



STATEMENTS ON TORTURE AND ILL-TREATMENT IN THE PHILIPPINES TO THE COMMITTEE AGAINST TORTURE

42nd Session
April 27, 2009, Palais Wilson, Geneva

The World Organisation Against Torture (OMCT) together with KARAPATAN (Alliance for the Advancement of People's Rights) and the Philippines Alliance of Human Rights Advocates (PAHRA) presented an alternative [report](#) to the 42nd session of the Committee Against Torture addressing the economic, social and cultural root causes of torture and other forms of violence in the Philippines. The report also includes recommendations aimed at ending torture and ill-treatment in the Philippines.

In order to provide the Committee with recent firsthand information on torture and cruel, inhuman and degrading treatment in the Philippines, OMCT invited representatives of PAHRA and KARAPATAN to attend the session of the Committee and to brief members of the Committee on the situation in that country as regards, in particular, the economic, social and cultural root causes of torture. On that occasion, a Filipino torture survivor and member of the delegation, Mr Raymond Manalo, met with members of the Committee and informed them of the torture inflicted on him by the Philippines military.

This document contains the statements made to the Committee by:

- Ms. Marie Hilao-Enriquez, Secretary General of KARAPATAN
- Mr. Teodoro M. de Mesa, Chairperson, PAHRA
- Mr. Raymond Manalo, Philippine Torture Survivor

STATEMENT BY KARAPATAN - Alliance for the Advancement of People's Rights

Karapatan thanks the Committee against torture for this opportunity to present in brief, this joint report, together with PAHRA and OMCT. I will deal with the violations related to the civil and political rights of the Filipinos as they exercise, assert and fight for their economic, social and cultural rights as part of our report, which affirms that torture results from the violations of the economic, social and cultural rights of the people.

We believe that torture has now become a covert national policy, together with extrajudicial killings, enforced disappearances resorted to by the State to quell the protests and dissent of the people who endeavor to assert their economic, social and cultural rights.

The Philippine government's response to these people's struggles are met with state violence contained in a counter-insurgency program ostensibly to eradicate an insurgency that was in the first place fostered by the State's implementation of economic policies that result to marginalization of many of the already poor, the indigenous peoples, farmers, labourers and the majority poor pushing some to take up arms and defend themselves.

This counter-insurgency program, was found out by UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Prof. Philip Alston, to be one of the causes of the alarming killings, enforced disappearances and torture of many of the activists and other sectors in the Philippines.

From her assumption to office in 2001 to March 31, 2009, our group has documented a total of 1016 victims of torture, all in the hands of state security forces, 1009 victims of extrajudicial killings and 201 victims of disappearances. Some victims of abductions end up dead with their bodies bearing the signs of torture, like the recent case of 20-year old Rebelyn Pitao, daughter of an NPA commander, who was abducted on March 4, 2009 and whose body was found half naked, thrown in an irrigation ditch, bearing stab wounds and ligature marks in her neck, hands and feet still tied and with signs of rape. Rape and sexual molestation are forms of torture inflicted on women like 63 year old Angelina Bisuna-Ipong, who was illegally arrested, held incommunicado for 2 weeks and sexually molested by her torturers; and the still missing University of the Philippines students Karen Empeno and Sherlyn Cadapan, whose torture was witnessed by Raymond Manalo, who is here with us and will recount to the Committee his harrowing ordeal in the hands of the state security forces.


Most of the victims of torture are poor farmers, workers, human rights workers, churchpeople, lawyers, indigenous peoples, women and people who have been vocal in criticising government policies that keep the people hungry and poor and prevent them from enjoying economic upliftment. Many of them are human rights defenders who protect and struggle for the people to have access to land, improved livelihood and economic upliftment of poor and powerless Filipinos.

Indigenous peoples in upland communities defending their rights to their ancestral domains, livelihood and way of life are suffer internal displacement because of the military operations which are conducted purportedly to drive out the rebels in the areas but actually to allow the

entry of foreign mining corporations and other so-called development projects that do not directly benefit the people.

