

**Human Rights Watch Submission
to the UN Committee against Torture
on the Philippines**

April 2016

Introduction

This memorandum, submitted to the United Nations Committee against Torture ahead of its upcoming review of the Philippines, highlights areas of concern Human Rights Watch hopes will inform the Committee's consideration of the Philippine government's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Convention"). It contains information on ordinary people, members of tribal communities and activists whose treatment by the authorities contravenes the government's obligations under the Convention, and proposes specific recommendations that we hope to see the Committee formulate for the government of the Philippines.

Human Rights Watch has closely monitored the human rights situation in the Philippines for over three decades. We have documented serious violations of the Philippines' international obligations, including the prohibition on torture and other ill-treatment, and have produced reports and other documents describing our research findings. For more information, please see <http://www.hrw.org/asia/philippines>.

Torture and ill-treatment are well-documented, persistent problems in the Philippines, and are perpetrated with near impunity. In the cases documented by Human Rights Watch, the detainees alleged that they have been beaten or otherwise mistreated to compel admit membership or support for the communist New People's Army (NPA), or other non-state armed group.

Human Rights Watch looks to the upcoming review by the Committee to address these problems in depth and have focused our contribution on pressing individual cases where there are serious, credible allegations of torture or ill-treatment. We consider the Committee's review of the Philippines to be a key opportunity to bring international attention and engagement we believe are essential to ensure that criminal and rebel suspects and others in custody are protected from torture and ill-treatment and those responsible for abuse of authority are held to account.

Individual Cases

- On February 19, 2016, tribal farmer Orlando Engo, 52, of Davao Occidental was allegedly tortured by Sgt. Sandy Batolbatol of the 72nd Infantry Battalion of the Philippine Army together with paramilitary forces under his command. The soldier accused one of Engo's sons of stealing from a store. During the interrogation, Batolbatol beat up Engo and even forced Engo's grandchild to also hit him. The militiamen then took turns hitting Engo with a piece of wood and with their fists, telling him to admit that he sent his son to steal from the store. They put ice

under his armpits and groin and poured ice-cold water all over the half-naked victim. The Philippines' official Commission on Human Rights has corroborated this incident.

- In November 2015, during the APEC Summit, the government rounded up several hundred adults and children from streets and informal settlements in Manila and surrounding municipalities of Metro Manila, and detained them without charge. Several of those arrested complained to Human Rights Watch of mistreatment by the authorities. "Nora," a 33-year-old woman with a physical disability that makes it difficult for her to walk, said a group of men who identified themselves as officers from the Metropolitan Manila Development Authority arrested and detained her and several others. "One of them literally hoisted me up and threw me to the floor of the truck. They hurt my back and my legs." "Dario," a scavenger, told Human Rights Watch his wife was mistreated when she was arrested, sustaining bruises and scratches on her arms. Dario said that one of those detained was known to have a psychosocial disability, but the officers insulted and manhandled him: "One of them punched him in the stomach. I asked them why they were hurting him. He did not do anything. They ignored me."
- In January 2014, the Philippine Commission on Human Rights discovered a police facility in Laguna province where torture was systematically being committed against detainees. Among the methods used was the so-called "wheel of torture": a police officer would spin the wheel to choose the type of torture that would be inflicted on an inmate. "20 seconds Manny Pacman," one of the choices in the wheel, meant the inmate would receive nonstop punches for 20 seconds. The CHR documented 41 victims of torture that used the wheel. At least 10 police officers were dismissed from service as a result of the revelation. The Philippines' official Commission on Human Rights has corroborated this incident.
- On September 9, 2013, rebels from the Moro National Liberation Front (MNLF) took dozens of hostages in Zamboanga City, in the southern Philippines. The government responded to the rebel intrusion by sending in thousands of troops who arrested dozens of suspects. Several detainees who spoke to Human Rights Watch alleged mistreatment in custody by the police or military. Five said police or military agents interrogated them by putting a plastic bag over their head, suffocating them. They said they were also punched and kicked by their interrogators. The suspects said their interrogators sought to force them to confess to being rebel members. One told Human Rights Watch he admitted as much because he "couldn't stand the pain anymore." An elderly detainee alleged that his interrogators blindfolded him and dunked his head into a toilet bowl twice. Another said alcohol was poured into his nose to get him to confess. At a police camp, three men and two boys aged 14 and 17 were handcuffed to each other for days. Three teenage boys – one aged 17 and the others aged 15 – alleged that security forces detained them in the first days of the fighting on suspicion that they were MNLF fighters. Each said he was blindfolded and then repeatedly punched, slapped and kicked.
- Police arrested Rolly Panesa, a security guard, on October 5, 2012 on suspicion of links to the New People's Army. Panesa alleged he was the victim of police torture during his 11 months in detention. On August 29, 2013, the Philippines Court of Appeals ordered Panesa's release on the basis that his arrest had been the result of mistaken identity.

Recommendations

Human Rights Watch encourages the Committee to use the upcoming review to:

- Ask the Philippine government to explain what steps have been taken to investigate these allegations of torture and ill-treatment, the status of investigations, if any, and their results.
- Ask the government to outline what steps it has taken, or is taking, to investigate promptly and impartially all allegations of torture or ill-treatment by law enforcement and prison officials. The authorities should prosecute to the fullest extent of the law, in a court that meets international fair trial standards, any official against whom there is credible evidence of involvement in ordering, carrying out, or acquiescing to torture or ill-treatment.
- Ask the government what measures it has put in place to ensure that torture or ill-treatment by law enforcement and prison officials are minimized or prevented.
- Ask the government to explain why there has been no successful prosecution under the Anti-Torture Law since its implementation in 2009.