#### Report of an Amnesty International Mission to The Republic of the Philippines 22 November - 5 December 1975

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# Report of an **Amnesty International** Mission to The Republic of the Philippines

22 November ~ 5 December 1975

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## Preface

On 21 September 1972, President Ferdinand E. Marcos declared martial law in The Philippines. President Marcos commanded the armed forces "to maintain law and order throughout The Philippines, prevent or suppress all forms of lawless violence as well as any act of insurrection or rebellion and enforce obedience to all laws and decrees, orders and regulations promulgated by [the President] personally or upon [the President's] direction". In addition, President Marcos ordered that all persons "presently detained, as well as all others who may hereafter be similarly detained for the crimes of insurrection or rebellion" and related offences "shall be kept under detention until otherwise ordered release by [the President]" or by the President's duly designated representative.

According to the government's own estimates, about 30,000 people were arrested and detained in the few weeks following the proclamation of martial law. In an interview in Manila with the delegates of an Amnesty International mission on 25 November 1975, President Marcos said that altogether some 50,000 people had been arrested and detained since the imposition of martial law. The Philippines government claimed that substantial numbers of detainees had been released and that by May 1975, a total of about 6,000 people remained in detention. It is not possible at present to give a precise estimate of the total number of people currently held in detention, but some independent observers estimate that the true number is much higher than 6,000.

The Amnesty International mission to which President Marcos granted the interview arrived in The Philippines on 22 November 1975. One of the mission's assigned tasks was to study the problem of detention under martial law and the degree to which those detained without trial were denied human rights. President Marcos told the AI delegates that they could interview martial law detainees freely. Secretary of National Defense Juan Ponce Enrile gave the delegates the assistance of the Defense Department in conducting interviews. Despite difficulties encountered by the mission at detention centers, in general the access to prisoners afforded by The Philippines government was satisfactory for the mission's work. It should be emphasized that the degree of access permitted by The Philippines government was commendable. It was an acknowledgement of the responsibilities of international human rights work of the kind undertaken by Amnesty International. In sending a mission to The Philippines, AI had not anticipated the extent to which torture was practised against martial law detainees. The delegates were deeply concerned by the harshness of such torture and at the evidence of its widespread use. The practice of torture during detention under martial law underlines the deeply troubling aspects of the system of arrest and detention employed as a consequence of the exceptional powers available to the martial law administration.

Almost 70% of the prisoners interviewed by the mission said they had been tortured. Moreover, in virtually every case of prisoners who were not tortured, there tended to be a particular factor which appeared to explain why the person had been spared: the detainee interrogated was a woman, or was well known, or had highly-placed friends, or had some personal connection with martial law officers, or was a foreigner. Nonetheless, these factors were not sufficient in themselves to prevent some individuals from being tortured. Examples of such cases are to be found in the following pages.

It should also be noted that martial law was expressly proclaimed to suppress attempts at insurrection and rebellion. Among the prisoners interviewed by the mission were most of the key people whom the martial law administration insists were directly involved in rebellion or conspiracy to commit rebellion. In other words, these interviewees were involved in the key cases of rebellion that provided the legal basis for the need to impose martial law in September 1972. A large proportion of those interviewed were tortured-apparently either because of the brutality of the interrogating officers or in an attempt to extract incriminating evidence forcibly.

It is important to note that not one of these key martial law cases has been brought to a conclusion, nor has the martial law administration provided convincing evidence publicly against any of the individuals detained. Thus, in the four years since the proclamation of martial law, avowedly to prevent rebellion, the government has not established conclusively the legal culpability of any individual in the central cases of alleged rebellion.

The report of the Amnesty International mission was sent to The Philippines government on 25 May 1976. Amnesty International urged the government to implement urgently the recommendations contained in the report, in view of the deeply troubling nature of the mission's findings.

On 16 June 1976, the international news agency The Associated Press (AP) reported from Manila that The Philippines Under-Secretary of Defense Carmelo Barbero had ordered a court martial for a dozen military men on charges of having tortured martial law detainees. The agency also reported that the action followed the Amnesty International mission report, that the investigations were ordered by President Marcos and that prima facie cases were established against the accused military men. On 26 June, a further AP dispatch from Manila summarized what it said were the contents of the report AI had sent to the government. In view of these developments, and since there was public uncertainty about

the report's true contents, Amnesty International decided to publish it, set a

date for publication and informed President Marcos accordingly. At the same time AI again asked the President for his government's comments both on the report and on Al's recommendations. A copy of this letter is on page 56. As of 23 July 1976, when this preface was finalized for printing, AI had regrettably received no communication from the government in response to the report, despite repeated requests. However, in the middle of July 1976, The Philippines consulate in San Francisco in the United States reportedly issued an official statement by Secretary of National Defense Juan Ponce Enrile (see page 57). The statement argued that the allegations of torture made in the mission report "were highly exaggerated". Mr Enrile also said that the majority of the prisoners interviewed were "hardcore leaders and members of the Communist Party of The Philippines charged with rebellion and conspiracy to commit rebellion in connection with the two massive arms-smuggling operations launched by the local communists. . ."

It is Amnesty International's view that because these cases involved serious complaints of torture, the government should implement recommendation numbers 1, 2, 3, 4 and 5 of the mission report (see pages 11-12) to ensure that further legal proceedings against the prisoners would be fair and just. We draw particular attention here to recommendation 3:

None of the prisoners interviewed had been convicted, although trial proceedings have begun for some of them. The mission asked the Judge Advocate General for transcripts of all proceedings against political offenders which had been concluded in the period of martial law since September 1972. None were made available to the mission and, from this and other evidence, it appears probable to Amnesty International that not a single political prisoner detained under martial law had a trial which had been concluded.

Since December 1975, when the mission made verbal interim recommendations to the Secretary of National Defense and the Solicitor General, the government has taken a number of steps which follow in part the AI recommendations. There have been releases of prisoners interviewed by the mission, of whom the following names are known to Amnesty International: (It is not a definitive list of people who have been released between December 1975 and June 1976.)

- Dolores STEPHENS-FERIA - Eduardo BAUTISTA – José LACABA – Bonifacio ILAGAN - Amarylis HILAO – Charlie PALMA – Isabelita del Pilar GUILLERMO – Joanna CARINO – Jocelyn CARINO - Fidel AGUILAB -- Milagros ASTORGA-GARCIA – Myrna ALCID
- It should be noted that most of the recently released prisoners listed above had

been held by the government precisely on charges of the kind described by Mr Enrile above. It is the contention of Amnesty International that the other prisoners interviewed by the mission, whose cases are similar to those listed above with regard to the charges against them, should also be released.

On the other hand, a pattern of wide scale arrests has continued, involving large numbers of people. There have been continuing reports of torture. We append as only one example the case of Dr Roger Posadas, a distinguished Filipino nuclear physicist who was arrested in January 1976 with his wife and three year-old son. Dr Posadas was tortured during interrogation and his wife and son were also badly treated (see page 58). It must be noted that this is only one of the many recent cases involving allegations of torture, which regrettably fit into the pattern established by the mission report.

People continue to be detained in the secret interrogation centers called "safe houses", and Amnesty International has a list of some of their names. The four prisoners referred to in the report who were last known to be in "safe houses" have still not been produced by the authorities, nor has Amnesty International received any assurance from the government regarding these four. We are deeply distressed by the unwillingness of the authorities to establish the whereabouts and condition of the missing persons.

A number of prisoners were moved to a new detention center at Camp Bicutan, Taguig, Rizal. Regrettably, there are still prisoners detained in the notorious 5 CSU (5th Constabulary Security Unit) interrogation center in Camp Crame. On 14 June 1976, the prisoners in Bicutan began a hunger strike "to continue impressing on the authorities the justness of (their) appeal to release two nursing mothers detained at Bicutan". The two nursing mothers, Milagros Astorga-Garcia and Amarylis Hilao, were released on the morning of 9 July. Several prisoners are known to have been transferred from Bicutan to

undisclosed places on 11 July. Regarding the government investigations of torture, the initial AP report on 16 June said that 12 military men were to be court martialed on charges of torture. Annesty International has been able to confirm that up to 23 July 1976, only four men have in fact been charged. They are:

– Eddie Abalos - Sergeant Galica – Henry Kato Lieutenant Noveras

As matters stand, it cannot be said with any confidence that the authorities have taken adequate steps to bring before the courts military men who there are strong grounds for believing criminally employed torture. We recommended to the government that all the 88 military men named by prisoners as having employed torture should be investigated by open and independent commissions of inquiry. The investigation of only four soldiers by military courts is not sufficient to indicate that the authorities are fully determined to eliminate the practice of torture. It was reported from Manila on 20 July that President Marcos said he had ordered all prisoners with cases pending before a military tribunal to be put on



trial by the first week in August. According to further reports, President Marcos said he had ordered the acceleration of trials after receiving the Amnesty International mission report. It should be pointed out that hearings by military tribunals fall short of the submission made in recommendation 5 of the report. Reports from Manila on 27 June said that the government had ordered frequent inspection of 82 detention centers administered by the armed forces throughout The Philippines "to ensure the humane and efficient handling" of martial law detainees. The order was reported to have been made by the Secretary of National Defense, and he was reported further to have "also warned of severe disciplinary and criminal action against any military or police personnel involved in unauthorized arrest and detention".

The government of The Philippines has ratified the International Covenant on Economic, Social and Cultural Rights and is a signatory to the International Covenant on Civil and Political Rights, article 7 of which latter instrument provides: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Similarly article 10, paragraph 1, stipulates: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." In addition, article 9, paragraph 2, provides: "Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him." Finally, article 14 of the same covenant contains the basic minimal guarantees of a fair trial without undue delay.

The government itself has played an active role in the processes that led to the adoption by the United Nations General Assembly at its 30th Session of the Declaration on the Protection of all Persons from Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and is well known for its promotion within the United Nations of the concept of international concern in the field of human rights. It was within the context of these considerations that the report was submitted to the government of The Philippines. Amnesty International is now making the report public for the first time. The text contains only minor editorial changes from that sent to the government, and only the initials of those accused of administering torture are given. The copy seen by The Philippines government, however, contained their full names.\*

23 July 1976

\*After this preface had gone to the printers, there was an exchange of cables with Solicitor General Estelito P. Mendoza of The Philippines. The full texts of these cables may be found in appendix IV on pages 58-59.

Martin Ennals Secretary General

## Introduction

The Amnesty International mission, consisting of an American lawyer, Thomas C. Jones, and a member of AI's International Secretariat, Wen-hsien Huang, visited the Republic of The Philippines from 22 November - 5 December 1975. There were two main objectives:

- in Southeast Asia;

The mission sought the views of The Philippines government in a number of extended meetings with leading officials. Among those who had discussions with the mission were:

The mission was given helpful assistance by government departments and officials regarding its inquiries. The government provided generous facilities to the delegates. It assisted the delegates with their visits to a number of main detention centers in Luzon to conduct interviews with prisoners the mission named. Because of shortage of time, the mission was unable to visit prisoners in detention centers outside Luzon. With the assistance of The Philippines authorities, the mission interviewed

a) to seek the support of members of The Philippines government for the development of regional institutions for the protection of human rights

b) to discuss with members of the government, and with concerned Filipinos, problems relating to imprisonment under martial law, the treatment of prisoners and procedures for the release of prisoners.

- President Ferdinand E. Marcos

- Secretary of National Defense Juan Ponce Enrile

- Solicitor General Estelito P. Mendoza

- Major General Fidel V. Ramos, Commanding General of The Philippines Constabulary

- Brigadier General Guillermo Santos, Judge Advocate General of the Armed Forces of The Philippines

- and other senior officials with responsibility for the administration of prisoners arrested under martial law.

107 prisoners held in detention centers. Of those interviewed, 71 informed the delegates that they had been subjected to brutal treatment, which in most cases took place when they were under interrogation for varying periods following their arrest.

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The mission found that the detailed accounts given by the prisoners of brutal treatment were convincing. Many of the allegations against particular officers as interrogators who employed torture systematically were made by prisoners held in different detention centers with no previous opportunity to meet and compare their own experiences. Moreover, some of the prisoners, especially those held at Camp Olivas and 5th Constabulary Security Unit (5 CSU) stockade, stated that they were witnesses to the brutal treatment of other prisoners. Although the witnesses and victims, in some cases, had been detained in separate installations, the accounts were clearly consistent. At the time of interview, the delegates found many cases of persons with physical scars consistent with allegations of ill-treatment.

Both delegates on the mission, after reviewing the evidence available to them, were deeply concerned about the extent to which the prisoners interviewed had been subjected to torture. The delegates' unavoidable conclusion was that torture was used freely and with extreme cruelty, often over long periods. In particular, torture was used systematically against those who had no means of appeal to influential friends or established institutions. Torture of women, although apparently less widespread, had occurred, and intimidation involving threats of sexual assault was commonplace.

## **2** Conclusions and Recommendations to the Government of the Philippines

1. The mission found convincing evidence that the employment of torture was widespread. Of 107 prisoners interviewed, 71 informed the delegates that they had been tortured. Amnesty International *recommends* that the government institute immediate and full inquiries into the cases of all the prisoners listed in this report as having

findings.

2. The conclusion is unavoidable that torture of prisoners was part of a general approach to the treatment of suspects. This had the effect of intimidating all those arrested on suspicion of having committed political offences.

Amnesty International recommends that the government institute full inquiries into the record and activities of all the 88 officers listed in this report as having employed torture. This should also take the form of an open and independent commission of inquiry. Similar action should be taken in the cases of other officers against whom allegations of torture are made by prisoners the mission did not interview.

3. None of the prisoners interviewed had been convicted, although trial proceedings have begun for some of them. The mission asked the Judge Advocate General for transcripts of all proceedings against political offenders which had been concluded in the period of martial law since September 1972. None was made available to the mission. From this and other evidence, it appears probable to Amnesty International that not a single political prisoner detained under martial law had a trial which had been concluded.

Amnesty International *recommends* that all the prisoners listed in this report should be released immediately on bail, pending trial.

4. In cases of prisoners against whom trial proceedings had begun, the mission found that all known cases had been tainted by reliance on so-called evidence extracted from a number of prisoners by torture. The conclusion is unavoid-

been subjected to torture. Evidence of torture in individual cases should be judged by open commissions of inquiry. These should consist of people who can be accepted as fully independent, to ensure objectivity in their

able that in those cases the so-called evidence was literally tortured into existence.

Amnesty International recommends, in particular, that in every trial where a number of the defendants complain that they have been tortured, all the defendants should be released immediately on bail, pending full and open investigation of the charges of torture. No statement obtained under duress should be admissable as evidence in court. 5. All the cases listed in this report are triable under martial law only by military commissions. These tribunals are staffed entirely by military officers, some of whom have had no legal training. The rules of procedure and evidence employed in trials before these tribunals are not those of civil or normal standards of

justice, but instead follow the rules of procedure and evidence of military court martial.

Amnesty International recommends that prisoners held on political charges should be tried by the civil courts following constitutional procedures, and not by military tribunals.

Moreover, under martial law, the appeals from these military tribunals end at the Department of National Defense. The power of presidential clemency is the only limitation on military authority.

Amnesty International recommends further that all appeals from decisions of courts of first instance should follow the normal judicial appellate process up to the Supreme Court, and not, as at present, with appeals from the military commissions terminating with the decision of the Secretary of National Defense.

6. The mission found that there was clearly a pattern of torture during the period of interrogation immediately following arrest. In many cases, the fact that a prisoner had been detained was concealed from his family and others. The United Nations Standard Minimum Rules for the Treatment of Prisoners are applicable from the time of arrest and throughout the period of detention. Amnesty International recommends, in accordance with the UN Standard Minimum Rules and as safeguard against brutal treatment of prisoners, that the families of prisoners should be notified of their detention, that they should be allowed to visit the prisoners within 72 hours of arrest and that visits should continue on a regular and frequent basis through-

out the period of detention.

Amnesty International recommends also that the prisoners should have immediate and free access to their lawyers following their arrest. This is as a safeguard against ill-treatment and to ensure that statements of prisoners are given freely and not as a result of coercion.

7. The most effective safeguard for the arbitrary arrest, detention and ill-treatment of the citizen is the right to apply to the courts for the writ of habeas corpus. Amnesty International recommends that the right of application for the writ of habeas corpus, denied under martial law, should be re-established without delay.

8. The mission found certain patterns of arrest and interrogation procedures.

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Typically, prisoners are arrested by military officers often belonging to different units. Following their arrest, they are taken out by particular units for interrogation. Thus, prisoners are taken to the offices of a particular unit or an interrogation center such as Metrocom-2, where they are tortured. They can then be taken by different units to other locations for further interrogation, often accompanied by torture.

Amnesty International recommends that all units involved in the arrest and interrogation of prisoners should keep full records of the periods for which particular prisoners are in their care. They should also record the places to which prisoners have been taken while in their care, and all the officers and agents who come into contact with the prisoners.

Amnesty International recommends further that the practice of taking prisoners to unidentified places of interrogation known as "safe houses" should be discontinued immediately.

