

## URGENT APPEAL - THE OBSERVATORY

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**PHL 002 / 0311 / OBS 042**

Arrest/Arbitrary detention

**Philippines**

March 23, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in **The Philippines**.

### **Description of the situation:**

The Observatory has been informed by reliable sources of the harassment, arbitrary arrest and detention of Mr. **Christopher Solano**, Mr. **Althea Villagonzalo**, Mr. **Whelgester Paglinawan**, Mr. **Manuel Bentillo**, volunteers of the human rights organisation Alliance for the Advancement of People's rights (KARAPATAN) – Central Visayas and members of the Human Rights Monitoring Team in Sta. Catalina, Negros Oriental.

According to the information received, the four volunteers were in Sta. Catalina since February 14, 2011, documenting human rights violations in the militarised communities of the municipality.

On March 17, 2011 the four human rights defenders went to the village of Barangay Nagbinlod, municipality of Sta. Catalina in Negros Oriental, to document reported human rights abuses against villagers by State security forces, following an alleged clash between the military and the New People's Army (NPA). Local farmers reported to the volunteers that Mr. Marvin Villegas, 18 years old, a village resident, was shot by members of the 1<sup>st</sup> Scout Rangers Battalion of the Army while he was taking the family's cattle to the fields.

While Mssrs. Solano, Villagonzalo, Paglinawan, Bentillo and eleven farmers were reportedly assisting Mr. Villegas to get medical help, members of the Alpha Company of the 79th Infantry Brigade of the Philippines Army (IBPA) arrested them all. They were held in custody by the soldiers along the village road side of Bgy. Nagbinlod, and questioned by the military. Nine of the local farmers were reportedly later released, while the rest of the group was brought to the Sta. Catalina Municipal Police Station. While in detention, Mssrs. Solano, Villagonzalo, Paglinawan, Bentillo and Mr. Villegas were accused by soldiers of being members of the NPA.

The soldiers later took Mr. Villegas and his mother away to Dumaguete City.

As of the issuing of this urgent appeal, no charges have been filed against the human rights defenders and the villagers still detained in the station of the Philippines National Police. Members of Karapatan have been able to visit them.

The Observatory strongly condemns the arbitrary arrest and detention of the Mssrs. Solano, Villagonzalo, Paglinawan, Bentillo and the villagers and urges the Philippines authorities to immediately release them and order a thorough, impartial and transparent investigation into their arrest and detention, in order to identify all those responsible,

bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law.

**Actions requested:**

Please write to the Philippines authorities urging them to:

- i. Guarantee, in all circumstances, the physical and psychological integrity of Mr. Christopher Solano, Mr. Althea Villagonzalo, Mr. Whelgester Paglinawan and Mr. Manuel Bentillo;
- ii. Immediate release them in the absence of valid legal charges that are consistent with international law and standards, or, if such charges exist, bring them promptly before an impartial, independent and competent tribunal and guarantee their procedural rights at all times;
- iii. In the meantime, guarantee unconditional access to their lawyer and families, as well as guarantee that they are examined by independent doctors and receives adequate medical care if necessary, in accordance, *inter alia*, with the recommendations of the UN Standard Minimum Rules for the Treatment of Prisoners;
- iv. Order a thorough, impartial and transparent investigation into the circumstances surrounding the arrest and detention of the aforementioned human rights defenders;
- v. Put an end to all acts of harassment against all human rights defenders in the Philippines, and ensure in all circumstances that they are able to carry out their work without hindrances;
- vi. Conform in any circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular:
  - its Article 1, which states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels”,
  - its Article 6.a, which states that "everyone has the right individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems",
  - its Article 9.c, which states: "to the same end everyone has the right, individually or in association with others to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms",
  - and its Article 12.2 which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”

- vii. Guarantee the respect of human rights and fundamental freedoms in accordance with the Universal Declaration on Human Rights and other international human rights instruments ratified by the Philippines.

#### Addresses:

- H.E. Benigno S. Aquino III, President of the Republic of the Philippines, New Executive Building, Malacañang Palace, JP Laurel St., San Miguel, Manila 1005, Philippines. Fax: +63 2 736 1010, Tel: +63 2 735 6201 / 564 1451 to 80; E-mail: [corres@op.gov.ph](mailto:corres@op.gov.ph) / [opnet@ops.gov.ph](mailto:opnet@ops.gov.ph);
- Hon. Paquito Ochoa, Chairperson, Presidential Human Rights Committee (PHRC), 3<sup>rd</sup> Flr. New Executive Bldg. Office of the President, Malacanang Compound, Manila, Philippines. Trunk Line: + 632 735 6201 Loc. 5301 & 5503. Telefax: + 632 734 6761. Email: [phrc.phil@gmail.com](mailto:phrc.phil@gmail.com)
- Hon. Loretta Ann P. Rosales, Chairperson, Commission on Human Rights, SAAC Bldg., UP Complex, Commonwealth Avenue, Diliman, Quezon City, Philippines. Fax: +632 929 0102. Email: [chair.rosales.chr@gmail.com](mailto:chair.rosales.chr@gmail.com)
- Atty. Jasmin Navarro-Regino, Regional Director, CHR, Region 3, 3<sup>rd</sup> Flr. Kehyeng Bldg, Dolores Junction, Dolores, City of San Fernando, Pampanga, Philippines. Tel. No. +45 2 9614830. Tel-Fax. No. +45 2 9614475. Email: [chrreg3@yahoo.com](mailto:chrreg3@yahoo.com) / [attyjnr@yahoo.com](mailto:attyjnr@yahoo.com)
- Police Director General Raul M. Bacalzo, PNP Chief, Office of the Chief, PNP, National Headquarters Philippine National Police, Camp Crame, Edsa, Quezon City, Philippines. Tel: +632 9116213. Fax: +632 7248763
- Clarence V. Guinto, Police Superintendent, Acting Chief, Human Rights Affairs Office, Human Rights Affairs Office, Office of the Chief, PNP, National Headquarters Philippine National Police, Camp Crame, Edsa, Quezon City, Philippines 1111. Tel. Nos. +632 723 0401 to 20 local 3668. Mobile: +63 916 442 4536. Email:
- Ms. Teresita Quintos-Deles, Presidential Adviser on the Peace Process, Office of the Presidential Adviser on the Peace Process (OPAPP), 6th Floor, Agustin 1 Building, F. Ortigas Jr. Avenue (formerly Emerald Avenue), Ortigas Center, Pasig City 1600, Philippines. Trunk line: +632 6360701 to 07. Fax +632 638 2216. Office of the Secretary (OSEC): +632 544 4217. Email: [osec@opapp.gov.ph](mailto:osec@opapp.gov.ph)
- Permanent Mission of the Philippines to the United Nations in Geneva, 47 Avenue Blanc, 1202 Geneva, Switzerland, Fax: +41 22 716 19 32, Email: [mission.philippines@ties.itu.int](mailto:mission.philippines@ties.itu.int)
- Embassy of the Philippines in Brussels, 297 Avenue Moliere, 1050 Brussels, Belgium, Tel: +32 2 340 33 77 / 2 340 33 78, Fax: +32 2 345 64 25.

Please also write to the diplomatic representations of the Philippines in your respective countries.

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Geneva-Paris, March 23, 2011

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

The Observatory, an OMCT and FIDH venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

- Email: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)
- Tel and fax FIDH: +33 (0) 1 43 55 25 18 / 01 43 55 18 80
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