

Republic of the Philippines
COMMISSION ON HUMAN RIGHTS
Regional Office XII
Fatan Building, S.K. Pendatun Street
Cotabato City

MEMORANDUM:

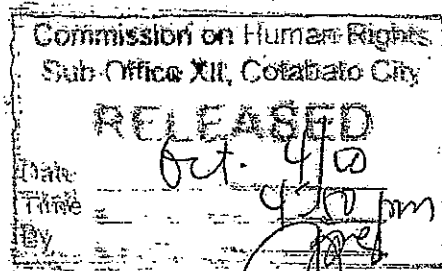
FOR : **ATTY. JACQUILINE B. VILORIA - MEJIA**
Executive Director/Acting FOO

FROM : **JENUDIN D. ULANGKAYA, AL-HADI**
Special Investigator IV/OIC
CHR 12
Cotabato City


SUBJECT : **YOUR MEMO DATED 22 SEPTEMBER 2010**

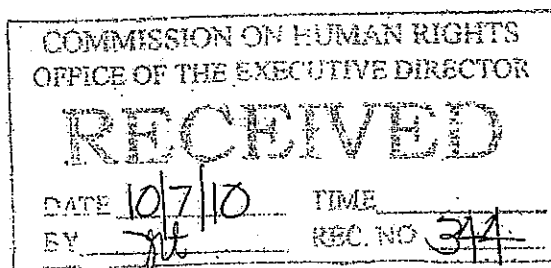
DATE : **04 October 2010**

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This is to transmit to you the progress report of Special Investigator III Mary Joy S. Bravo and Special Investigator II Antonio C. Delposo, based in CHR 12-Koronadal City, for your information as regards paragraph (2) of your memorandum. Subject Investigators have already commenced its investigation on the "Alleged Torture of ANUAR HASIM" while in the custody of Police Officers attached to the General Santos City Police Office in General Santos City.


JENUDIN D. ULANGKAYA, AL-HADI



MEMORANDUM
August 20, 2010

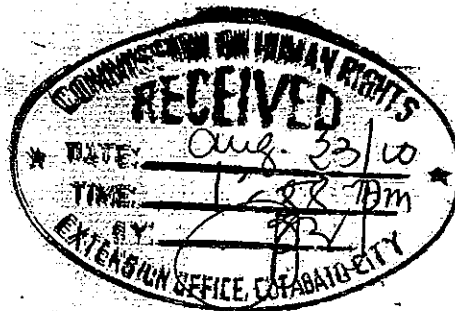
FOR : ATTY CHRISTINA HAW TAY - JOVERO
Officer-in-Charge - Regional Director
Commission on Human Rights XII

THRU : JENUDIN D ULANGKAYA, AL HAJ
Chief of Investigations
CHR XII

FROM : MARY JOY S BRAVO
Special Investigator III

ANTONIO DELPOSO
Special Investigator II

SUBJECT : CHR XII - 2010-0062
Re : Torture of ANUAR HASIM



PROGRESS REPORT

The task to investigate the case of **ANUAR HASIM** was first assigned to Antonio Delposo, Special Investigator II on July 26, 2010. Upon issuance of order to travel on July 26, 2010, he immediately went to see **ANUAR HASIM** at the Sarangani Provincial Jail in Baluntay, Alabel.

The Asian Human Rights Commission (AHRC) communicated with the Commission on Human Rights XII asking for intervention to ensure that Hasim's allegation of torture is thoroughly investigated in accordance with the provisions of the Anti-Torture Act of 2009.

The AHRC wrote to CHR to draw attention to the torture of a tricycle driver, **ANUAR HASIM**, who was allegedly arbitrarily arrested, detained and tortured while in custody of police officers attached to the General Santos City Police Office in Gen. Santos Ci., for seven days. They then forced him to admit to a crime in which he denies any involvement.