Attacks against human rights defenders are intensifying as noted by the increasing number of activists being slapped with manufactured charges by the Inter-Agency Legal Action Group, the government body that was recommended by Prof. Alston to be abolished. This is aside from the fact that many human rights defenders have been killed. From 2001 to date, we have 35 Karapatan human rights workers killed; many are under threat which prevent them from effectively doing their human rights work.

To our knowledge, there has been no conviction of any state security forces who has been involved in human rights violation cases. In fact, those who figured in such cases like retired Gen. Jovito Palparan, Jr. was twice promoted and now will even have a seat in the House of Representatives. This state of affairs engenders impunity among state security forces and we are afraid that violations will go on. Torture and other human rights violations will continue to be committed in the country as long as the national leadership will not review the counter-insurgency program and will not punish the violators.


Marie Hilao-Enriquez
Secretary General

STATEMENT BY PAHRA - Philippines Alliance of Human Rights Advocates

In the Philippines, landlessness is not only a root cause of violence and conflict. It also shows the indivisibility of human rights as well as the truth that if there is impunity in the perpetration of civil and political rights, including torture, most often there was earlier impunity committed against those who struggle to assert their economic, social and cultural rights.

The historical monopoly of land ownership and use by a few families and corporations have deprived thousands of rural poor of their right to productive resources and their right to development. Such inequities have become structural with economic and political dimensions that have consequently made the human rights violations and impunity structural in character as well for the whole society. This situation is exacerbated by the counter-insurgency and anti-terrorism campaign of the government and of the military.

Peasants who asserted their right to land through the advocacy of land reform, like the Comprehensive Agrarian Reform Program (CARP) have met violent reactions from both State and non-State actors which have, among others, led to the criminalization of the legitimate actions of farmers in the Bondoc Peninsula or even to extrajudicial killings like that of Eric Cabanit of UNORKA and Danilo Qualbar of KMP, in Mindanao, Armando Dolorosa, NFSW, in Negros Occidental. Others, like Armin Marin, who fought development aggression in the mining activities in Romblon was shot at a protest site.

It must be taken into serious consideration that there are policies and projects of government, sometimes decided on the regional or international without consultation of stakeholders, especially those to be affected, that impact adversely on economic, social and cultural rights of the poor and the marginalized.

Often counter-insurgency military operations are unleashed in areas, oftentimes in indigenous peoples' lands, where there are activities of resistance to protect the interests of multinational companies, such as mining. Violations of human rights, including torture, often are part of the trail these operations leave behind.

Violence against workers have also increased as progressive unions are often vilified as front organizations of those who are, according to the military, enemies of the State. Atty. Remigio Saladero, Jr., chief legal counsel for the labor union Kilusang Mayo Uno (KMU) has been taken recently into custody due to a warrant of arrest for multiple murder and multiple frustrated murder cases.

In November 2007, the President and the Secretary of the Marikina City Federation of Public School Teachers, who had been trying to establish a city-wide public school teachers union, were harassed and intimidated by the military. All of the city teachers were forced to attend a forum in which the military stated that teachers unions were legal fronts for the communists.

Besides the already submitted recommendations, it is imperative that government put a human rights clause in all foreign direct investment and development ventures and financial assistance so that they are accompanied by a scrutiny of possible violations of esc rights, with the special attention being paid to encouraging dialogue and inclusion of all groups in

society to minimize if not totally exclude grounds for conflict and violence. These should be tripartite trainings of government, nhri and civil society in governance and law enforcement of economic, social and cultural rights.

Teodoro M. de Mesa

Chairperson

Philippine Alliance for Human Rights Advocates

STATEMENT OF TORTURE VICTIM RAYMOND MANALO

Thank you for this opportunity to tell my harrowing experience at the hands of security agents of the Philippine government. I would also like to thank the OMCT, Karapatan, as well as the Chairperson of the Philippine Commission on Human Rights, for encouraging and supporting me to come and speak before you.

I am Raymond E. Manalo, 27 years old, a Filipino farmer residing in a village in Bulacan, a province immediately north of Manila. At about noontime of 14 February 2006, while I was sleeping in our home, I was roused by a noise and a punch in the gut from a rifle by unidentified men armed with high-caliber rifles.

