

Philippines: police illegally arrests, tortures three human rights defenders

Friday 19 June 2009, by [AHRC](#) (Date first published: 6 June 2009).

ASIAN HUMAN RIGHTS COMMISSION - URGENT APPEALS PROGRAMME

Urgent Appeal Case: AHRC-UAC-056-2009

[/ua/support.php?ua=UAC-056-2009](#)

<http://www.ahrchk.net/ua/support.php?ua=UAC-056-2009>

6 June 2009

PHILIPPINES: Police illegally arrests, tortures three human rights defenders

ISSUES: Human rights defenders; torture victims; torture; right to liberty and security; arbitrary arrest and detention

Dear friends,

The Asian Human Rights Commission (AHRC) writes to inform you of the arrest of three human rights defenders. At the time of the arrests no warrants were produced. They were arrested on 27th May 2009 in Samal, Bataan. The three, who have been campaigning against the possible renewed operation of a nuclear power plant, have been tortured and remain in detention.

CASE DETAILS: (According to the information received from the Kilusan Para sa Pambansang Demokrasya (KPD) and the Task Force Detainees of the Philippines (TFDP))

The three human rights defenders, Rafael Limcumpao, Domingo Alcantara and Archie Bathan, were having a meeting at a house in Samal, Bataan when combined elements of the Philippine National Police (PNP) 303rd Provincial Mobile Group (PMG), a unit from the Military Intelligence and the 3rd Infantry Battalion, all under the 703rd Brigade of the Philippine Army (PA), arrested them at 4pm on 27th May 2009.

Rafael and Domingo are peasant and community organizers respectively. Domingo is also the husband of Kathy Alcantara, an activist who was killed in December 2005. For details about her case, please read: UP-160-2005

. Archie is a student leader for the Youth for National Democracy (YND) and presently the secretary general of the Nuclear-Free Bataan Movement (NFBM).

It is reported that around 20 police and military personnel, armed with automatic rifles and hand guns had come to the place where they were meeting, a house owned by Patricio Esconde, the Barangay Tanod (village watchman).

Prior to this incident Rafael, Domingo and Archie had been planning to organize campaigns of mobilizing several sectors to protest the possible renewed operation of the Bataan Nuclear Power Plant (BNPP) in the area. The group is opposed to the renewed operation as it would have serious environmental and health implications to local residents.

At the time of arrest, the police and military personnel shouted at them, ordering them to lie down facing the floor. Archie, who was caught by surprise by the incident, immediately ran outside their meeting place towards the rice fields. However, the arresting officers chased him and he was subsequently arrested after a warning shot was fired.

Rafael, Domingo and Archie were kicked and hit with rifles simultaneously while they were being searched. They were then handcuffed. The three were separately dragged outside to two vehicles which immediately sped away from the scene. The victims were arrested without any arrest warrants being presented. The incident was witnessed by neighbors and onlookers. According to them, one vehicle was identified with markings being that of the 303rd PMG.

According to the witnesses the three victims had been dragged from the house and the arresting officers blindfolded them by covering their heads with their own clothing. The officers who arrested them came in three separate vehicles. One of the vehicles, as mentioned, was seen to belong to the 303rd PMG and there were also a police mobile and a pick-up. The witnesses stated that the three were seen having been forcibly and brutally pushed into the vehicles. Archie and Rafael were taken inside the police mobile while Domingo was taken to the pick-up.

The three vehicles were seen heading towards Balanga, Bataan, and it was later learned that the three men were being held at the headquarters of the PNP's 303rd Police Provincial Mobile Group (PPMG) in Camp Tolentino.

Soon after arriving at the camp at 6pm, the victims were taken to the provincial hospital, but were later taken back to Camp Tolentino at

8pm after having been examined by medical personnel. While inside Camp Tolentino, Rafael, Domingo and Archie said that they had been tortured while the police questioned them. Their finger prints were also taken by force and submitted to the police investigators. The beatings continued until around 2am the following day.

