

## Child Torture in the Philippines

### A Joint Report to Universal Periodic Review (UPR) by the International Rehabilitation Council for Torture Victims (IRCT) and BALAY Rehabilitation Center

#### APPENDIX A

#### CASES OF CHILD TORTURE IN THE PHILIPPINES

##### 1. Nerio Torture Case

**Source:** PHILIPPINES: Torture of a 17-year-old boy at the Women and Children Desk at a police station, Asian Human Rights Commission Urgent Appeals Program, March 18, 2011

In the evening of December 10, 2010, John Paul Nerio, (17 years old at the time of incident), was arrested after he was mistakenly accused of being involved in a fight at a bar. The policemen who arrested him, are attached to the Special Weapons and Tactics (SWAT) of the Philippine National Police (PNP) in Kidapawan City, took him to their police quarter where he was tortured.

After he was tortured at that location they delivered the victim to the Women and Children's Desk (WCD) where they reported the victim's arrest, supposedly for violating the city's curfew ordinance. Here, the victim was again physically assaulted and tortured in front of the policewoman recording his case and in open view of onlookers some of whom were civilians.

The AHRC has already [written appeal letters](#) to the Public Attorney's Office (PAO) and the Commission on Human Rights (CHR) in Manila respectively requesting their immediate intervention. However, apart from referring the case to their regional offices, no substantial progress has taken place.

In [her letter](#) to a field officer, Mrs. Persida Rueda-Acosta, chief of the PAO, has endorsed the AHRC's appeal to their lawyer, Orlando Dano in Kidapawan City. She gave him ten days from the date of the endorsement (15 March), to submit a report upon receipt of her letter. Also, in an email receive by the AHRC from Mr. Aki Nano, a CHR staff attached to the Office of the Chairperson, following a telephone inquiry, said that: "as per our record, we did received last 15 March the fax letter of AHRC re the case of John Paul Nerio. The matter has been referred to our Field Operations Office for the appropriate action of CHR Regional Office in region 12 where the incident took place."

While the AHRC appreciates the action taken so far by the PAO and CHR; however, it has reservations as to whether the investigation would commence promptly and that

it would be able to complete their investigation in the period required by the Anti-Torture Act of 2009.

As of the writing of this Appeal when the AHRC contacted the victim's family about the matter, none of the field staff from either the PAO or CHR, who have been tasked to investigate the complaint, have ever contacted them about their case.

## 2. Compostella Valley and Makilala Children Torture

**Source:** Salinlahi, <http://www.crin.org/resources/infodetail.asp?id=22317>, March 29, 2010.

A child rights group has called the attention of the Commission on Human Rights on the torture of three minors by the military who accused them of belonging to the New People's Army (NPA)

The Salinlahi Alliance for Children's Concerns said that Allen, 17, and 15-year-olds Ivy and Tere\* were arrested in separate incidents in Makilala, North Cotabato and Moncayo in Compostela Valley earlier this month and were tortured and forced to admit they were members of the NPA. They were released following the intervention of human rights group Salinlahi. Results of the fact-finding mission led by Kabiba Alliance for Children's Concerns, the counterpart to Salinlahi in Mindanao, revealed that Allen was arrested on March 15 in Makilala town and was forced to confess that he was one of those who fired at soldiers in Barangay (village) Balatukan. Garduce said that the military mistook Allen for the person they saw at the site of the incident because both were wearing an orange t-shirt. "The military tied the boy like a pig and poked a knife into his neck and struck him on his back with the rifle butt," she said in a statement. Allen was later identified as a child labourer on a rubber plantation and was said to be on his way for lunch when accosted by the military.

Ivy and Tere were allegedly arrested in separate encounters in North Cotabato and Compostela Valley and denounced as members of the communist armed wing. But based on their fact-finding report, Kabiba said that the two girls were actually among the 13 upland farmers arrested by members of the 25th Infantry Battalion on March 7. Garduce said the children were only brought before the court on March 11, in violation of Republic Act 9344 or the Juvenile Justice Welfare Law.

"They were illegally detained for more than 36 hours and subjected to mental torture. The military even made up a story that one of the minors was pregnant," Garduce said. Salinlahi expressed alarm about the continuing violation of children's rights by labelling them child soldiers.

\*Fictitious names used to protect the children's identity.

### Further information

- [Concluding Observations of the Committee on the Rights of the Child for the Philippines' 3rd and 4th report](#)
- [Philippines: UN group should highlight killings of children](#) (Human Rights Watch, September 2009)

### 3. Torture of Children in Conflict with the Law (CICL)

**Source:** Case documentation of Balay Rehabilitation Center

*(Identity and some details of the summaries are not mentioned to protect the children cited in the reports)*

#### Case 1

**Current age:** 24

**Age when tortured:** 16, jailed CICL

He was subjected to interrogation in jail with physical intervention including beatings and was forced to admit to the crime although he was innocent.

He comes from a poor family and had no knowledge of his rights at the time. He couldn't use his rights because he didn't know them.

