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Philippines: Five years later, no convictions under landmark anti-torture law

Philippine authorities are failing to tackle torture as not a single perpetrator has been convicted under a landmark anti-torture law that came into effect five years ago today, despite evidence that the practice is prevalent, Amnesty International said.

The Anti-Torture Act, passed on 10 November 2009, recognized torture as a separate crime and provided a number of important guarantees to aid torture survivors seeking redress. But no one has been convicted under the Act and very few cases have reached the prosecution stage.

“Five years without a single torture survivor obtaining justice shows that this law, which could make a genuine difference towards ending torture in the Philippines, risks becoming nothing but a piece of paper. The government must step up to its commitment to stamp out torture once and for all,” said Salil Shetty, Amnesty International’s Secretary General.

“Torture in the Philippines has persisted for decades, and those responsible almost always evade justice. We continue to receive harrowing reports of the widespread use of torture by security forces – in effect, no one in police detention is safe.”

Although torture is known to be practiced by a wide range of security forces in the Philippines, reports of torture overwhelmingly indicate the participation of police officers, often against common criminal suspects. Those most at risk of being tortured or being subjected to cruel, inhuman and degrading punishment after arrest include suspected juvenile offenders, repeat offenders and police informants looking to “get out”.

In January 2014, a “wheel of torture” was notoriously discovered in a secret detention facility in Laguna province, where police officers used it to decide which method of torture to employ on detainees. Most of the 43 detainees found at the facility were believed to have been subjected to torture or other ill-treatment, and 23 of them have filed complaints.

Yet despite high levels of media interest in the Laguna detention facility, all of these cases are still awaiting prosecution ten months after its discovery. Five of these torture survivors have already withdrawn their affidavits.

“The Philippine National Police and the Department of Justice, through its National Bureau of Investigation and National Prosecution Service, must do more to ensure that all reports of torture are properly investigated, that those responsible are held to account and that all victims receive comprehensive reparations,” said Shetty.

In November 2012, President Benigno Aquino passed Administrative Order 35, which sets up special teams of prosecutors across the country to investigate cases of torture, enforced disappearances and extrajudicial executions. Yet two years later, these teams are still only in the training phase and it is unclear if they are present across the whole country.

In May 2014, Amnesty International launched its new global campaign *Stop Torture*, where the Philippines is the focus country for Asia. In December, a high level international delegation from

Amnesty International will launch a major report highlighting the persistent practice of torture in the Philippines, the lack of accountability for torturers and the barriers to justice for victim-survivors of torture. Amnesty International takes this opportunity to engage constructively with the Philippine government with a view to stop torture in the Philippines.

Cases

The following are three examples of the use of torture and the culture of impunity around it in the Philippines:

In August 2007, activist **Raymond Manalo** escaped military custody after being tortured and forcibly disappeared for 18 months. He and families of other torture victims accused a military general of involvement in their torture and disappearance in a high profile case. It was only in December 2011 when the regional trial court in Bulacan province ordered an arrest warrant for retired General Jovito Palparan, and it took another two and a half years before he was arrested in August 2014. He is currently being detained under special conditions in a military facility.

In August 2010, torture once more hit the headlines in the Philippines when a mobile phone video of a man being tortured was broadcast on television. The man, identified as **Darius Evangelista**, a porter and repeat offender, has not been seen alive ever since. Investigators found that Darius was arrested and disappeared in March that year, and that after he was tortured, fellow detainees witnessed an order being given by the police to “finish him off”. The Evangelista family filed a torture case in court in September 2011 – the first filed under the Anti-Torture Act. More than three years later, of the seven police officers charged, three have “surrendered”, the primary suspect has been arrested (in 2013), and three remain at large. The trial is on-going.

In October 2013, **Alfreda Disbarro**, a single mother from Parañaque City, was arrested, tortured and accused by police of being a drug dealer. In fact, she was an occasional former police informant who wanted out from working with the local police. Once police had taken her to their headquarters, they repeatedly beat her, poked fingers into her eyes, and forced a mop into her mouth. Over the following days Alfreda was in terrible pain. During this period she was photographed with Php300 (US\$7) and a sachet of drugs, and told to sign a blank sheet of paper.

Alfreda’s case would have been just one more of many undocumented and unreported cases of torture, if her family did not courageously seek the help of the Commission on Human Rights (CHR) and human rights organizations like Amnesty International. Apparently persuaded by an international letter writing campaign, the police in May this year started an investigation into the case by its own Internal Affairs Service (IAS). As of October 2014, Alfreda’s family awaits the decision of the regional head of the Philippine National Police on the IAS investigation. Separately the CHR has found sufficient basis to endorse Alfreda’s case to the Ombudsman for preliminary investigation to determine if a criminal case can be filed in court.

Public document

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