we could not tell exactly where the apartment was located. Here, Rolando and Flora were made to stand against the wall and subjected to a body search, and when nothing of illegal nature was found, we were promptly separated into the three rooms where we were interrogated.

"I refused to answer any questions and I requested that I see my parents first, because I was not yet of legal age. I also requested that the men identify themselves and their motives, thinking at first that we had been kidnapped. One of them identified himself simply as peace officer and a member of an intelligence group. He promised to notify my parents as soon as curfew is lifted. However, they continued asking questions and when I refused to answer, one officer, whom I got to know later as Captain E.S. ordered me to strip in the presence of more or less 20 men, while he flashed a lamp several times on my face, preventing my eyes from getting used to the darkness. He threatened to subject me to further sexual indignities if I continued to deny their accusations.

"Rolando Federis, who was in the room next to mine, was punched several times to reveal alleged subversive activities.

"At around 2 o'clock a.m. on October 2, I was allowed to dress and the three of us were taken to a former beer garden at the third floor of Samurai Health Temple and Massage Parlour at Juarez Street corner Quezon Avenue. Here, Rolando was punched, kicked and stabbed with a screwdriver several times until he lost consciousness. He was then doused with cold water and when he recovered, he was again punched and kicked and stabbed by several men, among them Major E., Lt. L.B.,

(*) This is a statement made by Adora Faye de Vera addressed to a domestic human rights group in the Philippines and passed on to Amnesty International.

Sgt. F.M., Cpl. C.T., Cpl. A.T., Major D., Pfc. A.E., Pfc. P.P., a certain B., a certain J. and a certain S. Several officers took turns in questioning me and Major E. pointed a gun at my temple, threatening to shoot me if I did not answer. I was punched thrice on the stomach and forearm and slapped several times by Col. A.G. when I denied their accusations. We were finally allowed to sleep at 4 p.m. Rolando was placed inside a windowless room, a former storeroom which now served as their bartolina (isolation cell). He was allowed to go out only when performing his personal necessities, and was guarded even inside the /toilet/. All three of us were not allowed to go near the windows or to talk to each other.

"During the following days, Flora was frequently taken inside a small room next to the bartolina, where she was continuously interrogated by W.E. Rolando was allowed to come near us only to wash dishes after meals.

"On October 9, at around 2 p.m., Capt. E.S. ordered me to take off my pants, and not to put them on until I gave the information he wanted. I was ordered to stand in the centre of the room. Rolando Federis, stripped naked, was taken from the bartolina, made to stand before me and ordered to masturbate. When he refused, he was whipped several times on the genitals with a broom (walis tingting) while Cpl. T., Cpl. C.T., Pfc. P. and others laughed and shouted obscenities at him. We were allowed to sit down only around 5 p.m. and forced to make a write-up about our alleged subversive activities. Rolando was again punched when he refused. He was cuffed hand and foot to a chair and not allowed to sleep the whole night. Cpl. T. constantly punched, whipped or tickled him whenever he stopped writing.

"When Capt. E.S. arrived the next day, he kicked Rolando several times on the face and threatened to kill us all if we continued to insist on our innocence. I was ordered to enter the room next to the bartolina where Capt. E.S. ordered Cpl. T. to undress preparatory to raping me. I was also made to take off my underwear and threatened with rape if I did not give any information. According to Capt. E.S. we were to be killed anyway so they might as well exploit us while still alive. After some time I was ordered to stand before Rolando and Capt. E.S. even said, 'Don't say I'm selfish, I let you have a look also.' When Rolando tried to talk with me he was placed prone on the floor and Cpl. C.T., W.E. and several other persons kicked and punched him.

"The following days, we were still not allowed to dress. Rolando had to sleep naked on the cold cement floor without any bedding. Cpl. T. and a civilian called S.P. took turns in burning my fingernails and toenails with cigarettes, stroking my thighs and pulling the hair of my knees and legs.

"On October 13, Cpl. C.T. and a civilian named R. took me to the bartolina where Cpl. T. and S.P. subjected me to sexual indignities, touching my private parts while uttering obscenities.

"On October 14, I was raped by Capt. E.S. as his method of extracting information. Because I had no information to give, I was abused sexually

from 12 noon to past 3 p.m. After this, I was also made to undress by Capt. J.C., and later that evening, by Lt. J.M. When Flora Coronacion was finally allowed to talk with me that evening, she confided that she had been raped the previous days by W.E. and F.M. After supper, she was taken to the small room by Pfc A.E. and when she came out crying, she confided again that she was raped.

"On October 16 and 17, Capt. E.S. threatened to rape me again, still on the pretext of extracting information. He challenged me to file charges after I was released, 'just to see how far the government will support the efforts of the intelligence community.' At around 8 p.m., October 17 Lt. J.M. notified us that Rolando Federis and Flora Coronacion were to be transferred that evening, and he instructed them to take just a few pieces of clothing. He then ordered me to get into the room next to the bartolina, so that I would not see who would take my two companions. I was to be left behind for further interrogation. Also present during that time were Major E., Capt. J.C. and Capt. E.S.

