

CASE DETAILS: (According to the information received from the Kilusan Para sa Pambansang Demokrasya (KPD) and the Task Force Detainees of the Philippines (TFDP))

The three human rights defenders, Rafael Limcumpao, Domingo Alcantara and Archie Bathan, were having a meeting at a house in Samal, Bataan when combined elements of the Philippine National Police (PNP) 303rd Provincial Mobile Group (PMG), a unit from the Military Intelligence and the 3rd Infantry Battalion, all under the 703rd Brigade of the Philippine Army (PA), arrested them at 4pm on 27th May 2009.

Rafael and Domingo are peasant and community organizers respectively. Domingo is also the husband of Kathy Alcantara, an activist who was killed in December 2005. For details about her case, please read: UP-160-2005 </ua/mainfile.php/2005/1398/>. Archie is a student leader for the Youth for National Democracy (YND) and presently the secretary general of the Nuclear-Free Bataan Movement (NFBM).

It is reported that around 20 police and military personnel, armed with automatic rifles and hand guns had come to the place where they were meeting, a house owned by Patricio Esconde, the Barangay Tanod (village watchman).

Prior to this incident Rafael, Domingo and Archie had been planning to organize campaigns of mobilizing several sectors to protest the possible renewed operation of the Bataan Nuclear Power Plant (BNPP) in the area. The group is opposed to the renewed operation as it would have serious environmental and health implications to local residents.

At the time of arrest, the police and military personnel shouted at them, ordering them to lie down facing the floor. Archie, who was caught by surprise by the incident, immediately ran outside their meeting place towards the rice fields. However, the arresting officers chased him and he was subsequently arrested after a warning shot was fired.

Rafael, Domingo and Archie were kicked and hit with riffles simultaneously while they were being searched. They were then handcuffed. The three were separately dragged outside to two vehicles which immediately sped away from the scene. The victims were arrested

without any arrest warrants being presented. The incident was witnessed by neighbors and onlookers. According to them, one vehicle was identified with markings being that of the 303rd PMG.

According to the witnesses the three victims had been dragged from the house and the arresting officers blindfolded them by covering their heads with their own clothing. The officers who arrested them came in three separate vehicles. One of the vehicles, as mentioned, was seen to belong to the 303rd PMG and there were also a police mobile and a pick-up. The witnesses stated that the three were seen having been forcibly and brutally pushed into the vehicles. Archie and Rafael were taken inside the police mobile while Domingo was taken to the pick-up.

The three vehicles were seen heading towards Balanga, Bataan, and it was later learned that the three men were being held at the headquarters of the PNP's 303rd Police Provincial Mobile Group (PPMG) in Camp Tolentino.

Soon after arriving at the camp at 6pm, the victims were taken to the provincial hospital, but were later taken back to Camp Tolentino at 8pm after having been examined by medical personnel. While inside Camp Tolentino, Rafael, Domingo and Archie said that they had been tortured while the police questioned them. Their finger prints were also taken by force and submitted to the police investigators. The beatings continued until around 2am the following day.

Archie said that one of the interrogators hit his face with a solid object while he was blindfolded. They also performed "Russian-roulette" and hit his ears without warning on several occasions. Domingo also suffered bruises to his face and chest due to a number of blows he received while in custody. Rafael was beaten and was suffocated by a thick plastic bag. They were told to admit that they were members of a rebel group, the Rebolusyunaryong Hukbong Bayan (RHB) of Marxist-Leninist Proletarian Party (MLPP).

The following day, May 28 at around 8am, the three victims were presented before a press conference with the local journalists. When they were presented before the journalist, the policemen arresting them claimed they were leaders of a rebel group, and that they were legal fronts of the said rebel group. However, at the time no formal charges were made regarding this allegation.

The allegations of the police are similar to other incidents in the past where activists are labeled as rebel leaders, or at the very least accused of being legal fronts of the communist movement. Although these allegations are rarely pursued, in the Philippines these allegations are enough to vilify and discredit a person, in particular human rights defenders.

At 2pm, the three men were taken to the Office of the Prosecutor where they were charged on three counts of frustrated murder, illegal possession of explosives and firearms. Later in the afternoon, the victims were turned over to the Bataan Provincial Jail (BPJ).

According to relatives who had visited them, one of them, Rafael, did have an arrest order issued prior to his arrest. However, this was not shown to him or the charges explained to him at the time of arrest. Abrasions on Rafaels face were still clearly visible when he was visited at the detention center. Archies jaw was swollen and he had abrasions on his legs where he had been repeatedly kicked at the time of his arrest.

SUGGESTED ACTION:

Please write letters to the concerned authorities requesting them to have the illegal arrest, torture and continued detention of these three human rights activists thoroughly investigated. The police and the soldiers should be investigated for arresting these individuals in absence of arrest orders and for not explaining the nature of their charges.

The police should be asked to refrain from issuing statements accusing the three persons as rebel leaders and fronting a rebel group prior to charging them and to retract their previous statements, if they fail to file charges on them on this matter. Unless this is done, it would seriously undermine the security and safety of these persons.

To support this appeal, please fill out the urgent action.