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PHILIPPINES

@Conchita Bajao: Victim of police brutality?

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On 23 September 1994 **Conchita Bajao**, a 50-year-old mother of seven, died of injuries she suffered following her arrest by members of the Philippine National Police (PNP) in Cotabato City on the southern Philippine island of Mindanao. Amnesty International is concerned about the failure of the Philippine authorities to conduct a full investigation into the circumstances surrounding her death.

Conchita Bajao, who worked as a sales manager for an insurance company, was arrested without a warrant on 18 September 1994, allegedly on suspicion of collecting money for an illegal lottery. According to eyewitnesses who are reluctant to come forward for fear of reprisals, she was forced into a police vehicle by three plainclothes PNP officers. While inside the vehicle she was reportedly assaulted by the officers who also took her bag, containing money and jewellery. Her valuables have not been returned to her family. After falling or being pushed from the the speeding vehicle, she was then

driven by the police officers to Cotabato Hospital. She did not regain consciousness and died five days later.

When members of Conchita Bajao's family visited her in hospital as she lay in a coma, they were told by a doctor that she was merely "dizzy" and would soon recover. Alarmed about a wound to the back of her head, her husband requested an x-ray, but the subsequent radiologist's report did not reveal any fracture. However, following Conchita Bajao's death, an autopsy performed at her husband's request by the National Bureau of Investigation (NBI) of the Philippines Department of Justice indicates that she had in fact suffered a fracture to the back of her skull. Amnesty International has sent this autopsy report to an independent forensic pathologist for analysis. His conclusion is that the report is totally unsatisfactory as it lacks crucial details and does not contain any description of the brain injury which was the cause of death.

Conchita Bajao's husband has lodged requests for an inquiry with a number of government bodies, including the Commission on Human Rights, the National Bureau of Investigation, the Department of the Interior and Local Government, the National Police Commission and the Secretary of Justice. Despite these requests, the Philippine authorities have so far failed to initiate a full investigation and have instead put pressure on the victim's family to produce witnesses who will testify against the police. The Cotabato police have denied all allegations of ill-treatment, claiming in local press reports that Conchita Bajao was merely "invited" for questioning and that she "jumped" voluntarily from the moving vehicle.

Amnesty International is calling on the Philippine authorities to conduct an immediate, thorough and impartial investigation into the death of Conchita Bajao, to guarantee the safety of witnesses to the incident and to bring to justice any members of the PNP suspected of being responsible for her death.

BACKGROUND INFORMATION

Members of the security forces suspected of committing unlawful killings and other human rights violations are rarely brought to justice, despite the Philippine Government's stated commitment to the protection of human rights and the substantial legal and constitutional guarantees of these rights. A lack of clarity in defining the respective responsibilities of the various investigative and prosecuting agencies has meant that these agencies often fail to take full responsibility for cases, preferring to pass them over to another agency for final resolution. In addition, provisions for witness protection are inadequate. Witnesses and complainants involved in human rights cases are routinely subjected to intimidation and as a result are often afraid to come forward for fear of reprisals.

RECOMMENDED ACTIONS

Please send faxes/telegrams/express and airmail letters either in English or your own language:

- *urging the government to conduct an immediate, thorough and impartial investigation into the death of Conchita Bajao; please ask to be informed of the outcome of any investigation and for the results to be made public;*
- *appealing to the government to act immediately to protect witnesses from intimidation or reprisals;*
- *calling on the government to bring to justice before a civilian court any members of the Philippine National Police suspected of being responsible for the death of Conchita Bajao, and for the findings of these proceedings to be made public.*

PLEASE SEND APPEALS TO:

- Secretary Rafael Alunan III
Secretary of the Interior and Local Government
Department of the Interior and Local Government
PNCC Complex, Epifanio de los Santos Ave
cnr Reliance St, Mandaluyong
Metro Manila
Philippines
Fax: +63 2 6318814
Telegrams: Secretary Alunan, DILG, Manila, Philippines
Salutation: Dear Secretary Alunan

- Secretary Franklin Drilon
Secretary of Justice
Department of Justice
Padre Faura, Manila
Philippines

Fax: +63 2 500772

Telegram: Secretary Drilon, Dept of Justice, Manila, Philippines

Salutation: Dear Secretary Drilon

• Colonel Leopoldo Bataoil

PNP Station Commander

Cotabato City

Philippines

Telegram: Col. Bataoil, PNP Commander, Cotabato City, Philippines

Salutation: Dear Colonel Bataoil

PLEASE SEND COPIES OF YOUR APPEALS TO:

• Sedfrey Ordoñez

Chairman, Commission on Human Rights

IBP Building, Doña Julia Vargas Avenue

Pasig, Metro Manila

Philippines

Fax: +63 2 631 6449

KEYWORDS: WOMEN1 / DEATH IN CUSTODY1 / POLICE / RETAIL WORKERS / ARBITRARY ARREST / POST MORTEMES / PROFESSIONAL ETHICS / PHOTOGRAPHS /

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