"On October 18, Capt. E.S. and Lt. J.M. both tried to rape me but stopped in the presence of other persons.

"On October 23, Lt. J.M. attempted to rape me again and when I resisted, he hit me several times on the face. I was sent careering around the room.

"At around 2 a.m., November 2, I was blindfolded and taken to another safehouse, which I learned later on was located in Manila, at 2010 Nuestra Señora del Carmen, Guadalupe, Makati. Here, I was again prohibited from going near the windows, and frequently kept inside one room, hidden from other military personnel who were not concerned with my case.

"On November 12, Capt. E.S. kept pressuring me to accept my guilt and to promise not to report anything that happened to me, as a matter of 'life and death'. According to him, 'Your two companions were under military custody. They did not escape, but now they are missing. You know the implications.'

"From the time I was apprehended, all my requests for medicine during asthma attacks, requests to notify my parents, requests for legal counsel, and to at least be transferred to a proper detention centre, were denied, and I was again taken to their safehouse at Samurai Health Temple, Lucena City on December 16, 1976. During this whole time Capt. E.S. would take liberties with me whenever he pleased.

"On March 11, 1977, I was forced to sign a readymade nine-page sworn statement dated November 3, 1976 at Lucena City, subscribed by Fiscal Escueta. Capt. E.S. made it clear to me that I had no other choice, as he said before, on November 12. I was also made to sign other papers which they said were requisites for my release. I was released on June 30, 1977, but I was not given any release papers.

"I learned upon my release that Task Force Detainees has listed me as missing, together with Rolando Federis and Flora Coronacion, but

I could not seek help from said Task Force because I feared for my life and security, knowing very well what happened to my two companions. During my bi-weekly reports to Capt. E.S. I was constantly threatened by the papers I signed, although the military has always been quick to say that these were just 'reminders'.

"Rolando Federis, aged 24 and Flora Coronacion, 18, are still missing as of this date, and indications are strong that they are killed. The brutal torture and afterwards killing of persons still untried by due process may shock our democratic sensibilities, but what is more striking is that everything that happened to us was done under full knowledge, with express approval and personal participation of the senior and junior officers concerned.

"In this connection, I would like to appeal for your aid in the following actions.

1. Render null and void all papers I signed, because these were signed under duress and with false promises;

2. Prosecute the following officers and men for acts ranging from maltreatment and lasciviousness to rape and murder, and all other irregularities connected with our apprehension and detention:

Col. A.G., 2MIG, ISAFP
Major E., 2MIG, ISAFP
Major D., 2MIG, ISAFP
Capt. E.S., Team Leader of GT 205, 2MIG, ISAFP
Lt. J.M., former company commander, 231st PC Company
Lt. L.B., 2MIG, ISAFP
Capt. J.C., 2CSU
Cpl. C.T., GT205, 2MIG
Cpl. A.T., GT205, 2MIG
TSgt. F.M., GT205, 2MIG
Pfc. P.P., GT205, 2MIG
W.E., civilian employee, GT205
S.P. and R., both of Pagbilao, Quezon and all others concerned with out apprehension and detention.

3. Locate the whereabouts of Rolando Federis and Flora Coronacion and demand a full investigation of the officers concerned with their custody.

4. Expose torture and liquidation as a policy or method of operation of the 2nd Military Intelligence Group and the other connected units, to generate public opinion in safeguarding human rights.

5. Seek aid from Amnesty International and other like international organizations concerned with cases such as mine.

"I swear that everything stated in this affidavit is the truth, the whole truth and nothing but the truth, to the best of my knowledge. Done on this twenty-sixth day of December, in the year of our Lord, nineteen hundred and seventy-seven."

Leonilo Alberto Artagame (*)

"My name is Leonilo Alberto Artagame. I was born in Victorias on September 27, 1953. On October 19, 1974 I began to work for the parish in our barrio in Banman, Locotan, Kabankalan, Negros Occidental as a lay leader in prayer services and later I began to help give seminars in the parishes.

