



ALTERNATIVE REPORT ON THE PHILIPPINES

STATE OF BANGSAMORO HUMAN RIGHTS IN THE PHILIPPINES UNDER PRESIDENT RODRIGO DUTERTE

Submission to the Human Rights Committee
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SUBMITTED BY: Moro-Christian Peoples Alliance (MCPA)
and the SANDUGO Moro and Indigenous Peoples for Self-Determination
Movement

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1. The Moro-Christian Peoples Alliance is a network of Muslim and Christian religious leaders and civil libertarians advocating the collective rights and aspirations of the Moro people for self-determination. Founded in August 1999, it promotes and advocates for the human rights of the Moro people and renders services to victims of human rights violations.

2. The SANDUGO Movement of Moro and Indigenous Peoples for Self-Determination is a network of different groups and individuals representing the different tribes in the Philippines aimed at uniting the national minorities in their collective struggle for self-determination and just peace. Established in October 2016, SANDUGO led protests and peace caravans against destructive mining operations and the expansion of corporate plantations that led to landlessness and violations of minority rights.

3. The Bangsamoro people are the Muslim national minority in the Philippines, comprising 13 ethnolinguistic groups. The major groups are Tausug, Maguindanao, and Maranao, who are primarily in Mindanao, the second largest island and one of the country's resource-rich areas.

4. The Philippine census data in 2010 states that there are over five million Muslims in the Philippines and that 94% are living in Mindanao, mostly in provinces under the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). More than 100,000 are said to be scattered in different cities in Metro Manila, Luzon, and the Visayas, driven from their homelands by conflict and poverty.

5. The Bangsamoro identity and the specific rights of the Bangsamoro people were further articulated under the Bangsamoro Organic Law (BOL), which President Duterte signed on July 26, 2018. Duterte then picked the members of the interim government, the Bangsamoro Transition Authority (BTA), to lead the transition of the autonomous government.

6. This report came from consultations and reports of MCPA members. More significantly, this includes accounts of the victims and their families during fact-finding missions and documentation activities initiated or participated in by the network.

Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to additional previous recommendations

Counter-terrorism measures (arts. 2, 4, 7, 9, and 14)

7. On May 23, 2017, Pres. Rodrigo Duterte issued Proclamation 216 which placed the whole island of Mindanao under Martial Law. This was in response to the siege staged by a handful of armed men in Marawi City. The government identified the men as a local Islamic State of Iraq and Syria (ISIS) group composed of the Abu Sayyaf Group (ASG), Maute Group, and Dawlah Islamiya.

8. Checkpoint operations numbering 17,494 were installed and curfews in 129 cities were implemented in all six regions of Mindanao.¹ The Department of National Defense (DND) issued two arrest orders containing a list of at least 186 Moro individuals suspected of being members of ISIS and “known as perpetrators/supporters/couriers.”²

9. It was announced that the suspension of the right to a writ of habeas corpus would only apply to a select number of provinces and would initially continue for 60 days, until July 22, 2017. Martial law was in effect for 952 days, or 31 months, after President Duterte requested a two-year extension of the declaration from Congress until December 31, 2017, affecting Mindanao's 27 provinces and 33 cities.³

10. Martial Law in Mindanao also allowed the government to use air and ground assaults for five months in Marawi City, the most notorious of which was the 'surgical airstrikes' using US jet fighter planes.⁴ Military airstrikes were also used in Moro and Lumad areas that had no known presence of ISIS.⁵

11. There were reports of US soldiers seen near battle areas manning drones, prompting US officials to confirm that there were an undetermined number of US soldiers armed for “self-defense” that were deployed in Marawi City giving “security assistance and training” to their AFP commanders in intelligence, surveillance, and reconnaissance.⁶

12. Despite the termination of Operation Enduring Freedom-Philippines, a local counter-terrorism program that is part of the U.S. After the Global War on Terrorism and the deactivation of Joint Special Operations Task Force-Philippines (JSOTF-P) in February 2015, there are still US soldiers left in the country.