9. All forms of brutal treatment of prisoners are reprehensible. The government should issue instructions explicitly forbidding such torture as "Russian roulette", electric shock, the application of what the prisoners described as "truth serum" and all other forms of brutal treatment. The government should state publicly the penalties for such offences.

Amnesty International recommends that in accordance with the United Nations Declaration on Torture (see recommendation 15) the government adopt and publish a code for the treatment of prisoners, providing redress and compensation for those who have been tortured. Amnesty International recommends further that The Philippines government should publicly declare to all officers, agents, doctors and lawyers who come into contact with prisoners that torture is illegal and that

it is the duty of all who witness torture to report its occurrence.

10. The mission found that the system of amnesties for which prisoners could apply under martial law in effect deprived prisoners of their civil rights. The application forms (CAD form 72-11) required the prisoners to indicate which kind of offence they had committed, including elaboration of the alleged offences. Most prisoners claimed that they had nothing to say which could incriminate them and were unable to meet these requirements. Many of these requirements were unacceptable to them, since they were in effect required to fabricate self-accusations. Moreover, of those prisoners in the detention centers visited who had applied for individual amnesties, very few applications were known to have been approved.

In the case of a number of prisoners held at Camp Olivas, the mission was given a copy of the instruction from the Secretary of National Defense granting amnesties to seven young detainees. When the mission inquired why those prisoners had not been released despite the instruction, the mission was informed that that order had been countermanded. The mission noted that no further appeal regarding amnesties was possible beyond the Department of National Defense. Further, the mission requested a list of all political prisoners who had



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applied for individual amnesties to the amnesty commission, and as well as details of cases where amnesty had been granted. The list requested was not given to the mission.

Amnesty International *recommends*, in view of failure of the system of individual amnesties, that all prisoners held for more than one year without charge or trial in The Philippines should be granted a presidential amnesty. The government should in the interest of justice institute immediate trial proceedings against those prisoners who are thought to be guilty of criminal acts. The right to open trials in civil courts should be re-instated.

Amnesty International *recommends* that the general presidential amnesty for all prisoners held for more than one year without charge or trial should be granted with minimum delay.

11. The mission found that the conditions for those detained in cell block 2 in Camp Bonifacio as "immigrant/deportation" cases were appalling by any standards. The delegates emphasized that, in the final interview with Secretary of National Defense Juan Ponce Enrile and Solicitor General Estelito P. Mendoza, they had recommended that immediate attention be given to those cases. The delegates acknowledged that these were outside the departmental responsibilities of Mr Enrile and Mr Mendoza. But they requested that the proper authority within The Philippines government should respond quickly to the recommendation.

Amnesty International *recommends* that, apart from immediate alleviation of the appalling conditions for these cases, The Philippines government should seek the cooperation of the United Nations High Commission for Refugees in finding ways to protect these people from further extended periods of detention.

12. The mission had recommended to the Secretary of National Defense that all women held in detention who had young children should be released. This applied in particular to cases where both husband and wife were detained and the young child was also kept in prison. The following cases were known to the mission:

In 5th Constabulary Security Unit (5 CSU) stockade: Jean Cacayorin Tayag (young child with relatives) Milagros-Astorga Garcia (child aged seven weeks, born in prison) Amarylis Hilao (baby aged seven weeks, born in prison) Zinayda Delica (child aged 3 years, with relatives) In Camp Olivas female detention center:

Elita Ponce Quinto (child aged five months, born in prison) Isabelita del Pilar Guillermo (child aged six months, born in prison) The mission understood that there were administrative provisions for the release of women with young children where both husband and wife were detained, but the mission was unable to secure an adequate explanation for the continued detention of these women prisoners.

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Amnesty International recommends that the six women prisoners, and others in similar circumstances, should be released forthwith. It also recommends, in all cases involving women prisoners with young children, that the mother should have the choice of whether to keep the child with her.

13. Two prisoners, Mariano Giner, Junior, and Mamerto Yee, who were held in the stockade in Camp Olivas, were kept with criminal prisoners, unlike other political detainees who had been transferred to the male detention center in Camp Olivas.

Amnesty International recommends that Mr Giner and Mr Yee, and all other prisoners similarly affected, should be transferred immediately to the appropriate detention center and then treated according to norms applicable to political prisoners.

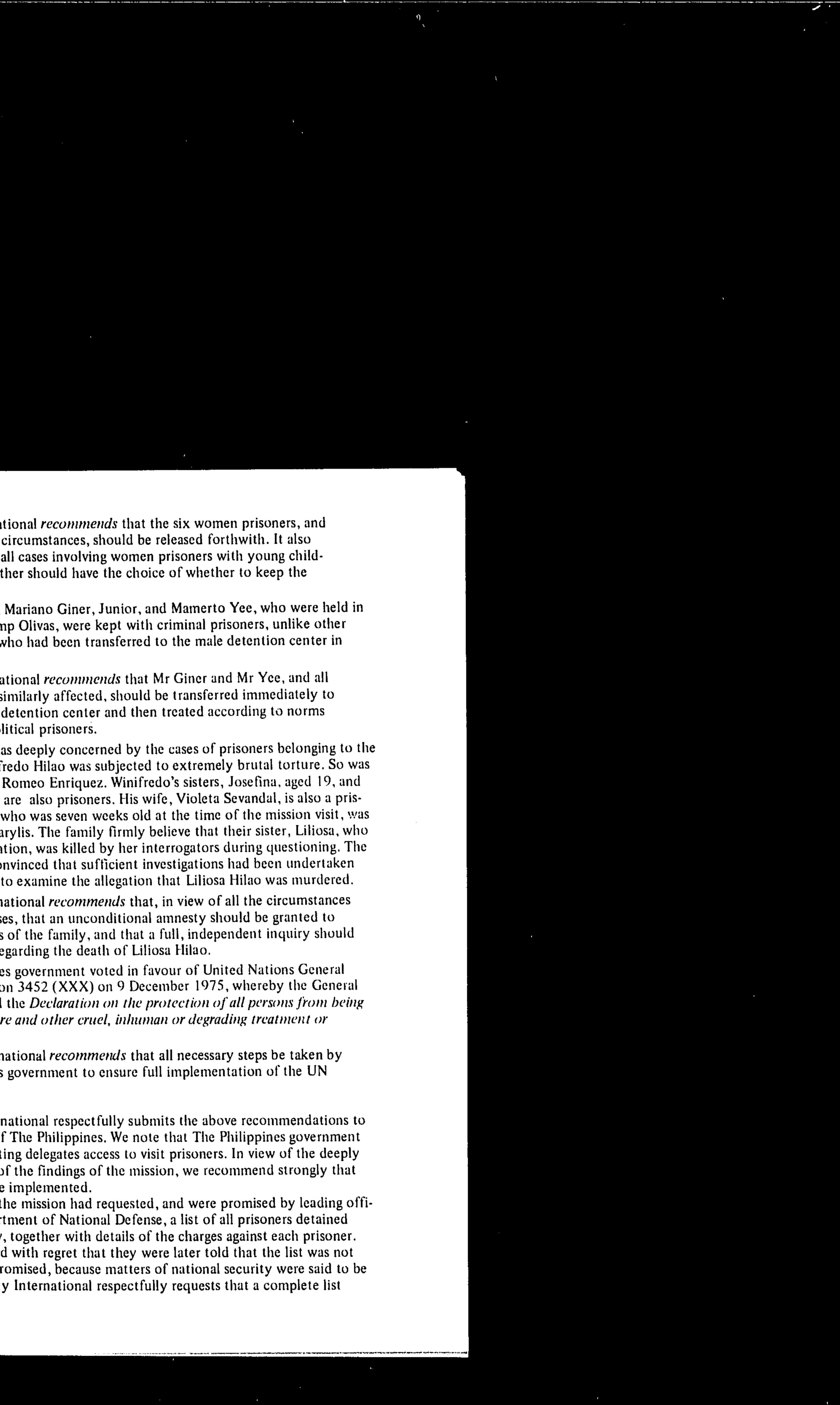
14. The mission was deeply concerned by the cases of prisoners belonging to the Hilao family. Winifredo Hilao was subjected to extremely brutal torture. So was his brother-in-law, Romeo Enriquez. Winifredo's sisters, Josefina, aged 19, and Amarylis, aged 21, are also prisoners. His wife, Violeta Sevandal, is also a prisoner. His nephew, who was seven weeks old at the time of the mission visit, was in prison with Amarylis. The family firmly believe that their sister, Liliosa, who died while in detention, was killed by her interrogators during questioning. The mission was not convinced that sufficient investigations had been undertaken by the authorities to examine the allegation that Liliosa Hilao was murdered. Amnesty International recommends that, in view of all the circumstances of the Hilao cases, that an unconditional amnesty should be granted to all the members of the family, and that a full, independent inquiry should

be conducted regarding the death of Liliosa Hilao.

15. The Philippines government voted in favour of United Nations General Assembly resolution 3452 (XXX) on 9 December 1975, whereby the General Assembly adopted the Declaration on the protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment.

Amnesty International recommends that all necessary steps be taken by The Philippines government to ensure full implementation of the UN declaration.

Amnesty International respectfully submits the above recommendations to the government of The Philippines. We note that The Philippines government had given the visiting delegates access to visit prisoners. In view of the deeply troubling nature of the findings of the mission, we recommend strongly that the above steps be implemented. Additionally, the mission had requested, and were promised by leading officials of the Department of National Defense, a list of all prisoners detained under martial law, together with details of the charges against each prisoner. The mission noted with regret that they were later told that the list was not forthcoming as promised, because matters of national security were said to be involved. Amnesty International respectfully requests that a complete list



should be made publicly available.

Amnesty International publicly recognizes the spirit of open and constructive dialogue with which the government received the mission. It wishes to place on record its appreciation for the courtesy and assistance given to the mission by President Marcos and leading officials. It should be noted that when the Al delegates initially requested interviews with prisoners, they had not expected to find widespread evidence of torture. In allowing AI to have access to prisoners, The Philippines government had demonstrated to governments in other countries the need to allow delegates of independent international organizations to visit prisoners, in order to ensure that internationally recognized human rights of prisoners are protected.

However it must be stated that although permission to visit prisoners was given by senior officials, the mission encountered problems in seeking interviews with specific prisoners. Furthermore there were difficulties in particular instances in securing confidentiality of interviews. Examples are given in the report.

It is to the credit of The Philippines government that in the past it has announced general amnesties with apparently partial application to limited numbers of political prisoners held without trial. It has conducted investigations into torture allegations, although these apparently failed to uncover the scale of torture, and it has allowed an Amnesty International mission access to interview specific prisoners. But it should be noted at the same time that the evidence of torture was overwhelming, and that it appears that torture was employed systematically in order to intimidate people arrested on suspicion. Amnesty International wishes to emphasize that it has approached the problem of political imprisonment in The Philippines strictly on the basis of the treatment of prisoners according to due process of law and human rights. The Philippines government takes the position that most of the prisoners interviewed in the report allegedly have been connected with a communist underground movement, and that many allegedly were involved in attempts to commit rebellion or conspiracy to commit rebellion. Those cases therefore lay within the scope of article VII, section 10, paragraph 2 of The Philippines constitution of 1935, which permitted the President to impose martial law "in case of invasion, insurrection, or rebellion, or imminent

danger thereof, when the public safety requires it . . . "

Amnesty International is concerned that many of those interviewed who were charged with rebellion or conspiracy to commit rebellion have been tortured. Moreover none of the alleged offences has been proven conclusively in open fair trials. AI, in accordance with its statute, works to abolish torture in all cases, and also works for prisoners of conscience who have been denied fair open trials. We do not wish to pre-judge the degree of truth in the government's allegations that the prisoners are guilty of attempts at rebellion or conspiracy to commit rebellion. We therefore urge the government to present the evidence in open fair trials.

Al's International Executive Committee notes that the delegates had made a number of interim recommendations verbally to The Philippines authorities at a meeting arranged by the Department of National Defense at the end of

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their visit. Those present at this meeting, which was chaired by the Secretary of National Defense, included both Under-Secretaries of National Defense, the Solicitor General, the commanding generals of The Philippines constabulary, The Philippines army and of military intelligence and Colonel Diego of the National Intelligence Service Authority. The AI mission agreed when asked if the proceedings of the meeting could be recorded on a tape-machine. The International Executive Committee notes that the recommendations made in this report confirm the verbal interim recommendations made by the mission at the final meeting. It notes further that AI has not received subsequent communication from the government that any of the interim recommendations have been implemented, although a number of those interim recommendations were apparently acceptable to Secretary of National Defense Juan Ponce Enrile. For example, he instructed his staff to arrange for the prisoners at 5 CSU to be transferred to a regular detention center.

In view of the deeply troubling nature of the findings of the mission, Amnesty International urges the government of The Philippines to implement urgently the recommendations respectfully submitted herewith.



## **3 Interviews with Prisoners**

The mission requested interviews with prisoners who were held at a number of detention centers. Interviews were conducted with prisoners at the following centers:

(i)	5th Constabulary Security Unit (5 CSU) sin Camp Crame, Quezon City
(ii)	Headquarters Philippines Contabulary Sto in Camp Crame
(iii)	Youth Rehabilitation Center (YRC) in Fort Bonifacio, Quezon City
(iv)	Maximum Security Unit (MSU) in Fort Be
(v)	Zone-2 Division detention cells in Camp C San Fernando, Pampanga
(vi)	Male detention center in Camp Olivas
(vii)	Female detention center in Camp Olivas
	The state is Course Oliver

The stockade in Camp Olivas (viii)

The mission also interviewed individuals held awaiting deportation in cell block 2 adjoining the Youth Rehabilitation Center in Fort Bonfacio. The mission was allowed to see every prisoner regarding whom they requested an interview. Exceptions were the cases of three people who were reported to have

been last seen in custody:

Delsin Delica

Ninita Evangelista Luneta

Francisco Portem

Regarding these three prisoners, the authorities told the mission that Mr Portem had escaped and that there was no record of the detention of the other two individuals. The delegates were told by a number of prisoners interviewed that all three people were last seen in custody. The delegates had expressed to the Secretary of National Defense concern for the safety of the three prisoners.

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## stockade

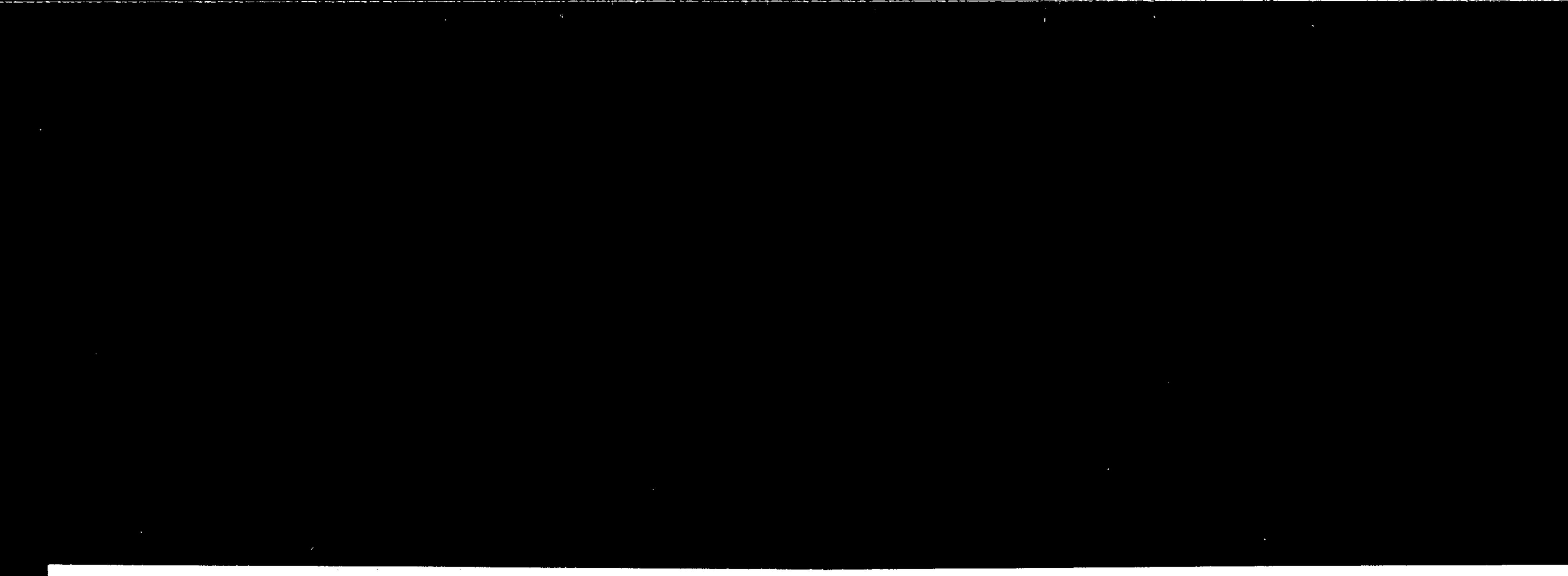
ockade 4

Bonifacio Olivas

When the AI delegates asked to interview prisoners, they sought assurance from the Secretary of National Defense that there would be no reprisals against any prisoners interviewed. The mission was assured by Secretary of National Defence Juan Ponce Enrile that this was not necessary, because as a matter of course there would be no question of reprisals.