"It was Monday evening at about 11 o'clock (on 6 February 1978) when I heard an angry voice calling Boy, Boy, Boy. Because I recognized the voice, without hesitation, I opened the door. But as soon as I stepped outside, somebody pointed a gun at me and ordered me to come down from our house. I was not able to refuse. When I came down, they brought me to the santol tree near our house. While hitting me with the muzzle of a gun, one of them asked me if I had seen a man carrying a sub-machine gun. I answered, 'No, sir.' Then I felt the butt of the gun hitting me on the back and then I was asked another question, 'Did you see any man with a gun going by?' I answered, 'No, sir.' Then the muzzle of the gun hit me in the ribs again. Then they ordered all the males to come out of the house and asked the same question. They also answered, 'No.' They asked me, 'Where are they?' I answered, 'I don't know.' Then they tied me up and blindfolded me. They brought me at a short distance away from our house. At that time, they constantly kicked me and hit me with their fists and the muzzle and butt of the gun. Later on, they held my two feet and I was dragged along. After a while, they untied me and took off the blindfold. We walked for about a kilometer and then I saw their service truck. We rode in the truck for about an hour and then stopped at a very secluded place. I was ordered to get down from the truck and I got down. Somebody again asked me, 'Where is Juan now?' I answered, 'I don't know, sir.' One of them said, 'We cannot do anything with him, it's better we finish him.' I was hit again and again, until they got fed up hitting me and one of them said, 'I will finish him, sir.' At that time I became aware that they were military men. He clicked the bolt on his gun. Their commander said, 'Fool, we will have him run over so there will be no more investigation.' And they all got up on the truck and ordered the driver to run over me. I had not totally lost consciousness and when the truck backed up, I rolled away and ran as fast as I could. When I was a short distance away, I heard explosions and I felt a shot of pain on my left shoulder. I ran faster until I reached a cane plantation and I went in to hide myself because they were running after me. They searched for me for about 15 minutes but they did not find me. I overheard them saying, 'He's no longer here, sir.' And then their commander said, 'Even if we cannot find him, it doesn't matter, because he cannot survive his wounds.' I think at that time it was about 3 o'clock in the morning of February 7, 1978 when they left."

(*) This is an edited version of Leonilo Artagame's statement

Sixto S. Carlos Jr. (*)

"Evening of 23 April /1979/ at the corner of Boni Avenue and EDSA in Mandaluyong. I had just alighted from a tricycle at Boni and was walking quickly towards the overpass when I noticed a red car come to a sudden stop beside me. A man in civilian clothes quickly alighted and chased after me, revolver in hand. One more car also came to a sudden stop on the other side of the street in front of the gasoline station and two men, also in civilian clothing, ran out and crossed the street. One of them had a revolver and the other held something like a sub-machine gun.

"... They held me around the neck and the arms as we crossed the street and before putting me into the second car, they blindfolded me. I sat in the back of the car between two men. ... We did not go very far.

"When we got out of the car I was immediately brought into a room. I was shoved onto a sofa. Then I was held on either arm by two men, and the third man sat on my lap. The blindfold was removed and replaced by a towel on my face. They commenced to put water over the towel on my face, at the same time, questioning me.

"They kept asking the same questions over and over. I had a very difficult time breathing and had the sensation of drowning. The very brief intervals made it impossible for me to snatch some air. At first, because of the difficulty (of breathing), I found the strength to struggle to release their grip on me. 'Son of a bitch! Crazy fool!' they would scream. And then there would be even more to hold me down.

"They hurriedly took off my shoes, polo shirt and stripped me of my trousers. I also felt them remove my watch and wedding ring. My head was lowered below the edge of the sofa, and one of them held me tightly so that I could not escape the water which they continually poured.

"It occurred to me to pretend I had stopped moving and breathing, feigning to have lost consciousness. Nevertheless, shortly after, one shouted: 'Son of a bitch! Fooling, eh? Malingering, eh?' Together with blows to the chest and pouring of water once more. 'You are giving us a difficult time, Mr Carlos. You've cost the government a lot. The government has spent a lot of money looking for you. You better cooperate now, Mr Carlos, so that this session does not take up more time,' the voice said which greeted me in the car.

"When they tired of scooping the water with the can, they brought in a hose and this is what they used on my face. Once in a while they would even stick the hose into my mouth. I attempted still to struggle, but they really held my whole body down very tightly. In my attempt to suck in even

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(*) This is an edited version of Sixto Carlos Jr.'s full statement written after he had been transferred to the Maximum Security Unit, Fort Bonifacio. As of June 1982, Sixto Carlos was detained still without formal charge at Camp Bagong Diwa (Bicutan Rehabilitation Centre).

just a little bit of air, I would pretend to stammer through the wet towel: 'Wait, wait, I will tell you now!' The water would stop once more and the towel would be raised from my lips. However, after a moment or two, they would once more shout: 'You really are a crazy fool, fooling again, eh? You dare to fool us? You know, Mr Carlos, we could throw you into the Marikina River without anyone ever knowing. Kill him!'

"With every attempt on my part to struggle free, the more they would pour the water, the more the blows to the chest. Until finally I vomited. There was vomit on the towel, over the sofa and the floor. They stopped with the water, but continued the slaps to the face and the blows to the chest and stomach. Many times someone would tug and pull out the hairs on my chest. Little by little, the water slowed down, applied for shorter periods with longer intervals between each application.

"The questioning continued all night. They took turns asking questions. One question after the other and over and over again. Simultaneously, practically with every question, a slap was delivered to my face or blows to the chest and stomach.