14. At the height of the aerial assault on Marawi City, the US Department of Defense (DoD) "designated" on September 1, 2017, in secret a new counter-insurgency mission to the Philippines.⁷ Dubbed as Operation Pacific Eagle-Philippines, it replaced Operation Enduring Freedom as the new overseas contingency operation to support the AFP in its fight against ISIS—East Asia (ISIS-EA) and other terrorist organizations.⁸

¹ Davao Today. “Martial Law in Mindanao covers 17,494 checkpoint operations, curfews in 129 cities.” 30 June 2017. <http://davaotoday.com/main/politics/martial-law-in-mindanao-covers-17494-checkpoint-operations-curfews-in-129-cities/>.

² ABS-CBN News. “DND chief orders arrest of Abu Sayyaf, Maute, BIFF members, spies.” 09 June 2017. <http://news.abs-cbn.com/news/06/09/17/dnd-chief-orders-arrest-of-abu-sayyaf-maute-biff-members-spies>.

³ Mindanews.com. “Martial Law in Mindanao extended from 60 days to 222 to 587 to 952.” <https://www.mindanews.com/top-stories/2018/12/martial-law-in-mindanao-extended-from-60-days-to-222-to-587-to-952/>

⁴ Los Angeles Times. “Filipinos watch in horror as their city is destroyed in a fight with Islamic State affiliate.” 07 July 2017. <http://www.latimes.com/world/asia/la-fg-philippines-marawi-airstrikes-2017-story.html>.

⁵ Davao Today. “Martial Law in Mindanao: HR group records military abuses, HRW says ML increases abuses vs civilians, activists.” 28 May 2017. <http://davaotoday.com/main/human-rights/martial-law-in-mindanao-hr-group-records-military-abuses-hrw-says-ml-increases-abuses-vs-civilians-activists/>.

⁶ MROnline.org. Operation Pacific Eagle in the Philippines: Washington's New Colonial War. <https://mronline.org/2018/02/18/operation-pacific-eagle-in-the-philippines-washingtons-new-colonial-war/>

⁷ US Department Of State. Operation Pacific Eagle – Philippines | Quarterly Report to Congress | Apr. 1 to Jun. 30, 2020. <https://www.stateoig.gov/news/10718>.

15. On October 17, 2017, President Duterte declared Marawi “liberated from the terrorist influence” and terminated all combat operations a week later.⁹

16. Using the threat posed by ISIS as a starting point, the Philippine government has issued measures and policies to “combat terrorism and violent extremism.” One of these is RA 11479, or the Anti-Terrorism Act (ATA) of 2020, which President Duterte signed into law on July 3, 2020, repealing RA No. 9372, or the Human Security Act (HSA) of 2007.

17. The law enables the Anti-Terrorism Council to issue resolutions that designate armed groups and individuals as terrorists. On April 20, 2021, the ATC issued Resolution No. 16, which listed 10 names identified as members of the Abu Sayyaf, Dawla Islamiya, and the Bangsamoro Islamic Freedom Fighters (BIFF).¹⁰

18. In his 5th State of the Nation Address (SONA) delivered in July 2020, President Duterte claimed that “Martial law in Mindanao ended without abuses by the civilian sector, by the police, by the military.”¹¹

19. However, based on national and international fact-finding missions as well as reports coming from groups of displaced residents of Marawi City, President Duterte should be held accountable for the numerous human rights violations.

20. This US-backed counterterrorism policy of the Philippine government overrides the rights of the Bangsamoro people. It also undermines the peace process between the government and the Moro Islamic Liberation Front (MILF). Based on reports from the ground, MILF members and communities were reportedly targeted by the AFP and PNP in their counter-terrorism efforts.¹²

Right to life (arts. 6 and 24)

21. Civilians bore the brunt of the government’s aerial and ground operations in Marawi City by the Armed Forces of the Philippines (AFP) during the declaration of Martial Law. They weren't merely trapped in the crossfire; they were falsely identified as the enemy and apprehended in military checkpoints and house raids.

