

URGENT ACTION UPDATE

UA Date: 8 November 2007

UA Title: Three young men campaigning for the local elections harassed and held in a checkpoint manned by a paramilitary group, one still in military custody, in Paquibato District, Davao City, Philippines

UA Case: Illegal Arrest and Incommunicado Detention, Threat/Harassment/Intimidation

Victim/s: Luicito "Yongyong" Bustamante

- 21 years old, farmer, single
- Male
- A resident of Sitio Quarry, Brgy. Malabog, Paquibato District, Davao City

UA Case : Threat/Harassment/Intimidation

Victim/s: Salazar Amad

- 23 years old, farmer, single
- Male
- A resident of Brgy. Malabog Proper, Paquibato District, Davao City

Avelino Lorenzana, Jr.

- 20 years old, farmer, single
- Male
- A resident of Brgy. Malabog Proper, Paquibato District, Davao City

Place of Incident: in a checkpoint manned by elements of the Task Force [a paramilitary group formed and maintained by the 73rd Infantry Battalion Philippine Army (IBPA)] in Sitio Quarry, Brgy. Malabog, Paquibato District, Davao City

Date of Incident: 27 October 2007, at around 7:00 in the evening

Allege Perpetrators: 9 elements of the paramilitary group, Task Force, led by a certain Noli Obat

Update on the incident –

On 27 October 2007, at around 2:00 in the afternoon, Luicito "Yongyong" Bustamante together with his friends, Salazar Amad and Avelino Lorenzana, Jr. distributed election handbills at the center of Brgy. Malabog, District of Paquibato, Davao City for the barangay (village) and Sangguniang Kabataan (Youth Council) elections which was to be held on 29 October 2007.

At 6:00 PM, as they were traveling towards Sitio Quarry also in Brgy. Malabog, on board a motorcycle, to again distribute election handbills there, they were halted in a checkpoint manned by 9 elements of the paramilitary group, Task Force led by a certain Noli Obat, at the crossing, about 250 meters away from the center of Sitio Quarry. The perpetrators were in military uniform and armed with M16 and Carbine rifles. The victims were ordered to alight from the motorcycle and Noli Obat asked them their names, addresses and where they were going which they promptly answered. Upon getting their names, Obat told Salazar and Avelino to go ahead and leave Yongyong behind for more questioning because according to him, they got reports that Yongyong is a member of the New People's Army (NPA). Frightened and near tears, Yongyong begged Obat to let him go with the promise to report at the Task Force headquarters in Sitio Balogo, Brgy. Malabog. Obat did not heed his plea and told him not to worry because nothing bad would happen to him and that he would be released early morning of the following day.

Since then, Yongyong remained in military custody despite his family and friends plea for his release.

On October 30, 2007, his family and friends sought the assistance of KARAPATAN-Southern Mindanao Region (SMR).

After the holidays, on November 5, KARAPATAN-SMR arranged an interview with the media and accompanied them to the Commission on Human Rights (CHR) to file a complaint.

On 7 November, at 1:30 in the afternoon, KARAPATAN together with the family of the victim and assisted by the Integrated Bar of the Philippines (IBP) Davao Chapter, Free Legal Assistance Group (FLAG) and Union of People's Lawyers in Mindanao (UPLM) filed a Petition for the Writ of Amparo at the Regional Trial Court 11th Judicial Region in Davao City.

On November 8, at around 3:45 PM, Judge Isaac Robillo, Jr. granted to hear the Petition for the Writ of Amparo and issued a court order which was served by Sheriff Sergio Tupas to Noli Obat at the Task Force detachment. KARAPATAN and a barangay worker accompanied Sheriff Tupas and they saw Yongyong guarded by five military men. Sheriff Tupas took a picture of the victim. Kelly Delgado furtively talked to Yongyong and advised him not to sign anything but he glumly replied that he had already signed a document and he is now considered an NPA.

Judge Robillo, Jr. ordered the respondents to make a reply within 72 hours and the hearing was set at 2:00 in the afternoon of 14 November 2007.

On November 14, at around 2:00 PM, Judge Robillo conducted a summary hearing at the Regional Trial Court XI Branch 13 for the Petition of the Writ of Amparo filed the victim's mother Bebelita Bustamante. The respondents, Noli Obat and Lt. Col. Alexander V. Ambal of the 73rd Infantry Battalion Philippine Army (73rd IBPA) were accompanied by a representative from the Office of the Solicitor General and represented by Atty. Luwill Al-ag, with them was obviously frightened and nervous Yongyong.

