

**Written Submission Under the UPR
On Torture, Enforced Disappearances and Extrajudicial Killings**

**For the Philippines
From a Philippine NGO**

By

**Ricardo A. Sunga III
Free Legal Assistance Group**

Methodology

This is a submission prepared by Ricardo A. Sunga III, a lawyer of the Free Legal Assistance Group, an NGO giving legal aid to political detainees, victims of enforced disappearances and other victims of human rights violations.

Framework

The Philippines is a party to many human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), First Optional Protocol to the ICCPR and the Convention against Torture (CAT). However, the Philippines is not a party to the following:

- Second Optional Protocol to the ICCPR,
- provision in the CAT on individual complaints,
- Optional Protocol to the CAT, and
- Rome Statute on the International Criminal Court.

The Philippines has a Bill of Rights in its 1987 Constitution that says, “The State values human dignity and guarantees full respect for human rights.” At the same time, the Constitution guarantees the right to life, prohibits torture, and creates the Philippine Commission on Human Rights, a National

Human Rights Institution. The Philippines has some legislation dealing with human rights. For instance, in 2006, the Philippine Congress passed a law abolishing the death penalty. However, the Philippines has no legislation defining and punishing the following:

- torture, and
- enforced disappearance.

Moreover, in 2007, the Philippine Congress passed the Human Security Act that:

- defines and punishes terrorism with 40 years imprisonment;
- authorizes surveillance and bank account examination, seizure and sequestration;
- lengthens allowable pre-trial detention; and
- legalizes house arrest and restriction of the right to travel.

But a sign of hope is the Rule on the Writ of Amparo promulgated last October 2007, by the Philippine Supreme Court, the highest court of the Philippines, a body independent of the legislative and executive branches of the Philippines. The Rule gives a legal basis for the issuance of protection, inspection and production orders in cases involving extrajudicial killings and enforced disappearances.

Implementation

The torture and enforced disappearance of the brothers Raymond and Reynaldo Manalo show the poor situation of civil and political rights in the Philippines. No less than the Philippine Supreme Court believed the brothers' account of torture and enforced disappearance, over government denials. The brothers had filed a Petition for a Writ of Amparo before the Philippine Supreme Court that later granted the Writ. Attached is a copy of the Writ.

In their sworn account, the brothers narrated as follows:

- On 14 February 2006, armed men snatched them from their homes; the armed men were looking for another brother, Bestre, believed to be a member of the New Peoples Army, a rebel group; as Bestre was not around, the armed men took them instead;
- For the first three and a half months of their captivity, their captors tortured them almost daily;
- Their captors kept transferring them from one military camp or facility to another;
- General Jovito Palparan of the Armed Forces of the Philippines talked to them during their captivity; they recognized General Palparan as they had seen him on television prior to their captivity;
- Technical Sergeant Rizal Hilario (alias Rollie Castillo) of the Armed Forces of the Philippines also talked to them during their captivity; they recognized Sergeant Hilario as he had talked to them prior to their captivity;
- During their captivity, they saw and talked to other victims who had suffered the same fate of torture and enforced disappearance; they even witnessed other victims being extrajudicially killed; and
- After about a year and a half of captivity, they succeeded in escaping.

What is particularly alarming in the brothers' sworn account is how they saw:

- other victims of torture and enforced disappearance, and
- other victims being extrajudicially killed.

If anything, the brothers' ordeal seems to be more than just an isolated case. Rather, torture, enforced disappearances and extrajudicial killings appear to be a government practice or even a government policy.