The delegates expressed to The Philippines authorities their appreciation of the facilities given to them for the conducting of interviews. The delegates felt that in general the facilities actually employed for interviews were satisfactory for ensuring confidentiality of the interviews. However, the delegates were aware that interviews conducted in the Maximum Security Unit at Fort Bonifacio were subject to electronic surveillance, and the circumstances of interviews at 5 CSU also were not entirely satisfactory. In other detention centers, the delegates interviewed prisoners in their quarters within the stockade, in circumstances that afforded some privacy of conversation.

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## **4 Incidence of Torture**

It was the overall impression of the mission that torture was not systematically employed at the regular detention centers, such as at Stockade 4 or YRC, although isolated incidents have taken place. However, although prisoners are detained in 5CSU, it is an installation where suspects are interrogated. Prisoners held there were subject to continuing and repeated interrogation. The delegates found compelling evidence that a high percentage of both present and former prisoners at 5 CSU had been subjected to systematic and severe torture. The mission had expressed concern to the Secretary of National Defense regarding the continuation of the use of this installation for the purpose of detaining prisoners.

The following is a representative selection of cases of prisoners who were interviewed. These accounts reflect general features of descriptions of torture given by the prisoners interviewed. One basis for giving these cases in detail is to illustrate particularly common methods employed in interrogation. The cases are separated into those of each detention center. General features pertaining to the particular detention center are noted.

## a) 5th Constabulary Security Unit Stockade (5 CSU) in Camp Crame, Quezon City

The following is a list of the prisoners interviewed. Those individuals marked with double asterisks alleged that they were tortured.

- Mrs Milagros ASTORGA-GARCIA\*\*
- Monico ATIENZA\*\*
- Mrs Jean CACAYORIN-TAYAG\*\*
- Bobby CASTRO\*\*
- Manuel CHIONGSON\*\*
- Louis DE LEON\*\*
- Julius FORTUNA\*\*
- Hermenegildo GARCIA IV

20

- -- José LACABA\*\*

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- José TORRES\*\*
- Roberto VERZOLA\*\*

The allegations of torture at 5 CSU included prolonged beatings with fists, kicks and karate blows, beatings with a variety of contusive instruments – including rifle butts, heavy wooden clubs and family-sized soft drink bottles the pounding of heads against walls or furniture (such as the edge of a filing cabinet), the burning of genitals and pubic hair with the flame of a cigarette lighter, falanga (beating of the soles of the feet), and the so-called "lying-onair" torture. In the latter the individual is made to lie with his feet on one bed and his head on a second bed. He is then beaten and kicked whenever he lets his body fall or sag (also known as the "San Juanico Bridge" – named after a bridge constructed by the martial law administration connecting the islands of Samar and Leyte).

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The experiences of the following prisoners were representative of the 5 CSU prisoners interviewed:

## Mrs Jean CACAYORIN-TAYAG

Arrested 15 August 1975. Taken to Nueva Ecija Philippines constabulary headquarters. During interrogation there, she was blindfolded and gagged, forced to strip, kicked from behind, beaten with a belt, slapped, made to squat for hours, struck with karate blows and threatened with a gun. She was transferred after four days to 5 CSU where she was kept sleepless for eight days and nights, made to stand for several hours naked before a full-blast air conditioner and was slapped hard. The interrogators wanted to force her to sign a statement. She was still undergoing interrogation when interviewed. Lieutenant R-A-, her main tormenter, told her that "whether you like it or not", he would take her away from her husband, who was also being interrogated. She said: "He told me he would hurt me where it would hurt most." She was forced to undergo "unwanted caresses". He had threatened to ruin her moral reputation and to spread gossip about an affair. He had threatened her husband and her child. Her husband, Fernando Tayag, is also detained in the stockade. She was allowed very few visits, even by her parents, and never by her parents-in-law. She

had not been allowed to see her son, aged 3, since she was arrested and detained.

– Mrs Amarylis HILAO – Miss Josefina HILAO - Bonifacio ILAGAN\*\* - Alan JASMINES\*\* – Domingo LUNETA\*\* -- Ernesto LUNETA\*\* — Mrs Violeta SEVANDAL HILAO\*\* – Achilles SIMON\*\* - Mrs Dolores STEPHENS-FERIA – Fernando TAYAG\*\*

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She was still subjected to sporadic interrogation, sometimes in the middle of the night, and was kept in relatively isolated confinement.

She did not know the reason for her arrest. She believed that it was because she was the wife of a detainee. She was charged, like her husband, with rebellion and conspiracy to commit rebellion, but she had not been tried. The authorities have given no details regarding her role in these alleged activities. Her husband has been severely tortured (see the case of Fernando Tayag, below).

#### Fernando TAYAG

Arrested 24 April 1974. Wife, also detained, is Jean Cacayorin-Tayag (whose case is described above).

Following his arrest on 24 April 1974, he was taken to an "underground house" that had been raided by units of 5 CSU and the National Intelligence Service Authority (NISA) in Baliwag, Bulacan. There he was tied to a chair and beaten with fists, karate chops and kicks. He was also struck several times in the stomach with a rifle butt. Among those who took part in the beating were Lieutenant  $\mathbf{A}$ and Sergeant T- of 5 CSU, attorney L-C- and "L-" (possibly an *alias*) of NISA, and the chief of police of Baliwag, Bulacan. The beating lasted for five hours, ending at about 22.00 hours.

Mr Tayag was then taken blindfolded to a NISA "safe house" (about 30 minutes' drive from 5 CSU). There he was detained for 21 days and tortured almost every day. During the first three days, both his hands and his feet were handcuffed to his cot. For the rest of his stay, one of his wrists was handcuffed to his cot. Among his torturers were "F-R-" and "R-" and "L-" of NISA and Lieutenant R--D-- of 5 CSU.

The torture consisted mostly of beatings of thighs, legs and arms with a 5 centimeter by 5 centimeter wooden club, about one meter long. The same instrument was used in *falanga*, that is, to repeatedly strike the soles of his feet until they were swollen, black and blue. He could not walk for a long time afterwards. Once, the club hit him on the head, resulting in a wound that took several days to heal. His lips were also burned with the burning end of a cigarette and his moustache was burned with the flame of a cigarette lighter. Once, he was given what he described as a "truth serum" injection. Interrogation was constant. "They wouldn't let me sleep," he said. He was knocked unconscious on the first day and later on separate occasions. "I was in a state of shock, I don't know how many times," he said.

Mr Tayag was handed back to 5 CSU on 14 May 1974 and handcuffed to a filing cabinet until 16 May. Then he was put into a cell with other political detainees. Early one morning, as punishment for talking to fellow detainee José Lacaba, he was dealt punches and karate chops by Sergeant X- and Sergeant M- of 5 CSU, and by a solder-detainee named B-D- (whom he described as a member of 5 CSU's Special Mission Group who had been convicted of murder and extortion and sentenced to life imprisonment). The continuing interrogation of 5 CSU was intended to force him to sign statements. There were threats, and he described the beatings as less severe than those administered at the "safe house". On one occasion, he and two others (Manuel Chiongson and Domingo Luneta) were handcuffed to their beds for three months

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without a break for being "not cooperative". He complained that his wife was being harassed daily by Lieutenant A-. Like his wife, he had not seen their son, aged 3, since he was arrested. He is charged with rebellion and conspiracy to commit rebellion. He had not been tried.

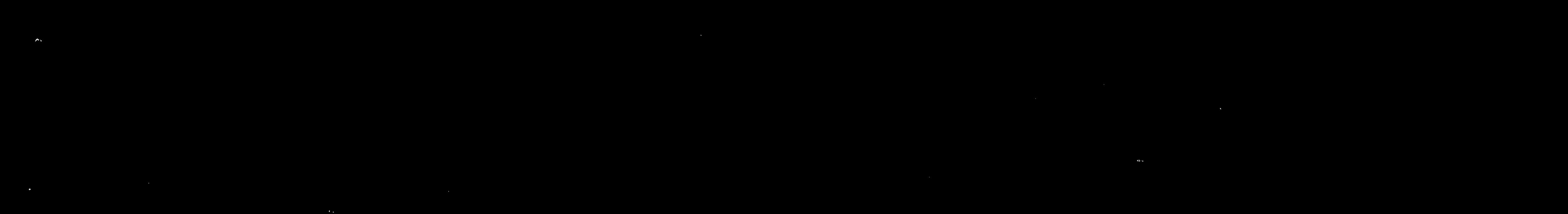
José LACABA and Bonifacio ILAGAN Arrested 25 April 1974 in Baliwag, Bulacan. Both were beaten immediately upon arrest. Gun barrels were struck into their stomachs, they were pushed to the floor, trodden on, kicked and hit on the back of their heads with rifle butts. They were taken to 5 CSU office in Camp Crame and tortured the whole day. Lieutenant R-A- and Sergeant N-C- interrogated Mr Ilagan, while Mr Lacaba was interrogated by Captain O-, a man named C- of 5 CSU's Special Mission Group (SMG) and Sergeant C-. In addition, passing 5 CSU staff struck the prisoners.

They were struck on the body with punches, karate chops and kicks. Mr Lacaba was forced into a squatting posture and was then beaten on the shins with a rattan instrument. Both were subjected to the higa sa hangin ("lying-onair") treatment, also known as the "San Juanico Bridge". In this form of torture, the victim is made to lie down with his head resting on the edge of one cot, his feet on the edge of another cot, his arms straight and stiff at his sides and his body "hanging like a bridge" between the two cots. Both prisoners were forced to maintain this position despite falling repeatedly. All the interrogators, as well as others, continued to strike them with punches and kicks.

On another occasion, Mr Lacaba was questioned by Lieutenant P- of 5 CSU. Mr Lacaba was made to close his eyes. Then a hand that he presumed to be Lieutenant P-'s rythmically slapped his eyes and the nape of his neck. In another instance, Mr Lacaba was kicked in the chest by Sergeant R- and was jabbed in the ribs by B-D- and two SMG soldiers. On one occasion he was taken to Victoriano Luna Hospital in Manila and injected with what he described as "truth serum", which he said made him talk drunkenly.

Mr Ilagan was on other occasions beaten on the back by Lieutenant V–B– , was stood against a wall and used as a punching bag by Lieutenant D- of 5 CSU and also by a man named "B-" of the National Intelligence Service Authority (NISA). On his fifth day at 5 CSU, he was made to squat by Lieutenant P- and Sergeant F-R- until he collapsed, whereupon Sergeant R- kicked him in sensitive parts of the body. Following this, Mr Ilagan was passed to Sergeant T-, Sergeant A— and other 5 CSU men, who continued the squat treatment and also burned the soles of his feet.

Both men were kept incommunicado for more than two months. Their relatives had to go from office to office to try to obtain permission to visit them. The persistent brutal treatment of both prisoners continued for seven months after their arrest. From January 1975, it became relatively less intensive. Mr Lacaba described the brutal treatment as having no particular intent, except to inflict pain. Mr Ilagan said that Colonel Miguel Aure, the commanding officer of 5 CSU, told him to forget about the harsh experiences he had undergone, explaining that those events "are now in the past". Colonel Aure promised that



he would be released.

Mr Lacaba, aged 30, is a journalist. He was formerly staff writer of The Free Press and executive editor of The Asian Leader. Mr Ilagan, aged 24, was a former student at the University of The Philippines. Both men said that they were involved in an "underground" publication which opposed the imposition and administration of martial law because of the deprivation of civil liberties. Both men have not been charged and the authorities say that the case is

under "summary pre-investigation".

The authorities are reported to have recommended that an American professor, Mrs Dolores Stephens-Feria, arrested at the same time as Mr Lacaba and Mr Ilagan in April 1974, be granted "temporary release", following inquiries by the United States embassy in Manila (see below).

#### Mrs Dolores STEPHENS-FERIA

Arrested in April 1974. Mrs Stephens-Feria is an American professor who taught English literature at the University of The Philippines in Manila. Originally from Los Gatos, California, she married a Filipino university professor 30 years ago. She said she had been on outspoken critic of President Marcos. She went into hiding in September 1972 after President Marcos imposed martial law. The US embassy was informed by friends of Mrs Stephens-Feria that she was missing, and embassy officials reportedly began an investigation. But they failed to discover that she was being held in a Manila detention camp until an American newspaper correspondent went to the embassy to make inquiries. According to an article by Bernard Wideman in the Christian Science Monitor on

5 January 1976:

The embassy then contacted The Philippines authorities and inquired whether Mrs Stephens-Feria actually was being detained and if so why the embassy had not been informed as required by the US Consular Convention with The Philippines.

It was only then that government officials confirmed that she was being detained and said that they would recommend that she be granted "temporary release". The other people alleged to have been involved with Mrs Stephens-Feria in working for an "underground" publication, José Lacaba and Bonifacio Ilagan, were subjected to extreme torture over a long period (their case is given above). Unlike them, Mrs Stephens-Feria was not tortured. Although she said in the interview that she had been promised release soon – before Christmas 1975 –

this had not happened by January 1976, at the time of the intervention of the US embassy.

#### Alan JASMINES

Arrested on 12 May 1974. He was first taken to 5 CSU at Camp Crame and was transferred on 14 May to a "safe house" run by the National Intelligence Service Authority (NISA) and the Central Intelligence Service Authority (CISA). During the transfer he was blindfolded and handcuffed, and his guards began beating him in the car. He said he was carried by his arms and feet "like a pig" into the "safe house" (about 10 minutes ride from 5 CSU). He was then interro-

stopped to let his wounds heal.

his wrists.

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On one occasion, he was thrown handcuffed into a swimming pool until he almost drowned. He was subjected repeatedly to the torture known as "San Juanico Bridge" (see the cases of José Lacaba and Bonifacio Ilagan above) and was struck and kicked whenever he fell. He was beaten regularly twice a day for an extended period. Those who tortured him included attorney L-C-, "B-", "B-" and "F-R-", all of NISA/CISA. (He said that Colonel Miguel Aure, the commanding officer of 5 CSU, worked closely with Colonel Perez NISA/CISA.) He was beaten with a wooden club with four flat surfaces and an inscription on it. The torturers concentrated on his thighs, lower legs and buttocks, but also struck his head, face, chest, stomach and back with the club. He vomited often during and after the beatings. His entire body grew swollen and areas of skin were stripped from his thighs. The scars continued to be painful when touched.

The AI delegates found there were still two deep scars on his legs, a year and a half later, which were not completely healed. There were three scars on his legs from cigarette burns.

One night in July 1974 at the "safe house", the agents brought in a girl who was screaming from her treatment. He said that the girl, Leonila Lumbang, also detained in 5 CSU, was scalded with boiling water, and her head was repeatedly banged on to the edge of a refrigerator door.

After transfer back to 5 CSU, he was interrogated and beaten there twice by NISA/CISA agents – once in November 1974 and again in January 1975. He was beaten with fists and gun butts. In the second instance, the agents appeared to be drunk. He said Colonel Aure apologized to him afterwards. He said that Colonel Aure had seized seven trucks belonging to his family

and that Colonel Aure continued to use them for haulage and commercial contracts.

Mr Jasmines, aged 28, was a professor at the Asian Institute of Management and a businessman. He is charged with rebellion and conspiracy to commit rebellion. He had not been tried.

Ernesto LUNETA

gated and tortured continuously for three months until July 1974, when they

During most of the three months, he was handcuffed with his hands over his head to bed posts day and night. The AI delegates found there were scars on

Arrested 12 April 1974. He was taken blindfolded to a National Intelligence Service Authority (NISA) "safe house" on the night after his arrest. In the Toyota land cruiser that took him to the "safe house", he was given a kick that brought him down to his knees. More kicks and punches followed.

At the "safe house", he was ordered to strip and was handcuffed by one hand to a bed post. He was punched on the face, lighted cigarettes were put out on his tongue and he was kicked on the legs with boots and shoes. "I think they were drunk that night," he said. He was marked by scars.

He was kept in the "safe house" for 10 days. And only on one day was he given a rest from continuous torture. His torturers were all NISA agents, among

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them attorney L-C- (also known as "C-"), "F-R-" and "B-". (He believed that the names in quotation marks are aliases.)

Besides the usual slaps, body punches and karate chops and kicks, Mr Luneta was subjected to other forms of torture. Once he was made to strip down to his underwear and was pounded on the shins with the heel of a leather boot. On two occasions, he was heavily struck on the buttocks and thighs with a piece of wood about 10 centimeters thick and two-thirds of a meter long. On another occasion, he was made to walk on bended knees for an hour until the skin on his knees was raw and bleeding.

His lips, tongue and moustache as well as various parts of his body were burned with the lighted end of a cigarette. Once, while Mr Luneta was naked in a squatting position and one of his wrists was handcuffed to his cot, "F-R-" applied the flame of a gas lighter to Mr Luneta's pubic hair and penis. On his eighth day in the "safe house", hot water was poured over him, scald-

ing his skin. Immediately ice-cold water was poured over him. This process was repeated alternately for half an hour.

