

**Federica Mogherini**

EU High Representative for Foreign Affairs and Security Policy  
Vice President of the European Commission  
European Commission  
Rue de la Loi 200  
1049 Brussels

**AMNESTY  
INTERNATIONAL**



**European Institutions Office**

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Our Ref: B1639

Dear High Representative Mogherini,

### **EU MUST ACT TO STOP TORTURE IN THE PHILIPPINES**

Amnesty International urges the European Union (EU) and its member states to engage with the Philippines government over the widespread use of torture or otherwise ill-treatment by its police. Released today, Amnesty International's report, [Above the law: Police torture in the Philippines](#), reveals that, despite the passage of the Anti-Torture Act criminalising torture 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, informal police auxiliaries (known locally as "assets") who have fallen out of favour with local officers, and suspected members of or sympathisers with armed groups and political activists. Many torture victims are from poor or disadvantaged backgrounds.

The overwhelming majority of reports of torture cite police officers as the perpetrators. To date, no perpetrator is known to have been convicted under the Anti-Torture Act. Not one torture survivor in the Philippines has obtained justice. 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 Philippines government must acknowledge publicly the seriousness and the persistence of torture and ill-treatment by police in the Philippines and condemn all such acts unreservedly. A clear public message should be sent to the Philippines National Police (PNP) and other state security agents stating that torture and other ill-treatment of detainees are strictly prohibited at all times, are considered a crime under Philippine law and international law, and that all perpetrators will be brought to justice.

In line with the EU Guidelines on Torture and in view of the extensive EU programming in the Philippines on justice and current discussions around potential GSP+ (Generalized Scheme of Preferences) status, the EU, its member states and EU/member state delegations in the Philippines should:

- Make full use of the EU Guidelines on Torture to monitor, prevent and respond to torture and ill-treatment in the Philippines and to provide support to victims, their families and those at risk
- Take clear and, as relevant, public position on human rights concerns in the Philippines including on key cases and on the wider issues of torture in the Philippines, using all opportunities, in particular high-level political exchanges, and all tools available, including political dialogues, demarches, bilateral and multilateral cooperation, engagement in regional and international forums, and trial observation
- Ensure that any EU or member state support to the Philippines justice system explicitly addresses torture and ill-treatment as a priority concern
- Follow up on the implementation of Universal Periodic Review (UPR) recommendations, including the Philippines' commitments in 2008 and 2012 to prevent and address torture and other forms of ill treatment
- Call on the Philippines government to:

- 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
- 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
- Ensure prompt and comprehensive documentation of medical conditions of torture victims and work towards implementation of the Istanbul Protocol
- Establish National Preventive Mechanisms in line with the Optional Protocol to the Convention against Torture (OPCAT)
- Submit its periodic report to the United Nations Committee Against Torture, which was due in May 2013

We welcome your engagement with the Philippines to stop torture, and stand ready to provide any further information you may require.

Yours sincerely,



Ivana McGowan  
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Amnesty International, European Institutions Office

Cc:

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