

REPUBLIC OF THE PHILIPPINES)  
QUEZON CITY.....) s.s.

## AFFIDAVIT

I, Melissa C. Roxas, of legal age, a Citizen of the United States of America, and temporarily residing at Quezon City, Philippines, after having been sworn to in accordance with law, do hereby depose and state that:

1. I am a graduate of the University of California San Diego with a BS in Animal Physiology and Neuroscience and a BA in Third World Studies with a Minor in Health Care and Social Issues;

2. I applied for an exposure program in the Philippines being the home country of my parents with Bayan – USA of which I am a member for the purpose of gathering materials for my writing project being also a member of Habi Arts, a community based artist organization based in Los Angeles, California;

3. Bayan – USA endorsed me to Bayan –National and Bayan – National endorsed me to Bayan – Central Luzon which toured me around the provinces and towns of Central Luzon and on April 2009, Bayan – Central Luzon endorsed me to Bayan – Tarlac where I was to join with their members at La Paz, Tarlac to conduct an initial survey of the place for a future medical mission;

4. I brought along with me my camera with a memory card, an external hard disk, a laptop, an Ipod, a journal, a blood pressure sphygmomanometer, a stethoscope, thermometers, medicines, my watch, and a wallet with money in the amount of Ps. 15,000.00;

5. On May 19, 2009, while resting from a survey at a friendly house, the owner of which gladly accepted our request that we rest at his house and while watching a noon time Television program, at around 1:30 p.m., I and my two companions, John Edward Jandoc and Juanito Carabeo, heard a banging on the front door and a voice asking that the door be opened. I immediately went to see what was going on and found about 15 men in civilian clothes armed with high power rifles and wearing ski masks or bonnets surrounding the house and in a little while, the door was forcibly opened and armed men swarmed into the house coming from the front door and the back door and ordered us to drop face flat on the ground;

6. I did not obey them and I wanted to stand up to protest the intrusion but an armed man held my head and forced it down pushing me to a squatting position then pushed me on the ground. I asked them why they were doing this to us and I saw that everybody in the house was on the ground flat;

7. They attempted to tape my mouth but I was able to wrench it and they wanted to handcuff me but I resisted and about five of the armed men were ganging up on me, holding my hands and my legs but I continued resisting them and shouting to the owner of the house, “Kuya, help me.”

8. I then started to shout my name, repeating it again and again, I was punched repeatedly at my right rib cage while my two companions who were already blindfolded and taped at the mouth were herded to a blue van about 15 meters from the house door and I with all my strength tried to stop the armed men from putting me into the van and they instead started to drag me bruising and wounding my arms and my legs wounding severely my left knee cap while I continued shouting my name;

9. When they started to force me inside the van via the side door, I locked my feet on the door sidings and they needed more than 5 men to push me. But then, they finally were able to push me inside the van; I was made to sit between two of the armed men and was immediately blindfolded and handcuffed to the back. But they could not tape my mouth because I was already retching and vomiting;

10. When the van started moving, my head was put down so that I could not be seen from the outside;

11. After more than an hour, we stopped and we were told to step down and because I was still retching, they made me sit or half lie on a kind of lounging chair made of bamboo slats and at that point, I did not know where my two companions were;

12. After more than 5 minutes sitting down in that bamboo lounging chair, I was brought into a room with a screen metal door and the room sounded like it had a kitchen as there was running water and I could hear cleaning activities but I was still vomiting and I heard a command was made to a woman to clean my vomit and a man asked me whether I was pregnant but I did not answer him;

13. Another man who I felt was in command asked me if I knew why I was there and I answered him that I knew my rights and that I demanded for my lawyer and he laughed telling me that in the said place there was no availing of a lawyer (*walang abogado-abogado dito*) and told me that “*malinis ka naming nakuha at alam mo naman bakit ka nahuli?*” (*we got you smoothly and you know why you were captured?*)

14. Then he told me that I was a member of the CPP-NPA and I retorted that I was not and I demanded for my lawyer again and I felt that there were other men inside;

15. I was made to enter a room which I felt was a jail cell because as I entered the room, they had to open a door with iron bars and for my two days stay inside that cell, I sensed that my bed was a single wooden bed without mattress, with a length of 6 feet and I was always made to lie down with my head positioned on the wall where the iron barred door was located and at my foot was a low partitioned space where a toilet bowl was and after it was a wall where there were holes serving as windows. I discerned that in the room before entering the jail cell was a bunk but I do not know the whole contents of that room;

