



## Amnesty International Report 2014/15 - Philippines

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### Republic of the Philippines

Head of state and government: **Benigno S. Aquino III**

**Torture continued with impunity in the Philippines. Human rights defenders, local journalists and witnesses in the Maguindanao massacre trials, the world's largest single attack on journalists committed in 2009, remained at risk of unlawful killing. The Philippines acknowledged state accountability for human rights violations during the Martial Law under the Marcos regime and established a Human Rights Victims' Claims Board to determine the eligibility of claims for human rights violations and award reparations. The Supreme Court upheld the constitutionality of the Reproductive Health Law in April.**

### Background

The Philippine government in March signed a comprehensive peace agreement with the armed group Moro Islamic Liberation Front, concluding 17 years of peace negotiations. The peace accord created the autonomous Bangsamoro region, providing greater political autonomy in southern Philippines in exchange for a commitment to end the insurgency and calls for a separate state. The Philippines continued its claim over the Spratly Islands against Brunei, China, Malaysia, Taiwan and Vietnam, submitting a memorandum before the International Tribunal on the Law of the Seas in March and protesting against China's actions in the Spratlys in May and November.

A visit by US President Barack Obama in April culminated in the signing of an Enhanced Defence Co-operation Agreement, further allowing US military troops to use Philippine military bases.

In early December, half a million people were evacuated in advance of Typhoon Hagupit and 27 casualties were reported.

### Torture and other ill-treatment

Torture and other ill-treatment remained rife and appeared to be routine during interrogations in some police stations.<sup>[1]</sup> Torture methods included severe beating as well as electric shocks, mock executions, waterboarding, near-asphyxiation with plastic bags, and rape.

Among those most at risk were criminal suspects and repeat offenders, including juvenile offenders, informal police auxiliaries (known locally as "assets"), suspected members or sympathizers of armed groups and political activists. Most torture victims were from poor and marginalized backgrounds. In 2014, the Commission on Human Rights of the Philippines (CHR) reported that it recorded 75 cases of torture in 2013, and 28 cases from January to July 2014. The majority of reports of torture cited police officers as the alleged perpetrators. Despite its criminalization under the 2009 Anti-Torture Act, not one perpetrator has been convicted under the Act.

In January the CHR exposed a secret detention facility in Laguna province, in which police officers appeared to be torturing for entertainment by using a "roulette wheel" on which torture methods were described. Forty-three detainees were found inside the facility. In February the Philippine National Police (PNP) suspended 10 police officers. Investigations continued, but none were convicted at the end of the year. Twenty-three cases were filed for preliminary investigation and were pending resolution.

Alfreda Disbarro, a former police informant, was apprehended and tortured by police officers in October 2013. In April, the PNP Internal Affairs Service conducted an investigation into her case; the decision on the administrative case against the perpetrators was pending. The CHR concluded that human rights violations were committed and in July recommended the filing of a criminal complaint.

The Senate opened an enquiry into police torture the day after Amnesty International launched its report "Above the Law: Police torture in the Philippines" on 4 December.

### **Enforced disappearances**

Concerns remained over the government's commitment to ending enforced disappearances following its failure to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

In February, the CHR announced that it would enter into a Memorandum of Agreement with the Department of Interior and Local Government, the Department of National Defense and the Department of Justice on the implementation of the Anti-Enforced or Involuntary Disappearance Act of 2012 which criminalized enforced disappearances. In August, the National Bureau of Investigation arrested retired General Jovito Palparan in Manila after three years in hiding. In 2011, he was charged with kidnapping, abduction and "serious illegal detention" of two women university students.

In February the Supreme Court upheld the finality of the Court of Appeals ruling identifying a military officer responsible for the abduction and disappearance of Jonas Burgos in 2007, and finding the military accountable for his abduction.

### **Impunity**

Trials in the civil and criminal cases relating to the 2009 Maguindanao massacre, in which state-armed militias led by government officials killed 58 people including 32 media workers, were ongoing. However, most of the proceedings were bail hearings only. By the end of the year, around 85 of the 197 suspects for whom arrest warrants had been issued remained at large and no convictions had been handed down.

Witnesses to the massacre and their families remained at risk of attacks, including killings, highlighting a lack of government protection. In November, Dennis Sakal and Butch Saudagal, both of whom were due to testify against primary suspects in the massacre, were shot by unidentified gunmen in Maguindanao province, killing Dennis Sakal. In December, Kagui Akmad Ampatuan, who reportedly convinced these witnesses to testify for the prosecution, survived a similar ambush in Maguindanao.

At least eight witnesses and their family members had been killed in similar attacks since November 2009. No one was held accountable for these killings.

### **Freedom of expression**

At least three radio broadcasters and one newspaper reporter were killed by unidentified gunmen in 2014.

In February, the Supreme Court declared major provisions of the 2012 Cybercrime Prevention Act, including the online libel provision, as constitutional. The Court clarified that only original authors of libellous material were covered by the law, excluding those who reacted online to the libellous post.

### **Abuses by armed groups**

Attacks by hardline Islamist insurgents opposed to the peace accord between the government and the Moro Islamic Liberation Front continued. In July, an attack by Abu Sayyaf in Sulu province left 21 people dead. In December, 10 people were killed and more than 30 injured when a mortar bomb exploded on a public bus in Bukidnon province.

### **Sexual and reproductive rights**

Following a year-long suspension of its implementation, in April the Supreme Court upheld the Reproductive Health Law following a legal challenge by various faith-based groups. The law paves the way for government funding for modern contraceptive methods and seeks to introduce reproductive health and sexuality education in schools.

However, the Court's ruling found eight provisions to be unconstitutional. These included: prohibiting health practitioners from refusing to provide reproductive health services and penalizing them if they did; requiring all private health facilities, including those owned by religious groups, to provide family planning methods, including modern contraceptive supplies and procedures; allowing minors – including those who already have children or have had miscarriages – access to birth control without their parents' written consent; and allowing married individuals to undergo reproductive health procedures without their spouse's consent.

The Department of Justice failed to include exceptions to the total ban on abortion in the draft criminal code it sent to Congress. Due to the total ban on abortion, clandestine abortions remained widespread, resulting in unnecessary death and disability of women.

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[1. Above the law: Police torture in the Philippines \(ASA 35/007/2014\)](http://www.amnesty.org/en/library/info/ASA35/007/2014/en)  
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