"All day on 24 April, water was not applied in great amounts. It was poured only once in a while and only one can at a time, as if merely to remind me that any time at all that they chose to, they could once more repeat the treatment. More frequent, however, were the blows to the face, chest and stomach. Sometimes someone would take over who apparently was a specialist at slapping. He asked only one question and this repeatedly, together with a sharp and hard slap to the face or ears.

"One of the most painful things I experienced all day was the continuous pounding of my testicles. One of them sat on the sofa by my knees. By means of what seemed a small wooden hammer, my testicles would be hammered by quick sharp blows.

"This hurt so very much. While I would be writhing with the pain, they would strike me on the chest, cursing me. My feet would be pulled down again, and again pound on my testicles. Sometimes I tried to ward off the pounding with my hands, but they would pull my hands aside and pound even harder.

"At other times, the hard blows to the chest would be delivered simultaneous with the twirling of chicken feathers and thin coconut-leaf midribs in my nostrils. Still at other times, they would suddenly pour gin into my nostrils. My face contorted with the stinging and the pain of this.

"Sometimes they would pour hot water over me. While I lay there, they would keep the scalding going. They started at the feet, next the legs, thighs, then my private parts, stomach, chest and finally, my face.

"Once, contorting with pain and attempting to avoid any more scalding, I fell (off the sofa) and hit the floor which by then was a pool of water, vomit and my urine.

"Other times, too, and all day, they would beat my thighs and legs with a piece of wood.

"Repeatedly I asked them to get me some medicine for my heart ailment. They knew about this ailment because they got the results of my ECG test administered in 1977, out of my wallet. Rather than grant my request, they even used this provocation: 'We will give it to you if you tell all. What further need have you for medicine -- we are going to kill you soon anyhow.'

"No sleep, no food all day. I was always lying down except when they wanted me to write something down. During these occasions they had me sitting facing the wall, removing the blindfold and making me write.

"From time to time I would be left alone. I would be left in the hands of an interrogator who seemed from his voice to be elderly (some of them called him Father). He insisted on speaking in English although it was obvious to me that he had a very difficult time especially in pronunciation. He even kept asking me how to spell this or that word whenever I replied to his questions. Once I even heard the voice of a child who called him 'Father' from outside the room. This irritated the old man and made him curse and holler, sending the child home. He kept on steadily asking questions although I received only mild blows to the chest and stomach whenever I did not reply immediately. He kept on coaxing me to reveal all to him, because he said that if I did not, the executioners would return.

"One of my interrogators made himself known to me as Popski. He was always the one with whom the rest consulted and often gave the orders. Another one made himself known as Capt. George. It turned out that he was Popski's deputy. He also gave orders frequently although he always consulted with Popski. He said he was my classmate at the University of the Philippines.

"The evening of 24 April. They made me sit on a swivel chair -- Capt. George and one of his helpers. They kept interrogating me. Without much ado, they spoon-fed me with a tablespoon of a thin liquid which was somewhat bitter. They suddenly stopped their questioning as if waiting for something. In a short while I was sweating and a bit dizzy. I left the chair and groping for a sofa, lay down. I felt my extremities going numb. Slowly, the numbness crept through my body (it occurred to me that they were poisoning me). Only one question was heard from George. 'Well, is your chest starting to tighten?' I did not move and simply observed the sensation of creeping numbness. More minutes passed by without stirring. In a little while one of them came near and held my feet: 'he's chilling.' They massaged my feet, legs, and arms. A hot towel was applied. Little by little the numbness and sweating went away. For a while I was not touched after this.

"After about probably an hour, they started once more to deliver strong blows to my face and chest. I was also hit on the thighs and sides with an object -- what to me felt may have been the head stand of a car seat. This while George remained at my side, questioning. From time to time, they would pour gin through my nose and force me to take gulps. While this was going on, still another with the voice of someone elderly entered, sobbing as if asking for mercy. He held my head, I even smelled his breath. He asked for my help between sobs. He said that his son had also been arrested at the Pantranco bus station. This was the only child

supporting them and on whom the family depended. If I had any mercy, I must see to it that they did not lose their son. I must cooperate and perhaps I could help free their son, otherwise, we would suffer the same grim fate. (Up to now, I am still amazed at this scene that they staged.) This is the occasion which was immediately followed by the most intense suffering and pain.

