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8 Years of Arbitrary Detention: Demand the Immediate Release of Indigenous Peoples' Prisoners in the Philippines

The Example of Rocky and Dandoy

In Quezon Province in the Philippines, Indigenous Dumagat villages have long been subjected to militarization, forced displacement, harassment, and a climate of constant fear. This militarization is closely tied to government plans to construct the Kaliwa Dam on Dumagat ancestral lands and rivers. The dam is intended to supply water to Metro Manila, but its construction threatens to displace thousands of Indigenous families and undermine their ancestral territories and livelihoods. The situation is further aggravated by ongoing armed clashes between the Armed Forces of the Philippines (AFP) and the New People's Army (NPA), an armed group that has been waging an armed struggle in the Philippine countryside since the 1960s.

One such clash occurred between 3 PM and 4 PM on 14 May 2018, local government elections day, which resulted in the death of an AFP officer.

Rocky Torres and **Avelardo "Dandoy" Avellanada**, two Dumagat farmers, were returning home after casting their votes. A soldier fired warning shots to make them stop and angrily and falsely accused them of being members of the NPA. They were arbitrarily detained, tortured, and falsely accused of killing the fallen officer. On May 15, they were visited by relatives and human rights advocates. They saw footprints made by combat boots on Rocky's white t-shirt. Rocky explained that they had been interrogated and beaten by soldiers and coerced to confess that they were members of the NPA and that he had shot and killed the officer. Rocky and Dandoy also shared details of the inhumane treatment they had suffered, including the beatings and being hogtied alongside the corpse of the officer, when they were taken by helicopter to military Camp Guillermo Nakar in Lucena City.

On 16 May 2018, they were blindfolded and escorted by at least 15 soldiers, transferred to and incarcerated in the detention center of military Camp Bagong Diwa in Taguig City, more or less six (6) hours away from their home by car. Relatives testified that before getting to the helicopter, Rocky and Dandoy appeared tired, weak and traumatized. One of them said, "Don't cry. I will be back. Our community knows that I am innocent." Rocky and Dandoy have since been charged with illegal possession of firearms and explosives, and Rocky has additionally been charged with murder. The first charge has been documented in many cases of arbitrary detention involving the police and military in the Philippines. These charges are non-bailable.

Eight years later, they remain arbitrarily detained, in violation of international human rights protections, including on the legality of the permissible length of pre-trial detention. At **least 11 scheduled hearings have been postponed**, allegedly for administrative reasons such as scheduling conflicts or the assignment of the presiding

judge to other courts. To make matters worse, there are reports that Rocky and Dandoy are **suffering from pulmonary tuberculosis** contracted during their detention.

These 8 years have been a prolonged agony for Rocky, Dandoy and their families. They continue to bear the psychological toll and the social stigma of being tagged as NPA members, apart from the economic hardship involved in meeting their basic needs. Rocky's three and Dandoy's seven children are growing up in fear and shame, suspecting that simply being Indigenous can make you a target of state violence.

This case is part of a well-documented pattern of criminalization of Indigenous Peoples in the Philippines, particularly prevalent in militarized areas and areas targeted for state or private sector projects. Families and communities continue to live under staggering fear, stigma, and trauma, while their rights, dignity, and humanity are disregarded.

The inhumane treatment suffered by Rocky and Dandoy and their prolonged and unjust incarceration is a violation of fundamental international human rights standards that are binding on the Philippines. It constitutes not only a violation of the prohibitions against arbitrary detention, of the right to a fair trial and due process guarantees, but also breaches the prohibition of torture and inhumane treatment.

Therefore, the undersigned organizations and individuals urge the Government of the Philippines, especially the Office of the President of the Philippines, the Commission on Human Rights of the Philippines, and the Committee on Indigenous Cultural Communities and Indigenous Peoples of the House of Representatives to take urgent action, including:

- Immediately drop the charges against Rocky and Dandoy, release them and ensure their safe return to their families and community.
- Conduct an independent investigation on the arbitrary detention of Rocky and Dandoy, including the manifest denial of fair trial and due process guarantees and allegations of torture and other inhuman treatment, hold the perpetrators accountable, and provide redress to the victims and their families.
- Adopt the necessary legal and administrative measures to guarantee non-repetition, including measures to ensure full respect for the right to life, security, protection, prohibition of torture, and inhumane treatment of the Dumagat and other Indigenous Peoples, in accordance with international human rights standards.
- Respect and protect the individual and collective human rights of Indigenous Peoples in the country, including by ensuring the adequate implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Philippines Indigenous Peoples Rights Act (IPRA).

We hope that our collective call for urgent action on behalf of Rocky and Dandoy compels the Government of the Philippines to comply with its obligations to protect and fulfil human rights.

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