These men were looking for my brother Bestre who they label as a member of the rebel New People's Army (NPA) and wanted to know where he was. They introduced themselves as vigilantes but I later found out that they were soldiers of the Philippine Army. They pointed their guns at our family and forced me and my other brother, 38-year old Reynaldo, to a van, blindfolded us and took us to a place we did not know. They beat us in different parts of our body while forcing us to admit that we are members of the New People's Army and to tell them where our brother was.

We were held incommunicado for 18 months and were transferred from three separate military camps and three safehouses. During our captivity, the soldiers beat us with pieces of wood on our backs and different parts of our body, beat us with chains, burn different parts of our bodies with cigarettes and heated metal tin, kicked us with their combat boots on, hit us with the butt of their rifles, poured gasoline on my waist and legs while threatening to burn me. We were at one point, chained to our cots during the night.

Because of the beatings and extreme pain I suffered, there were times I lost consciousness could hardly walk. To stop the beatings, I admitted to their false accusations, pretending that I joined the rebels but only for a short time. They eased the beatings and ordered us to clean their quarters and barracks, cook food and fetch water for them, run errands and even forced us to come with them in their "operations" where I witnessed soldiers summarily killing civilians whom they accused of being rebels or aiding them.

I was also brought face to face with then army General Jovito Palparan. When he asked me if I knew him and when I answered in the negative, he introduced himself and then asked if I was afraid of him to which I said No, even if I was terrified and so afraid of my life. He told me to cooperate with them, to tell my parents not to see Karapatan and human rights groups and not attend hearings and rallies anymore so that our lives will be spared.

During our detention, I and my brother met and were together with other disappeared victims. The longest we stayed with were the missing university students Sherlyn Cadapan and Karen Empeno as well as their companion, farmer Manuel Merino. Like us, they were treated like slaves in the camp, the women forced to wash the soldier's clothes, give them massages and help in the cleaning. I saw the two young women chained to their cots at night.

At one point, I chanced upon and personally witnessed the two women being tortured by the soldiers, stripped naked, with Sherlyn tied upside down, one leg tied to a post and another

tied to a bench while Karen was tied at her hands and feet, with the soldiers pouring water on their faces and while their genitals were being poked by pieces of wood. Karen's back was also burned with cigarettes. They were screaming, begging and writhing in pain. I saw this because the soldiers ordered me to bring them (the soldiers) food.

Sometime in June 2007, I did not see the women. A few days after, I personally saw the soldiers kill by burning farmer Merino in the military camp where we stayed. A few more days later, "Master Caigas" who I later found out to be MSgt. Donald Caigas, told me and my brother never to look for them anymore as they have "joined" Merino.

Sometime in July, 2007, the soldiers sent me and my brother to work as caretakers at Master Caigas' farm. We planned our escape and one night in August of 2007, we escaped when five civilians who were guarding us and who were given firearms by Caigas were in deep sleep because they got drunk from their drinking binge.

I sought the help of human rights organizations for me to be able to get a writ of amparo to ensure our safety and I was glad that the court granted our petition. I also testified in court at on the petition for the writ of amparo for Cadapan and Empeno. I helped Karapatan and the Commission on Human rights dig up one of the former military camps where we were kept and where I saw Merino being burned. In October 2008, we were able to get fragments of burned human bones in the site.

In September 2008, I filed criminal complaints against now former Gen. Palparan and the others whom I identified. The cases remain pending.

I do not want this ordeal to happen to anybody else. I wish that the extrajudicial killings, disappearances and torture in my country will stop. I will do everything to tell the truth and to make the perpetrators accountable. I hope that the Philippine government will not condone what its security forces are doing. I hope that President Gloria Arroyo will end the impunity instead of sending the message that the likes of Gen. Jovito Palparan and MSgt. Donald Caigas, TSgt. Rizal Hilario can get away with these violations, let alone be praised or rewarded for them.

I want that justice be served.

Thank you very much.

Raymond Manalo

Filipino torture survivor