"When I did not respond to the 'pleadings' of the old man, the cover over my eyes was tied around my head. They aided me to rise and leave the room. I was made to lie down on a wide object (it felt like a flat iron sheet). This was cold against my back. Someone removed my briefs. I was bombed with water while my feet were being tied to one end of the flat iron sheet. I heard them move an object closer to me which seemed to have rollers and grated against the cement floor. A hook was attached to my hogtied hands. Next I heard the grating of steel which seemed to have rollers (this must have been some kind of a pulley). They pulled up the hook, pulling up my hogtied hands and raising the upper portion of my body, suspended, while my feet remained attached to the edge of the iron sheet. How it hurt -- stretching the flesh and the bones on my arms (particularly since the handcuffs seemed to be of the type which automatically tightens when tugged at). In this hanging position, a towel was placed over my nose and mouth and again the water from the hose commenced, and Popski's interrogation. The same questions over and over again, while the pulley pulled me higher, bit by bit. The steel creaked. Tighter still became the handcuffs, stretching my flesh and bones. The water continued. I would be jerked upwards in the attempt to be able to inhale some air. Only for a moment would they remove the hose when Popski would ask a question, and then speedily returned. They refused to listen any longer to my entreaties: 'Wait a moment! Wait a moment! I'll tell all!' Stammering through the wet towel over my mouth. 'What do you mean, wait a moment, a moment! Tell all now! You just want to breathe!' 'Let's finish him!' the rest even shouted.

"... I was returned to the room. After an hour elapsed, they began once more to interrogate. The same questions over and over again. Until the morning. The pounding of my testicles and pouring of hot water all over me, everything else done all day the previous day of the 24th was repeated. With the only small difference being that each session was shorter with longer intervals in between. The questioning, however, was continuous and unrelenting. Again no food all day.

"Evening of 25 April. My blindfold is tied on again. Brought out of the room, and made to sit in a swivel chair. My feet were tied together with a belt. Again I heard the scraping of rollers. Coming nearer and nearer. I felt the belt being hooked on. I heard again the creaking of steel together with the slow raising of my feet. The swivel chair was pushed downwards to cause my head to slide downwards while my feet were being raised. Little by little my body was raised upside down until my head no longer touched the cement floor. Here the interrogation commenced. Popski first. Bit by bit numbness, little pricks seeming to sting my feet. The numbness crept downwards to my legs then my thighs. From time to time, I could hear the others shouting: 'Finish him off! Lower him down the hole!' 'Where is the drum of water? Drown him in the drum!' Sometimes I would be lowered and for a few moments my head would hit the floor.

But then I would go up again, higher than before, I cannot tell how long this lasted. All I recall is that the numbness had already reached my thighs when I was finally lowered.

"Morning of the 26th. Still no sleep. The interrogation continued, although I was no longer touched. Noon. My first meal, siopao (a Chinese dumpling) and pepsi. They seated me facing towards the wall before they removed the blindfold (I held some reservation about eating as I supposed there was a chance the food might be poisoned or drugged. On the other hand, it also occurred to me that whether or not these fellows wanted to finish me off, there were many ways by which to accomplish this). I did eat it. However, I did not finish it.

"I was not touched the rest of the day and all night. The interrogation was sporadic. I was able to sleep in the interval, but a sentry was always left behind in the room to watch me. I was brought my supper in an army mess tray and water in a family-size bottle of soft drink.

"Morning of the 27th. I was brought coffee and breakfast. After eating, I was made to lie down once more, my hands and feet cuffed, and one of my feet chained to a post of a big storage shelf in the room. They put rubber goggles on my and put masking tape over the glass. Apart from mealtime, when I was made to face the wall, I was threatened never, never to remove these.

"Before lunch, I was brought a tube of Colgate, a small toothbrush, and one of my pills. I put on my former clothing, shorts and T-shirt which they had confiscated out of my travelling bag. (Before this, I wore only briefs all day and all night.) They gave me two pairs of briefs. They also brought me a chamberpot. In all of the three days and four nights that I had been there, I urinated on the floor lying sideways on the sofa, or else simply from a prone position.

"I was then brought my lunch. At suppertime, I was left alone in the room. Only occasionally would someone come in to test the cuffs around my hands and feet and the chain around my foot.

"28 April until 15 May. Because it was forbidden for me to sit on the sofa, practically all day and all night I would be lying down, blindfolded. I was brought breakfast, lunch and supper. Only at mealtimes would they take my handcuffs and footcuffs, seated and facing the wall. Until I finished my meal and defecated and before I would once again be hogtied, two men always stayed to watch me. On some occasions they would purposely let me hear them shutting the door behind them.

"During these dates, Popski seldom came anymore to interrogate me. Once in a while George would come in to say 'hello' to me and inquire whether I was at last ready to cooperate -- meaning to name names of comrades and sympathizers and point out places. On the morning of 1 May, he came into the room and shut the door and allowed me a glimpse of the day's issue of the Bulletin Today. He immediately grabbed it from me when someone approached the door. Once he brought me an old torn comic book and two 1978 issues of Ang Tala, the official journal of the Armed Forces of the Philippines. This was the only reading matter I would have until the 26th

of June. Even these Popski took away from me when he saw them beside me. Every time Popski or George would visit, there was one thing which I kept asking them to do -- to let my family know of my arrest, to transfer me to a regular detention centre and to have a doctor examine me because of the chest pains and sensation of tightness I would feel every time I coughed, sneezed or breathed deeply, as a result of the beatings I received. None of these requests was granted other than my transfer to the Military Security Unit on 15 May.

