



EXECUTIVE SUMMARY

# ABOVE THE LAW

POLICE TORTURE  
IN THE PHILIPPINES

AMNESTY  
INTERNATIONAL



STOP ~~TORTURE~~ CAMPAIGN

**“They started running towards me, and then I was shocked when they pointed their guns at me. They forced me to lie face down on the floor, and someone hit my head with his gun. They kicked and punched me on the sides, neck, stomach and knees. I asked them, ‘Who are you? Are you the police? If you are police officers, tell me what my crime is. Do you have a warrant?’ But they only said I did not have the right to ask questions.”**

Jerry Corre

Anyone arrested on suspicion of theft or other criminal activity in the Philippines risks being tortured or otherwise ill-treated in police custody. The practice is under-reported and almost undocumented. Amnesty International examines the issue in detail and makes recommendations to the Philippine government in its report *Above the law: Police torture in the Philippines* (Index: ASA 35/007/2014). Although the Anti-Torture Act criminalizing torture was passed in the Philippines in November 2009, torture is still rife and appears to be routine during interrogations in some police stations. Those most at risk of being tortured or otherwise ill-treated after arrest include children, suspects with criminal

records and suspects whose alleged crimes personally affect police officers. Informal police auxiliaries (known locally as “assets”) who have fallen out of favour with local officers are similarly at risk, as are suspected members of or sympathizers of armed groups, and political activists. Almost all torture victims are from poor or disadvantaged backgrounds. The overwhelming majority of reports of torture cite police officers as the perpetrators. No perpetrator is known to have been convicted under the Anti-Torture Act. Not one torture survivor in the Philippines has obtained justice.

***‘The Committee is deeply concerned that credible allegations of torture and/or ill-treatment committed by law enforcement and military services personnel are seldom investigated and prosecuted and that perpetrators are either rarely convicted or sentenced to lenient penalties that are not in accordance with the grave nature of their crimes.’***

Concluding observations of the UN Committee against Torture on the Philippines, May 2009

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**Background:** (Photo reconstruction based on testimonies) Some detainees reported that police covered their mouths with masking tape before beating them.

**Cover:** Truncheons or batons are often displayed by police in an intimidatory fashion and symbolize authority over the people.

March 2012.

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## JERRYME CORRE

Jerryme Corre, aged 34, was visiting a relative in Pampanga province on 10 January 2012 when at least 10 unidentified and armed men in plain clothes arrived on motorcycles. He told Amnesty International: “They started running towards me, and then I was shocked when they pointed their guns at me. They forced me to lie face down on the floor, and someone hit my head with his gun. They kicked and punched me on the sides, neck, stomach and knees. I asked them, ‘Who are you? Are you the police? If you are police officers, tell me what my crime is. Do you have a warrant?’ But they only said I did not have the right to ask questions. I desperately shouted to onlookers – ‘please call the *barangay* officials [elected village-community leaders].’ But the men threatened the crowd that if they got involved, they

too would be arrested. They handcuffed me and dragged me to the local police station 500 metres away.” He said that a relative followed him and took video footage on her mobile phone, but one of the armed men grabbed her phone and arrested her too.

Jerryme only realized that they were police officers when he arrived at a police camp. There, an officer punched him repeatedly. More men in plain clothes, whom Jerryme also believed to be police officers, took turns beating him overnight. They blindfolded him and repeatedly hit the soles of his feet with a wooden baton, and continued kicking and punching him. They took off Jerryme’s shorts and tied them over his head so he could not see, and cuffed his ankles together. Jerryme recalled being terrified they would kill him and that he would never see his family again.



Jerryme described to Amnesty International what he experienced: “Four men put a piece of cloth over my mouth and then they poured water down my throat for what seemed like a very long time until I felt I was drowning and could no longer breathe. Then they would ask the same questions and poured water again and again and



again... so many times. I could not gulp down all of that water and tried my best to close my mouth." This treatment constitutes a form of torture commonly known as waterboarding.

When Jerry Corde denied that he was the person the police wanted, "They brought live electric wires. I could hear the crackling sounds when the electric wires zapped each other. Then they zapped me with the live wires, at the back, on my side, and on my thighs. You feel your body going limp after they've zapped you. That part of your body loses strength. They gave me electric shocks three times before they started asking questions again. When I denied any knowledge of their accusations, they threatened to kill me. They repeated zapping my body with electricity and threatening me many times – I think around 20 times. A few hours later – it must have been 11pm then and at this point I was lying down, no longer having the strength to stand up—they drenched my body with water and gave me electric shocks again and again. I could not see them, but I could hear their voices. I will never forget those voices."

