

**ATTACHMENT 9** Submission of the Non-Organization KARAPATAN Alliance for the Advancement of People's Rights Related to the PHILIPPINES for the UPR First Session April 2008

**UA Date:** 4 June 2007

**UA Title:** **UCCP Pastor abducted and tortured in Biñan, Laguna, Philippines; unlawfully arrested and detained at a police camp in Imus, Cavite, Philippines**

**UA Case:** Abduction; Torture; Inhumane, Cruel and Degrading Treatment; Unlawful Arrest; Arbitrary Detention; Incommunicado; Divestment of Properties; Destruction of Properties; Threat/Harassment/Intimidation

**Victim/s:** **Berlin Guerrero**

- 46 years old, married with 3 children
- Male
- A resident of Brgy. San Nicolas, Bay, Laguna
- Pastor, United Church of Christ in the Philippines (UCCP)
- Former Secretary General, Bagong Alyansang Makabayan-Southern Tagalog (Bayan) "New Patriotic Alliance"
- Former Secretary General, Kapatirang Simbahan para sa Bayan-Southern Tagalog (KASIMBAYAN) "Community of Churches for the People"
- Founding Member, Southern Tagalog Student's Forum, 1979

**UA Case:** **Divestment of Properties, Threat/Harassment/Intimidation**

**Victim/s:** **Melinda Guerrero**

- 44 years old, wife of Pastor **Berlin**
- Member, UCCP
- Member, KASIMBAYAN

**UA Case:** **Physical Assault, Threat/Harassment/Intimidation**

**Victim/s:** Mark Guerrero

- 17 years old, son of Pastor Berlin

**UA Case:** Threat/Harassment/Intimidation

**Lora Wigbertte**

- 15 years old, daughter of Pastor Berlin

**Jairus Guerrero**

- 13 years old, son of Pastor Berlin

**Place of Incident:** Brgy. Malaban, Biñan, Laguna, Philippines

**Date of Incident:** 27 May 2007, at around 5:30 PM

**Alleged Perpetrators:** More or less 6 unidentified armed men believed to be elements of the Naval Special Force Intelligence Unit of the Armed Forces of the Philippines (AFP), on board a Ford Fierra type van with covered plate number

#### **Account of Incident –**

At around 5:30 PM of 27 May 2007, Pastor Berlin Guerrero, together with his wife, Melinda and their three children, were on board a tricycle when a white Ford Fierra type van suddenly blocked their path. More or less six men, armed with low caliber guns immediately approached their vehicle, and upon seeing Pastor Berlin, one of the men exclaimed, "*Positive!*"

The men forcibly took Pastor Berlin at gunpoint telling him that they have a warrant of arrest for him. When the pastor asked them to show him the warrant, the men just insisted that they have the warrant of arrest but were not able to show it to him. So Pastor Berlin shouted, "*You don't have a warrant!*". Then his family also shouted at the men, "*You have no warrant!*"

According to his wife, Melinda, one of the men suddenly hit his husband on the nape with a gun, which made the pastor unable to free himself at that moment. The men quickly took Pastor Berlin and pushed him lying face down on the floor of the van. He was handcuffed and blindfolded. One of the men went back to the tricycle and snatched Melinda's bag containing her cellular phone, digital camera, church offerings, a \$600 donation, and other important items. Pastor Berlin's laptop computer and cellular phone were also taken along with him.

His eldest son, Mark, tried to run after his father but he was violently shoved back by one of the armed men. The abductors sped off soon after.

Along the way, the men already started beating and interrogating the victim. Pastor Berlin said that they traveled for about 35 to 45 minutes to the "safehouse" where he was taken. Upon arrival, the beatings and interrogation continued. He was hit by a big bottle of mineral water on his head, back and stomach. He was also punched with padded fists several times on his face. He was kicked at the stomach and at his private part. If his interrogators did not like the answers he gave, they would give him another punch.

His head was covered with layers of plastic bags and his torturers tightened the plastic bag to the point that he could no longer breathe. He passed out twice due to suffocation. He even unconsciously urinated in his pants because of the torture he suffered.

