

EXTERNAL (for general distribution)

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Further information on UA 121/91 (ASA 35/13/91, 3 April 1991) - Harassment of Human Rights Lawyer

PHILIPPINES:Attorney Nerio Zamora, human rights lawyer

In January 1991 Attorney Nerio Zamora was reportedly threatened with death by the provincial commander of the paramilitary Philippine Constabulary (PC) in Bohol province. Attorney Zamora is Bohol Provincial Coordinator of the Free Legal Assistance Group (FLAG), a network of human rights lawyers which provides free legal aid to political prisoners and the underprivileged.

Amnesty International has received copies of an investigation report on the case undertaken by the Commission on Human Rights (CHR) in the Philippines. The report provides further details of how Attorney Zamora was threatened and denied access to his clients, Allan Ingking, Cristito Cagabcab and one other, who had allegedly been ill-treated while held in custody at the Bohol PC stockade in Tagbilaran City. Attorney Zamora told the CHR that on 1 January 1990 he was refused access to his clients because guards at the PC stockade dared not awaken their commander. On 2 January, after obtaining a court order from the Bohol Regional Trial Court, Attorney Zamora returned to the PC stockade. The guards reportedly tried to deny him access a second time, but he was eventually able to see the commander. It was during this meeting that the commander reportedly threatened Attorney Zamora with death. Nevertheless, Attorney Zamora was subsequently able to visit his clients, who showed him bruises said to have resulted from ill-treatment while in custody. The detainees said that requests for a medical examination had been ignored by the commander.

According to the CHR report, the commander denied these allegations, and claimed that if Attorney Zamora had approached him personally he would have allowed the visit to take place. He claimed he had offered to have the two detainees examined by a medical doctor, but they had refused, saying they wanted a lawyer to be present during the examination. The commander is reported to have said that he had not been genuinely angry with Attorney Zamora, or threatened to kill him, but had merely employed methods of "psychological warfare" which, he said, were "normally used by military personnel to gain leverage or advantage over the opponent".

Attorney Zamora has filed charges of grave threat and for violation of Republic Act no. 857 against the commander of the PC stockade in Tagbilaran City. The CHR will continue to monitor the case and will issue an updated report when appropriate.

FURTHER RECOMMENDED ACTION: Express and airmail letters

- welcoming the CHR investigation into allegations of threats by a PC Provincial Commander and asking to be kept informed of the progress of the investigation;

- expressing concern at reports that the Provincial Commander chose to use "psychological warfare" methods in response to Attorney Zamora's lawful request for access to his clients.

- urging the government to ensure that all those authorized to hold suspects in detention are fully informed of the human rights of such suspects, and that the right of access to a lawyer and medical doctor is fully and effectively guaranteed.

NB - Following recent restructuring of the Philippine police services, Provincial PC commanders are now known as Provincial Superintendents of the Philippine National Police (PNP).

APPEALS TO:

General Cesar P Nazareno
Director General
Philippine National Police
Headquarters of the Philippines Constabulary
Camp Crame
Metro Manila, Philippines

Franklin Drilon
Secretary of Justice
Department of Justice
Padre Faura Street Ermita
Manila, Philippines

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

COPIES TO:

Hon Luis Santos
Secretary
Department of Interior and Local Government
PNCC Building
EDSA, Quezon City
Philippines

and diplomatic representatives of the Philippines in your own country.

PLEASE SEND APPEALS IMMEDIATELY. Check with International Secretariat or your section office if sending appeals after 17 July 1991.