On April 4, 2010, Hasim was riding his motorcycle in Champacs Street, in the same city when two persons wearing plain clothes, which he later learned to be police officers attached to the GSCPO, blocked his way. The two persons at that time did not identify themselves and did not explain to him the reason for holding him, nor show him any document ordering his arrest. They instead reportedly told him to come with them and threatened to kill him if he refused to do so.

Following his arrest, he was taken to camp Ferrin Lira, the headquarters of GSCPO. There he was repeatedly slapped while being questioned by the policemen. The police also reportedly forced him to falsely state that he is a commander of a rebel group, the Moro Islamic Liberation Front (MILF).

In the evening of that day, he was reportedly taken to the Police Station No. 6 in Barangay Bula, also in the same city, where the officers had him tortured and detained for the succeeding seven days. While being held there, they subjected him to suffocation by wrapping his head with cellophane, burned his left thumb with lit cigarette butts, unraned his head with adhesive tape with a handkerchief as a blindfold, and severely

assaulted and beat him. They also reportedly threatened to throw him into the sea and kill him.

When Hasim's mother visited him at the same police station in the morning of April 5, 2010, he was prevented from speaking to her. The police took him back to the GSCPO headquarters where they had him detained until noontime.

It was only on the following day, April 6, that Hasim was able to see his wife, when Police took him back from the headquarters to the Bula Police Station No. 6. His wife was able to photograph the injuries that Hasim suffered at that time. When Hasim was interviewed by a staff member of the Task Force Detainees of the Philippines (TFDP) -- Mindanao, an NGO on April 14, two (2) days after he was remanded to provincial jail in Alabel, Sarangani, the cigarette burns to his left thumb could still be seen. Also, Hasim complained of body pain due to torture.

Antonio Delposo was able to confer and talk to Anuar Hasim on July 27, 2010 and inquired into the truthfulness of the reported torture incident. Hasim was informed that the Commission on Human Rights XII would extend appropriate assistance to him.

However, Hasim hesitated in divulging any fact in the absence of his lawyer and informed Investigator Delposo that he already had given his statement to his lawyer. Investigator Delposo had left the office telephone number for him to contact to in case he further needs assistance.

On August 17, 2010, Antonio Delposo, together with Mary Joy Bravo were ordered to conduct revisitation on Anuar Hasim for a follow-up inquiry. It was learned at that time, through an updated information forwarded by the Asian Human Rights Commission (AHRIC) that the victim was hesitant in giving any information to CHR for he already had fear and trauma in giving statements considering that in a previous incident, identified policemen had asked him to sign a document without his lawyers presence.

During the second visit to Anuar Hasim, it was then that he gave some of the details of what he went through after he was arrested on April 4, 2010.

During the interview, what was reported was affirmed. It was on April 4, 2010, at about 3:45 in the afternoon that he was flagged down by two (2) persons wearing civilian clothes riding in an XRM type motorcycle. Later, he had known that the one wearing brown shorts and white t-shirt was a certain SPO3 Paulate connected with the Office of the Investigation & Detective Management Section (IDMS), Camp Fermin Lira in General Santos City.

SPO3 Paulate held him at his left arm and was told "sumama ka sa amin, huwag kang magtakbo at patay ka sa amin" No warrant of arrest was presented during the apprehension. The warrant was just presented later when they arrived at the barracks.

He was then brought to the Office of the Criminal Investigation & Detection Group (CIDG) in the Police Barracks at Camp Fermin G. Lira, General Santos City. There he was interrogated by three (3) persons, one of them was SPO3 Dennis Yuson, about the incident that happened in Maasim, Sarangani in 2008.

He replied that he had no involvement in the said incident. SPO3 Dennis Yuson slapped him using his shoes, hitting his face several times and he was forced to admit that he is ANWAR MUSTAFA.

He was also asked of the names of the Moro Islamic Liberation Front (MILF) commanders and every time he refused to answer, he was slapped for several times.

From 4:00 in the afternoon until 7:00 in the evening, he was constantly interrogated and was punched 3 times on his abdomen.

