

DECISION No. 2/1993 (PHILIPPINES)

Communication addressed to the Government of the Philippines on 8 April 1992.

Concerning: Rodolfo Salas, on the one hand, and the Philippines, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of the cases of alleged arbitrary detention brought to its knowledge.
3. (Same text as paragraph 3 of Decision No. 43/1992).
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of the Philippines. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. The source in its communication of 21 December 1992 informed the Working Group that Rodolfo Salas was released after completing his sentence. Instead of filing the case in terms of paragraph 14 (a) of the methods of work adopted by the Working Group, it has, in the facts and circumstances of this case, decided to render its decision on the nature of the detention.
6. Rodolfo Salas was arrested without a warrant on 29 September 1986 at Philippine General Hospital, Manila, by security personnel under the command of Lt. Col. Robert Delfin and Major Raul Carbonilla. He was allegedly charged with rebellion and was convicted in May 1991. It is alleged that he had been arrested for political reasons, since he was part of the negotiating panel of the National Democratic Front engaged in peace negotiations with the Government at the time of his arrest.
7. The facts clearly suggest that Rodolfo Salas was arrested without a warrant and was not informed of the reasons for his arrest. Besides, his conviction for the charge of rebellion seems to have a direct bearing on the fact that he was part of a negotiating panel of the National Democratic Front engaged in peace negotiations with the Government at the time of his arrest. This itself suggests that at the time of his arrest he could not possibly have been charged with rebellion. The arrest seems to be politically motivated.

8. In the light of the above the Working Group decides:

The detention of Rodolfo Salas is declared to be arbitrary despite his release, being in contravention of article 19 of the Universal Declaration of Human Rights, and article 19 of the International Covenant on Civil and Political Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

9. Having declared the detention of Rodolfo Salas to be arbitrary, the Working Group requests the Government of the Philippines to take note of its decision and in the light thereof take such steps as are necessary to bring its actions into conformity with the norms and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 30 April 1993