At dawn the following day, Jerry Corde was moved to the Drug Enforcement Unit

(DEU) inside the police camp. Later that day he was forced to sign a document which he was not permitted to read and was taken to the house of a prosecutor. Suspecting he was going to be framed, Jerry Corde said to one of the police officers, "If this is what you will do to me, you have wasted all the years of training to be a police officer. You were sworn to protect the people, people like me." The next day Jerry Corde was informed that the police were filing drug charges against him.

Jerry Corde was taken to a hospital on 18 January, eight days after his arrest and torture, but was not examined by a doctor. Jerry Corde's wife complained to the regional office of the Commission on Human Rights (CHR), who conducted a medical examination on 1 February 2012. Although most of his bruises had healed by then, the results showed that Jerry Corde had scars on the right thigh, knee and leg that were consistent with the alleged date of infliction and compatible with the application of electrical wires and blows with a gun butt. The report further recorded Jerry Corde's complaints of severe headaches and numbness in his hands.

On 19 July 2012, the CHR found that there was a violation of the Anti-Torture

Act, and subsequently filed a case with the Department of Justice (DOJ). On 26 December 2012, the DOJ found that probable cause existed and recommended the filing of charges against two police officers. Since then at least four hearings have been postponed for various reasons. As of October 2014, more than 18 months since Jerry Corde was arrested and tortured, the case is still only half way through legal proceedings. Jerry Corde remains in jail for the drug charges that were filed against him, and the prosecution has yet to present its evidence.

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**Far left: Jerry Corde, who was tortured with electric shocks, beatings and waterboarding after he was arrested in January 2012. The photo was taken outside the court in Angeles City.**

**Left: A medical examination in February 2012 confirmed injuries caused by torture on Jerry Corde.**

**Above: (Photo reconstruction based on testimonies) Some detainees, including Jerry Corde, told Amnesty International that they were subjected to a form of torture known as waterboarding.**





## TORTURE METHODS

Police use a variety of torture methods, including waterboarding, near-asphyxiation with plastic bags and burning the skin using cigarettes. Thirty-three of the more than 55 survivors and their family members that Amnesty International interviewed said they experienced systematic beatings, punches and kicks to different parts of the body, and at least 20 said they were struck with truncheons, rifle butts or similar objects. Sixteen survivors reported receiving electric shocks, and some reported being blindfolded and handcuffed behind their backs, and being forced to sit or sleep in uncomfortable positions for long periods without food or water. At least two victims reported being stripped naked and having their genitalia tied to a string which was pulled by police officers. At least eight were threatened at gunpoint or subjected to a “Russian roulette” and warned that they would be killed if they refused to cooperate. Two of them were shot in attempted extrajudicial executions but both survived.

## OVERSTRETCHED POLICE FORCE

The Philippines has one of the smallest police-to-population ratios in the world, with a reported estimate of 150,000 police officers serving 100 million Filipinos. The Philippine National Police (PNP) depends on an overstretched force predisposed to taking “shortcuts” in arrests and criminal investigations. Coupled with a lack of forensic capacity and reliance on testimonial evidence, this underlies the use of torture and other ill-treatment to extract “confessions” – regardless of evidence or the truth of the matter – in order to *appear* to solve a crime.

An understaffed PNP has also led to the use of formal and informal police auxiliaries, who are sometimes armed. Formal auxiliaries include the *barangay tanod* (a community peace and security officer) and Civilian Volunteer Organizations, while informal police auxiliaries include police “assets”, who are handpicked by police officers to assist them in a wide range of tasks, including providing information, support in covert operations and, in some cases, performance of extra-legal activities in exchange for a fee.

Amnesty International’s report distinguishes between “assets” and police informants, who are also informal auxiliaries but merely provide information.

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**Far left:** The building at the Tomas Pepito police camp where Jerry Corra says he was tortured.

**Left:** This roulette wheel was discovered at a secret detention facility in Laguna province by the Philippine Commission on Human Rights. It was apparently used by police to choose which torture methods to use for their “entertainment”.

**Above:** (Photo reconstruction based on testimonies) Some detainees reported having a plastic bag placed over their head which tightened until they struggled to breathe.

## ALFREDA DISBARRO

*'He said he will shoot the bottle [placed] on my head. He was one and a half yards away from me. I was so afraid that I would get shot. I just closed my eyes in fear.'*



Alfreda Disbarro (pictured above), a 32-year-old woman and a former police informant, told Amnesty International that at 8pm on 3 October 2013, two policemen and an “asset” (an informal police auxiliary) stopped her while she was at an internet café near her home in Metro Manila. They accused her of being a drug dealer which she vehemently denied. Alfreda said that she voluntarily emptied her pockets, which contained only her mobile phone and a coin. The auxiliary then pointed a gun at her and one of the officers punched her on the chest. They handcuffed her and took her to an unmarked white van. She was not shown any warrant nor given any reason for her arrest.