Archie said that one of the interrogators hit his face with a solid object while he was blindfolded. They also performed "Russian-roulette" and hit his ears without warning on several occasions. Domingo also suffered bruises to his face and chest due to a number of blows he received while in custody. Rafael was beaten and was suffocated by a thick plastic bag. They were told to admit that they were members of a rebel group, the Rebolusyunaryong Hukbong Bayan (RHB) of Marxist-Leninist Proletarian Party (MLPP).

The following day, May 28 at around 8am, the three victims were presented before a press conference with the local journalists. When they were presented before the journalist, the policemen arresting them claimed they were leaders of a rebel group, and that they were legal fronts of the said rebel group. However, at the time no formal charges were made regarding this allegation.

The allegations of the police are similar to other incidents in the past where activists are labeled as rebel leaders, or at the very least accused of being legal fronts of the communist movement. Although these allegations are rarely pursued, in the Philippines these allegations are enough to vilify and discredit a person, in particular human rights defenders.

At 2pm, the three men were taken to the Office of the Prosecutor where they were charged on three counts of frustrated murder, illegal possession of explosives and firearms. Later in the afternoon, the victims were turned over to the Bataan Provincial Jail (BPJ).

According to relatives who had visited them, one of them, Rafael, did have an arrest order issued prior to his arrest. However, this was not shown to him or the charges explained to him at the time of arrest. Abrasions on Rafaels face were still clearly visible when he was visited at the detention center. Archies jaw was swollen and he had abrasions on his legs where he had been repeatedly kicked at the time of his arrest.

SUGGESTED ACTION:

Please write letters to the concerned authorities listed below requesting them to have the illegal arrest, torture and continued detention of these three human rights activists thoroughly investigated. The police and the soldiers should be investigated for arresting these individuals in absence of arrest orders and for not explaining the nature of their charges.

The police should be asked to refrain from issuing statements

accusing the three persons as rebel leaders and fronting a rebel group prior to charging them and to retract their previous statements, if they fail to file charges on them on this matter. Unless this is done, it would seriously undermine the security and safety of these persons.

The AHRC has also written letters to the Special Rapporteurs on the Question of Torture, human rights defenders and the Working Group on arbitrary detention.

To support this appeal, please click here:

<http://www.ahrchk.net/ua/support.ph...>

Dear _____,

Re: PHILIPPINES: Police illegally arrests, tortures three human rights defenders

Name of victims:

1. Archie Bathan, 22 years old, a student leader for the Youth for National Democracy (YND) and presently secretary general of the Nuclear-Free Bataan Movement (NFBM).

2. Raffy Limcumpao, 49 years old, a peasant activist.

3. Domingo Alcantara, late 40's, he is a community organizer and husband of Kathy Alcantara, an activist killed in December 2005.

They are all presently detained at the Bataan Provincial Jail, Bataan.

Alleged perpetrators: Elements of the Philippine National Police's (PNP) 303rd Provincial Mobile Group (PMG) of the Philippine National Police (PNP), and the 72nd Military Intelligence Company and 3rd Infantry Battalion of the 703rd Brigade of the Philippine Army (PA)

Date and time of their arrest: 27th May 2009 at 5pm

Place of the incident: At the house of Patricio Esconde, a barangay tanod (village watchman) in Barangay Ibaba, Bubuyog Street, Samal Bataan

I am writing to express my grave concern over the illegal arrest, torture and continued detention of the three human rights defenders mention above.

When the police and soldiers, attached to the 303rd Provincial Mobile Group (PMG) and units from the 703rd Brigade of the Philippine Army

(PA) respectively, arrested them from the residence of a local village watchman, they neither produced arrest warrants nor informed them of the nature of charges against them.

Although it is reported that one of them, Rafael, did have an arrest order issued prior to the incident, it was not shown to him. The manner of their arrest is contrary to the rules and existing procedures on effecting arrest orders. Thus, the police and the soldiers who took part in arresting and subsequently detaining them are complicit to these illegal acts.

