



To: Health Professional Network
From: Health and Human Rights Team
Date: 8 April 2010

**Health Professional Action
43 Detained Medical Personnel
Philippines**

Amnesty International is concerned for the safety of 43 health workers detained by the Armed Forces of the Philippines (AFP) since 6 February 2010. Joint forces from the military and police forcibly entered a private residence in Morong town, Rizal province, where the health workers were staying. The health workers were not informed of the reason of their arrest or where they were being taken, and Amnesty International is concerned that their rights to due process are being violated.

Members of the AFP searched the premises while the detainees were outside, and they claim to have found bomb-making materials and guns under the beds in the house. The military accused them of being members of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines. Military officials have suggested that the place where they were arrested is an NPA training camp. Various military spokespeople have accused the health workers of conducting either a bomb-making seminar or a health skills training for NPA medics, at the time of their arrest at 6am on 6 February. The health workers, however, say that they gathered for a Community First Responders' Health Training sponsored by two local NGOs. The police filed criminal charges against them for possession of explosives and guns.

The detainees' lawyers filed a petition of habeas corpus challenging their clients' arrest and detention. The Court of Appeals denied this petition but ordered the military to produce the detainees before the court on 12 February. The military did so, but only on 15 February, and refused to answer questions regarding allegations of torture and other ill-treatment made by some of the detainees. The Court of Appeals referred to a lower court in Rizal to determine if the 43 health workers had been illegally and arbitrarily detained. No decision has been given on this.

A military spokesperson from the 202nd Infantry Brigade told the Commission on Human Rights in the Philippines (CHRP), that the arrest of the 43 health workers was "mainly a police operation". The Philippine National Police has refuted this. All the detainees are in the custody of the military, not the police. Thirty-eight of them are being held at Camp Capinpin, a military camp, while the remaining five have been moved to an undisclosed military "safe house".

In a media interview, the five at the "safe house" admitted to being members of the NPA, although there are concerns over the circumstances surrounding their confessions— their families have reported

harassment by the military, and the military has admitted to offering detainees money for “reintegration”.

There have also been claims by detainees of harassment, torture and other ill-treatment by the military to force the detainees to admit they are NPA members. Allegations of torture led to a visit by the Health Secretary, who reported that the detainees were in good health but appeared to be in mental anguish over their arrest. Amnesty International appreciates the Secretary’s efforts, but emphasises that her visit cannot be a substitute to a prompt, independent, impartial and effective investigation into these allegations, which the Philippines is obliged to carry out as a state party to the International Covenant on Civil and Political Rights and the UN Convention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International is therefore calling for a prompt, independent, impartial and effective investigation, in accordance with international law and standards, into the circumstances surrounding the arrest, detention and treatment of the health workers. At the time of writing, the military is challenging the mandate of the CHRP as to whether it extends to investigating these issues through its public hearings.

Amnesty International also calls for fair trials in a civilian court of law for the detainees.

Amnesty International is concerned that the arrest, detention and subsequent treatment of the health workers will affect the ability of other health care professionals to work in rural areas, at a time when there is already a shortage of health care professionals in the countryside.

Background

Health workers in rural areas have faced attacks and persecution that range from murder and assassination attempts, to filing of fabricated charges and other forms of harassment. Community health workers are of vital importance in the Philippines, where underserved and rural areas experience shortages of health care workers. Many NGOs have begun training community health workers nationwide regardless of their level of formal education. This practice is not unique to the Philippines and has been widely used with success in other developing countries.

Serious violations of international human rights law and international humanitarian law (the laws of war) continue to be reported within the context of the government’s counter-insurgency campaign against the NPA. Such violations include enforced disappearances, torture and other ill-treatment, extrajudicial executions and warrantless arrests carried out by the AFP or paramilitary groups. The government has also repeatedly claimed that the NPA has continued to purge its members, in unlawful killings that amount to human rights abuses. Those most at risk include civilians - many from indigenous or impoverished communities – who are accused of being NPA sympathizers. Also at risk are members of lawful organizations which have been publicly labelled by military officials as sympathizers of or fronts for the NPA.

Recommended action

Please write to the Philippine authorities below:

- Explaining that you are a health professional concerned about human rights;
- Urging that all 43 health workers arrested on 6 February in Morong, Rizal, receive a fair trial, in accordance with international standards,
- In particular, urging that no planted evidence, confessions or statements obtained through torture, other ill-treatment or harassment of families is admissible in any proceeding against the health workers;
- Calling for the security and well-being of the detainees to be guaranteed;

- Calling on the authorities to ensure that health workers are able to carry out their legitimate health care activities without restrictions or fear of reprisals.

Addresses: [Please note that connections to fax numbers are sometimes difficult to obtain]

Hon. Norberto Gonzales
 Secretary of National Defense
 Department of National Defense
 Room 301 DND Bldg.,
 Camp Emilio Aguinaldo,
 E. de los Santos Avenue
 Quezon City, Philippines
 Email: Gonzales.nb@gmail.com
 Salutation: Dear Secretary Gonzales

President of the Republic of the Philippines
 President Gloria Macapagal-Arroyo
 Malacañang Palace
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 Salutation: Dear President

COPIES TO:

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Hon. Leila De Lima
 Chairperson
 Commission on Human Rights
 SAAC Building, Commonwealth Avenue
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Please also send copies to diplomatic representatives of the Philippine government accredited to your country.

If you receive no reply within six weeks of sending your letter, please send a follow-up letter seeking a response. Please send copies of any letters you receive to the International Secretariat, attention of Health and Human Rights Team, 1 Easton Street, London WC1X 0DW or e-mail: health@amnesty.org