⁸ Commission on Human Rights. Statement of the Commission on Human Rights on the use of airstrikes and the humanitarian condition in Marawi City. <https://chr.gov.ph/wp-content/uploads/2018/01/10-Jun-2017-Statement-of-the-CHR-on-the-use-of-airstrikes-and-the-humanitarian-condition-in-Marawi-City.pdf>

⁹ CNN. “Duterte declares liberation of Marawi.” 17 October 2017. <http://cnnphilippines.com/news/2017/10/17/Marawi-liberation-Duterte.html>.

¹⁰ Pulta, Benjamin. Philippine News Agency. “Anti-terror council tags 19 Reds, 10 ASG leaders as ‘terrorists.’ 13 May 2021. <https://www.pna.gov.ph/articles/1140185>.

¹¹ Inquirer.net. “Duterte chides Maranaos for letting in ‘corrupt ideology’ of ISIS.” 07 June 2017. <http://newsinfo.inquirer.net/903484/duterte-chides-maranaos-for-letting-in-corrupt-ideology-of-is>.

¹² ABS-CBN News. ‘It’s a massacre’: MILF ipinrotesta ang pagkamatay ng 9 miyembro sa drug raid. 29 May 2018. <https://news.abs-cbn.com/news/05/29/18/its-a-massacre-milf-ipinrotesta-ang-pagkamatay-ng-9-miyembro-sa-drug-raid>.

22. One case is that of a 35-year-old male who was seen in a media report being apprehended by the military at a checkpoint. He was one of those whose bodies were discovered inside the battle area and declared a terrorist.¹³

23. Another case was that of a 20-year-old Criminology student who was last seen being accosted by police at a checkpoint and turned over to the Special Action Force.¹⁴ His family learned of his death while in custody from fellow evacuees.

24. The killing of Moro civilians during military operations outside of Marawi City was also prevalent during Martial Law in Mindanao, in areas where there was no presence of ISIS. On June 8, 2017, a farmer was found dead by his landlord after a military operation that involved mortar shelling and aerial assault against the Bangsamoro Islamic Freedom Force (BIFF) in Datu Saudi Ampatuan in Maguindanao.¹⁵

25. On September 5, 2018, a Maguindanaon ustadz (Islamic scholar) was killed in a military airstrike and ground operations by the AFP with the aid of US special forces against the Bangsamoro Islamic Freedom Fighters (BIFF) in Bgy. Balliaong, Sharif Aguak, Maguindanao.¹⁶

26. On September 14, 2018, seven (7) Tausug farmers, ages ranging from 18 to 22, were killed by the military in Patikul, Sulu. The AFP's Western Mindanao Command chief claimed they were ASG bandits, but families of the victims said they were merely harvesting crops and even acquired a permit from the local military.¹⁷

27. Even after Martial Law was lifted, deaths due to indiscriminate firing continued in areas where police and military conducted anti-terror operations, done in "pursuit" of terrorists.

28. According to KAWAGIB Moro Human Rights Network, indiscriminate mortar shelling by the military in Maguindanao province killed two girls and injured several others in Kitango village, Datu Saudi Ampatuan town on May 24, 2020.¹⁸

13 Mindanews. 7 slain in Patikul, Sulu: encounter? massacre? mistaken identity?. 16 September 2018 <https://www.mindanews.com/top-stories/2018/09/7-slain-in-patikul-sulu-encounter-massacre-mistaken-identity/>. Accessed on 23 February 2022.

14 Tilendo, Menchani, Bulatlat. "Anti-Terror Law worsens human rights situation in Maguindanao." 18 February 2021. https://www.bulatlat.com/2021/02/18/anti-terror-law-worsens-human-rights-situation-in-maguindanao/?fbclid=IwAR1LohY9soZcozGY_JNYARLU8MPj6255CnRneGgNpPIEFvBXjqlok-nwNK8.