It was at 7:00 in the evening that he was brought to the Police Precinct 6 in Bula, Gen. Santos City.

While at the station, four (4) policemen arrived and a certain Col. Dodoy from PHQ introduced himself. They interrogated him and was again forced to admit that he was the one who perpetrated the commission of the crime in Maasim, Sarangani Province. When he refused to admit any involvement, he was again punched on the stomach for several times by the policemen, Col. Dodoy being one of them.

During the hours that he was interrogated blindfolded, he remembered the constant punching, slapping, stamping on thighs, and kicking on his left chest. He was not even fed that night.

His blindfold was just removed in the morning of April 5. That morning, his mother was able to see him but while he was being hugged by his mother, he was dragged by SPO3 Yuson telling his mother "bawal misis".

He was again brought to the Police Barracks in Camp Lira by the afternoon and the interrogation continued. During the interrogation, his left chest with contusions was pressed hard.

It was later that he only saw his wife, Saweya Esmael but was prevented from telling her what happened.

It was about midnight that he was brought back to Police Precinct 6 in Bula, Gen. Santos City.

On April 6, 2010, he was again interrogated by two policemen wearing civilian clothes. Abusive psychological acts were again inflicted on him.

He remained at the Police Precinct 6 until April 11, 2010.

On April 12, 2010 in the morning, he was brought by SPO3 Paulate to the hospital for medical examination.

A lady doctor whom he ^{doesn't} know entertained him. When she raised his shirt, she saw the contusions on his left chest. She asked "masakit ba?" and when he answered yes she instructed him to go out of the room and called SPO3 Paulate. She did not get back to him anymore.

It was on April 12, 2010 that he was brought to court and later remanded to Sarangani Provincial Jail in Alabel, Sarangani Province.

He expressed his desire to file complaint against SPO3 Dennis Yuson of the Criminal Investigation Group VII and the station commander of Police Precinct 6.

He also added that while on detention at Sarangani Provincial Jail, 2 policemen in the name of SPO2 Argie Miraflores and SPO1 Israel Lantingan fetched him on June 8 at the jail for the signing of the Affidavit of Desistance at the Provincial Prosecutor's Office in Alabel, Sarangani. The affidavit is a sworn statement that he will no longer testify in court about his complaint of torture. It was alleged that the identified policemen did not present any court order for Hasim to be brought outside the jail premises and be brought to the prosecutor's office.

When asked if he is willing to make a formal statement of the accounts of the incident that happened, the undersigned were informed that he already executed an affidavit to support his complaint and it is with his lawyer, Atty. Raissa Jajurie.

It was learned that his lawyer is based in Davao City. Coordination was immediately done with Saweya, Anuar's wife to know the whereabouts of his lawyer and the IFD-Mindanao.

Fortunately, the undersigned were able to meet with the TFD personnel. Ms Rita Melecio on August 18, 2010 while she submitted to the court the Motion to Quash for erroneously arresting *ANUAR HASIM* and making him answer for the case attributable to *ANWAR MUSTAFA*.

Together with the motion is the urgent motion to allow accused-detainee to consult a doctor.

Ms Rita Melecio informed the undersigned that they were on the process of filing a complaint for violation of Republic Act 9745 pending their request for Anuar Hasim to be medically treated and be seen by a psychologist. Coordination was already done with the Medical Action Group. This is to be done to support the allegation of torture if examination results warrant so since the examining doctor certified that he was physically fit for commitment.

As to the admissibility of the Affidavit of Desistance executed by Anuar Hasim on June 8, 2010, the CHR investigators-in-charge requested for certification from the court certifying that no leave of court was issued for Anuar Hasim to leave the premises on the said date.

It is recommended that the undersigned be given another time to probe further into the details of the case and that immediate financial assistance be extended to Anuar Hasim or his immediate family.



MARY JOY S BRAVO



ANTONIO DEL POSO