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Philippines: A labour rights defender is murdered; police shoot two men in custody

Friday 19 June 2009, by [AHRC](#) (Date first published: 17 May 2009).

ASIAN HUMAN RIGHTS COMMISSION - URGENT APPEALS PROGRAMME

Urgent Appeal Case: AHRC-UAC-059-2009

<http://www.ahrchk.net/ua/support.php?ua=UAC-059-2009>

17 June 2009

PHILIPPINES: A labour rights defender is murdered; police shoot two men in custody

ISSUES: Human rights defenders; extrajudicial killings

Stop Extrajudicial Killings in the Philippines

<http://www.pinoyhr.net>

Dear friends,

The Asian Human Rights Commission (AHRC) has learned that officers who shot two men dead in custody have yet to be investigated or charged, and that the murder of a labour leader has not been properly looked into after a year.

CASE DETAILS: (According to information received from Philippine NGOs)

Case One: Alberto Ocampo and Jose Gonzales were killed on 29 April 2009. According to reports gathered by the Kilusan Para sa Pambansang Demokrasya (KPD) Ocampo and his common-law-wife Imelda Zulueta were woken by the noise of stones being thrown at their house at around

2am. Voices shouted *Imelda, Axis lumabas kayo dyan. Alam naming andyan kayo, kapag di kayo lumabas ay papuputukan namin kayo* (Imelda, Axis come outside. We know you are there. If you do not come out we will fire at you).

Ocampo, Zulueta and Jayson Valencia, a visitor at the house, emerged to find around ten policemen positioned around their house wearing camouflage uniforms and balaclavas. Their behavior throwing stones at that time of the morning was already baffling to the three. They were told to lay face down on the ground, and one of the policemen hit Zulueta's back and pushed her to the ground. She asked the policeman not to harm her because she was pregnant.

The policemen then began asking them for the whereabouts of someone called Axis. At this Jose Gonzales, who goes by that nickname and was visiting the couple, emerged from the house and was arrested, though not charged. He was in shorts, and was told that he had until the count of six to put on a T-shirt or he would be shot.

Gonzales told them that he had surrendered and asked that the case be settled according to Philippine law, adding that Zulueta and Ocampo were not involved. The police asked whether he had a gun and he replied: *Sir, matagal na akong nakapahinga, napadaan lang ako dito* (Sir, I have not been active for a long time. I was just passing by). The police dragged him over to a tree and tied him to it. The police then dragged Ocampo to the same spot, and as Zulueta struggled to get to him a policeman told her: *Wag kang mag-alala, anuman ang gagawin namin sa dalawa ay mangyayari din sa iyo* (Don't worry, whatever we do for these two will also happen to you)'.

After a few minutes Zulueta heard several gun shots and saw other officers searching their house. They returned carrying a gun and a hand grenade and asked Valencia if they were his; he said they were not. At 5am the policemen allowed Zulueta to see Ocampo, who was already dead, lying close to their house next to Gonzales, also dead. She and Valencia were taken to a police station in Orani and on to Camp Tolentino where they were questioned and eventually released without charge.

Zulueta has filed a complaint with the regional office of the Commission on Human Rights (CHR) regarding the deaths of her husband and Gonzales but there has been no progress. She has received no news suggested that their deaths are being investigated.

Case Two: In another incident, labour leader Maximo Baranda was shot dead in front of his wife at their quarry site in Sitio Quarry, Purok 5, San Jose, Compostela on July 19, 2008. According to Nonoy Librado Development Foundation (NLDF) his wife Nida has reported that the four killers arrived at their workplace on two Yamaha DT model motorcycles. They pretended to be customers and asked the price of the sand and gravel, then shot him and fled the area.

Baranda suffered seven gunshot wounds to his body, one to the right portion of his head. Nida and her daughter, Maria Fe, immediately reported the incident to a local police station but have not received news of an investigation.

Nida said that her husband had been receiving threats to his life in connection with his work as the chairman of the Contractual United Workers Association (CUWA). The circumstances on how the threats were made have not been made clear so far. Baranda had been helping workers file complaints against the companies that fired them unjustly. It is believed that he was targeted due to this.

At the time of his death, Maximo had been advocating and helping contractual workers of a banana plantation company—the Fresh Banana Agricultural Corporation—to be taken on as regular employees. He was also involved in bringing cases of illegal dismissal and violations of labour standards before the National Labor Relation Commission (NLRC).