15 Sarmiento, Bong. "BARMM seeks probe of Moro killings in South Cotabato." Mindanews, 21 July 2020. <https://www.mindanews.com/top-stories/2020/07/barmm-seeks-probe-of-moro-killings-in-south-cotabato/>.

16 Sandugo Alliance. Press Statement: Suara Bangsamoro to President Duterte: Stop killing the Bangsamoro, stop bombing our communities! 11 September 2018. Lifted from the Facebook page of Sandugo Alliance of Moro and Indigenous People for Self-Determination.

17 DavaoToday.com. "Humanitarian Mission reports 309 cases of human rights violations in Marawi City. 02 August 2017. <http://davaotoday.com/main/human-rights/humanitarian-mission-reports-309-cases-of-human-rights-violation-in-marawi/>.

18 http://davaotoday.com/main/wp-content/uploads/2017/08/NIHM-2.0_Highlight-of-the-Mission-Report.pdf

29. On December 15, a pregnant woman died after being hit by shrapnel from a mortar fired by the military during their pursuit operations against BIFF members in Datu Shariff Saydona in Maguindanao.

30. In a nearby town, a six-year-old child also died due to sepsis from an infected wound that he got from shrapnel from a mortar fired by the military in Datu Salibo on December 13, 2020.¹⁹

31. Even members and officers of the Moro Islamic Liberation Front, with whom the government has a standing peace negotiation, also fell victim to the government's anti-terror drive. The MILF, which leads the Bangsamoro Autonomous Government in Muslim Mindanao, has requested an investigation into the killings of Moro civilians in Polomolok and Tupi, in the province of South Cotabato. One of those killed by a police operation was a member of the Moro Islamic Liberation Front.²⁰

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 6, 7, 9 and 10)

32. At least 45 cases of illegal arrest and detention of Moro civilians in the first two months of Martial Law, five of whom were tortured into admitting that they were terrorists.²¹

33. One such case was Arafat Lala, a Maranao IDP who is known to help facilitate the distribution of relief in their evacuation center in Saguieran, Lanao del Sur. He was arrested by the police on July 23, 2017 on suspicion of aiding terrorists.²²

34. Another case is that of a 36-year-old father and his two sons who were arrested, detained, and tortured for weeks at a military headquarters. While in handcuffs, interrogators repeatedly poured candle wax on their hands to get their confession about being ISIS members.²³

35. By the end of August 2017, more than 132 individuals had been arrested in Northern Mindanao and Lanao provinces for various cases, including drug possession and violation of the curfew.²⁴ None of those arrested were charged with rebellion, although this was the basis for the declaration of martial law in Mindanao.

36. Displaced Moro civilians seeking work in other areas due to conflict and/or economic reasons were also vulnerable to arbitrary arrests and detention. One case was reported by the

¹⁹ SunStar. "Army records 132 arrests since Martial Law declaration." <http://www.sunstar.com.ph/cagayan-de-oro/local-news/2017/08/31/army-records-132-arrests-martial-law-declaration-561423>.

²⁰ See Commission on Human Rights Regional Office IV-A Report CHRIV-M-9G21-116 on 9 July 2021.

²¹ Lara Tan, CNN Philippines "Maranao turns emotional as she cites human rights violations in Marawi" 22 July 2017, <http://cnnphilippines.com/news/2017/07/22/Martial-law-Mindanao-Marawi-human-rights-violations.html>.

²² ABS-CBN News. "Mission finds Marawi women scared of rape by soldiers; military questions report." 22 June 2017. <http://news.abs-cbn.com/focus/06/22/17/mission-finds-marawi-women-scared-of-rape-by-soldiers-military-questions-report>.

²³ H. Marcos C. Mordeno "Our human rights are violated" 27 July 2017, www.mindanews.com/top-stories/2017/07/our-human-rights-are-violated.

