

Case PHL 170611

Alleged acts of torture and ill-treatment to extract a confession/ Risk of impunity

The International Secretariat of the World Organisation Against Torture (OMCT) requests your **URGENT** intervention in the following situation in the **Philippines**.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Alliance for the Advancement of People's Rights (KARAPATAN), a member of OMCT SOS-Torture Network, about the alleged torture and ill-treatment to extract a confession of Mr. **Malik Daggung Abdurahman**, 27-years old, Moro belonging to the Sama tribe, native of Zamboanga city and resident of Manila city.

According to the information received, on 8 May 2011, at around 11:00 a.m., Mr. Malik Daggung Abdurahman was at the Robinson's Place Mall in Ermita, in Manila city, on his day off, when he received a text message on his mobile phone from an unknown person asking to meet him. The texting person reportedly asked for Mr. Malik Daggung Abdurahman's whereabouts and he told him/her his location. At around 11:45 a.m., four men in plain clothes reportedly approached Mr. Malik Daggung Abdurahman, handcuffed him without giving any reason or presenting an arrest warrant and covered his eyes with a towel. He was then taken to a house in an unknown location where he was interrogated. He was reportedly asked if his name was "Sahirun". Mr. Malik Daggung Abdurahman answered in the negative and informed them that his name was Malik Daggung Abdurahman.

According to the same information, the same day, at around 6:00 p.m., Mr. Malik Daggung Abdurahman was transferred to the National Capital Region Police Office - Regional Police Intelligence Operation Unit (NCRPO-RPIOU) detention centre in Bicutan, Taguig city, where he was asked once again if his name was "Sahirun". He was taken a picture tagged with the name "Sahirun", although he reportedly repeated that he was not that person. After the picture was taken, he was allegedly blindfolded, beaten and tortured, including by pouring water in his nose, which caused him breathing difficulties. The officers also threw stones at his head. The interrogation reportedly lasted until around 4:00 a.m. on the 9 May 2011. Mr. Malik Daggung Abdurahman's two cell phones, silver necklace, wallet containing his company ID, driver license, cash of Php 1000 and wrist watch were also seized.

Mr. Malik Daggung Abdurahman's older brother reportedly found his brother at the NCRPO-RPIOU in Bicutan, Taguig city, on 12 May 2011, three days after the family was informed about his arrest by a neighbour. At the NCRPO-RPIOU, Mr. Malik Daggung Abdurahman was only allowed limited visits by his family and lawyer. On 16 May 2011, he was examined by the Commission of Human Rights (CHR) Forensic Centre which recommended that further investigation be undertaken on the alleged torture. On 20 May 2011, he was transferred to the Basilan Provincial Jail, in Basilan Island, where he is currently detained with access to his family and lawyer.

Mr. Malik Daggung Abdurahman was reportedly arrested on the basis of on an arrest warrant (which was only later provided to Mr. Malik Daggung Abdurahman's legal counsel and his relatives upon their request) for a person named "Kirih Hamid Sahirun" (a.k.a. Asdatul Sahirun and Abu Nawas), accused of being a member of the Moro Islamic Liberation Front (MILF) responsible for the attack against the Philippine Marines in Basilan, on 10 July 2007, which led to the death of around 14 individuals.

The International Secretariat of OMCT is gravely concerned about the circumstances surrounding the arrest, detention and alleged torture and ill-treatment of Mr. Malik Daggung Abdurahman to force him to admit the identity of someone accused of having committed a crime. OMCT calls on the competent authorities to guarantee, in all circumstances, his physical and psychological integrity. OMCT recalls that the authorities have to fulfil their obligations under international human rights law to protect the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and to bringing to justice those responsible for violating this right.

OMCT urges the competent authorities to carry out a **prompt, effective, thorough, independent and impartial investigation** into the circumstances surrounding the arrest and the allegations of torture and ill-treatment of Mr. Malik Daggung Abdurahman, in accordance with international human rights

standards, such as the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the result of which must be made public, in order to bring those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law.

Actions Requested

Please write to the authorities in the Philippines urging them to:

- i. Guarantee, in all circumstances, the physical and psychological integrity of Mr. Malik Daggung Abdurahman;
- ii. Guarantee Mr. Malik Daggung Abdurahman full access to his lawyer, his family as well as guarantee that he is examined by independent doctors and receives adequate medical care, in accordance, *inter alia*, with the recommendations of the UN Standard Minimum Rules for the Treatment of Prisoners;
- iii. Order his immediate release in the absence of valid legal charges that are consistent with international law and standards, or, if such charges exist, bring him before an impartial, independent, competent and fair tribunal and guarantee his procedural rights at all times;
- iv. Carry out a prompt, effective, thorough, independent and impartial investigation into the circumstances of the detention and alleged torture and ill-treatment of Mr. Malik Daggung Abdurahman, in accordance with international human rights standards, *inter alia*, the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the result of which must be made public, in order to bring those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law;
- v. Guarantee that no evidence obtained under torture and other forms of ill-treatment, or threats thereof, be used in court proceedings against Mr. Malik Daggung Abdurahman as stipulated in Article 15 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- vi. Ensure that adequate, effective and prompt reparation, including adequate compensation and rehabilitation, is granted to Mr. Malik Daggung Abdurahman;
- vii. Guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Addresses

- H.E. Benigno S. Aquino III, President of the Republic of the Philippines, Malacaang Palace, JP Laurel St., San Miguel, Manila, Philippines, **Fax: (+632) 742-1641 / 929-3968, E-mail: corres@op.gov.ph / opnet@ops.gov.ph**
- Sec. Teresita Quintos-Deles, Presidential Adviser on the Peace Process, Office of the Presidential Adviser on the Peace Process (OPAPP), 7th Floor Agustin Building I, Emerald Avenue, Pasig City 1605, **Fax:+63 (2) 638 2216, E-Mail Address: osec@opapp.gov.ph**
- Ret. Lt. Gen. Voltaire T. Gazmin, Secretary, Department of National Defense, Room 301 DND Building, Camp Emilio Aguinaldo, E. de los Santos Avenue, Quezon City, **Fax:+63(2) 911 6213, Email: osnd@philonline.com**
- Atty. Leila M. De Lima, Secretary, Department of Justice, Padre Faura St., Manila, Direct Line 521-8344; 5213721, Trunkline 523-84-81 loc.214, **Fax: (+632) 521-1614, Email: doj.delima@gmail.com**
- Hon. Loretta Ann P. Rosales, Chairperson, Commission on Human Rights, SAAC Bldg., UP Complex, Commonwealth Avenue, Diliman, Quezon City, Philippines, **Fax: (+632) 929 0102, Email: chair.rosales.chr@gmail.com**
- Permanent Mission of the Philippines to the United Nations in Geneva, 47 Avenue Blanc, 1202 Geneva, Switzerland, **Fax: +41 22 716 19 32, Email: mission.philippines@ties.itu.int**

Please also write to the embassies of the Philippines in your respective country.

Geneva, 17 June 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.