

AMNESTY INTERNATIONAL PUBLIC STATEMENT

ASA 35/004/2012

26 June 2012

Philippines: Torturers evade justice on Aquino's watch

President Benigno "Noynoy" Aquino III has failed to ensure that police officers charged with torture face justice under the country's anti-torture law, Amnesty International said on the International Day against Torture.

In August 2010, a national television news programme broadcast a mobile-phone video of a police officer torturing criminal suspect Darius Evangelista while other officers at a Manila police station looked on. The footage showed Evangelista writhing in pain as the officer, identified as Senior Inspector Joselito Binayug, yanked a cord attached to the detainee's penis and whipped him with a rope.

After a 22-year campaign, the Philippine Congress in 2009 passed the Anti-Torture Act (Republic Act 9745), which prescribes criminal penalties for torture and other ill-treatment. Under the doctrine of command responsibility, the law also establishes liability for superiors who fail to prevent or punish torture committed by their subordinates.

In the first case filed under the Anti-Torture Act, charges were brought against Binayug and six other officers, and a warrant for their arrest was issued in November 2011 by the Regional Trial Court in Manila. Since then, two of the police officers who were allegedly involved in Evangelista's torture at the Asuncion police station have turned themselves in.

However, Philippine Commission on Human Rights chair Loretta Rosales announced in April 2012 that the principal suspect, Joselito Binayug, had gone missing. Of the seven police officers charged in the case, five remain at large. In April 2012, Justice Secretary Leila de Lima told media she had thought that Binayug was in police custody, but the head of the Philippine National Police confirmed the suspect's disappearance.

Binayug was dismissed from the police force in January 2011 after Task Force Asuncion, a police body formed to investigate allegations of torture at the Asuncion police station, confirmed that he was the police officer in the video.

Amnesty International called on President Aquino, as commander-in-chief, to order the police to cooperate with the Regional Trial Court and the Department of Justice by arresting Binayug and the other four officers charged in the torture of Darius Evangelista.

President Aquino should also make it clear that any police officers who obstruct Binayug's arrest will be held accountable for "harbouring, concealing or assisting in the escape of the principal" under the Anti-Torture Act.