



Joint statement by Amnesty International and Associations on ensuring justice for torture victims in the Philippines

We, the undersigned, are representatives from Bar Associations working in six countries all over the world. We are alarmed by information revealed by Amnesty International that torture is still rife in the Philippines, and in particular, that it appears to be routine during interrogations by police officers.

We are calling on you to address this urgent issue by taking concrete action to ensure those responsible are brought to justice through prompt, impartial, independent and effective investigations into all reports of torture and other ill-treatment by law enforcement officials leading to robust prosecutions in court.

The expertise and support of Bar Associations across the world, as well as the Integrated Bar of the Philippines, has played a key role in developing policies and programs related to killings, disappearances and torture in the Philippines – including the adoption of the 2009 Anti-Torture Act. However, since its adoption in November 2009, not one single perpetrator is known to have been convicted under the new law. Not one torture survivor in the Philippines has obtained justice.

We remain concerned that since 2009 only a handful of cases had criminal prosecutions opened on them and, as of October 2014, all remain pending in court. Darius Evangelista is one of them. On 5th March 2010 Darius was arrested and tortured by the police and never been seen alive since. Despite the testimonial evidence obtained by the Commission on Human Right that Darius was tortured and killed while in police detention and video evidence of his torture– five years to the day since his arrest nobody has been held to account through the courts. Three of the seven accused police officers remain at-large to this day.

While a handful of police officers have been suspended or dismissed for torture and other ill-treatment in highly publicized cases, the vast majority of alleged perpetrators remain in active service. Individual police officers are therefore able to act as if they are above the law. While administrative sanctions for police officers can and should be strengthened, we believe it is through prompt, impartial and effective investigations and robust prosecutions that full accountability and justice for torture victims can be achieved.

We believe the Philippines has potential to be a human rights leader in Asia, particularly with its good treaty ratification record and promulgation of human rights-based legislation. It can play a leadership role, including within the region, on how to tackle effectively police accountability for torture. For example in November 2012, President Benigno Aquino passed Administrative Order 35, which sets up special teams of prosecutors across the country to investigate cases of torture, enforced disappearances and extrajudicial executions. We believe this is an initiative which, if implemented effectively, can play a positive role. Yet two years later, these teams are still only in the training phase and it is unclear if they are present across the whole country.



We are now calling on you, Madame Secretary of Justice, as the authority responsible for overseeing the activities of National Prosecution Service, to ensure that commitments on paper are translated into real justice for victims.

We call on you to:

- Ensure criminal investigations on cases of torture and other ill-treatment are carried out immediately after receiving reports. Prompt investigations must be independent, impartial and effective, and done by competent investigating law enforcement officers who are adequately equipped with the necessary forensic equipment;
- In the case of Darius Evangelista, mobilize the National Bureau of Investigation, which is under the oversight of the Department of Justice, to arrest the remaining accused police officers who are still at large
- Ensure immediate and effective implementation of Administrative Order 35 which sets up the Inter-Agency Committee on Extralegal Killings, Enforced Disappearances, Torture and other Grave Violations.

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Deutscher **Anwalt** Verein



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