On the 10th day he was taken to the swimming pool of the "safe house" and his head submerged under water. Later attorney C- kicked him into the swimming pool. "B—" jumped in after him — this was the shallow part of the pool and held Mr Luneta's prostrate body between his legs. Mr Luneta's head was held under water until he lost consciousness and had to be revived by artificial respiration. Then "B-" forced water issuing under strong pressure from a hose up his nose until Mr Luneta blacked out.

When the NISA agents stopped to rest, attorney C--'s teenaged son arrived and struck Mr Luneta with flying karate kicks and punches in the stomach until he again lost consciousness.

Mr Luneta is charged with rebellion and conspiracy to commit rebellion. He had not been tried.

#### **Monico ATIENZA**

Arrested 4 October 1974. He was first detained by the Intelligence Service of the Armed Forces of The Philippines (ISAFP). He was later taken to 5 CSU, where he was tortured by Lieutenant Colonel M-A-, Captain C-P- and particularly by Lieutenant A-. Torture took place in the investigation room at the opposite end of the 5 CSU building from Lieutenant Colonel Aure's office. The worst torture took place at the end of October 1974 on two consecutive days. He was stripped naked, and for 10 minutes he was held and his genitals were burned with a lighted piece of paper. This was done by Lieutenant  $\mathrm{E}-$  . Later he was struck hard blows with fists, mainly on the chest. Lieutenant Colonel A – repeatedly kicked him in the shins while Lieutenant A – and Lieutenant B- punched him in the ribs. Lieutenant A- also held Mr Atienza's head and repeatedly pounded it against the edge of a filing cabinet. A large

dog was brought in and prodded to attack Mr Atienza's genitals but he rolled up his body to protect himself. Captain P- pointed the barrel of his revolver at Mr Atienza's head, threatening to pull the trigger. Mr Atienza signed a sworn statement and was told: "You have no alternative." After this he was taken to Victoriano Luna Hospital where he spent four

months in the psychiatric ward.

Mr Atienza was charged with rebellion and conspiracy to commit rebellion.

(i) On 2 January 1975, an interrogation team consisting of officers from 5 CSU and the National Intelligence Service Authority (NISA) and the Central Intelligence Service Authority (CISA), led by attorney C- (or "C-", possibly an alias) entered 5 CSU at about 18.00 hours. According to all accounts they appeared to be drunk. They proceeded to torture at least five prisoners by administering severe beatings, in at least one case lasting more than two hours. The beatings were administered without accompanying interrogation, but apparently with the purpose of celebrating the "birthday" of that particular unit. (ii) For 13 days in the summer of 1975, from 22 June - 4 July, Lieutenant A- locked 10 women prisoners in a cramped room with only tin cans to hold urine. This was apparently applied as punishment for a minor infraction of detention rules. One of the women was at least six months' pregnant. All 10 became sick to the extent that a doctor was called. All were treated for a respiratory infection which subsequently spread to other prisoners at 5 CSU.

The following officers were mentioned in accounts of individual prisoners as having employed torture against them. These were the names made known to the prisoners during interrogation and some of them may be aliases adopted by officers. A number of individual prisoners were unable to name some of the officers who tortured them or who were present at the time.

_	A–
_	Lieuter
—	Lieuter
	Sergear
—	Colone
_	Lieuter
	Lieute
	Lieute
<u> </u>	Lieute
_	Sergea
_	Sergea
	C
	Sergea
	Lieute
_	Sergea
_	Lieute
_	Sergea

In addition, the mission took note of the following incidents at 5 CSU:

nant R-Aenant Aint Ael Aenant Colonel M-Aenant V–B– enant B enant Bant Cant N–C– ant Denant R-Dant D-

'enant E-

geant G-

- Sergeant M—
- Sergeant M—
- Captain O—
- 0-
- Captain C–P–
- Colonel G–P–
- P-
- Lieutenant J—P—
- Sergeant F-R-
- Sergeant T
- Sergeant X–

Among the most persistent and systematic torturers at 5 CSU was Lieutenant R-A--, who appeared to have treated prisoners with outrageous cruelty. The mission noted with regret and concern that both the commandant of 5 CSU, Lieutenant Colonel M-A-, and his deputy, Captain C-P-, featured in several accounts as having beaten prisoners and having been present when prisoners were tortured.

b) Headquarters Philippines Constabulary Stockade 4, in Camp Crame: Although the prisoners interviewed were unanimous in their accounts that they had not been tortured since their arrival at Stockade 4, which is a regular detention center, 22 of the prisoners interviewed were subjected to torture during interrogation at other places. The same methods were employed as at 5 CSU. Moreover, four of the prisoners said they had been given injections of what they described as "truth serum", and one said that he was subjected to "Russian roulette". The following prisoners were interviewed, and those marked with a double asterisk alleged that they were tortured:

- Fidel P. AGUILAB\*\*
- Manuel ALABADO
- Marco BADURIA\*\*
- Egardo BAUTISTA
- Patrocinio BONGAR
- Melvyn CALDERON\*\*
- Benigno CARLOS\*\* – Florendo CASTILLO
- Benjamin CUNANAN
- Fernando CUTAB\*\*
- -- Siegfried DEDURO
- Felisismo DE MATERA
- Romeo ENRIQUEZ\*\*
- Bernardo ESCARCHA\*\*
- Carlos FERNANDO



— Ricardo FERRER — Catalino GARBIN\*\* – Roberto HOMBREBUENO\*\* – Felipe IMPERIAL\*\* Silvestre LIWANAG - Pepito LOPEZ Potericiano LOPEZ – Agapito MEDINA\*\* Father José NACU – Renato ORLINO\*\* --- Rodrigo ORLINO\*\* – Fortunato PELEAZ\*\* — Egardo PILAPIL\*\* — Caledonia SANTOS\*\* — Wilfredo SIBAYAN\*\* --- Dante SIMBULAN\*\* — Juan Ramon SISON\*\* – Romeo TOLIO\*\*

- Salvador YAP\*\*

The experiences of the following prisoners are representative of the stockade 4 prisoners interviewed:

## Benigno CARLOS

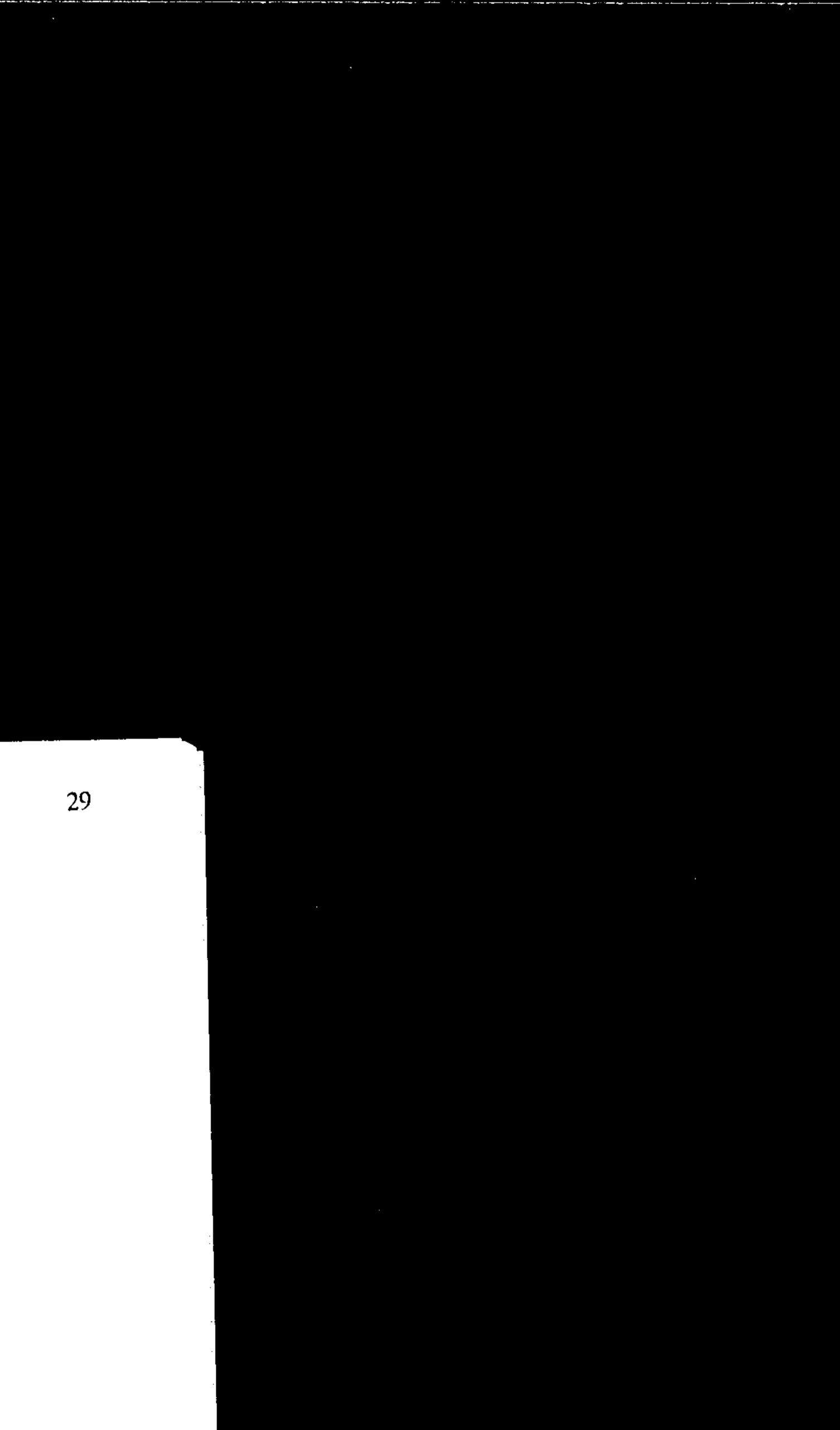
Arrested 25 April 1974. The 5 CSU and National Intelligence Service Authority (NISA) agents who arrested him struck him with fists on the face and on the body. He was also beaten on the shins with nightsticks (truncheons). The more than 10 men who thus tortured him continued to do so from 23.30 hours to about 05.00 hours.

Additionally, he was made to carry a large heavy stone which he could barely lift. While carrying it he was hit on the buttocks with a 2-meter long pole and knocked down. Then the arresting officers played "Russian roulette", applying a .45 calibre revolver to his head with one bullet in the chamber and spinning the chamber before pulling the trigger.

At about 06.00 hours, he was taken to a NISA "safe house". He was handcuffed and surrounded by some 12 men. They proceeded to hit him continually as he stumbled back and forth within the circle of officers. This continued for about an hour. He was beaten on the face with the limb of a coconut palm tree by the same

man who had previously hit him with the wooden pole. He was forced to eat part of an aratilis tree, 6 to 7.5 centimeters in diameter. After an hour or so more, he was taken to 5 CSU to the office of the commanding officer, Colonel M-A-. He could barely walk. The NISA officer present interrogated him. (This man wore

– Danilo VIZMANOS\*\*



an eye-glass. Mr Carlos thought it was Colonel Perez.) In the men's room Mr Carlos was stripped and beaten on the chest and spine. Colonel A- came in, asked how "the treatment" was going and then gave the order to carry on. Mr Carlos' head was bashed against a wall twice. He was forced to sign a statement

that he had not been physically maltreated. The next day he underwent the torture known as "San Juanico Bridge" and was beaten with the branch of a guava tree. Lieutenant A-struck him in the stomach with the butt of a gun.

Mr Carlos, aged 28, said he suffered from tuberculosis. He was charged with rebellion and conspiracy to commit rebellion. He had not been tried.

#### Juan SISON

Arrested 30 August 1974. He was beaten by officers of M-2 Metrocom. He was struck with fists on the body and kicked in the chest. Lieutenant  $G_{--}$  of M-2 was present when he was tortured by electric shock. One terminal was attached to his thumb and the other to his penis. He said he had not been maltreated since then.

He said his wife, who was detained but had been released, was severely tortured.

He testified to the case of Armando Frianeza, his brother-in-law, who was arrested in June 1974 in Baguio City and was severely tortured by the 4th Military Intelligence Group. Mr Frianeza is now in a mental hospital. (Several other detainees also had been witnesses to the torture of Mr Frianeza.) He had not been charged.

#### Romeo TOLIO

Arrested 13 July 1974. He was struck on the head with a length of lead pipe. A scar was still visible. Electric shock was applied through his arms to the top of his head by officers whom he believed to be from Metrocom (western sector). He lost one tooth when a revolver was forced into this mouth. He was coerced into signing a document.

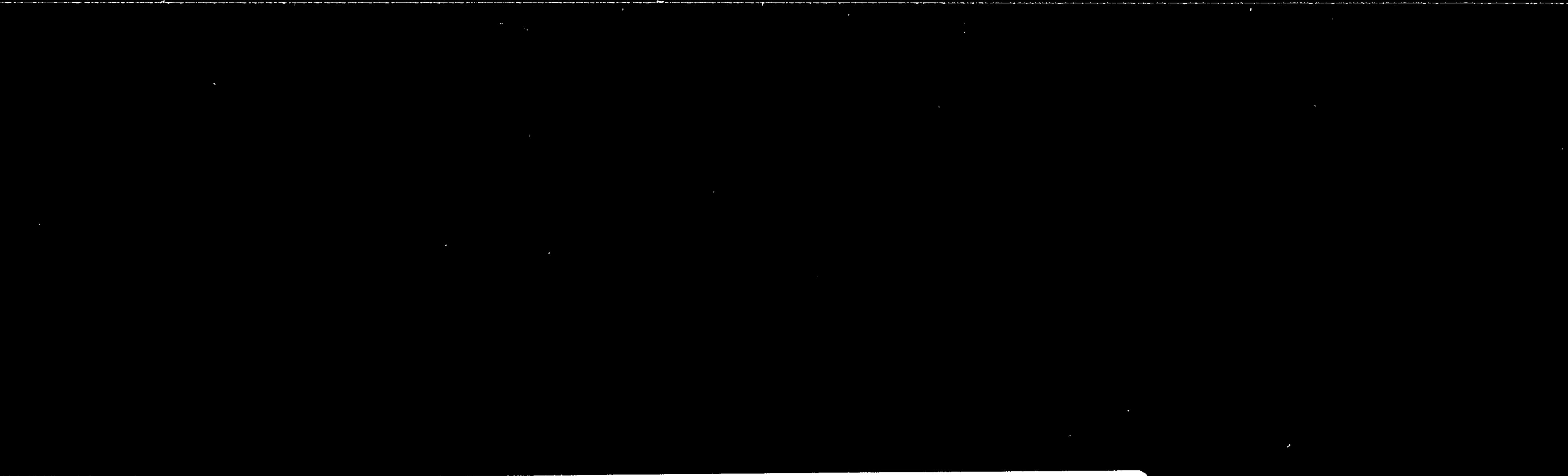
He has been told by his doctor that he may have suffered internal bleeding. He still suffered abdominal pains at times.

Mr Tolio, aged 26, was a mechanic-operator at a saw mill. He had not been charged.

#### Melvyn CALDERON

Arrested 4 October 1974. He was tortured by members of 5th Military Intelligence Group of the Intelligence Service of the Armed Forces of The Philippines (ISAFP) at Camp Aguinaldo. He was made to scream when he was twice subjected to electric shock applied to his genitals. He was beaten with fists and rifle butts for five consecutive days, with at least one session a day. These sessions lasted about one hour. A .45 calibre revolver was put to his face and the trigger pulled. All his interrogators were dressed in civilian clothes. He was tortured inside the headquarters building of the unit, of which Colonel Balbanero was the commanding officer. The arresting officer in his case was Captain E-.

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They also deprived him of his personal belongings, taking 295 pesos, a transistor radio and an attaché case. Mr Calderon, aged 21, had not been charged.

#### Fidel AGUILAB

Arrested 18 February 1975 at Iligan City, Lanao del Norte, in southern Philippines. He had gone to Mindanao to look for employment with some friends, and three of them were arrested and detained together. The interrogating officers were Lieutenant A – and Sergeant S – of 446 Philippines Constabulary Company. He was struck on the body repeatedly, as were his companions. The torture was intended to force them to make confessions. They were threatened with death. He said that 12 prisoners were taken out at night, told to run away and then gunned down.

He said conditions were very bad at that interrogation center. There were no beds or lavatories. They were forced to do labour and were fed only with lowgrade rice mixed with maize. "Even flies were mixed into our food," he said. After six months, they were transferred to Headquarters Philippines Constabulary (HPC) Stockade 4. He had not been charged.

#### Salvador YAP

He was arrested on 14 May 1974 by men from the Provincial Philippines Constabulary Command in Tabaco, Albay. He was punched by a Sergeant P-. Beatings went on for two days. He was detained in Tabaco for one week and was then transferred to the detention center in Camp Vincente Lim at Canlubang, Laguna. There he developed bronchial asthma, and he still suffered pain from the beating he received in the stomach. He was transferred to HPC Stockade 4 on 19 November 1975. He had not been charged.