He was jailed with adults although he was only 16 and spent two years there. Then he was referred by the social worker in the jail to a youth home where he got the chance to go to school and college. His case was reported to the court by a social worker and charges against him were dismissed. Now he is back with his family and has work.

#### CASE 2

**Current age:** 18

**Was released from prison three years ago**

He committed a crime because of financial needs and influence by peers.

His parents were not able to provide for the basic needs of the family. He explained how him and his peers didn't know that what they did was against the law, nor that by committing the offence they would be harmed by the authorities. They didn't know they would be jailed. In the jail they slept side by side with other inmates and where treated inhumanely by the guards.

Afterwards they realized that the police shouldn't beat them and torture them. They don't want to go back to jail.

When he was released an NGO helped him, however he explains how now in the community even if they are trying to change, when you come from prison you are still a suspect when things happen. It's been three years since he was released, but recently he experienced torture again. He explains how he is thinking that he is trying to change himself, but still this happens.

#### CASE 3

When he was 15 he learned to use drugs under influence of friends/peers. Because of this one day the police came with a long gun and picked him up from his house and

brought him to the police station. They kicked and beat him. Because he was answering back at them they pushed his head down in water. Afterwards the police brought him to the hospital for a medical check-up but the doctor found no means of torture. Then he was brought back to the main police station where he refused the crime. The fiscal got mad and said “let’s see”. Then they covered his head with a plastic bag and they hit him in the stomach so he could hardly breathe. Then they hit him in the head. At the police station he saw other men being hit by the police to the extent that their arms were swollen and broken.

In jail he was made to do chores and gather garbage. One day he accidentally threw a cigarette which hit a woman. For this he was punished by the guard - his leg was hit with a wooden stick until the bone split. Another time when he was sleeping with a companion in the jail and there was no space, they two of them ended in a fight. The morning after they were both punished with beatings on the back of their thighs. He explains that he recovered from the experience when he was released from jail.

#### **CASE 4**

**Current age: 19 years**

**Age when tortured: 15**

**His case is the same as CASE 3 (they were together).**

Second case: He was arrested for the possession of a dangerous weapon. At the police station he was hit in the back of his head when he didn’t respond to the call during the counting of detainees.

Afterwards he was referred to DWSD who referred him to PREDA. PREDA helped him and facilitated the case. After this he was brought back to his parents and referred to BALAY for rehabilitation.

#### **CASE 5**

**Current age: 23 years**

**Age when tortured: 13**

“Julio” got into drugs, drinking and smoking around the age of 13 and was then arrested by the Barangay. They subjected him to beatings with a wooden stick. He asked them why they were beating him and told them he had not committed any crime - that he was only harming himself (by taking drugs, drinking etc). In the detention he was made to clean by the local security forces.

When Julio got out - because of a broken family background and rebellion it got worse. One evening he was walking with his friends/peers. His peers were all high on “rugby”, but he himself had only had cigarettes and beer. Some bystanders were blocking the way - they wanted money from him, and when he had none they dropped him heavily on the ground. Julio’s companion got mad and stabbed the man who fell on Julio and covered him in blood. Julio somewhat lost his mind when he saw the blood and stabbed the guy too. Then they ran away - while running Julio’s companion tried to snatch a cell phone from a girl. She fell down and Julio saw his companion stab the girl - that’s when Julio came back to his mind. He kicked his companion and

told him he was not supposed to do that. Bystanders saw them and they went into hiding. However, the police caught up with them. The police men shot his companion but Julio was not hit. He removed his clothes and swam in the canal to escape. Since his mother was sick he was advised by his friends not to go home - especially since his companion had been arrested. After a while in hiding he went back to his family but was caught again for a drug case and tortured again by the police. The case was dismissed but the police still picks them up and beat them because they have become the “usual suspects”. When he was 17 he was jailed. After the hardships in jail he was referred to BALAY and got back to school. Now he is in his 4<sup>th</sup> year in high school. He has tried to change in order not to meet these crimes anymore and intends to finish school.

#### **CASE 6**

**Age when tortured: 15**

He was electrocuted suspected of stealing the license of a driver. It was at 9 pm in the evening when he was picked up by the Barangay police and taken to their office where he was handcuffed, beaten in the stomach and applied electric shock, pored over with water and then receiving electro shock again. The treatment was repeated and he was threatened not to make complaints. In the morning his parents came and the police demanded money for the supposedly lost drivers' license. When his parents wouldn't pay the police threatened with jail and his mother paid anyways.

#### **CASE 7**

**Age when tortured: 15**

He was walking on the street with a friend. When the police saw them they were suspected for robbery, hand-cuffed and brought to the police station where they were beaten with a 45 caliber gun. The handcuffs were too tight and they were forced to hold on to a bar and admit the crime. Only because someone saw the arrest it was reported to the parents. The parents were forced to pay the release of 1000 pesos for the two of them.

They want to get back at the police, but can't do anything.