16. When I was made to enter the jail cell, I was still blindfolded and handcuffed to the back and I remained in such position until the dawn of the next day when they changed the position of my hands to be handcuffed to the front and because of which my wrists were severely cut and bruised;

17. It must be stated here that throughout my abduction, I was always blindfolded and handcuffed even in my sleep except for those few times when I was made to take a bath;

18. During my two days there, I heard construction activities – blowtorching, hammering and the construction bustle – and these stopped in the late afternoon and I also heard gunfire as though in a firing range and planes taking off and landing and it was loud and I could also hear goats bleating;

19. Later in the evening, I was brought out of my cell and I was confronted by two burly men in ski mask or bonnet and they shone their flashlights on my face and after a short while, they put me back into my cell and said, “*punta tayo sa kabilang gate.*” (*let's go to the other gate*);

20. I slept light that first night, determined to always know the time, and when morning came, I was interrogated and no breakfast nor lunch was given to me and I was

asked repeatedly if I knew why I was there and was told by them that I was abducted because I was a member of the CPP NPA and I also repeatedly told him that I have rights and that I demanded for my lawyer and then he told me that even a year will pass, no lawyer would be seeing me and told me repeatedly that it was because of people like me who are the costing the government so much money and people like me are the ones who are making it difficult for the government, so that they are resorting to what they are doing and asked me who my lawyer was and I told him that it was Atty. Romy Capulong and he seemed to be stymied by my answer;

20. He continued asking me questions which I was not listening to and I was not answering and after 30 minutes of that he stopped and left;

21. After a while, another person entered and interrogated me along the same lines of questions and I did not listen and did not answer but instead told them that I knew my rights and that I wanted my lawyer and about 15 minutes of that, he left and I was already feeling hungry but no food was forthcoming and in the afternoon, many people were going in and out of the room and in and out of my cell and in the evening, I was made to eat and I ate little and then one of the men asked me if he could bathe me and I of course refused but there was this woman who was kind of assisting the men in attending to me and who I came to know later as Rose and she directed me to take a bath and brought me to another building (passing through a sometimes grassy and sometimes graveled pathway) where I saw through my blindfold two double decked beds and I assumed that it was a female barracks and there was a bath room with a jalousie typed window and I took a bath with one hand free from its cuff but with a hanging cuff on the other and my eyes free from the blindfold;

22. I was brought back to my cell blindfolded again and handcuffed at the front and I was made to lie down and after a short while, the iron barred doors were banged making clanking sound and I was taken aback and two men entered my cell with one of the man calling the other, "Tatay", and a man pulled my cuffed hands up raising me on a sitting position and then a fist struck me at my upper sternum and it hurt and then a thumb was pressed strongly to my throat (I heard somebody saying "huh!...huh...huh.") choking me, making me suffocate for quite a time and when he released the pressure I gagged and I coughed and then he struck me with his fist on my left jaw ringing my ears and numbing my jaw and they were telling me, "Ang tigas ng ulo mo. Sasagot ka na sa mga tanong." He kept repeating the questions and his pressure on my throat and fists to my jaw. An hour after, they left. But before they left, he said, "matigas 'to. Barilin na lang natin" and I prepared for the worst;

23. It must have been very late night or early dawn, when he came back to me and he dragged me to the first room and I sensed that there was a kind of leader of the group who kept on whispering on that person who was manhandling me and two other men and the man who got me from my cell asked me, "handa ka bang mamatay?" and I answered, "Opo" and then he told me, "bago namin patayin ang isang tao, mapapaihi at mapapatae muna namin siya";

24. The whispering man kept whispering questions to be asked and the manhandling man kept asking the questions and I told him that I have rights and that I was demanding for my lawyer but when he asked me about my name, I told them but when they asked other questions, I did not answer and he would hit me on the chest strongly and I would lose breath and gasped for air after and then he would press my throat with his thumb and say "Huh...huh...huh!" and I would gag and then he would hit me on my jaws, ringing my ears and numbing my jaws and he repeated this and added another one by holding my head with his two hands and banging the back of my head repeatedly and each time it hit the wall, I would see a flash of white bright light and ringing in my ears and again the pressure to my throat with the "Huh ... huh...huh." And saying to me, "ayaw mo pa din magsasalita" and then punched me in my rib cage and I crumpled but the other men

forced me up. This torture continued and every time I crumpled the other men would force me up.