SUGGESTED ACTION:

Please write letters to the concerned authorities requesting them thoroughly investigate these murders, and look into the delay in their investigation. The policemen involved in the murders of Alberto Ocampo and Jose Gonzales should be subjected to due process, fired and charged for their crimes.

The AHRC has also written letters to the United Nation Special Rapporteurs on extra-judicial, summary, or arbitrary executions and on the situation of human rights defenders

To support this appeal, please click here:

<http://www.ahrchk.net/ua/support.ph...>

SAMPLE LETTER

Dear _____,

Re: PHILIPPINES: A labour rights defender is murdered; police shoot two men in custody

Name of victims:

1. Alberto B. Ocampo, 36, tricycle driver

2. Jose Gonzales

Alleged perpetrators: Elements attached to the 303 Police Provincial Mobile Group (PPMG), Camp Tolentino, Balanga, Bataan, led by Police Officer 2 (P02) Ricardo Vinluan.

Date of incident: 29 April 2009 at 2am

Place of incident: Sitio Lati, Barangay Kaparangan, Orani, Bataan

Name of victim:

1. Maximo D. Baranda, 47, resident of Purok 6, Maputi, San Jose, Compostela; chairperson of the Contractual United Workers Association (CUWA) and a harvester for the Fresh Banana Agricultural Corporation. He also owned a business supplying sand and gravel for construction.

Alleged perpetrators: Four unidentified men on two Yamaha DT model motorcycles

Date of incident: 19 July 2008 at 1:30pm

Place of incident: Sitio Quarry, Purok 5, San Jose, Compostela

I am writing to draw your attention to the case of Alberto Ocampo and Jose Gonzales who were killed on April 2009 by police officers; and labour leader Maximo Baranda who was murdered by unknown attackers on July 2008. The AHRC is deeply concerned by the lack of progress made into the investigation and prosecution of these cases.

When police were arresting Ocampo, his common-law-wife Imelda Zulueta, and their visitors, Gonzales and Jayson Valencia, no explanation was given for their arrest. Two of the men were shot dead while in custody, tied to a tree

Complaints have already been filed before the regional office of the Commission on Human Rights (CHR). However there has not been any progress with regard to the investigation of their case. The policemen who committed the murders, despite having been positively identified by Ocampos common-law-wife, have not been charged nor subjected to investigation.

Meanwhile it has been almost a year since the murder of Maximo D. Baranda, a labour rights defender and I am deeply disappointed by the lack of substantial progress into the investigation. Although Barandas wife witnessed the murder the perpetrators remain unidentified and at large.

The AHRC believes that Maximos murder is related to his work as a labour leader, and his practice of giving legal aid and practical help to workers dismissed from their jobs unfairly. He had no known enemies but had received threats, and the circumstances of his death fit the pattern of murder of hundreds of other human rights defenders in recent times.

The victims wife Nida and their daughter, Maria Fe immediately reported his murder at their local police station, but have received no new information regarding the case.

The Philippines is becoming notorious for extra-judicial killing, particularly among its law enforcers. The police and the military in particular are becoming better known for their vigilante-style punishments than their ability to uphold the law and follow due

process. This was aptly pointed out in last years Universal Periodic Review (UPR) by the United Nations Human Rights Councils which recommended among other things, that it intensify its efforts to carry out investigation and prosecution on extra-judicial killings and punish those responsible

Whether a person is a potential criminal, an outspoken journalist or a human rights defender, under Philippine law their rights are necessarily the same. But such rights to life, to due process, to the freedom of speech and the freedom of association are becoming obsolete

I therefore strongly urge you to intervene and expedite the investigation into these cases. The policemen involved in arresting and killing Alberto Ocampo and Jose Gonzales should be subjected to due process, fired and charged for their crimes. The unacceptable delays in this investigation should be investigated and steps taken to prevent such delays in the future. The complainant and witnesses to this case must also be given protection.

I also demand that the police investigating Barandas murder explain their lack of progress on the case to his family, and continue to regularly update them regarding their renewed efforts to find the perpetrators.

Yours sincerely,

PLEASE SEND YOUR LETTERS TO:

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Thank you.

Urgent Appeals Programme

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)

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