

EXTERNAL (for general distribution)

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Further information on UA 74/91 (ASA 35/11/91, 28 February 1991) - Incommunicado Detention/Fear of Torture

PHILIPPINES: Manuel CAPITULO, aged 25, farmer
Almar LUSONG, aged 28, construction worker
Antonio BONDOC, aged 26, radio/TV electrician

Amnesty International has received copies of a report on the detention of the three men named above from the official Commission on Human Rights (CHR) in the Philippines. The report raises serious questions about the accuracy and impartiality of the CHR.

The three men were reportedly abducted on 8 February 1991 by members of the Philippine Army in Pampanga province. Two others, **Rodel Lusong** and **Luis Zita**, were abducted at the same time but released two days later. Military authorities initially denied that the three had been arrested but on 13 February 1991 acknowledged that they were being held at the 702nd Infantry Brigade (IB) army camp in Angeles City, Pampanga. However, they were held incommunicado and relatives were denied access to the detainees for at least one month. A military officer at the camp was also reported to have told relatives that if the three were New People's Army (NPA) members they would be killed.

The CHR issued a report of its investigation into this case in April 1991. The report states that on 12 March 1991, more than one month after the abduction, Manuel Capitulo was located at his sister's house along with three companions, one of whom was identified as Antonio Bondoc. On the basis of this information the CHR considers that Manuel Capitulo *"is alive and did not actually disappear"* and has closed this case. The report does not mention Almar Lusong, nor does it state that his fate and whereabouts have been clarified.

Amnesty International views the CHR conclusions on this case with particular concern. While welcoming the news that Manuel Capitulo is alive and out of custody, these facts in themselves do not signify that a "disappearance" did not take place. According to internationally accepted human rights standards, a person has "disappeared" when he or she is held in unacknowledged detention by members of government or government-backed forces. The fact that a "disappeared" person subsequently reappears alive does not in any way diminish the seriousness of the original offence. The detention of Manuel Capitulo, Almar Lusong and Antonio Bondoc was denied by military authorities for the four days between 8 and 13 February 1991; during that time they were "disappeared". Moreover, even when the three were acknowledged to be in detention, access was denied to their relatives. This caused additional fears for their safety, particularly when a military officer had reportedly suggested they might be killed. Both "disappearance" and incommunicado detention are serious human rights violations which warrant prompt, impartial and full investigation by the responsible authorities. Those believed responsible for such violations should be brought to justice.

In light of the above, Amnesty International was disturbed to note that on the basis of its own erroneous conclusions, the CHR report questioned the *"integrity and veracity"* of an appeal issued on behalf of the three "disappeared" men by the local human rights organization Task Force Detainees of the Philippines (TFDP) on 11 February 1991. At the time the three victims were in fact being held in unacknowledged military custody. Given that at least six of those who have "disappeared" since 1990 are believed to have died or been killed while in custody, Amnesty International believes that the actions of TFDP and other human rights organizations may have served to protect the lives of Manuel Capitulo and the others.

More than 50 people were believed to have "disappeared" in the Philippines in 1990. At least ten people were reported "disappeared" between January and July 1991; in the overwhelming majority of cases there is clear evidence the perpetrators have been members of government or government-backed forces.

The CHR is an official government body responsible for the investigation of reports of human rights violations. Amnesty International welcomed the establishment of the CHR, which it saw as a significant step forward for the protection of human rights

in the Philippines. It is concerned that in practice the CHR has underestimated the gravity and urgency of the reports of human rights violations it is called upon to investigate. The CHR has frequently dismissed such reports, often after it has accepted without question statements of denial by military or police officials. Moreover, case reports of CHR investigations rarely indicate that those believed responsible for the violations will be held accountable. The CHR's apparent failure to press for suspected perpetrators to be brought to justice has contributed to situations in which members of government and government-backed forces apparently commit human rights violations with impunity.

FURTHER RECOMMENDED ACTION: Express and Airmail letters:

- expressing concern that the governmental CHR has stated that Manuel Capitulo, Almar Lusong and Antonio Bondoc did not "disappear", in spite of the fact the military authorities held them for several days before admitting they were indeed detained;
- expressing concern that the current whereabouts of Almar Lusong have not been explicitly clarified;
- urging the government to undertake a thorough review of the CHR and to ensure that investigations into reported "disappearances" are prompt and impartial and that suspected perpetrators are brought to justice;
- urging the government and the CHR to recognize the urgency and gravity of reports of "disappearance" given the threat posed to the life and safety of the victims, and the distress caused to their relatives.

APPEALS TO:

General Renato S. de Villa
[Salutation: Dear General de Villa]
 Secretary of National Defense
 Department of National Defense
 Camp General Emilio Aguinaldo
 Quezon City, Metro Manila, Philippines

Franklin Drilon
[Salutation: Dear Executive Secretary Drilon]
 Executive Secretary
 Department of Justice
 Padre Faura Street
 Ermita
 Manila, Philippines

Silvestre H Bello III
[Salutation: Dear Undersecretary Bello]
 Undersecretary of Justice
 Department of Justice

Padre Faura Street
Ermita
Manila, Philippines

Mary Concepcion Bautista
[Salutation: Dear Commissioner Bautista]
Chairman, Commission on Human Rights
IBP Building Complex
Dona Julia Vargas Avenue
Pasig Metro Manila, Philippines

COPIES TO: Diplomatic representatives of the Philippines in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 August 1991.