25. I was having a streaming thought that I was going to die there and then, they held my feet and my hands down and doubled up plastic bags were pulled down on my head and face and closed on my neck and I started to suffocate and I could not breath anymore and I was seeing white and thinking I was going to die and then he released the hold and I could breath but I was faint and weak (lantang lanta) and he patted me in the back and several men carried me to my cell;

26. Several hours later and when it was light, a person entered and although I was still very weak and lying down he started to interrogate me again and I said that I was tortured and I knew my rights and he told me that it was not his responsibility if there were other men who would torture me but I forced myself to sit up to face him and he was asking me what was my position in the organization and I was not answering and he told me, “akala mo ba may magagawa ang Canadian Government sa iyo?” and he called me, “Maita” and I told him that I was not Maita;

27. This was May 21, 2009 and the interrogation continued non-stop with one interrogator replaced by another after every hour and I was not given lunch although, there was a brief respite from the questions during lunch but it continued after lunch with that man who kept on his way of threatening me by saying, “Huh...huh...huh.” and this interrogation continued to the night and I remembered one interrogator who introduced himself as Dex and he talked about religion and asked me to return to the fold (“bagong buhay”) telling me that they were “kasangkapan ng Diyos para mag-bagong buhay ang mga rebelde” and I told him that I do not believe him and told him that the God I knew did not condone torture and violence and I was tortured and he gave me 24 hours to decide whether I would return to the fold;

28. After Dex, the religious interrogator, the next interrogator had a Visayan accent and talked about the evils of communism to me and kept on banging the glass on the table and after an hour of lecture, he told me, “maghintay ka na lang mamaya,” and I expected then for the worst to happen and I anticipated that I would be tortured physically again and I called for Rose with the plan that I would talk to her to delay the expected torture they would do to me and I talked to her long into the night and thinking that the only way to mitigate the torture was to play that I was returning to the fold, I told Rose that I would like to return to the fold but despite that after my talk with Rose another interrogator came in and it was this time I heard that there were other units who would like to borrow me and there was no dinner given to me;

29. I had again a light sleep and on May 22, 2009, at the break of day, the interrogation started and intensified and I was brought to another building to what I perceived to be opposite of the female barracks with the jail cell as the fulcrum and I was given some breakfast and a late lunch at the building, I felt I was in a room used as an office and I was facing a panel of interrogators and I sensed that Dex was one of them and that beside me was Rose and another man and aside from the questions and the lecture on anti-communism and religion, they were asking me to sign a document but which I refused but I asked for Dex and went along with the Religion talk;

30. Because of my refusal to sign, I was brought into another room (I heard the voice of Juanito Carabeo when I entered the room) where a bright and hot light was shone on my face and the interrogator started to ask me questions and while asking questions he gripped and pressed my right shoulder hard and it was very painful because there was a dislocation and he knew I had that dislocation and when he was telling me that I was hardheaded he pounded his pointer finger on my forehead and it hurt and then suddenly, he changed his tone and tune and told me he believed that I wanted to return to the fold and we started talking about literature and asked me about magical realism of Gabriel Garcia

Marquez and he even gave me a Gabriel Garcia Marquez novel, Love in Times of Cholera, and the Bible of the King James Version and I told him that I was in the area because I was looking for and gathering materials for my novels and that was why I joined the Bayan – USA and applied for an exposure program with Bayan – Central Luzon and Bayan - Tarlac volunteered for that initial survey at La Paz, and that I believed in God and I have to insist on that to go along with the Religious talk of Dex and he told me that they were interested in knowing how I got involved;

31. I was made to drink an orange soda and after a while I started to become groggy and another interrogator came to replace the literary interrogator but Dex was coming in and out of the interrogation and I started to talk about my family, my parents and my address in the United States and I was told that my name was in the Order of Battle and that I told them that I wanted to cooperate in order to return to the fold and later, Dex was again the interrogator and talked to me about religion and it was there that I felt so sleepy and before I could fall asleep I was transferred to the female barracks and was made to sleep in the floor but I was now given a mattress, a blanket and a pillow and I slept heavily and woke up when the light was already bright;