His abductors also threatened him that they also had his wife and daughter and he should already have an idea of what they will do with them. He was also told obscene things like, "*Maybe your wife is good at sex.*" and "*Your daughter is definitely a total virgin!*" While pinching and pulling his nipples, they also told him that, "*This is also what we will do to your wife and daughter!*"

He was made to shake his head for almost an hour and was beaten whenever he stopped and was told that everything that they did to him would be done to his family if he would not cooperate.

He was also forced to give the password of his laptop computer as well as his email password that enabled the perpetrators to open the files on his laptop. They erased all his church, school and personal files and replaced them with documents from the so-called underground left to implicate him. They also took the sim card of his cellular phone.

He was forced to give names and addresses of his whole family, officers of church and conferences, and the name of the administrator of the Union Theological Seminary where he is taking up Theology, leaders of progressive labor and peasant organizations in Southern Tagalog.

After about 12 hours, still handcuffed and blindfolded, he was once again placed inside the van and was threatened to be killed, burned and buried alive. There was no let up in the beatings and interrogation.

They called him "Pastor Impostor" and lectured him on the "evils" of communism and how the church, legal people's organizations are "used to create trouble by criticizing the government."

Other information not related to the trumped up cases filed against him were also asked. They also insisted that the peasants or the 'internal refugees' who were sheltered at the seminary were armed and were using the seminary as a base for the armed organization.

He was turned over at the PNP Provincial Headquarters in Cavite in Camp Pantaleon Garcia, Imus, Cavite at about 11:00 am the following day. Here, he finally knew that he was being charged with a murder case that supposedly happened almost 2 decades ago.

That afternoon, he was finally allowed to call his family, informing them of his circumstance and whereabouts.

Pastor Berlin was finally allowed to see his family, his lawyer, and the Quick Reaction Team of KARAPATAN at about 7:00 PM that day. He suffered many cuts and bruises on his face, body, and limbs.

The next day, May 29, he was allowed to meet with other relatives and co-pastors. His and Melinda's personal belongings were returned but the cash and memory card of the digital camera were missing. His laptop which he uses at church and at the seminary was returned but it already contained 'subversive documents' that his abductors have planted to implicate him.

Prior to Pastor Berlin's abduction, Pastor Caloy Dela Cruz, also of the UCCP, and a certain Dodong experienced the same abduction and torture on March 29, 2007 in Cavite while they were outside of the seminary premises. Their abductors mistakenly took Pastor Caloy for Pastor Berlin. The former was forced to admit that he was Pastor Berlin and when he finally convinced them that he was not, they asked him if he knew Pastor Berlin and inquired of his whereabouts. Pastor Caloy and Dodong were released the following day (March 30, 2007).

Pastor Berlin Guerrero has served for two consecutive years at the local UCCP church in Biñan, Laguna. UCCP envisions a responsible, empowered, self-reliant and caring community of Christian believers committed to the pursuit of a transformed church and society towards an abundant and meaningful life for all.

He formerly served as Secretary General of Bayan- Southern Tagalog

Both UCCP and Bayan are considered "enemies of the state" by the Armed Forces of the Philippines and the Philippine National Police. Many of the victims of extra judicial killings in the Philippines are members of both organizations.

#### **RECOMMENDED ACTION:**

Send letters, emails or fax messages calling for:

1. The immediate formation of an independent fact-finding and investigation team composed of representatives from human rights groups, the Church, local government, and the Commission on Human Rights that will look into the **abduction; Torture; Inhumane, Cruel and Degrading Treatment; Unlawful Arrest; Arbitrary Detention; Incommunicado; Divestment of Properties; Destruction of Properties; Physical Assault; Threat/Harassment/Intimidation**, of Pastor Berlin Guerrero and his family.
2. The arrest, prosecution and punishment of the perpetrators of the crime/s mentioned above.
3. The immediate and proper indemnification of the victims; and
4. The Philippine Government to be reminded that it is a signatory to the Universal Declaration of Human Rights and that it is also a party to all the major Human Rights instruments, thus it is bound to observe all of these instruments' provisions.

**You may send your communications to:**

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**Please send us a copy of your email/mail/fax to the said government official to our address below.**

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