The petitioner's counsels - Atty. Manuel Quibod, Atty. Eduardo Estores and Atty. Carlos Isagani Zarate - requested that the victim be presented before the court. Judge Robillo granted said request, amidst the objections from the representatives of the Office of the Solicitor General who argued that they still had clarificatory questions.

The petitioner's counsels raised the possibility of coercion and questioned the veracity of the affidavit executed by the victim while in the hand of his captors.

In the presence of the respondents, the frightened victim chose to stay with his captors when asked by the Judge Robillo with regards to his custody. The petitioner's counsels requested to talk to the victim outside of the court and finally assuaged his fear. Yongyong decided to go with his mother and KARAPATAN and freely related the torture he had to undergo in the hands of his captors, that he was beaten, hogtied, his head tightly wrapped in plastic bag, struck with the butt of a rifle and burned with cigarette butts.

Regional Trial Court XI Branch 13 Executive Judge Isaac G. Robillo, Jr. ruled that nobody should curtail Luicito Bustamante's liberty and that his basic rights as a civilian must always be upheld. Thus, the judge ordered Yongyong's release to the custody of his mother and KARAPATAN.

UPDATE ON THE RUEL MUÑASQUE AND ROGER MORALES CASE

UA case: **Enforced Disappearance, Torture, Illegal Arrest and Detention**

Victim/s: **Ruel Muñasque**

- 33 years old, married with 3 children
- male
- Leader, Christian Youth Fellowship-United Church of Christ of the Philippines (CYF-UCCP)
- Community Development Worker, Consortium of Christian Organizations in Rurban Development-United Church of Christ in the Philippines (CONCORD-UCCP)
- Organizer, BAYAN MUNA "People First" Partylist for Western Mindanao Region

UA Case: **Abduction, Torture, Illegal Arrest and Detention**

Victim/s: Roger Morales

- 32 years old, married with 4 children
- Male
- A resident of Brgy. Mati, San Miguel, Zamboanga del Sur, Philippines

Place of Incident: At a military check point in Barangay Poblacion, in the town of Dumalinao, Zamboanga del Sur

Date of Incident: 24 October 2007, at around 9:00 in the evening

Account of the incident:

On October 24, 2007, at around 9:00 in the evening, Ruel Muñasque, a United Church of Christ in the Philippines (UCCP) youth leader and Roger Morales were illegally arrested at a checkpoint manned by elements of the 53rd Infantry Battalion of the Philippine Army (IBPA) in Brgy. Poblacion, in the town of Dumalinao, Zamboanga City, Philippines. The two were handcuffed and blindfolded and loaded in a jeep and brought to an unknown place for interrogation. They suffered mental and psychological torture in the hands of their captors.

At 2:00 AM the following day, the soldiers brought Ruel to a hospital for treatment of his bleeding wound in the knee in return for his "cooperation" with the them. Roger, on the other hand, was freed at the rotunda going to the Pagadian City Integrated Bus Terminal at around 4:00 AM with all his personal belongings taken by the soldiers except for his mobile phone without the SIM card.

At noontime of October 28, a certain Frank/Paul Chua who introduced himself as a member of the military called Ruel's sister on the phone to inform her that her brother was in their custody. He warned her not to take any legal actions for her brother and not to tell anyone about their phone conversation. He also told her that she was being monitored by the military. She was able to talk to Ruel for a while, the latter telling her to refrain from seeking assistance from KARAPATAN.

On October 30, Ruel's family assisted by KARAPATAN and represented by Attys. Tirsendo Poloyapoy and Emiliano Deleverio filed a Petition for a Writ of Amparo to avail of interim relief in the form of Temporary Protection Order (TPO), Inspection Order (IO), Protection Order, Witness Protection Order and other relief that may be allowed by the Writ.

Judge Abraham Ramas of RTC Branch 18 heard the case on November 7. He compelled the military to produce Ruel Muñasque in court and ordered him released from military custody.

By 5:30 PM of November 7, 2007, Ruel went home with his family, after two weeks of being disappeared.

ATTACHMENT 4

Submission by the Non-Government Organization KARAPATAN Alliance for the Advancement of People's Rights Related to the PHILIPPINES for the UPR First Session April 2008