## Bernardo ESCARCHA

Arrested 4 August 1974 and taken to the office at Metrocom M-2 in Camp Crame. The interrogators struck him repeatedly on the chest and abdomen. He was subjected to electric shock. He identified two of his interrogators as Lieutenant G- and Captain de la C- of M-2. On the day following his arrest, he was taken to Victoriano Luna Hospital in Manila where he was injected by a Colonel P- with what he described as "truth serum". Mr Escarcha, aged 33, was a mechanical engineer and sole bread-winner for his wife and three small children. He had not been charged.

## Felisisimo DE MATERA

Arrested 26 March 1974 by the Provincial Philippines Constabulary Command at Camarenso. He was punched once. He said that he was not tortured because "the interrogator was a friend of my father". He had not been charged.



### Egardo BAUTISTA

Arrested 11 January 1975. He said he was not tortured because, he said, "my father knew the arresting officer". He had not been charged.

#### Danilo VIZMANOS

Arrested 25 May 1974. Aged 47, he retired from The Philippines navy with the naval rank of captain.

Following his arrest, he was blindfolded and injected with what he described as "truth serum". On one occasion he was threatened with a pistol placed against his head. He was held in solitary confinement at 5 CSU from 25 May until 15 August 1974. In comparison with that experience, he said, life in HPC Stockade 4 "is not so bad".

He said that the arresting team had raided his house and found maps of China and Russia and works of Mao Tse-tung and other literature which he had used in writing a thesis while he was studying as a navy captain at The Philippines National Defense College. The thesis was on the question of recognition of the People's Republic of China, and it became a controversial topic after he had written it.

He said he failed to understand his continuing detention, now that The Philippines government had formally recognized China and had exchanged diplomatic representatives with that country.

He had not been charged.

#### Dante SIMBULAN

Arrested 26 June 1974, when he was dining with a leading American churchman, Reverend Paul F. Wilson, who was then a staff member of the National Council of Churches of The Philippines. He said the nine or 10 people who were at the dinner, including several leaders of the National Council of Churches and several Roman Catholic priests, were also arrested. Most of those arrested have been released. Others such as Reverend Wilson were deported from The Philippines. The arresting team were from the National Intelligence Service Authority (NISA), the Central Intelligence Service Authority (CISA) and Metrocom. He said that he was not tortured because the interrogator was a former student of his when he (Dr Simbulan) was a member of the staff of the Military Academy of the Philippines. Dr Simbulan had graduated from the Military Academy when he was in the army, in which he held the rank of lieutenant colonel. He was held for six months at the Youth Rehabilitation Center in Fort Bonifacio, Quezon City, in conditions of maximum security. He and eight others were confined in a space measuring approximately 8 by 10 meters. He was in his fifth month at HPC Stockade 4 when interviewed by the delegates. He said he had left the Military Academy because he was disgusted with the way politicians were running the country. He then taught at the Roman Catholic Ateneo University and at the University of The Philippines. He said that since December 1974, the detaining authorities had told him that he would be released. He believed that General Fidel Ramos, commanding

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general of The Philippines Constabulary and the most senior military officer in charge of his detention, had written a letter about his case. But he believed that the failure to release him after one year as promised was because of objections by the NISA.

here have been tortured." degree.

He had not been charged.

## **Romeo ENRIQUEZ**

Arrested 7 October 1974 by members of the 5th Military Intelligence Group in Angeles City. He was tortured by military men wearing civilian clothes, from 23.00 hours until 02.00 hours. He was struck with a rubber hammer, with a gun butt on his head and with fists, knees and boots. He was stripped naked and hit in the ribs, stomach, thighs and face. After another two hours of torture on the second day, he was taken to Camp Olivas. There he was tortured by members of 5 CSU, including Lieutenant A--. He was beaten on alternate days for eight consecutive days.

Lieutenant A- beat him with an empty bottle on the thighs and arms, until he was black and blue all over. He said:

When A – beats people he is laughing, shouting. I think he is psychotic. They do not treat us like people.

He was held at Camp Olivas for eight days. He was then removed to Camp Aguinaldo where he was not beaten, although there were threats to kill his parents. He was later transferred to the Ipil detention center in Fort Bonifacio, before he was finally moved to HPC Stockade 4.

Mr Enriquez's wife, his sister-in-law, his brother-in-law Winifredo Hilao and Winifredo's wife were also detained. Winifredo Hilao was subjected to extremely brutal torture (see his case below). Mr Enriquez had not been charged. He said he was told by a senior officer that he was not released because the National Intelligence Service Authority did not wish to release him.

## c) Youth Rehabilitation Center (YRC) in Fort Bonifacio, Quezon City

As with Stockade 4, YRC is a regular detention center. The prisoners interviewed were not subjected to brutal treatment following their transfer to the center. But before this, during their period of interrogation elsewhere, they were subjected to such treatment. The case of Reverend Cesar Taguba illustrates the danger to a person whose

arrest was concealed by the authorities and who was kept incommunicado for 1½ months. Other prisoners, like Winifredo Hilao, were also subjected to extreme forms of torture. The following prisoners were interviewed and those marked with double asterisks alleged that they were tortured:

Regarding his fellow-prisoners in Stockade 4, he said: "Most of the people

He has been offered an appointment at the Australian National University in Canberra, where he had once studied and obtained his doctor of philosophy



- Ariel ALMENDRAL
- Antonio ANTONIO\*\*
- Abrino AYDINAN\*\*
- Rafael BAYLOSIS\*\*
- Raul BEN\*\*
- Leonicio CO\*\*
- Luzvimindo DAVID
- Mario DELICA\*\*
- -- Eugenio DEMIGILLO\*\* – Conrado DIAZ\*\*
- Winifredo HILAO\*\*
- Diosado LAYUG
- --- Eduardo LINGAT\*\* – Manuel LOSTE
- Daniel Lim OLAN\*\*
- -- Fluellon ORTIGAS
- Isagani SERRANO\*\*
- Cesar TAGUBA\*\*
- Nilo TAYAG
- Antonio TAYCO
- Emmanuel UMALI\*\*

– Ramon VELUZ\*\* - Eufenio VILLANUEVA\*\* The mission was told by the prisoners interviewed that the prison diet had been improved, apparently in anticipation of the mission's visit to YRC. The prisoners said that this was the reason given by the guards for improvements being made to the detention center. The metal mesh forming part of the wall of YRC had been cleaned about two weeks before the delegates visited the prison. Additionally, the premises were painted and neon lights were put up. Both these activities continued while the delegates were present. The delegates were of the opinion that necessary improvements to the condition of the detention centers should be made regardless of visits from foreign delegates. The experiences of the following prisoners are representative of the YRC prisoners interviewed:

Winifredo R. HILAO

Arrested 7 October 1974 by Angeles 173 Philippines Constabulary (PC) Company Detachment commanded by Lieutenant V-T-. Mr Hilao was struck with fists and beaten until he collapsed. He was taken to 173 PC Company headquarters and kept there for three days. During interrogation, he was told to stand upright and to keep awake. From time to time water was poured over him. He was also subjected to "Russian roulette": he was made to pull the trigger of a revolver placed against his head, and this was repeated several times.



On 10 October 1974, he was transferred to Camp Olivas. There he was forced to sit on a block of ice. When he was numb from cold, electric shock was applied to him from a hand-held dynamo. He said one terminal was wound directly to the end of his penis and another to a finger of his hand. He said the current applied was so strong he almost passed out.

When the current was so strong, I had to scream. Then they hit me to keep me quiet. At the same time, they threatened to undress my wife and sister Amarylis in my presence.

He said that this took place at the Zone-2, 1st PC Zone headquarters at Camp Olivas, in a room which was called the "production room". The officers involved included especially Lieutenant R-A-, and there were for most of the time some seven people present including at least four from Zone-2 and others from CSU and other units. Major P- (at that time deputy intelligence officer of 1st PC Zone) on one occasion hit him on the face and bruised his left eye. Still at Camp Olivas from 10-18 October, he was made to kneel with arms outstretched and struck repeatedly on the arms, back and legs with an empty bottle. This continued until he lost consciousness. Officers involved in this beating included Lieutenant A- and Colonel B- (of 5th MIG). The Amnesty International delegates took note of extensive scars on both his shoulders. On 18 October, he was transferred to Camp Aguinaldo and held there at ISAFP headquarters by 5th MIG. At that time, his family, who were looking for him, found him at Camp Aguinaldo and complained about his condition to the Secretary of National Defense. He was given an x-ray examination and told that his condition was satisfactory. (However, he said he was x-rayed again by a unit of the Tuberculosis Society of The Philippines several months later when he felt unwell. This time the plate showed that he had tuberculosis.) On 5 November 1974, he was taken to 5 CSU at Camp Crame. There Lieutenant A- again tortured him. This time, he was not subjected to electric shock. but Lieutenant A- repeatedly beat him with an empty bottle. On the first day, he was made to stand with his back to an air-conditioning unit in the room of the commanding officer, Colonel Aure (who was not in the room himself at the time). On one occasion, Lieutenant A- beat him in the ante-room to Colonel Aure's office in the presence of a young lady who was working there

as a secretary. He said:

A – slapped my face and neck with full blows until I sweated all over with pain and almost fainted. I was so unwell continuously sweating, that Lieutenant A- became frightened. He asked me whether I wished to go to the hospital in Camp Crame.

that he was not beaten again.

Mr Hilao said that "A- did not ask questions, but only wanted to know about the letter from my sister which was sent to the Secretary of National Defense, Mr Enrile, regarding brutal treatment against me".

On 14 November 1974 he was transferred to Ipil detention center. After

He said that his sister had complained to the Secretary of National Defense by letter and in person. He said she also lodged complaints with the Inspector-

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General's office at Camp Crame. As a result of the brutal treatment, he said he suffered from nightmares, and his hands shook uncontrollably.

Winifredo Hilao, aged 30, is a civil engineer and a member of The Philippines Association of Civil Engineers. He said that he belonged to no political party. He said he was charged with alleged conspiracy to commit rebellion, but he had not been tried. His wife, Violeta Sevandal, is a prisoner held at 5 CSU, Camp Crame. His sisters, Josefina, aged 19, and Amarylis, aged 21, are also at that unit. His brother-in-law, Romeo Enriquez, is a prisoner in Stockade 4. All except Amarylis, detained in May 1974, were arrested together with him.

#### Rafael BAYLOSIS

Arrested 16 March 1973 in Manila. He was beaten following his arrest and thretened with death. He was then taken to a "safe house" where he was forced to strip and where he was kept for five days. His investigation officers were Lieutenant G and Lieutenant A C. He was struck by them with fists and with handcuffs. Burning ends of cigarettes were placed on his genitals, including the glans of his penis. On the first and last days at the "safe house", he was handcuffed to an army cot and was struck by passing officers. He said that when the officers got drunk they fired shots in the air and abused him. On 25 March 1973, he was transferred to Camp Crame, and in August 1973, he was transferred to YRC. Mr Baylosis said that he was a member of an organization called SDK (Association of Democratic Youth) and another organization called MDP (Movement for a Democratic Philippines). He said that before martial law, both these organizations were legal but have since been declared subversive. Following the imposition of martial law in 1972, he said he was outlawed, allegedly for subversive connections. The authorities allege that he was a member of the Communist Party of The Philippines. He had not been charged.

#### Antonio ANTONIO

Arrested 7 February 1973 in Pasay City at a friend's house. The arresting team beat him with fists. "When I asked for a warrant, they threatened to kill me," he said. He was kicked. "Then something hit me on the back of the head -Ithink it was a gun butt - and knocked me unconscious," he said. He was then taken to an office where he was interrogated. He was threatened with torture, and, according to him. "I just said yes to all the questions they asked. I signed a piece of paper, but I cannot remember whether it was blank or not." According to the prisoner: "The effects of the blow from the gun butt damaged a nerve in the back of my head, so that my left eye is now atrophied."

He was taken to a military hospital (apparently at Camp Aguinaldo) where he said he was told by a Major Enrique Goltiao that he was suffering from "incurable optic nerve atrophy" which "may lead to total blindness of the left eye and may effect the right eye". The prisoner said he could no longer see with his left eye.

Mr Antonio, aged 25, is married with three children. Prior to his arrest, he worked as a lithographer for San Miguel Corporation. He had not been charged. He applied for amnesty on 12 March 1973, but this was not granted.

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**Reverend Cesar TAGUBA** 

Arrested 8 March 1974 in Quezon City. He was taken by Captain E - ofISAFP to a house in Marikina. In the house he was handed a gun and asked to commit suicide. The gun was placed against his temple and he pulled the trigger six times, but there were apparently no bullets in the gun. He was beaten with fists and asked questions, to which he did not reply. After two days he collapsed from the beatings.

He was kept at the "safe house" in Marikina for two weeks. As a result of the beatings, part of a front tooth was broken. On one occasion the leg of a chair was used to crush his hand to the floor. He was denied food for three days and forced to drink his own urine.

After further beatings, he looked so unwell that he was taken to Victoriano Luna Hospital where he was placed in the psychiatric ward. He said his interrogators asked for "truth serum" to be used on him, but the doctor involved argued against it because it could have harmed him permanently.

He remained in hospital until May 1974, when the National Council of Churches of The Philippines began searching for him. Following representations by the Protestant churches, of which he is a pastor, the Reverend Cesar Taguba was transferred to Ipil. On 15 August 1974 he was transferred to YRC. According to the authorities, he was charged under article 147 of the revised

penal code with "illegal association", but he said he had not been informed of the charge.

The mission made two visits to this detention center. On both occasions, the delegates were under constant surveillance by agents of the National Intelligence Service Authority (NISA). Only after repeated requests on their part did the agents desist, for part of the time, from filming them with hand-held movie cameras. Also the delegates were told by prisoners interviewed that their quarters, in which the interviews were conducted, were electronically bugged. The delegates had to repeat their visit on a second occasion, because during the first visit one of the prisoners whom they requested to interview had been taken to hospital for unwanted dental treatment. This apparently was an attempt to prevent him from being interviewed. Except for former Senator Benigno Aquino, none of the other prisoners inter-

viewed had been allowed visits except from close relatives. They were denied contact with lawyers. The mission interviewed the following prisoners held at MSU:

Benigno AQUINO

- August "Tom" McCormick LEHMAN Jr -- Eugenio LOPEZ Jr - Antonio NEPOMUCENO - Sergio OSMENA III Vincente RIVERA

The following are examples of the cases interviewed:

### d) Maximum Security Unit (MSU) in Fort Bonifacio

## Benigno AQUINO

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Mr Aguino was a well known politician and leader of arrested on 23 September 1972, a few hours after man He told the mission that the authorities had attempted before the martial law military commissions. "As a pc President, I do not wish to be tried by a military tribu President Marcos had removed the independence of 7 by requiring that they could continue to hold office c writing to the President their willingness to resign at He said that more than 40 judges had been dismissed

Of the charges against him, he said that the state v a Commander M— and a Commander P–, both of why

He said that Commander M- was a self-confessed mu He was not subjected to torture, but he said that been tortured. His driver, for example, suffered from eardrum. The mission was told by other prisoners the beating of Mr Aquino's driver.

Mr Aquino was allowed only limited visits from h When he was first allowed visits by them, he said his

forced to strip naked for searches before visits. He is kept in solitary confinement and said he had prisoners held at MSU. Of outsiders, he had only bee correspondent, a United States congressman and his

the International Commission of Jurists.

He ascribed the recent additions to his room of b a fish tank as part of the authorities' preparations fo

## Antonio NEPOMUCENO

Arrested on 24 January 1973. When the AI delegates arrived at MSU on 27 November 1975, they were told that they could not see him as requested because he had to go to hospital and was not available. The mission insisted on a second visit the following day and were allowed to interview him.

Mr Nepomuceno said he was extremely surprised that the delegates were allowed to see him. He said that in nearly three years of detention, not even International Committee of the Red Cross delegates visiting prisons in The Philippines had been allowed to visit him. He had requested a lawyer, but this was denied. He said he was shown a paper by Major (now Colonel) Diego of the National Intelligence Service Authority, signed by President Marcos himself, saying he was not allowed to see a lawyer.

He was arrested in his office at The Philippine Shipping Company (formerly Hayashi Shipping). No charges have ever been made against him.