²⁴ <https://www.adb.org/sites/default/files/linked-documents/52313-001-sd-01.pdf>

Bangsamoro Human Rights Commission to the Commission on Human Rights about the arrest of 11 construction workers from Basilan and Maguindanao in Bacoor, Cavite in February 2021.²⁵

Internally displaced persons (arts. 12, 17, 24, and 27)

37. In 2017, two months after Martial Law was imposed, the displacement crisis included 359,680 individuals, with 94% of the IDPs living with host families in nine (9) regions, while around 21,000 individuals were in 78 evacuation centers.²⁶

38. According to Kalinaw Mindanao, an interfaith group that held humanitarian missions to provinces affected by the Martial Law declaration, outside Marawi City, the AFP also used aerial strikes and mortar shelling that led to the displacement of civilians in Maguindanao (1,248 families), North Cotabato (260 families), and Davao del Sur (187 families).²⁷

39. The UNHCR-the UN Refugee Agency reported that five years later, there are still 17,067 families (85,335 individuals) displaced in Lanao del Sur since the Marawi siege, with most staying with host families and relatives and in temporary shelters and evacuation centers.

40. The continuing use of mortar shelling by the AFP against “terrorist groups” has also resulted in the displacement of 1,025 families (5,123 individuals) in the Moro provinces of Maguindanao, Sulu, and Basilan, and North Cotabato, as reported in May 2022.²⁸

41. The five-month aerial assault turned Marawi City into a ghost town. Five years into the rehabilitation efforts, most of the residents are still not allowed to go back to the 250-hectare area consisting of 24 barangays dubbed as the most affected area (MAA).

42. President Duterte issued Administrative Order No. 3 that created Task Force Bangon Marawi to oversee the reconstruction and rehabilitation efforts of Marawi City. Together with the National Economic Development Authority (NEDA), the TFBM crafted the Bangon Marawi Comprehensive Rehabilitation and Recovery Program (BMCRRP) with plans to turn Marawi City into a “community-based economic zone” and a tourist spot in the South.

43. On January 30, 2018, President Duterte led the groundbreaking ceremony for the construction of a 10-hectare regiment-size military camp worth PHP400 million (USD8 million) inside the MAA.²⁹ Almost two years after President Duterte issued Memorandum Order 41,

²⁵ *Statement of President Rodrigo Roa Duterte on his Participation in the 75th Session of the United Nations General Assembly.* (2020). https://ops.gov.ph/news_releases/statement-of-president-rodrigo-roa-duterte-on-his-participation-in-the-75th-session-of-the-united-nations-general-assembly/

²⁶ <https://reliefweb.int/report/philippines/philippines-mindanao-displacement-dashboard-may-2022-issue-no-92>

²⁷ Philippine News Agency. Duterte leads the groundbreaking of a new military camp in Marawi. 30 January 2018. <https://www.pna.gov.ph/articles/1023525>.

²⁸ PeaceBuilders Community, Inc. “Marawi City is for the People of Marawi. Let them go back to their homes. 30 March 2018. <https://peacebuilderscommunity.org/2018/03/marawi-city-is-for-the-people-of-marawi-let-them-go-back-to-their-homes/>

²⁹ Sunstar. Government to build 2nd military camp in Marawi. 21 January 2018. <https://www.sunstar.com.ph/article/416727/govt-to-build-2nd-military-camp-in-marawi>.

signed on November 15, 2019, tasking a Technical Working Group (TWG) to study the establishment of a military camp.

44. On March 30, 2018, several displaced residents marched towards the most-affected areas, demanding their participation in the rehabilitation plan and allowing them to visit their houses and/or inspect their properties. The residents demanded that they be allowed to intervene in the rehabilitation plans to stop the rehabilitation plans and build a military camp and an economic zone inside Marawi City.³⁰

45. On April 1, 2018, the displaced residents were allowed to visit their houses by batch for three days and were told to retrieve their belongings, as the government would soon start the demolition and debris program.

