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Philippines: Persistence of torture in the Philippines

"The persistence of torture and ill-treatment in the Philippines highlights a serious discrepancy between the law and its application within the criminal justice system," Amnesty International said today launching a report on torture [Philippines: Torture persists: appearance and reality within the criminal justice system](#) (ASA 35/001/2003).

On paper the critical elements necessary for the prevention of torture and other grave human rights violations are already in place. The Philippines has ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and other key human rights standards and has also established the Philippine Commission on Human Rights (PCHR).

"Yet torture persists, constituting one of the most serious assaults on the principle of respect for human dignity," the international human rights organization added.

Techniques of torture used in recent years and documented by Amnesty International mirror those used in the 1970s and 1980s. These torture methods include electro-shocks, the use of plastic bags to suffocate detainees, burning detainees with cigarettes, beating with fists, metal pipes or gun barrels and placing chilli peppers on the detainees' eyes or genitals.

These horrific techniques are used to extract information and force confessions. Those most at risk of torture are alleged members of armed opposition groups and their suspected sympathisers, ordinary criminal suspects and members of poor or marginalized communities, including women and children, who are suspected of committing criminal acts.

"The government of the Philippines must take immediate steps to prevent torture and ill-treatment in custody," Amnesty International stressed. "Urgent action is required to break the cycle of impunity".

The report also refers to a number of case studies where safeguards failed to prevent the use of torture or to facilitate its prosecution. One such case is that of the 'Abadilla Five' in which methods of torture including electro-shock, beating and suffocation were used to force suspects to 'confess' to the murder of Colonel Rolando Abadilla in June 1996. Five suspects were convicted and sentenced to death. The Department of Justice has recently made a public commitment to re-open investigations into allegations of torture in this case.

In the report Amnesty International issues a number of recommendations based on the detailed

safeguards set out by the UN Human Rights Committee, the UN Committee Against Torture and the UN Special Rapporteur on torture. Some of the key recommendations include:

- legislation defining and penalizing torture which fully reflect the provisions of the Convention against Torture;
- operational codes ensuring that officers identify themselves, inform suspects of the reason for arrest and of their rights including access to counsel, family members and medical assistance;
- re-informing detainees of their rights (including the right against self-incrimination, the right to remain silent and the right to have a lawyer present) prior to interrogation;
- keeping thorough documentation of interrogations including the names of all participants and
- prohibiting the blind-folding and hooding of suspects and the use of unofficial places of detention ;
- evidence at trial which has been obtained through torture should not be accepted except as testimony against those who have used torture.

Background

The 'People's Power' uprising and ousting of President Marcos and accession of President Corazon Aquino in 1986 led to the restoration of democracy, revival of a free press and the adoption of wide-ranging constitutional and legislative human rights safeguards. However, these positive developments did not lead to the elimination of torture or an erosion of a climate of impunity shielding perpetrators.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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