#### Other Interviews

From interviews with other MSU prisoners the mission learned the following: Some of the prisoners at MSU were kept locked in 4 meter by 1.3 meter

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		(ii)	Many of
f the Liberal Party. He was		(iii)	One pris
artial law was proclaimed.		<i></i> .	cells.
ed to bring him to trial		(iv)	Torture
political opponent of the		(v)	Some o
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The Philippines judiciary		<i>x</i> • • •	folded
only after submitting in	:	(vi)	The nat
the President's bidding.	•		A 170 - 11
d from office.	e e e e e e e e e e e e e e e e e e e	lugust	"Tom"
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for the AI mission's visit.		Aske	d until ho
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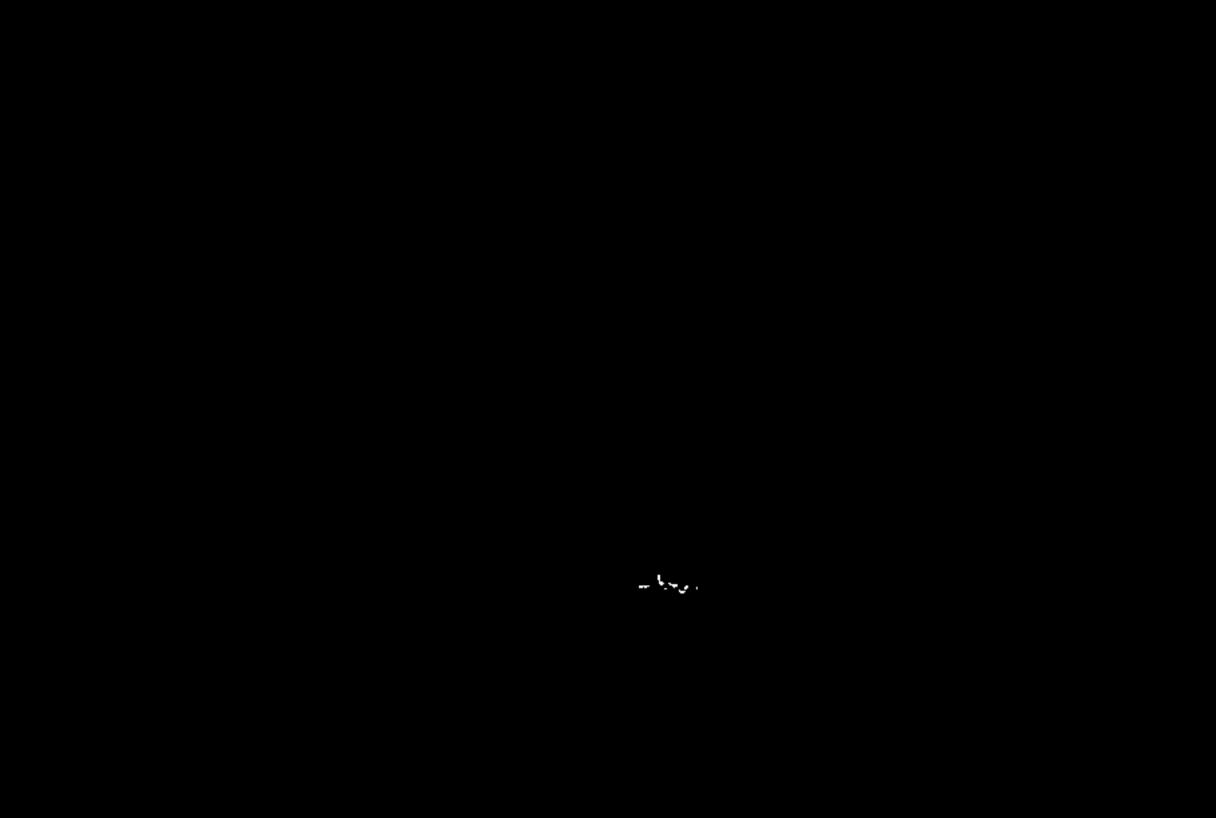
In reply to other questions, Mr Lehman said: "I know more than most people

about how things are done around here." He said that he knew personally General Fabian Ver, the head of security for President Marcos. Mr Lehman's wife Celia, who is the daughter of an officer in the security forces attached to the Presidential Palace, was married to him while he was a prisoner. They were married at the Presidential Palace at Malacanang, and General Fabian Ver gave the bride away. Mr Lehman was arrested on 22 September 1972. He said the United States

embassy in Manila knew about his case, and that an officer in the US consular service, Robert Peterson, was apparently working on his case.

## e) Cell Block 2 in Camp Bonifacio

The mission was deeply troubled by what it found in cell block 2. The people held there were described as "immigration/deportation" cases. There were 36 people kept in one room under extremely crowded conditions. The conditions could only be described as grossly unhygienic, foetid and appalling.



Many of them suffered from tuberculosis. risoner, Domingo Pineda, died in one of the 4 meter by 1.3 meter

re took the form of the use of ultrasonic devices in some cells. of the prisoners had been subjected to the "process of dying". nvolved being taken out of MSU to a cemetery, being blindl and undressed, presumably as a threat of death. ames used by all the guards at MSU were fictitious.

## ' McCormick LEHMAN Jr

'soners, August "Tom" McCormick Lehman Jr, was kept in isolav called Vista Lodge in Camp Bonifacio. The large premises were hard by heavily armed soldiers. The following is a record of part of with this prisoner. The interview was conducted in conditions which afford privacy.

n, a United States citizen from Tennessee, is a science graduate of ssee State University. He said:

rities agree that they have no charges against me. But they are as a material witness. I am not here by choice . . . I am hoping this Christmas. I am planning to go into business. I have been logging concession in Mindanao.

ates had been informed by other prisoners that Mr Lehman had been severe torture. In reply to questions from the delegates, Mr Lehman really had at first, but it is a lot better now."

how long ago it had been "hard", Mr Lehman replied: "Only about ago." Speaking of MSU, he said:

There is no torture going on there. They do not engage in any direct physical torture at that place . . . Of course, the circumstances of imprisonment are different than any other places.

Originally, there were 22 such prisoners held on an island in Manila Bay called Engineer Island. Conditions there were apparently equally appalling. On 14 June 1975, the 22 people were transferred to their present quarters in Fort Bonifacio.

Common to all these people is the fact that they do not apparently have rights of domicile in the Philippines - because they either did not or could not establish the necessary citizenship or residential requirements. A number of them have been convicted in The Philippines on criminal charges, which they did not deny. At least three of them had been convicted of murder.

A number of these cases have been held for deportation for more than eight years. Combining the sentences they had served with the period spent as deportation detainees, at least five of them have been in detention for more than 10 years. At least three had served a total of more than 20 years (one was in his 30th year).

More than half of the prisoners said they suffered from tuberculosis. It was a clear impression of the mission that many, perhaps a majority, of the longserving cases were partially unbalanced in their mental condition. At least one prisoner was considered insane by the others, and this was also the impression of the delegates.

Although some of these prisoners had committed criminal offences, it was noted by the delegates that others apparently were only held because they could not go to another country, or because their citizenship status was unclear. The following cases are fairly representative:

#### John Fields BOLLS

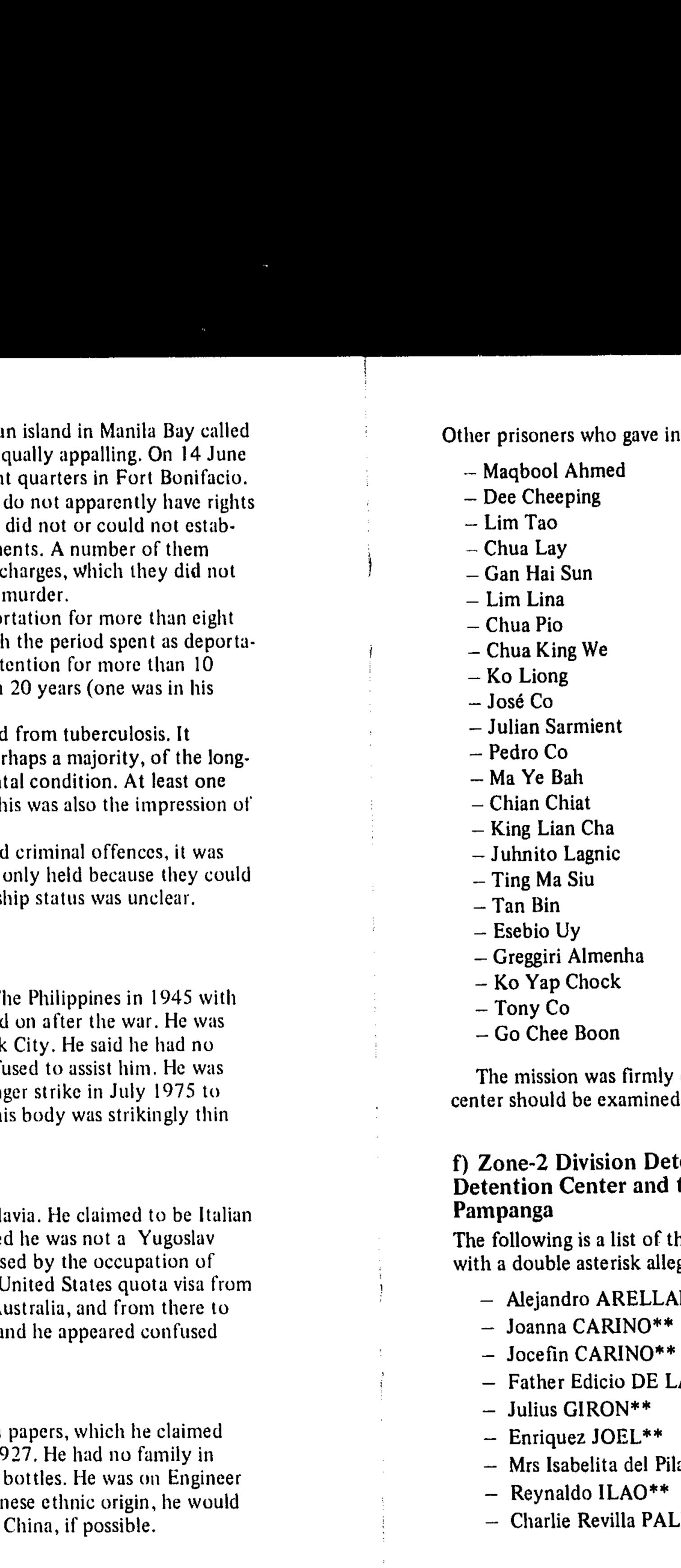
Detained since 16 September 1974. He arrived in The Philippines in 1945 with the United States Army Transport Corps and stayed on after the war. He was born on 3 December 1919 in Manhattan, New York City. He said he had no papers and he claimed that the US embassy had refused to assist him. He was detained for having "over-stayed". He went on hunger strike in July 1975 to protest against the conditions in cell block 2, and his body was strikingly thin at the time of interview.

#### Philip Branco NOAK

Born 24 December 1922 in Split, Dalmatia, Yugoslavia. He claimed to be Italian by virtue of previous domicile in Trieste. He insisted he was not a Yugoslav citizen. He said that somehow his status was confused by the occupation of Trieste. He claimed further that he had received a United States quota visa from the US Occupation administration, then went to Australia, and from there to The Philippines. His story was largely incoherent, and he appeared confused and deeply troubled.

#### CHIONG HEI

Detained on 25 July 1964. He had no immigration papers, which he claimed were lost. He arrived in The Philippines in about 1927. He had no family in The Philippines. He used to collect and sell empty bottles. He was on Engineer Island before transfer to cell block 2. Being of Chinese ethnic origin, he would accept being deported to the People's Republic of China, if possible.



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Other prisoners who gave information to the delegates were:

The mission was firmly of the opinion that all the people detained in this center should be examined and treated urgently by competent medical staff.

## f) Zone-2 Division Detention Cells, Male Detention Center, Female Detention Center and the Stockade in Camp Olivas, San Fernando,

The following is a list of the prisoners interviewed. Those individuals marked with a double asterisk alleged that they were tortured:

– Alejandro ARELLANO\*\* - Father Edicio DE LA TORRE - Mrs Isabelita del Pilar GUILLERMO\*\* - Charlie Revilla PALMA\*\*

Victor QUINTO\*\*

- Armando Enriquez TENG\*\*

- Renato TOPACIO
- Agaton TOPACIO\*\*
- -- Francisco VERGARD\*\*
- Cenon ZAMBRANO\*\*
- Miss Adelaide FABRO
- -- Miss Lulu ENDAYA
- Mariano GINER Jr\*\*
- Miss Olivia BERNABE
- Mamerto YEE
- -- Reynaldo GUILLERMO\*\*
- -- Levy DE LA CRUZ\*\*

The allegations of torture made by the prisoners in Camp Olivas included some cases of particularly brutal treatment. Like other prisoners interviewed elsewhere, those who were relatively prominent, such as Father Edicio de la Torre, were not themselves brutally treated. But lesser known people, especially the men, tended to be tortured severely. Examples such as Charlie Revilla Palma, whose eyelids of his right eye were imprinted with scars from burns caused by lighted cigarettes, are particularly shocking.

It was a characteristic of the prisoners interviewed there that the most brutal torture was used against them outside Camp Olivas - at interrogation centers elsewhere, especially the Metrocom M-2 office at Camp Crame in Manila. However, officers attached to the command at Camp Olivas (PC Zone-2) were involved in torture of prisoners, and some of this torture was conducted at Camp Olivas.

The experiences of the following prisoners are representative of the Camp Olivas prisoners interviewed:

#### Charlie Revilla PALMA

Arrested 12 December 1974 in Cubao, Quezon City, as he was entering a friend's house. He was pulled inside and jabbed with a pistol in the stomach. He was interrogated by six men who took turns in punching him in the stomach. When he fell from pain and exhaustion, they pulled him up and forced him against a wall. He was struck again in the stomach. When he shouted with pain, a pistol was pushed into his mouth. When he fell to the floor, he was kicked in the ribs. A man named A-S-, whom Mr Palma described as a civilian informer, told him that the blood on his (A-S-s) shoes – there were others arrested at the same time would soon be mixed with his.

The beatings stopped upon the arrival of Lieutenant A-F- and several other men. He was then taken to the Metrocom M-2 office at Camp Crame. There he was hit in the stomach and slapped on the face while being interrogated by Lieutenants F--, A--, L- and G--.

Later that day, he was asked questions based on a "tactical information

sheet". When he failed to answer some questions, he was struck on the head. He was again struck on the chest, the stomach, on his sides and back. He also witnessed the beating of another prisoner, Reynaldo Guillermo, who was brought in with his hands tied behind his back.

Later that afternoon, he was taken to a restaurant in Manila to witness the arrest of another prisoner, Agaton Topacio. They were brought back to the M-2 office where he could hear the shouts and cries of Mr Topacio in another room.

Mr Palma was taken out two more times in attempts to apprehend others. On the second occasion, he was struck until he rolled on the grass in full view of the public. Among those who hit him were Lieutenant G-, a civilian informer called B-M- and a man described as "C2C A-". In the car returning to the M-2 office, "C2C A—" tried to break one of his fingers.

from behind and kicked him low in the back six times "for not singing". Mr Palma said he nearly passed out. Then Lieutenant A-F- hit him and Lieutenant G- ordered his men to undress Mr Palma and again forced him against a wall:

They mauled me again until I fell down. A- came in with a 90 volt handcranked field telephone and civilian informer P-O- attached one end of the wire to my thumb and the other end to my penis. Because of pain, I shouted out loud until they stopped this kind of torture. After a respite of two hours, A- called in a couple who confronted me. When I told him I did not know them, he hit me with a metal instrument four times on the head and then burned my face, my hand, my chest and sides with lighted cigarettes.

The Amnesty International delegates saw scars from burns on Mr Palma's left arm and also a ring of burns all round the lid of his right eye. Later, Mr Palma said, Lieutenant Colonel V-- (whom he described as the commanding officer of M-2):

... arrived drunk. He came near me and clapped both his hands on my ears. When I fell down from my seat, he kicked me a number of times until he was tired, causing a cut on my right thigh.

The AI delegates noted a scar of a cut on Mr Palma's right thigh. The next morning Mr Palma was taken out again to act as "a decoy", but no arrests resulted from this. That afternoon, he was taken to a restaurant where he witnessed the arrest of another prisoner, Father Edicio de la Torre. He saw the priest being hit in the chest and then Lieutenant F – put the barrel of his pistol into the mouth of the priest when he shouted for help.

Later on the same (second) afternoon, a team including C2C A- took him to his house at Tatalon where C2C A- "pushed around my sister and my pregnant sister-in-law". Dissatisfied with his failure to gather information, C2C Astruck him in the street. Inside the car, C2C A- cursed him while his knees were pounded with the butts of pistols. C2C A- then opened the door of the moving car and at gun-point tried to kick Mr Palma out of the car. Mr Palma said:

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Back at the M-2 office, Sergeant O-F- sat him on a stool, held his should ers

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Somewhere along Gilmore Street, Quezon City, we stopped and got out of the car. A -- cocked his pistol and ordered me to run, saying he would shoot my brains off. One of his companions, however, told him to refer the matter first to the "big boss". We went to a gasoline station at Ortigas Avenue and A- went to a telephone booth. He came back saying I was lucky the big boss did not approve. His companion explained to methat A - gets paid 3,000 pesos for putting away each "subversive" like me.

Back at the M-2 office in the evening, he saw his wife Rosario Salvador-Palma, Armando Teng, Cenon Zambrano and others who had been arrested. He heard Mr Teng's shouts while he was being given electric shock with a cranker dynamo and also the pleas of another prisoner, Arnulfo Resus, while his head was being bumped against a wall. Mr Palma himself continued to be beaten.

That night, he was taken to the house of Brigadier General Tomas Diaz, commander of the First Constabulary Zone. Mr Palma said:

The general offered to help with my father's medical treatment and to give me a job if I cooperated with them. I refused. At this point I saw Teng brought in by Lieutenant E - Jr and his team. After talking to Teng, the general ordered his men to take him to Camp Olivas. I also saw the men beat up Teng in the garden.