46. Aside from the destruction of their houses, the displaced residents also complained of looting of their properties, which they believed to have been done by military forces during the siege and the clearing operations, and even painted "ISIS-free" on their houses and buildings.

47. Several Marawi residents opposed the establishment of a military camp inside Marawi City.³¹ A petition by Marawi-based groups gathered around 200,000 signatures asking President Duterte to reconsider. A resolution was passed by the Bangsamoro Transition Authority (BTA), the agency tasked with overseeing the transition to the Bangsamoro autonomous region, asking Duterte to stop the construction.³²

48. Maranao displaced residents are hopeful that the signing of Republic Act 11696, or the Marawi Siege Compensation Act of 2022, on April 13, 2022, will provide justice through reparation to those who lost residential and commercial properties as a result of the Marawi siege.

49. The Department of Budget announced that P1 billion was allocated for the Marawi Siege Victims Compensation Fund, lodged under the 31 billion Calamity Fund for 2023. However, President Marcos still has to constitute the members of the claims board.³³

30 Divina Suson, Philippine News Agency. "Gov't may not pursue military camp in Marawi: Lorenzana." 17 December 2019. <https://www.pna.gov.ph/articles/1088954>.

31 Kalinaw Mindanao. Mission Statement National Interfaith Humanitarian Mission. 21 June 2017. <http://davaotoday.com/main/wp-content/uploads/2017/06/Kalinaw-Mindanao-Mission-Statement-FINAL.pdf>. Accessed on 23 February 2022.

32 http://davaotoday.com/main/wp-content/uploads/2017/08/NIHM-2.0_Highlight-of-the-Mission-Report.pdf

33 Philippine Information Agency. P1 billion compensation fund for victims of Marawi siege included in 2023 national budget. 06 September 2022.

<https://pia.gov.ph/press-releases/2022/09/06/p1-billion-compensation-fund-for-victims-of-marawi-siege-included-in-2023-national-budget>

50. A group of victims of the Marawi Siege has called on the Task Force Bangon Marawi (TFBM) to fast-track the updating of a postconflict needs assessment (PCNA), which needed to be updated five years after the siege.³⁴

Conclusion

By imposing martial law in Mindanao and using counter-terrorism measures in the Philippines, President Duterte violated and undermined the civil and political rights of the Bangsamoro people.

Recommendations to the GPH and the international community:

1. The UN Rapporteur on Human Rights and Internally Displaced Persons should conduct an independent on-site investigation to determine the extent of the impact of Martial Law in Mindanao on civilian lives and properties, to attain justice for victims, and ensure that the internally displaced persons will be given the right to be included in the entire rehabilitation process;
2. Immediately implement the Marawi Siege Compensation Act of 2022, particularly the formation of the board and the updating of the needs assessment of the victims;
3. Pursue an independent investigation into the reported killing, torture, and illegal arrest and detention of Bangsamoro people due to “terror-tagging” and implementation of the counter-terrorism program of the government; hold President Rodrigo Duterte accountable and indemnify the victims;
4. Immediate and unconditional release of Bangsamoro prisoners who were falsely accused as terrorists and who were tortured to admit they were members of the Abu Sayyaf;
5. Review the government’s anti-terror policies, which are subservient to the US counter-insurgency operation and undermine the rights of the Bangsamoro in particular and the Filipino people in general.
6. Invite the Rapporteur on Counter-terrorism and Human Rights to conduct an inquiry into the reported violations by the government of the rights of the Bangsamoro people in the course of the implementation of counter-terrorism measures.
7. Hold President Duterte and his administration accountable for the deaths, massive displacement, and destruction of property of the people of Marawi City.

³⁴ Philippine Daily Inquirer. “Maranao leader welcomes push for Marawi compensation fund.” 08 September 2022. See: <https://newsinfo.inquirer.net/1660235/maranao-leader-welcomes-pushfor-marawi-compensation-fund>