I am also extremely disappointed by the manner in which the police and the soldiers treated these three victims after their arrest. I have been informed that Rafael, Domingo and Archie were kicked and hit with rifles simultaneously over several parts of the body while they were being searched and handcuffed. They also performed "Russian-roulette" on Archie by blindfolding him and hitting his ears unexpectedly on several occasions. Domingo also suffered bruises to the face and chest due to the number of blows he received while in custody. Rafael was beaten and was suffocated by a thick plastic bag.

I have been informed that the three victims have been forced into admitting that they are members of a rebel group, the Rebolusyunaryong Hukbong Bayan (RHB) of Marxist-Leninist Proletarian Party (MLPP). Also, the police, who presented them before a local press conference reinforced these claims by accusing them of being rebel leaders and acting as legal fronts of this rebel group—as it has also been widely reported in the media.

Firstly, I am deeply concerned that even though the police are claiming these persons' alleged involvement in a rebel movement, the fact that they did not lay the charges in a correct manner has denied the men the opportunity to defend themselves. Thus, the police actions have left the men little chance to clear their names.

Secondly, I am aware that the Philippine National Police (PNP) has already been observing policies which prohibits them from presenting in public persons suspected of or accused of crimes. However, the case of these three victims illustrates otherwise. Thus, I urge you to have this incident investigated and to ensure that actions are taken against those who violated this policy.

Finally, I urge you to ensure that the victims' allegations of having been illegally arrested, tortured and being charged with fabricated charges are thoroughly investigated. I have been informed that the evidence alleged to have been obtained from the victims, for instance the firearms and explosives, are reported to have been planted. Though these types of allegations are nothing new it is also important to ensure that any allegations, in particular of torture and fabrication of charges, are seriously looked into.

Yours sincerely,

PLEASE SEND YOUR LETTERS TO:

1. Mrs. Gloria Macapagal-Arroyo

President

Republic of the Philippines

Malacanang Palace

JP Laurel Street, San Miguel

Manila 1005

PHILIPPINES

Fax: +63 2 736 1010

Tel: +63 2 735 6201 / 564 1451 to 80

E-mail: corres.op.gov.ph

2. Ms. Leila De Lima

Commissioner

Commission on Human Rights

SAAC Bldg., Commonwealth Avenue

U.P. Complex, Diliman

Quezon City

PHILIPPINES

Fax: +63 2 929 0102

Tel: +63 2 928 5655 / 926 6188

E-mail: chr.delima@yahoo.com
or mtm_rodulfo@yahoo.com

3. Deputy Director General Jesus A. Verzosa

Chief, Philippine National Police (PNP)

Camp General Rafael Crame

Quezon City

PHILIPPINES

Fax: +63 2724 8763

Tel: +63 2 726 4361/4366/8763

E-mail: bluetree73 gmail.com

4. Mr. Raul Gonzalez

Secretary

Department of Justice (DoJ)

DOJ Bldg., Padre Faura

1004 Manila

PHILIPPINES

Fax: +63 2 521 1614

E-mail: raulgonzalez_doj yahoo.com

5. Mr. Ronaldo V. Puno

Secretary

Department of Interior and Local Government (DILG)

A. Francisco Gold Condominium II

EDSA cor. Mapagmahal St., Diliman

Quezon City

PHILIPPINES

Fax: +63 2 925 0332

Tel: +63 2 925 0330 / 31

E-mail: rvpuno dilg.gov.ph

6. Mr. Gilberto C. Teodoro Jr.

Secretary

Department of National Defense

Room 301 DND Building, Camp Emilio Aguinaldo,

E. de los Santos Avenue

Quezon City

PHILIPPINES

Fax: +63(2) 911 6213

Tel: +63(2) 911-9281 / 911-0488

E-mail: osnd philonline.com

Thank you.

Urgent Appeals Programme

Asian Human Rights Commission (ua ahrc.asia
)

<http://www.ahrchk.net/ua/support.php?ua=UAC-056-2009>

Asian Human Rights Commission
19/F, Go-Up Commercial Building,
998 Canton Road, Kowloon, Hongkong S.A.R.
Tel: +(852) - 2698-6339 Fax: +(852) - 2698-6367