"In the evenings, I could hardly sleep from the mosquitoes and the heat of my room. It would not get cool until around midnight and just before dawn it would be very cold. I asked for a blanket but this was not given to me. I had only my polo shirt to use as a blanket. At times in the night, the guard would come to unlock the door and come in to check on my hand and footcuffs. On many occasions I would ask them to loosen the tight cuffs. On several nights, towards dawn, someone would suddenly open the door, enter and quietly, slowly come near me. He would not stir nor move for a few moments. Then suddenly he would grab me by the neck as if poised to strangle me. He would sustain this grip then release me slowly and leave. Once after he let go of my neck, he sat down beside me and talked to me. I recognized the voice of the old man who was 'begging for pity' the first night they first hung me. Why, he asked did I not go ahead and tell them what they wanted to know. 'So you have a wife and son. It would be difficult if they were to lose a father. For me, although I am poor and eat only snails and vegetables when I go home to our province, I am still happy because I can have a meal together with my family. But no matter how rich you are, how flavorful your meal, if your father is not at the table, it's no good. Why don't you cooperate so that you will see your family again.'

"Several days after my beatings, my whole body hurt especially my chest and thighs. I tried to suppress coughing and sneezing because my chest would hurt all the more, intense internal pains and the sensation of losing my breath. The wound on my right arm swelled and was filled with pus. This was cleaned with alcohol and merthiolate applied, but I suffered for many days and took great care because the wound would often scrape against the handcuffs and bleed.

"The room to which they had brought me was a storeroom for motor parts and accessories. This was about 12 feet by 12 feet in size. In one corner there was a door. There were two windows beside each other about six-and-a-half feet from the floor. These were jalousie windows measuring about two feet by one foot each. They were covered from the outside with plywood so that I could not see outside if I should stand on the sofa to look. Three wooden shelves stood by the three concrete walls. New and old batteries, empty carburator flashers, ball bearings, etc., were placed here. The room also had a small table and swivel chair. It was lit with a fluorescent bulb.

"Evening of May 15. They took some pictures of me. Front, back, right and left profile. There was no light inside the room. It was dark outside. Popski held a flashlight and would occasionally beam it on me while the photographer was focusing. They would suddenly have me remove my blindfold, followed by a flash. They held what seemed to be a signboard

in front of my chest -- it must have been my name and serial number. After an hour had elapsed, Popski and George returned to announce that they would 'grant' my request. They would transfer me. Why, they asked did I insist on being transferred? Did I not like it with them? They had me get dressed. Cuffed and blindfolded, they drove me in an air-conditioned car. Popski and one of his helpers sat on either side. George sat on the left hand side in front and drove us. A fourth one sat in front. Along the road, George and Popski joked. What a pity, they said that I could not see the beautiful chicks on the road. They said the girls must be wondering why in the dead of night a man was wearing sunglasses. 'Never mind, where you are going there's a lot of chicks. And after one week you can request a conjugal visit. Do you know what that is? Surely you will automatically make that request.' Once George asked me if what happened in Iran could happen here. I didn't say anything. He answered his own question. 'We would certainly face a firing squad, wouldn't we?' We swerved round many curves and ruts in the road (they were probably trying to disorient me again). Eventually the car stopped and I felt a glare (this must have been the brightly lit gate of the detention centre). Popski and George alighted, I heard them talking. The two returned and we continued onward. Shortly after we stopped again and they had me alight from the car. They helped me go down several steps and then through a cement walk. They let me sit down. George removed my blindfold, turned and left. This, I discovered, was my cell in the compound they call 1571 at the Maximum Security Unit (MSU) of Fort Bonifacio. The guard entered. He closed the steel barred door and then the outer wooden door. I looked over my new home. It measured about 11 feet by four feet. Concrete walls on three sides. On the other end a rail window measuring three feet by one foot, a faucet with no knob and a leaky spigot. The six-feet long wooden bed was attached to the concrete wall with a chain (greatly resembling the chains Popski attached to my feet), on either end. A four feet by four feet space between the steel rail door and the wooden door. The entire cell is lit by one bulb in a corner of this space.

"Inside of 21 days until noon of June 6, day and night both doors to my cell were always locked. The only time I saw a person was whenever my food was brought and my mess tray was taken away.

"I was not given anything at all to read until 26 June when I was first given a newspaper to read. Neither was I allowed to have any writing materials except when they would lend these to me to make written requests It was forbidden for me to converse with any of the detainees.

"The cell next to mine is always left vacant as due to the proximity of the cells to each other, conversation in each cell is readily overheard.

"It is hot and humid all day inside my cell. The air is almost completely blocked off and comes only through the small window. Only close to morning does it cool off a bit. Because of this I am always stripped, but still perspire. In the evening an army of huge mosquitoes /invade the cell/. Although I ask for a mosquito net or even just a katol mosquito coil, only in June was I given a mosquito net. Every night every cell is lent a can of insect spray, save for mine. So I am confused as to the hour it is when bedtime comes. If I cover myself from head to toe to shield my body from the mosquitoes, I cannot do this for very long

because of the heat and perspiration. If I don't get under the blanket, a whole battery of mosquitoes assaults me, hence it is almost morning by the time I am at last able to sleep.