32. This was May 23, 2009 and I got angry with myself for losing control of the time and by sleeping long and deep and the interrogation continued trying to pry from me information of people I visited when I was with Bayan Central Luzon and Bayan Tarlac but I refused saying that I don't want to put other people in harm's way and an interrogator who introduced himself to me as RC took over and he talked about religion like Dex and said that they were merely tools of God for making rebels return to the fold and I told him that my God do not torture people and he told me that those who tortured me came from the SOG, the special operations group, and they were responsible for the "pagdukot" and for what happened to me and he asked me, "let us start from zero, ha?...ha? ...ha?" and I realized he was the one who was torturing me and he continued to ask me how I came to get involve with Bayan – USA and I told him about my interest in the third world and poverty therein and I started to search the internet and I came to the site of Bayan – USA and that got me started. Sometime in the afternoon, they forcibly took a photo of me and looked for the mole on the left side of my face;

33. On this day, the interrogators were Dex and RC and they rotated between themselves interrogating me and I was playing along the religion line and finally I was told that their boss would be making the final evaluation of whether I was really returning to the fold and I slept lightly on the night of the 23<sup>rd</sup> and in the morning of the 24<sup>th</sup>, I was interrogated by the a person whom they called Boss and addressed as "Sir" and the interrogation lasted for the day and I answered their questions about me but not about other people and the Boss told me that if I did not cooperate I would be borrowed by other units whose personnel wouldn't be as nice as Dex and RC and this interrogation and conversations continued until the night; the Boss also said to me that if I saw him, I'd be surprised and that he knew a lot about me and who I was;

34. At night, RC approached me and told me that I would be going home the next day but I did not believe him and I slept lightly on the night of the 24<sup>th</sup>; at early dawn of the 25<sup>th</sup>, I was awakened by Rose who told me to bath and I was given a sim card for use in contacting them and I was given a slip of paper where a new email address RC created for me was written with the password \_\_\_\_\_ and I was given a bag where biscuits were placed and the books that were given were also placed and also the handcuffs used on me and Rose gave me her blouse and shoes for me to use in going home and RC told me that, "hindi tayo magkaaway, gusto ko magkaibigan tayo, ha" and he told me to beware of Karapatan because it will tell you to go against us and will talk with your family and that I should not let Karapatan talk with their family, otherwise, something will happen and that they would like to talk with my uncle and after which, I boarded a different vehicle than that of the van that brought me there as it was more spacious and I was seated on the center with Rose on my left and RC on my right with the driver and a passenger on the passenger

side of the front seat and I sensed that there were about more than two people at the back and that I could hear communications with another car which was in convoy with us ordering not to drop me in front of our house in Quezon City as there was an activity but the car I was riding passed by and stopped in front of our house and I was asked to lift my blindfold to take a look at the house and to affirm whether it was my house and I confirmed and my blindfold was placed back and the car turned around and finally I was dropped at the corner nearest the house and I was told to face where I was dropped and to count up to one hundred before walking to my house and RC told me that they will be monitoring all my actions and something bad will happen to me if I do not cooperate that made me more afraid and I did what they told me after they took off my blindfold and I was dropped on the sidewalk and I was facing a wall and I did not move around even just to turn my head as I was very afraid that they would get me again and I did not move even after a count of a hundred until my phone rang and it was RC who instructed me that I could already walk which I did and arrived home to my uncle's warm and relieved welcome;

35. But my travails did not end there, RC continued to talk to me through the phone where the Sim card he gave was inserted and I was so afraid to go out believing that they were just around monitoring me that I just stayed inside the room not even going out of that room and because of that my cousin bore upon me to throw the bag and the sim card to the trash which I did but the books, the clothes of Rose, the handcuffs, the slip of paper containing the email address RC created for me and the password I retained thinking of filing a case against them;

36. I was traumatized and the fear is still in me and I execute this affidavit to state the truth of the foregoing facts and for purposes of filing a Petition for a Writ of Amparo and Habeas Data to protect me and my family and my uncle and his family now and in the future and for possible other legal cases.

IN WITNESS WHEREOF, I hereunto affix my signature this 2th day of May 2009 at Quezon City, Philippines.

**MELISSA C. ROXAS**

SUBSCRIBED AND SWORN TO BEFORE me this 29th day of May 2009 at Quezon City, Philippines by affiant who showed to me her U.S. Passport no. xxxxxxxxx, with expiry date on June 1, 2018 and issued at the US Embassy Manila.