The following day (14 December) he was taken to a "safe house" and then out again to act "as a decoy". When no one turned up, he was taken back to the M-2 office. But on the way Lieutenant F- ordered his men to beat him in the car. At the M-2 office, they threatened to harm his wife.

That evening he was taken out again when Father Manuel Lahoz was arrested. Both men were taken to Camp Olivas in Pampanga. During an investigation into allegations of torture conducted by the Inspector

General of the Armed Forces of The Philippines, Lieutenant F- threatened Mr Palma and told him not to mention his name. But Mr Palma "all the same pinpointed him during the confrontation at the Zone-2 office". Mr Palma said:

I was also offered a well-paid job and my release together with my wife's by Major Joseph Patalinghug, if I would cooperate and be a state witness one against Father Edicio de la Torre. I refused his offer,

Mr Palma, aged 25, was formerly a driver/electrician with the Atlantic Gulf Corporation. He was charged with conspiracy to commit rebellion. His wife, Rosario, aged 21, was granted a "temporary release" in the last

week of July 1975. According to Mr Palma, she was under house arrest.

### Reynaldo GUILLERMO

### Isabelita del Pilar GUILLERMO

Reynaldo Guillermo and his wife Isabelita were arrested together on 12 Decem- ber 1974, when they visited the apartment of their friends Victor Quinto and his wife.

As soon as Mr Guillermo was arrested, he was beaten with a rifle while another man held his hands from behind. They forced him to undress, tied up his hands and feet and pushed him into a chair. The arresting team took turns in striking

him with punches and kicks, while asking questions. "I was horrified by the thought of my wife, whom I expected to follow me," he said. "When she arrived, I shouted 'Run! Run!' " Startled, Mrs Guillermo ran away. Shots were fired at her and she was caught. Meanwhile, Reynaldo Guillermo was struck again and again on his chest with a rifle butt. Mrs Guillermo said:

was forced to watch my husband, wearing his briefs only, bound on the chair, beaten on his head, his chest, his arms, his shoulder blades, his stomach, with guns, long guns and pistols, and with fists.

After that, husband and wife were separated. From the room upstairs she heard screaming, and she heard him fall over from his chair. She said she heard him pleading to his assailants to stop beating him. She heard him plead that they should not beat her because she was three to four months' pregnant. Mr Guillermo said that during the part of the beating which was witnessed by his wife, he was questioned "incessantly" as he was punched and kicked. "They never seemed to be as interested in getting our answers as they were in torturing

us," he said. Moreover, some money and personal belongings were taken from them.

When separated from his wife, he said that he was tortured by Lieutenant Fand his men. He said:

They blindfolded me and hit me on several parts of my body. They threatened to rape my wife. Occasionally they concentrated blows on one part of my thighs. I was in a daze and passed out several times, only to be brought to my senses by more painful blows. I then realized that no amount of pleading and explanation of our purpose in visiting our friends' apartment would satisfy those sadistic people.

They were then taken to Camp Crame. On the way, Mrs Guillermo tried to escape, but was caught. The husband was beaten in the car. In Camp Crame both husband and wife were beaten in the M-2 office. C2C A- and an officer applied electric shock to Mr Guillermo's penis. While doing so C2C A- whipped him on the back with the buckle end of his leather belt. They threatened to rape his wife and to kill the foetus in her womb. The interrogation lasted till midnight. The next morning, they were transferred to Camp Olivas. Their child was born in detention. Both husband and wife were charged with conspiracy to commit rebellion.

Julius S. GIRON Arrested 11 December 1974, when he called on a friend, Victor T. Quinto (another prisoner), who was helping Mr Giron to seek medical attention because of his bad health. Mr Giron suffered from arthritis and respiratory ailments. He was pulled into the apartment and forced to undress at gun-point. His personal possessions, including a wrist watch, sunglasses and some 25 pesos, were taken from him. He said that a young man named Santiago Alonzo, who had arrived earlier at the apartment, was beaten, and his head was pushed into a lavatory bowl. "My pleas and inquiries were not entertained," he said. He was then ordered to dress and was dragged at gun-point to a waiting car. He said:

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We were taken to the M-2 office at Camp Crame, headquarters of The Philippines Constabulary in Quezon City. Only then did I know that they were members of the military intelligence organizations such as the IPC Zone Intelligence Division (Zone-2), Metropolitan Command (Metrocom) Intelligence Division (M-2), National Intelligence Security Authority (NISA), Intelligence Service of the Armed Forces of The Philippines (ISAFP) and the 1st Military Intelligence Group (IMIG) who were carrying out a military operation called "Operation Checkmate". During the preliminary interrogation at M-2, Mr Giron was accused of being a ranking member of the Communist Party of The Philippines and a New People's Army (NPA) commander. He said:

My honest declaration of innocence was in vain. Instead, by brutal force, I was made to accept self-incriminatory statements and declare false testimonies. O-F- of NISA elbowed me on the sternum until I had difficulty breathing. This was followed by karate blows on the nape of my neck and strangulation of my oesophagus by Lieutenant A-Lof Zone-2. Lieutenant G – of M-2 struck me on the face several times. Lieutenant C-C- of Zone-2 boxed me in the stomach. In my fear that this would come to the worst (death), I submitted myself to their desires, which was strongly against my will. Atrocious questioning continued for three hours. Iwas spared 15 minutes' rest.

At about 15.30 hours, he was taken in a military jeep to Victoriano Luna Memorial Hospital. Mr Giron said:

I was taken into a dark room and received by a psychoanalyst, whose name I do not know. I was questioned about my life and then was required to answer self-incriminatory questions. Suddenly I was placed in a hypnotic trance – lying on a couch facing a flickering light. A few seconds later, I felt a pricking sensation on my forearm. I was injected apparently with "truth serum". Questioning then took place while I was at a sub-conscious level of comprehension. This time Lieutenants L- and G- came in. Apparently this questioning had gone on for more than four hours.

Later, he was back at the M-2 office in Camp Crame. Another prisoner, Reynaldo V. Ilao, was also being interrogated. Mr Giron was seated against a wall. He said:

Most of the intelligence personnel at M-2 landed first blows, karate blows and kicks on different parts of my body, at will. E-A-ofM-2 bumped my head on the wall. He then hit my ears simultaneously with his two hands. I believe it was no longer an act of "procedural interrogation", but thrill, sadism. They were heartened by Lieutenant N- who forced me to fill "tactical information sheets" (three copies of 10 pages each), and when I could not answer questions because of innocence, I was dictated answers at gun-point. This was being done in the presence of other prisoners, Reynaldo Ilao, Flora C. Arellano, Victor T. Quinto and his wife, Pedro de Guzman and his wife, and employees at M-2.

Late at night, he was taken on a raid to his cousin's house. He was threatened

that he would be "salvaged", which apparently was the term for taking out prisoners at night and shooting them outside. In the car, E-A- struck him on the chest several times with his pistol while another man covered his mouth tightly so that he could not shout. He said:

Because of severe pain on my chest and abdomen, I bowed my head. A karate chop landed on the back of my neck. My head turned upward again and a combination of fist blows were delivered to my stomach. They were not satisfied. They took me out of the car with my handcuffed hands pointing upwards, and then A - pushed me to turn, for him to shoot [me]. When I declined, he ordered one of his men to bring out a rifle. He hit me in the stomach with the gun barrel.

After the raid, as nothing incriminatory was found belonging to his cousin's family, he was taken back to Camp Crame. On the way, Mr Giron said Lieutenant A-L-, the team leader, "desperate and furious, strangled me by the neck with his left hand gripping tightly. I lost consciousness." At 05.00 hours the following day, his wrists were handcuffed separately to the arms of a chair. He was asked to fill in another "tactical information sheet" He said:

I could hardly do so because I could barely move my handcuffed hand. At this point the worst part of my ordeal took place. As I tried to write, the officers (L-, G-, N-) and the rank and file (Sergeant L-V-, A-L-, A-) and others took turns in boxing me in the stomach, took flying kicks at me and pounded me on the back. A-G- hit my left ear and head with his pistol while asking questions. A – hit me with his pistol in the chest. At about 09.00 hours they started what they called "hard method". A- forced an iron ball about the size of a golf ball into my mouth. It was office hours and women employees of M-2 entered the room. Then came more than 10 intelligence personnel with their equipment. I was still handcuffed to the chair. Lieutenant N- operated a cranker dynamo connecting one terminal to my forefinger and the other terminal round my penis. Questions were asked by Lieutenant G- and for each I received a slap, with or without an answer. Lieutenant Lstrangled me round the neck. Then there followed the turning of the handle of the cranker dynamo, producing a current from low voltage to 90 volts that ran through my body. This was done five times for about one minute each time. My nose was punched and bled heavily. O-F- struck me with his pistol on my left ear, which bled. I stumbled to the floor and rolled back and forth. The chair to which I was handcuffed was dragged as I moved. Lying on the floor, I was kicked in the groin by Lieutenant L-, and I lost consciousness. The pain I felt was really beyond human endurance. I shivered against the hot weather. My body was becoming colder and colder because of profuse sweating. This incident caused my false dentures to break when punched by A-G-. This has caused my eardrum to be perforated. My hearing is damaged up to now. This caused my fractured collar bone. This caused my broken ribs.

That afternoon, he was called by Sergeant L-V- to complete his typewritten "formal" declaration. Mr Giron said: "I was then determined to face death. When

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I declared my honest convictions of innocence, I was not heard." He was made to stand against a table and Sergeant V- used his chest and stomach as a punching bag. His chest became blackened because of blood clots. His arms swelled and darkened. He was transferred that day to Camp Olivas. He said:

Though our custodian Major J - P - and other Zone-2 officers no longer used physical violence, they resorted to mental torture. For 15 days, I was not allowed to sit or lie down.

Mr Giron said: "The wounds may have left our bodies, but the bitter experience of torture stays in our minds."

Mr Giron, aged 23, was charged with conspiracy to commit rebellion.

## Armando Enriquez TENG

Arrested 13 December 1974 in Quiapo, Manila. He and his wife, Leonarda were visiting his brother at the time when both were arrested. Several men in plain clothes and armed with pistols held them. One of these men, E-A-, repeatedly struck his pistol on Mr Teng's head. Mr Teng said: "I was amazed and thought they were burglars."

Later E-A- and the other agents began interrogating them. They both pleaded to be released and returned to their 1½ year-old baby. They were taken to Camp Crame where the interrogation continued. Mr Teng was struck by A-G- until he lost consciousness. Lieutenant C-N- connected the terminals of a handcranked telephone to Mr Teng's thumb and to his penis. Electric shock was applied to him several times until Mr Teng again lost consciousness. When he revived, he was interrogated again, this time by E-A-. When Mr Teng shouted in pain, E-A-- forced a soiled toilet rag into Mr Teng's mouth. Electric shock was applied to his penis until he lost consciousness yet again.

Later Lieutenant A-E took him out into a car and told him that he would be killed if he did not admit that he was a "subversive element". He was taken to the house of Brigadier General T-D-, in front of Victoriano Luna Hospital. General Diaz asked him if he was a certain "Nick" or "Pops". When Mr Teng denied any knowledge of these names, he was taken to the garden of the house by A-G- who pointed his gun at Mr Teng and threatened to kill him. A-Gboxed him until Mr Teng fell to the ground breathless and crying in pain. While Mr Teng was on the ground, A-G- struck him on the shoulders with a large stone many times. Then Lieutenant A-F- administered a karate chop to Mr Teng's neck. A-G- told Mr Teng that he would rape his wife unless Mr Teng confessed.

Lieutenant E- again pushed Mr Teng inside a car and said: "Now we will really kill you." At about 01.00 hours on 14 December, they reached Camp Olivas. Lieutenant  $E_{-}$  and a Sergeant  $B_{-}$  took him to a restaurant in front of the camp. There he was struck again on the head and face. After further interrogation, he was detained in Camp Olivas.

Mr Teng was charged with conspiracy to commit rebellion.

## Mariano GINER Jr

Arrested 23 November 1974 in Abra Province. He was taken to the provincial

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Philippines Constabulary headquarters. He was struck with fists and tortured. Later he was moved to Camp Olivas, where he was again interrogated, he said, "with inhuman treatment".

Mr Giner and another prisoner, Mamerto Yee, were both suspected by the prison authorities of attempting to escape. He said that for that reason both of them remained in the stockade, even though it was a prison for criminal prisoners, whereas other political prisoners had been transferred to the male detention center in Camp Olivas shortly before the visit of the Amnesty International mission.

Mr Giner had not been charged.

Joanna CARINO and Jocefin CARINO Arrested 21 June 1974 in Pangasinan by a combined team of Zone-2, MIG, NISA and the Pangasinan constabulary. They are sisters. Joanna is aged 24 and Jocefin is aged 21. They were arrested together with Orlando Frianeza.

"B-" F-, a NISA agent, hit each of them hard three times with the back of his hand. Jocefin was kicked. They were taken to the bachelor officers quarters of the Pangasinan constabulary command. They were subjected to electric shock for about 45 minutes each, one sister watching the other. One terminal was attached to a thumb and the other to a big toe. The current was supplied by the dynamo of a field telephone. "You can't help screaming – it makes you writhe all over," Joanna said. The shock torture was administered in a beach house beside the bachelor officers quarters. Those present included Master Sergeant A-Cof MIG, Lieutenant E-G- of Pangasinan police constabulary, Lieutenant A-L- of Olivas and "B-" of NISA. Jocefin said:

We had hallucinations afterwards – we each lost about five pounds [two kilograms] from the torture sessions. We couldn't walk straight. We had burns on our hands. They did not allow us to sleep for almost two nights running. We were threatened with rape from the very beginning. Joanna did not give her statement until about two weeks ago because they told us we had to sign statements in order to be released.

They said they witnessed the torture of Orlando Frianeza.

His head was bloody, cut open – they beat his head into a cement wall in front of us – again and again and again. We saw him being given electric shock. That whole day until the night, you could hear him screaming. He was vomiting from the torture. He was taken to a NISA "safe house" in Baguio.

Joanna and Jocefin Carino had not been charged. They said that at the time of the mission, Orland Frianeza was in a mental hospital.

g) Officers Alleged to Have Employed Torture Other Than at 5CSU The following officers were all mentioned by one or more prisoners as having employed torture against those prisoners. Officers already named in the list relating to the section on 5 CSU are not named again below, although many of them were named by prisoners as having been involved in torturing prisoners held at centers

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other than 5 CSU. The officers listed here were alleged to have employed torture at Metrocom M-2, or at Camp Olivas, or in "safe houses", or elsewhere.

Major A—

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- Sergeant E-A-

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- Major A--
- Colonel B-
- Colonel B--
- Colonel B-
- "B--"
- Sergeant B—
- "B— "
- Sergeant C—
- Master Sergeant C-
- -- Captain C-
- Lieutenant A–C–
- Attorney L–C–("C–")
- Lieutenant C–C–
- Captain F– de la C–
- S– de la C–
- Lieutenant R- de L-
- Captain E—
- Lieutenant A–E– Jr
- Sergeant E— Lieutenant A—F—
- Lieutenant F-
- O–F–
- Lieutenant R—F—
- Lieutenant R-F-
- Lieutenant C–G– Jr
- Lieutenant G—
- A–G–
- "L—"
- Lieutenant A–L–
- Master Sergeant L-M-
- Captain M—
- Sergeant M—
- Major N—
- Lieutenant C-N-
- Sergeant O—
- Captain O

- Sergeant Y-- Lieutenant N-Y-– "B–" F– - Lieutenant E-G-

- Major J-P-

- -- Sergeant P--
- "F-R-"
- "R– "
- Sergeant S—
- Captain S— - A-S-- Captain T-
- Sergeant M—T—
- Sergeant T—
- Sergeant V-
- Sergeant L-V-

- Brigadier General P-O-- Colonel P- Deputy Commander Major T – Lieutenant Colonel V— - Lieutenant Colonel L-V-Master Sergeant A—C—

It is possible that some of the names listed refer to the same people: for example, Sergeant V- and Sergeant L-V-.

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## 5 Martial Law and the Rule of Law

### a) International Law

The 1973 Constitution of the Republic of The Philippines, adopted after declaration of martial law, is, according to the government, the fundamental law of the land. Article II of the new constitution states:

Section 3. The Philippines . . . adopts the generally accepted principles of international law as part of the law of the land ...

Moreover, in a statement submitted to the United States Congress, dated 14 June 1975, the Solicitor General of The Philippines, Estelito P. Mendoza, declared:

The Philippines is a signatory to the Universal Declaration of Human Rights and scrupulously observes the same.<sup>1</sup>

This position was reaffirmed by Solicitor General Mendoza to the delegates of Amnesty International during the course of the mission. Additionally, The Philippines government has ratified the United Nations International Covenant on Economic, Social and Cultural Rights and was signatory to the UN International Covenant on Political and Civil Rights and the Optional Protocol thereto.