"Until the day I was allowed to read the newspaper, the only things I can do through the day are to lie down, think, whistle and sing songs. I try to force myself to sleep during the day but since I am still filled with fear as to what might become of me, I am preoccupied with all kinds of thoughts which go around and around in my head, and sleep will not come.

"On my third day at 1571, a major who was a medical officer visited me. He took my blood pressure, listened to my heart and took blood samples and an ECG. I told the doctor of all the hardships I had been through. I complained that my chest pains persisted. I also told him about my heart ailment and the occasional body tremors I experienced. I asked to have a chest X-ray. I also asked if I could have some sun and exercise. He said he would see. He gave me some penicillin to take twice daily, and aspirin thrice daily for two months. Until now, however, I have not had a chest X-ray. It took another one-and-a-half months before I could even feel the sun. From then on, every second week, I am among those whom the doctor visits at 1571.

"In the first month of imprisonment in 1571 at the MSU, I repeatedly asked, verbally and in writing to the Commanding Officer the following:

1. My capture be made known to my family and my wife, child and parents be allowed to visit
2. To be able to consult with a lawyer
3. Allow me to have some sun and exercise in the fresh air
4. Give me some reading material

"For 128 days, from 24 April until 2 September 1979 I was incommunicado. The only people with whom I spoke were the two doctors and the three EMs who took turns guarding the compound. The first time I was allowed to meet my wife was the 3rd September. Visits by my wife and two children were only regularized (once a week) on 17 December. Up to now, I remain in solitary confinement in a cell four feet by 11 feet. I was only allowed to have sun for 65 days from 24 April until 27 June. I was only allowed to read a newspaper on 26 June. Until now I have not been allowed to consult with my lawyer.

"Since the time I was first allowed to meet with my wife on 3 September, they have relatively eased up on me. We met with my wife and sons four times at the Fort Bonifacio Golf Club, for one-hour periods. They always prepare good food for us and for our guards. And of course, pictures are taken left and right (so that in future they can prove to the world the honorable treatment by the regime of their joyous prisoners. Now even medical check-ups are always photographed). The food, clothes and reading matter sent by family and friends are allowed to come in. The medicines that I have been requesting were given to me. My wife and children are also allowed to visit all day, once a week. And the faucet has been repaired."

Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted by the General Assembly of the United Nations on 9 December 1975 (resolution 3452 (XXX))

Article 1

1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Article 8

Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

Article 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

Article 10

If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

Article 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in any proceedings.

UNITED NATIONS CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS

Resolution 34/169 of 17 December 1979

Article 1

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Commentary: *

a) The term "law enforcement officials" includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.

b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by state security forces, the definition of law enforcement officials shall be regarded as including officers of such services.

c) Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid.

d) This provision is intended to cover not only all violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Commentary:

a) The human rights in question are identified and protected by national and international law. Among the relevant international instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Prevention and Punishment

*The commentaries provide information to facilitate the use of the Code within the framework of national legislation or practice. In addition, national or regional commentaries could identify specific features of the legal systems and practices of different States or regional intergovernmental organizations which would promote the application of the Code.

of the Crime of Genocide, the Standard Minimum Rules for the Treatment of Prisoners and the Vienna Convention on Consular Relations.

b) National commentaries to this provision should indicate regional or national provisions identifying and protecting these rights.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Commentary:

a) This provision emphasizes that the use of force by law enforcement officials should be exceptional, while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.

b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.

c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty, or the needs of justice, strictly require otherwise.

Commentary:

By the nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Commentary:

a) This prohibition derives from the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly, according to which:

> Such an act is "an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights"* and other international human rights instruments.

b) The Declaration defines torture as follows:

> "...torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners."**

c) The term "cruel, inhuman or degrading treatment or punishment" has not been defined by the General Assembly, but should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, take immediate action to secure medical attention whenever requested.

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*Article 2 of the Declaration.

