

PUBLIC

AI Index: ASA 35/008/2004

06 August 2004

UA 242/04

"Disappearance" / Fear of extrajudicial execution

PHILIPPINES

Alvin S. Valdez (m), aged 22

Alvin S. Valdez was reportedly arrested by men believed to have been police officers on 16 July. Local police have denied knowledge of his arrest or whereabouts, and there are unconfirmed reports that he may have been killed.

Alvin Valdez was sleeping at his girlfriend's family home in Kidapawan City, on Mindanao, when armed men wearing balaclavas kicked open the door at 1.45am. Eyewitnesses have said in sworn affidavits that one of the men was not wearing a balaclava, and they recognised him as the Chief of Police of Kidapawan. They say he ordered the other men to search the house for a gun, while the family were held at gunpoint. They did not find a gun, but arrested Alvin Valdez and took him away.

The following morning the family searched for Alvin Valdez in local jails and police stations, without success. They then filed a *habeas corpus* petition, asking the court to order the police to produce Valdez in court and establish the lawfulness of his detention, but during the hearing the Chief of Police denied ordering his men to arrest Valdez, or being present when he was taken away.

In the past the army and police frequently carried out operations against suspected communist insurgents in the Kidapawan area, during which people "disappeared" or were extrajudicially executed. However, observers believe that Alvin Valdez's "disappearance" may instead have been the work of police or "vigilantes" acting against alleged criminals, including suspected petty thieves and drug dealers. Alvin Valdez was reportedly arrested several years ago on suspicion of theft, but released without charge.

Many criminal suspects have been killed in recent years in Mindanao, notably in Davao City, allegedly by "vigilantes" with links to the police. Investigations have rarely led to prosecutions, as witnesses and family members are often reluctant to pursue complaints because they are afraid of reprisals.

BACKGROUND INFORMATION

Over the past decade the number of people "disappearing" in the Philippines during anti-insurgency operations has declined markedly. However, Amnesty International is concerned at the government has failed to resolve the cases of people who have "disappeared" or to confront the issue of impunity. There are concerns that a persistent climate of impunity, and weaknesses in legal and procedural safeguards protecting the rights of suspects and detainees, are allowing "disappearances" to take place periodically today. Victims include suspected insurgents and, increasingly, ordinary criminal suspects whom the authorities believe are involved in petty crime or drug offences.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for the safety of Alvin Valdez, who was abducted on July 16 in Kidapawan City, Mindanao, by men alleged to have been police officers;
- if he is found to be in police custody, calling on the authorities to either release him or charge him with a recognizably criminal offence;
- if he is to remain in custody, urging the authorities to ensure that he is treated well, and allowed access to his family and to a lawyer of his choice;

- calling on the authorities to send a clear message that arbitrary or incommunicado detention will not be tolerated, and to bring those responsible for such violations before a court.

APPEALS TO:

Hon Emmanuel F. Pinol,
Governor of North Cotabato Province,
Capitol Complex, Amas
Kidapawan City, Philippines
Fax: + 63 64 288 1799
E-mail: info@cotabatoprov.gov.ph
Salutation: Dear Governor Pinol

General Hermogenes Ebdane
Director General, Philippine National Police
National Headquarters
Camp Crame
EDSA, cor. Santolan Road
Quezon City, Philippines
Fax: + 63 2 724-8763
Salutation: Dear Director General Ebdane

General Angelo Tomas Reyes
Secretary of Interior and Local Government
Department of the Interior and Local Government
A. Francisco Gold Condominium II, EDSA cnr. Mapagmahal St
Diliman 1100
Quezon City, Philippines
Fax: + 63 2 925-0332
E-Mail: osec@dilg.gov.ph
Salutation: Dear Secretary Reyes

COPIES TO:

President Gloria Macapagal-Arroyo
Malacañang Palace
J.P. Laurel St
San Miguel 1005
Manila, Philippines
Fax: + 63 2 733 2107
Salutation: Dear President Macapagal-Arroyo

and to diplomatic representatives of the Philippines accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 September 2004.