Alfreda was taken to the Drug Enforcement Unit at the Parañaque Police Headquarters. She was searched by a male auxiliary, but nothing was found. Her hands were then tied behind her back and she was taken to a room with five other detainees where a police auxiliary singled her out, threatened her, placed a bottle of alcohol on her head and aimed his gun as if to shoot. It was then that Alfreda closed her eyes in fear.

About two hours later, a senior police officer arrived and took Alfreda to the

kitchen where she said she was kicked and punched in the stomach. “He said, ‘Can you take my kicks?’ I said, ‘No, sir.’ He then kicked me so hard that I fell against the wall. He punched me continuously and hit me with a wooden baton. He punched me on the stomach. He hit me in the face four times. He poked my eyes with two of his fingers. He slapped me six times and slammed my head against the wall twice. He was forcing me to confess that I was just using the name of the police to make money, and that I was a drug dealer. I could not confess anything because I knew nothing about what he was accusing me of. He took a mop and forced the dirty and damp rag at the bottom of the mop into my mouth. Then he smeared my face with it.”

Alfreda said that the beating continued, this time with one of her arresting officers punching her on the face and body and hitting her repeatedly with a wooden baton. She told Amnesty International that throughout the ordeal she was not allowed to contact her relatives. She did not know that her family were in the same building pleading with the police to be allowed to see her.





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After the beatings Alfreda had difficulty moving and breathing. She said she could not eat and found it agonizing to even drink a glass of water. Her back and chest hurt when she breathed. She felt nauseous and vomited several times. Ten days after her arrest and torture, she complained that her thighs shook each time she tried to urinate, and that she had pain in her lower abdomen. Her left groin was still swollen more than a week later.

Alfreda Disbarro has since filed a complaint with the CHR. The Internal Affairs Service (IAS) of the Philippine National Police (PNP) has also launched its investigation, apparently in response to pressure from Amnesty International. As of October 2014, the IAS has forwarded its recommendations to the PNP National Capital Region Police Office, which will issue a decision on the case.

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**(Photo reconstructions based on testimonies)**

***Above left:*** Detainees reported being hit by police with gun butts. Some, including Alfreda Disbarro, had a gun pointed at them and were told they would be shot.

***Below left:*** Alfreda Disbarro had a dirty mop forced into her mouth while being tortured.



## CHILDREN TORTURED OR OTHERWISE ILL-TREATED

*'I used to want to be a policeman when I grow up, but seeing how they operate, I have now given up on that dream ... I can't forget what they did to me. I will never forget.'*

Many victims interviewed by Amnesty International were children aged under 18 when they were tortured or otherwise ill-treated. After they were arrested by police they were often made to do strenuous and repeated physical activities, or forced to hang from bars in their cells for long periods. Others had bullets squeezed hard between their fingers and some were made to witness or listen as other suspects were tortured or otherwise ill-treated.

The Philippines is a state party to the UN Convention on the Rights of the Child, under which state parties are required to ensure protection and care necessary for the well-being of a child.

## INTERNATIONAL AND NATIONAL OBLIGATIONS

The Philippines is bound by a number of international and domestic obligations which prohibit torture and other ill-treatment in all circumstances. It is a state party to the International Covenant on Civil and Political Rights (ICCPR), and in 1986 it acceded to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The prohibition against torture and other ill-treatment is non-derogable and no exceptional circumstance – whether a state of threat of war, internal political instability or any public emergency – may be invoked as a justification for torture.

In domestic legislation, there are provisions in the Philippine Constitution to prevent torture and other ill-treatment and to protect victims. In 2009 the Philippines enacted the Anti-Torture Act, which recognizes torture as a criminal act and is a positive step towards preventing torture and addressing impunity.

Despite these strong signals that the Philippines is serious in its commitment to eradicate torture, more needs to be done to prevent the practice among police personnel.

## FEAR OF REPRISAL AND LACK OF CONFIDENCE IN THE JUSTICE SYSTEM

The overwhelming majority of those who are tortured or otherwise ill-treated by the police do not report their experiences or file any complaint. There are numerous reasons for this, including lack of knowledge among victims of their rights and of the complaints mechanisms, and a lack of confidence that making a complaint will result in any action. A strong disincentive among victims and their families is fear of reprisal and fear that filing a complaint will adversely affect the criminal case against them or cause delays, possibly resulting in a longer time in detention.

