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Honoring & Serving the Migrants

PRESS RELEASE

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MELISSA ROXAS SUBMITS TORTURE CASE BEFORE U.N. IN GENEVA

Melissa Roxas, the first known American Citizen under President Obama's administration to have become a victim of abduction and torture by military agents in the Philippines, filed through her counsel, Arnedo S. Valera, of the Migrant Heritage Commission's Legal Resources program, her torture claim by way of "An Urgent Appeal and Allegation vs. the Philippine Government," before the United Nations Special Rapporteur on Torture , Professor Manfred Nowak, under the Office of the High Commissioner for Human Rights in Geneva, Switzerland . The case was received at the Geneva Office at 4:15 p.m today (U.S. time).

In addition to providing legal services for Roxas in the US, the Migrant Heritage Commission is a carrier of the Justice for Melissa Roxas (J4MR) Campaign, along with several organizations across the nation.

Among the specific answers in response to the questionnaire on the torture of Melissa C. Roxas, 31 years old, were the dates of May 19 through May 25, 2009 as the period during which the incident of torture occurred; and Kapanikian, La Paz, Tarlac, the Philippines identified as the place of abduction. The victim believes the torture was carried out in a military camp in Nueva Ecija, known as Fort Magsaysay. Fort Magsaysay, about 150 kilometers north of Manila, is the largest military camp of the Armed Forces of the Philippines. It is home to the Army's 7th Infantry Division. It also named the Special Operations Group (SOG) and those wearing military uniforms as interrogators and torturers.

The Philippines' Commission on Human Rights' ocular inspection of Fort Magsaysay in Nueva Ecija on June 10, 2009 tended to validate Melissa's physical description of the place where she was tortured.

Submitted also in the Urgent Appeal and Allegation is the description of the form of torture used and injury suffered by Melissa, i.e., torture via asphyxiation using a doubled-up plastic bag, repeated beatings on the face and body, and having her head banged repeatedly against the wall by her interrogators. Melissa suffered multiple abrasions as well as a psychological disorder called Acute Stress Disorder with supporting medical certificates.

The Urgent Appeal is requesting the UN office to review the significant human rights violations committed on Roxas and that an immediate impartial and vigorous investigation be conducted. Consistent with the established procedures under the U.N Commission on Human Rights, in resolution 1985/33, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Urgent appeal and Allegation was filed both online and in a written form. Attached to the document are the affidavit, medical

certificate, various appeal letters from faith-based, labor, non-government and human rights organizations, and others.

The Special Rapporteur upon receipt of the information may submit an earnest request to the Government concerned to ensure that the human rights of individuals are respected and to take steps aimed at protecting the right to physical and mental integrity of the person concerned, in accordance with the international human rights standards. The Special Rapporteur urges governments to take steps to investigate the allegations; to prosecute and impose appropriate sanctions on any persons guilty of torture regardless of any rank, office or position they may hold; to take effective measures to prevent the recurrence of such acts; and to compensate the victims or their relatives in accordance with the relevant international standards. The mandate comprises three main activities: transmitting urgent appeals to States with regard to individuals reported to be at risk of torture, as well as communications on past alleged cases of torture; undertaking fact-finding country visits; and submitting annual reports on activities, the mandate and methods of work to the Human Rights Council and the General Assembly.

Unlike the complaint mechanisms of the human rights treaty monitoring bodies, the Special Rapporteur does not require the exhaustion of domestic remedies to act. When the facts in question come within the scope of more than one mandate established by the Commission, the Special Rapporteur may decide to approach other thematic mechanisms and country rapporteurs with a view to sending joint communications or seeking joint missions.

Article 5 of the Universal Declaration of Human Rights clearly states that "No one shall be subjected to torture and other cruel, inhuman or degrading treatment or punishment". The right against Torture is a non-derogable right and in the same way, Article 2 states that "Everyone is entitled to all the rights and freedoms, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

"The Philippines always boasts of being a signatory to all major human rights declarations and treaties, it is now time to stop lip service and comply with these international UN instruments", said Melissa Roxas' Counsel Arnedo S. Valera, Esquire, Co-Executive Director of the Migrant Heritage Commission based in Fairfax, VA.

Records of the human rights watchdog Karapatan reveal there have been more than 1,016 victims of politically-motivated torture under the Arroyo government since 2001. More than a thousand other activists were victims of extra-judicial killings and hundreds others victims of enforced disappearances. ###