#### b) National Law

Article IV of the new constitution contains a Bill of Rights – again quoting Solicitor General Mendoza's statement – "expressing clearly in 23 sections the basic liberties guaranteed to all persons within the country. These rights are, in the main, derived from Anglo-American history and jurisprudence."<sup>2</sup> Among the "basic liberties guaranteed" are the right to due process, the right to be secure against unreasonable searches and seizures, the right to freedom of speech and of the press and a prohibition against ex post facto laws and bills of attain-

1. Human Rights in South Korea and The Philippines: Implications for US Policy, Hearings before the Sub-committee on International Organizations of the Committee on International Relations, House of Representatives, 94th Congress, 1st Session at page 383 (Washington, 1975). 2. *Ibid*.

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der. Other basic liberties guaranteed bear so directly on the findings of the Al mission that they merit specific quotation. The Bill of Rights states:

Clearly, the summary above establishes a laudable framework which, if put into practice, could serve as an international model for the protection of human rights. Unhappily, the Amnesty International mission collected overwhelming evidence that these promises and guarantees, at least up to the time of the mission, were meaningless nullities for persons detained under suspicion of political offences. As set forth elsewhere in this report, the evidence establishes a consistent pattern of gross violations of internationally recognized human rights, including:

- systematic and severe torture, and cruel, inhuman and degrading treatment during the interrogation process.

of the charges and without trial of the issues. - a systematic denial of the right to bail on the grounds that suspension of the the privilege of the writ of *habeas corpus* suspends the right to bail. - other flagrant violations of the rights which are said to be "enshrined" in the Bill of Rights.

In reality, at least up to the time of the AI mission, the only rule of law in The Philippines under martial law has been the unchecked power of the executive branch and the military. In reality, the only part of the constitution in effect has been the so-called "transitory provisions". These give the President virtually unlimited power to rule by decree and, in effect, make a nullity of "the basic liberties guaranteed to all persons within the country".

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Section 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies. Section 17. No person shall be held to answer for a criminal offence without due process of law.

Section 18. All persons, except those charged with capital offences when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties. Excessive bail shall not be required.

Section 19. In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial and public trial...

Section 20. No person shall be compelled to be a witness against himself. Any person under investigation for the commission of an offence shall have the right to remain silent and to counsel, and to be informed of such right. No force, violence, threat, intimidation, or any other means which vitiates the free will shall be used again him. Any confession obtained in violation of this section shall be inadmissible in evidence.

### c) Protection of Human Rights: Theory and Practice

- indefinite detention, in many cases for several years, without being informed

### d) The Judicial System

Spokesman for The Philippines government have called the martial law system a form of "constitutional authoritarianism", arguing that in spite of the abolition of the legislative branch of government, the judiciary and particularly the Supreme Court provide an effective "constitutional" check on arbitrary executive action.<sup>3</sup> The short answer to this argument is the overwhelming evidence of widespread, systematic torture and prolonged detention without trial or even formal charges. No court in The Philippines, including the Supreme Court, has taken effective action to prevent these massive violations of human rights. The central flaw in this argument, however, is that under the terms of sections 9 and 10 of the "transitory provisions", members of the judicial branch, including justices of the Supreme Court, are subject to removal at any time by presidential decree, thus stripping them of the independence which the principle of tenure is intended to guarantee. Furthermore, there has been, by decree, a massive shift of jurisdiction from civil courts to military commissions, particularly for offences which are political in nature. The only appeal from judgements of military commissions is through the Secretary of National Defense to the President. Thus, the Supreme Court's theoretical ability to provide a constitutional check on arbitrary executive action has been drastically reduced. Finally, within days after the declaration of martial law, President Marcos, in Letter of Instruction number 11, directed all judges of all courts, with the exception of the Supreme Court, to submit undated letters of resignation. The President has since not hesitated to

use that power in forcing the resignation of a number of judges.

In sum, stripped of its jurisdiction and its independence, the judiciary of The Philippines has become totally ineffective in preventing the violations of human rights detailed in this report. The rule of law under martial law is authoritarian presidential-military rule, unchecked by constitutional guarantee or limitations.

#### e) Habeas Corpus

It is no accident that habeas corpus has been called "the great writ" and "the freedom writ", as the experience of those detained under martial law demonstrates. For the function of the writ historically, both in The Philippines and in the Anglo-American tradition, has been to inquire into the legality of detention. As such, it presumes the existence of an independent judiciary with the power to demand of the executive authority a lawful justification for the restraint of liberty. To quote two leading authorities on the subject:

The Great Writ (habeas corpus ad subjiciendum) always serves the function of precipitating a judicial inquiry into a claim of illegality in the prisoner's detention for the purpose of securing his release, or other appropriate disposition (including bail), if he is found to be illegally detained. The underlying premise is, of course, that only law can justify detention, the specific contribution of the English struggle with royal prerogative in which the writ played an historic part.<sup>4</sup>

3. See, for example, *ibid*, pages 390,391.

4. H. Hart and H. Wechsler, The Federal Courts and The Federal System (1953), page 1,238.

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In case after case, in country after country, Amnesty International has found that suspension of the privilege of the writ of habeas corpus (or of analogous procedures designed to provide some outside judicial scrutiny of the legality of detention within a reasonable time after arrest) tends to create "the pre-conditions of torture". Within three years of the suspension of the writ and the declaration of martial law, the Republic of The Philippines, as of the time of the Amnesty International mission, has been transformed from a country with a remarkable constitutional tradition to a system where star chamber methods have been used on a wide scale to literally torture evidence into existence. The re-establishment of an independent judiciary, and the renewed guarantee of the Great Writ, would reassure those who respect the fine traditions enshrined in the 1953 Philippines constitution and promised in the new constitution.

## **Appendices**

### Appendix I

His Excellency President Ferdinand Marcos President of the Republic of The Philippines Malacanang Palace Manila The Philippines

Your Excellency,

Following our letter to your Excellency sent express on 25 June, I have the honour to draw your Excellency's attention to another news item from The Philippines on 26 June referring to the Amnesty International report. The effect of both the 17 June item in *The Times* and the 26 June news item is that we are receiving many inquiries internationally regarding the contents

of the report.

I have the honour to inform your Excellency that Amnesty International has not authorized in any way press release of the contents of the report, and that we were not responsible for either news item being made from Manila. In view of these developments, completely unanticipated by us, and since there is now public uncertainity about the true contents of the report, we have

made a decision to publish the mission report.

Your Excellency will recall that we have urged your government for its response to the report, and I have the honour again to urge respectfully that your Excellency communicate to us your government's view of the report. We assure your Excellency that if your government's response and comments are received by 21 July we shall be able to incorporate the response and comments in the publication of the report, and accordingly we are reserving a space of up to 5,000 words in anticipation of receiving your government's response.

Yours sincerely and respectfully,

## 30 June 1976

Martin Ennals Secretary General Appendix II

The following statement was reported to have been released in mid-July 1976 by The Philippines consulate in San Francisco, as an official statement by the Secretary of National Defense of The Philippines, Juan Ponce Enrile:

Allegations of torture are totally unfair to the government of the Republic of The Philippines which has consistently carried out a policy of extending humane and decent treatment to detainees, consonant with its traditional adherence to the protection and preservation of human rights. The cases of maltreatment on which these so-called conclusions were

based do not represent this policy or the prevailing general conditions obtaining in Philippine detention centers.

A thorough investigation of these isolated cases was conducted by Philippine government authorities in early 1975. Several officers and enlisted men have been disciplined, dismissed from the service and/or charged before courts-martial as a result of the investigation and simultaneously, proper remedial measures were undertaken to prevent any recurrence of maltreatment. The Philippine government has a continuing program of reassessing and improving the administration of detainees in the country. It does not claim that it has perfected the system, but whatever lapses or inadequacies have been found, these have been immediately corrected and remedied. The investigation also showed that the claims of maltreatment were highly exaggerated. This was understandable, since the majority of the complainants were hardcore leaders and members of the Communist Party of The Philippines charged with rebellion and conspiracy to commit rebellion in connection with the two massive arms-smuggling operations launched by the local communists: the Karagatan case, where high-powered firearms and other war material, including 3,500 M-14 rifles and several dozens of 40mm rocket launchers, were landed in northeastern Luzon in July 1972, from the oceangoing vessel Mv Karagatan, and the Dona Andrea II Operation, where the local communists established the most elaborate arms-smuggling and

distribution network in the middle of 1973.

When the Amnesty International team visited and interviewed the same detainees late last year, it was to be expected that they would exploit further the issues they had raised against the government; first, as a propaganda effort and second, as preparation for their defense before the military tribunals where their trial was pending.

It is to be deeply regretted that Amnesty International which presented itself to Philippine authorities as a non-political organization, played into the hands of the hardcore elements of the Communist Party of The Philippines by issuing such alleged conclusions which are blown out of perspective and which definitely served as another propaganda vehicle of the Communist Party of The Philippines in discrediting the sincere efforts of The Philippine government in fostering stability, security and progress for the Filipino people and thereby undermine and eventually overthrow the duly constituted Government of the Republic of The Philippines.

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#### Appendix III

Dr Roger POSADAS: a recent example of arrest and detention Arrested 12 January 1976, and was taken with his wife and three-year old son to a "safe house" for "tactical interrogation". Amnesty International was informed that Dr Posadas was subjected to fist blows, kicks and struck with a pistol during interrogation for a period of one week. He was then kept incommunicado in the "safe house" for more than two months before transfer to a detention center. His wife Linda Santiago Posadas was stripped and was reported to have been held for six hours with her three-year old son in an especially cold air-conditioned room. Mrs Posadas, aged 28, was granted "temporary release" on 20 June 1976 after more than five months' detention without trial.

Dr Posadas, aged 32, is a well known physicist, specializing in general relativity theory. In 1965, he was a Rockefeller Foundation Fellow at the University of Pittsburgh in the United States, where he subsequently obtained his doctorate degree. He was chairman of the department of physics at the University of The Philippines in Manila from 1970-71.

He is well known internationally as a physicist and is a member of the American Physical Society and the American Association of Physics Teachers. He has published papers on relativity. In 1970 he organized The Philippines Society of National Scientists and was regarded by the authorities as a subversive. He was reported to have gone into hiding in November 1971, apparently to escape arrest by the authorities. He is presently detained in Bicutan Detention Center, to which he was transferred probably in April or May 1976. Dr Posadas is one of the people who have been arrested since the Amnesty

International mission left The Philippines.

#### Appendix IV

On 26 July Amnesty International received a letter from the Solicitor General of the Philippines, Estelito P. Mendoza. In the letter Mr Mendoza criticized AI's decision to publish its mission report and said that there were inaccuracies in the report. Unfortunately, because of shortage of time, Al does not yet have Mr Mendoza's permission to publish his two-page letter. However, we are publishing the following exchange of cables concerning the publication of the report and a letter to Mr Mendoza from Amnesty International.

1. Received 5 August 1976: MR MARTIN ENNALS SECRETARY GENERAL AMNESTY INTERNATIONAL AMNESTY LONDON REFERRING YOUR LETTER JULY 26 I WILL SEND COMMENT ON

2. Sent 7 August 1976: MANILA TWO MONTHS TIME MARTIN ENNALS SECRETARY GENERAL AMNESTY INTERNATIONAL

3. Received 10 August 1976 MR MARTIN ENNALS SECRETARY GENERAL AMNESTY INTERNATIONAL AMNESTY LONDON YOUR DECISION TO PUBLISH REPORT ESPECIALLY BEFORE RECEIVING OUR COMMENT HIGHLY REGRETTABLE STOP DECISION IS NOT IN ACCORD WITH REPRESENTATIONS AND AVOWALS OF MESSRS JONES AND HUANG THAT INTEREST OF AMNESTY INTERNATIONAL IS NOT IN PUBLICIZING ALLEGED CASES OF MALTREATMENT BUT TO HELP GOVERNMENTS SEE CASES IN PROPER LIGHT SO THAT THEY CAN TAKE REMEDIAL STEPS INSTEAD STOP PHILIPPINE GOVERNMENT IS UNCONDI-TIONALLY AGAINST MALTREATMENT OF DETAINEES AND IT CONTINUES TO TAKE APPROPRIATE STEPS TO PREVENT SUCH MALTREATMENT STOP AS I HAVE PREVIOUSLY STATED ACCOUNTS OF ALLEGED MALTREATMENT GIVEN TO MESSRS JONES AND HUANG BY DETAINEES SELECTED BY THEM MAY NOT BE ACCEPTED AS TRUTHFUL HONEST AND UNTAINTED BY GROSS EXAGGERATIONS THEREBY MAKING PUBLICATION AN UNFAIR INDICTMENT OF PHILIPPINE GOVERNMENT STOP THANK YOU VERY MUCH FOR YOUR COMMUNICATIONS ESTELITO P. MENDOZA SOLICITOR GENERAL OF THE PHILIPPINES

REPORT OF MESSRS JONES AND HUANG BUT CONSIDERING OTHER PRESSING OFFICIAL RESPONSIBILITIES LENGTH OF REPORT AND

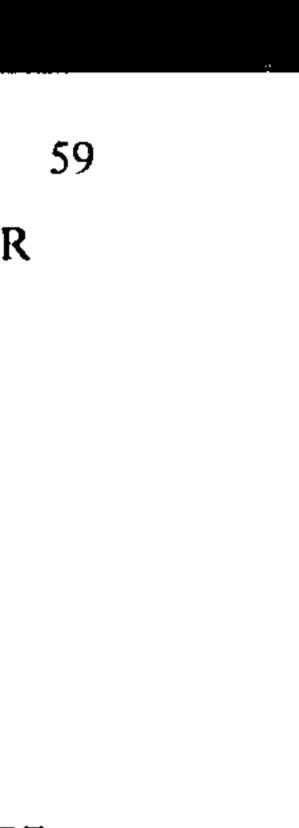
INTENT TO SUBMIT DETAILED OBSERVATIONS I WILL NEED AT LEAST SIXTY DAYS TO DO SO STOP MEANWHILE MAY I REQUEST DEFERRAL PUBLICATION OF REPORT

ESTELITO P. MENDOZA

SOLICITOR GENERAL OF THE PHILIPPINES

THE HONOURABLE ESTELITO P. MENDOZA SOLICITOR GENERAL OF THE PHILIPPINES

REFERRING YOUR CABLE 5 AUGUST REPORT NOW IN FINAL PHASE OF PRINTING STOP IN VIEW OF PUBLIC UNCERTAINTY REGARDING CONTENTS OF REPORT HAVE DECIDED DEFERRAL OF PUBLICATION IS NOT ADVISABLE STOP WELCOME YOUR WILLINGNESS TO PREPARE COMMENTS STOP WE ARE PREPARED TO PUBLISH THEM AND ACCORDINGLY WE ANTICIPATE PUBLISHING INDEPENDENTLY YOUR COMMENTS OF 5000 WORDS UPON RECEIVING THEM IN





60 Mr Estelito P. Mendoza

Solicitor General Department of Justice Manila The Philippines

#### Dear Solicitor General,

I thank you for your recent telegram in which you express your regret at our decision to publish the report on The Philippines prepared by Mr Jones and Mr Huang, before you have given your full comments. Thank you also for your letter of 5 August in which you quoted the telegram which you sent to us that day, expressing your intention of preparing a detailed commentary and requesting a 60 day deferral of publication.

Our decision in fact to go ahead with publication of the report was taken after very serious discussions within the International Secretariat, with both Mr Jones and Mr Huang in particular, and with the responsible members of the International Executive Committee of Amnesty International. I would like therefore to confirm the statements made by our representatives to The Philippines that it is not the purpose of Amnesty International simply to publicize alleged cases of maltreatment. In this present situation however there has been so much uncertainty about the content of the report which has now, as you point out in your letter of 5 August, been very widely publicized through leaks from one channel or another, for which I am sure neither your office nor mine is responsible, that it was felt preferable to publish the authorized version of the report to prevent any further unauthorized versions being circulated.

In order to effect your point and that of your government, I have included in the final version of the report to be published, both a copy of your request for a deferral of publication, our reply to this and your subsequent cable about our reply. We are therefore most anxious to receive your comments as soon as possible so that we may print them in a separate publication.

### 16 August 1976

Yours sincerely,

Martin Ennals Secretary General

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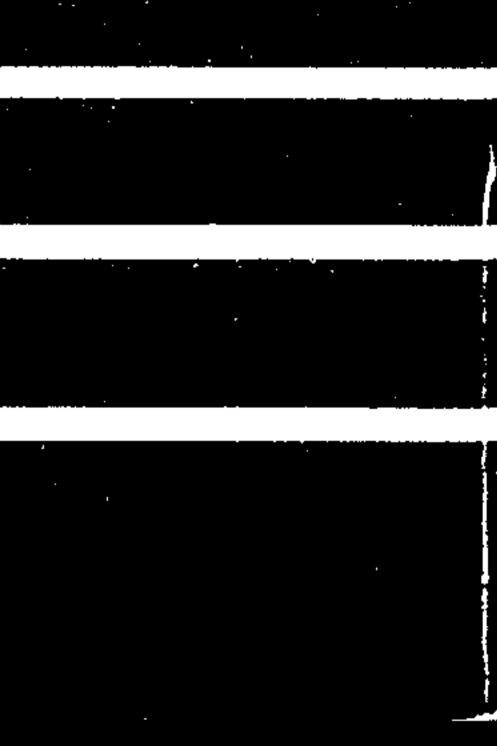
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