Most torture survivors interviewed by Amnesty International were still in custody, and many feared that the police officers who tortured them will know who and where they are. As well as the fear for their own safety and the possible implications for their case if they speak out, many feared threats against their families would be carried out. Many also hesitate to pursue a complaint because they fear that as suspected or convicted criminals, they would not have recourse to justice.



## INEFFECTIVE CRIMINAL AND ADMINISTRATIVE COMPLAINT MECHANISMS

The few victims who do manage to initiate proceedings against their torturers find themselves confronted with a dauntingly complex criminal and administrative complaints system.

The Anti-Torture Act does not lay down a singular complaint mechanism, but refers to various government agencies that are mandated to receive and investigate torture complaints, including the CHR, the Department of Justice (DOJ) and the Philippine National Police (PNP). Criminal complaints can either be filed to local prosecutors, the National Prosecution Service under the DOJ, or the Office of the Ombudsman. However, ineffective investigations, lengthy court proceedings spanning years, as well as fear of reprisal continue to hinder torture survivors from accessing justice. Some survivors who initially filed complaints subsequently withdrew them or settled with the suspected perpetrators. A crucial factor in any successful prosecution for torture is a record of physical evidence taken by a medical professional as soon as possible after the torture. However, most of the torture victims interviewed

by Amnesty International said that they were not seen by a doctor for several days, by which time bruises and other evidence of torture had started to fade. Such delays in documenting physical evidence have serious consequences in effectively prosecuting criminal cases of torture in court. Even when torture victims were promptly seen by medical personnel in accordance with the Anti-Torture Act, they often reported that they were examined very briefly and perfunctorily, despite having cuts and other visible marks. Many did not see their medical certificate, and those that did said it indicated that they were in good physical health. In the absence of any forensic evidence, the trial becomes a question of whose testimony is more credible: the arresting officers or the victims, who are usually criminal suspects. Without any other evidence to support the allegations of torture, victims' claims are viewed with suspicion and disbelief.

In addition to filing a case in court, there are several administrative and disciplinary processes in which torture survivors can lodge their complaint for "grave misconduct" against a police officer, who could then be subjected to disciplinary action, including dismissal from service. Since torture is a criminal offence, such

processes should be in addition to, and not a substitute for, criminal investigations. However, these administrative and disciplinary processes under the PNP Command, the PNP Internal Affairs Service, the National Police Commission, the People's Law Enforcement Board, the Office of the Ombudsman, and the Civil Service Commission, are complex, confusing and reflect overlapping mandates. 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. The lack of accountability for suspected perpetrators brings into question the Philippines' compliance with its obligations under international human rights law.

**(Photo reconstructions based on testimonies)**  
**Above left:** Many of the children interviewed said they had bullets squeezed hard between their fingers.

**Above:** Beatings with truncheons, wooden sticks, rifle butts or similar objects were among the most common torture methods reported by survivors.



Activists including Amnesty International Philippines, the United Against Torture Coalition-Philippines and the Philippine Commission on Human Rights march to call for an end to impunity for torturers, Quezon City, June 2014.

## ACTION NEEDED NOW

Amnesty International recognizes the steps taken by the Philippines government to prevent human rights violations such as torture. However, repeated failures by the authorities to prohibit, prevent, investigate and prosecute cases of torture and other ill-treatment have created a climate of impunity in which such practices continue as if the perpetrators were above the law.

### Among other recommendations set out in the report, Amnesty International is calling on the government to:

- Immediately acknowledge publicly the seriousness and the persistence of torture and other ill-treatment by police and condemn all such acts unreservedly.
- Send a clear public message to the Philippine National Police and other state security agents that torture and other ill-treatment of detainees are strictly prohibited at all times, and are considered a crime under Philippine law and international law, and that all perpetrators will be brought to justice.
- Ensure that justice is obtained by victims of torture and other ill-treatment through concrete steps that will guarantee prompt, impartial, independent and effective investigations into all reports of torture and other ill-treatment by law enforcement officials.
- Ensure prompt and comprehensive documentation of medical conditions of torture victims and work towards implementation of the Istanbul Protocol.
- Establish an independent police complaints commission that is accessible to the public, including the regions, and has sufficient powers and mandate to effectively investigate and file complaints against police officers in court wherever sufficient admissible evidence of torture or other ill-treatment is found.
- Establish National Preventive Mechanisms in line with the Optional Protocol to the UN Convention against Torture.

**Amnesty International** is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

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