**Standard Minimum Rules for the Treatment of Offenders: First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

Commentary:

a) "Medical attention", which refers to services rendered by any medical personnel, including certified medical practitioners and paramedics, shall be secured when needed or requested.

b) While the medical personnel are likely to be attached to the law enforcement operation, law enforcement officials must take into account the judgement of such personnel when they recommend providing the person in custody with appropriate treatment through, or in consultation with, medical personnel from outside the law enforcement operation.

c) It is understood that law enforcement officials shall also secure medical attention for victims of violations of law or of accidents occurring in the course of violations of law.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Commentary:

a) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their own agencies.

b) While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connection with one's duties, in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted.

c) The expression "act of corruption" referred to above should be understood to encompass attempted corruption.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of this Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

Commentary:

a) This Code shall be observed whenever it has been incorporated into national legislation or practice. If legislation or practice contains stricter provisions than those of the present Code, those stricter provisions shall be observed.

b) The article seeks to preserve the balance between the need for internal discipline of the agency on which public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. Law enforcement officials shall report violations within the chain of command and take other lawful action outside the chain of command only when no other remedies are available or effective. It is understood that law enforcement officials shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur.

c) The terms "appropriate authorities or organs vested with reviewing or remedial power" refer to any authority or organ existing under national law, whether internal to the law enforcement agency, or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the purview of this Code.

d) In some countries, the mass media may be regarded as performing complaint review functions similar to those described in commentary c). Law enforcement officials may, therefore, be justified if, as a last resort and in accordance with the laws and customs of their own countries and with the provisions of article 4 or the present Code, they bring violations to the attention of public opinion through the mass media.

e) Law enforcement officials who comply with the provisions of this Code deserve the respect, the full support and the co-operation of the community and of the law enforcement agency in which they serve, as well as of the law enforcement profession.

GLOSSARY

AFP - Armed Forces of the Philippines

AMRSP - Association of Major Religious Superiors of the Philippines

April 6 Movement - Group which claimed responsibility for wave of bombings in Manila in August to October 1980

ASSO - Arrest, Search and Seizure Order

Barrio - Village, both urban and rural; usually sub-divided into sitios (q.v.). Also until 1974, when renamed barangay, lowest political sub-division of municipality and municipal district

Bartolina - Isolation cell

CAD - Command for the Administration of Detainees

CANU - Constabulary Anti-Narcotics Unit

ccv - criminal code violator

CENCOM - Central Command

CIB - Composite Infantry Battalion

CIS - Criminal Intelligence Service of the Philippine Constabulary

CLAO - Citizens Legal Assistance Office (government legal assistance agency)

CMLC - Church-Military Liaison Committee

COMCAD - Commander, the Commander for the Administration of Detainees

Convento - priests' house

CPP - Communist Party of the Philippines

CRAC - Community Relations Action Centre

CSU - Constabulary Security Unit (intelligence unit of the Philippine Constabulary)

EASCOM - Eastern Command

Fiscal - Public Prosecutor

FLAG - Free Legal Assistance Group

GO - General Order

IB - Infantry Battalion

IBP - 1) Interim Batasang Pambansa (Interim National Assembly convened in June 1978 following elections in April of that year);

2) Integrated Bar of the Philippines

ICHDF - Integrated Civilian Home Defense Force

INP - Integrated National Police

ISAFP - Intelligence Service of the Armed Forces of the Philippines

JAGO - Judge Advocate General's Office

John Doe - A party to a civil or criminal prosecution whose name is not known

Katilingbanong Pag-ampo - Basic Christian Community in Zamboanga del Sur

KMTD - Kilusan Mamamayan para sa Tunay na Democrasya, People's Movement for Genuine Democracy; coalition of groups campaigning for boycott of presidential election of June 1981

KMU - Kilusan Mayo Uno (trade union confederation)

KK - Kristianong Katilingban (Basic Christian Community in Negros Occidental)

LOI - Letter of Instruction

LRP - Long Range Patrol

METROCOM - Metropolitan Manila Philippine Constabulary Command

METRODISCOM - Metropolitan District Philippine Constabulary Command, Davao City

MIB - Mechanized Infantry Battalion

MIG - Military Intelligence Group (operational branch of ISAFP (q.v.))

MISG - Military Intelligence and Security Group (intelligence unit of METROCOM (q.v.))

MNLF - Moro National Liberation Front

MSU - 1) Military Security Unit (army intelligence);
2) Maximum Security Unit (detention centre in Fort Bonifacio)

NDF - National Democratic Front

NISA - National Intelligence and Security Agency

NPA - New People's Army

NSC - National Security Council

ODA - Office of Detainee Affairs

PANAMIN - Agency of the Presidential Assistant for Tribal Minorities

PANAMIN-CHDF - Security force of PANAMIN (q.v.)

PC - Philippine Constabulary

PCO - Presidential Commitment Order

PD - Presidential Decree

POA - Presidential Order of Arrest

pov - public order violator

PSC - Presidential Security Command

RSU - Regional Security Unit, regional branch of CSU (q.v.)

Sitio - Hamlet; sub-division of barrio

SMC - Special Military Commission

SPI - Summary Preliminary Investigation

SUAFP - Special Unit of the Armed Forces of the Philippines

TANGLAW - Acronym meaning bright light, standing for Tanod at Gabay ng Lahi at Watawat (Guardians and Keepers of the Race and the Flag); educational program for AFP (q.v.) personnel to improve discipline and create better relations with the civilian population

UCCP - United Church of Christ of the Philippines

ZOTO - Zone One Tondo Organization (squatters' organization in Tondo district of Manila)

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