

EXTERNAL (for general distribution)

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Legal concern/arbitrary arrest

6 May 1992

PHILIPPINES:	Danilo Amyon	)	Members/organizers of the
	Olipio Yangyang	)	Federation of Small Fishermen
	Edgar Nicor	)	(FESFIN), Negros Occidental
	Benny Buenaflor	)	province
	Jimmy Culamis	)	

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The five men named above were arrested on 20 March 1992 by members of the Armed Forces of the Philippines. All but Jimmy Culamis are believed to have been beaten up shortly after being arrested. No formal charges had been brought against the five detainees by the end of April. Amnesty International believes that the five may have been arbitrarily arrested and detained in order to intimidate them and other members of their local community. The arrests may also have been intended to deter local residents from participation in lawful political and social activity.

The five members of FESFIN were reportedly arrested on 20 March by members of the 78th Infantry Battalion (IB) of the Philippine Army (PA), accompanied by armed members of a vigilante group, the Puluhan ("The Red Ones"). According to eyewitnesses, Danilo Amyon, Olipio Yangyang, Edgar Nicor and Benny Buenaflor were arrested in *Sitio Cogon, Barangay Alimango, Escalante, Negros Occidental* (*sitio* and *barangay* are local administrative units). Witnesses said that soldiers appeared in *Sitio Cogon* and claimed they had seen NPA members fleeing in a small boat. The soldiers then apparently fired their weapons at random, hitting another boat and a dwelling. The soldiers accused the fishermen of helping the NPA members to escape. The four were taken first to Danao Port for interrogation about the alleged NPA members. While there they were reportedly beaten by the soldiers and vigilantes. Jimmy Culamis was subsequently arrested in *Sitio Mocabog* and all five were eventually transferred to the PA detachment in Toboso, Negros Occidental, where they remain in detention.

#### BACKGROUND INFORMATION

Negros Occidental province is one of a number of regions in the Philippines where the military is engaged in armed conflict with the New People's Army (NPA), the armed wing of the outlawed Communist Party of the Philippines (CPP). The military's "total approach" to counter-insurgency has involved efforts to weaken selected civilian organizations as well as the armed elements of the insurgency movement. In practice this has resulted in a blurring of the distinction between lawful non-violent and armed opposition to the government. Members of lawful organizations are frequently accused of membership of or support for the NPA. Once "labelled" as communist supporters, such people become particularly vulnerable to human rights violations including arbitrary arrest and detention, "disappearance" and extrajudicial execution.

Hundreds of trade unionists and members of peasant and farmers' organizations have been arrested over the past six years in the Philippines. Many are detained for short periods without being charged and then released. Others have been charged with crimes such as inciting to sedition, illegal association, rebellion, illegal possession of firearms and illegal assembly. Few have been convicted and sentenced. The charges frequently appear to be without foundation and they are often dismissed for lack of evidence.

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**RECOMMENDED ACTION: Please send telegrams/express and airmail letters:**

- expressing concern that Danilo Amyon, Olipio Yangyang, Edgar Nicor, Benny Buenaflor and Jimmy Culamis may have been arbitrarily arrested;
- urging the authorities to release them immediately and unconditionally if they are not to be charged with a recognizable criminal offence and brought promptly before the courts;
- expressing concern at allegations that some of the detainees were beaten during interrogation;
- seeking assurances that the five are being treated humanely.

**APPEALS TO:**

1) Major Ely Bautista  
Commanding Officer  
78th Infantry Battalion  
Philippine Army, Calatrava  
Negros Occidental  
Philippines

**Telegrams: Major Bautista,  
Philippine Army HQ,  
Calatrava, Negros Occ,  
Philippines**

**Salutation: Dear Major Bautista**

2) Brig. Gen. Fredericque Romero  
Regional Commander, Region VI  
Camp Martin Delgado, Fort San Pedro  
Iloilo City  
Philippines

**Telegrams: Regional Commander,  
Region IV Camp Martin  
Delgado, Iloilo City,  
Philippines**

**Salutation: Dear Brig. Gen. Romero**

**COPIES OF YOUR APPEALS TO ANY OF THE FOLLOWING:**

Mary Concepcion Bautista  
Chairman  
Commission on Human Rights  
IBP Building  
Doña Julia Vargas Avenue  
Pasig, Metro Manila  
Philippines

**Fax: + 63 2 631 6449**

Paulynn Paredes Sicamm  
Commissioner  
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and to diplomatic representatives of the Philippines in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Please consult the International Secretariat if appeals are to be sent after 17 June 1992.