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SENATE

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P.S. RES. NO. 311

Introduced by SENATOR LEILA M. DE LIMA

**RESOLUTION**

**DIRECTING THE SENATE COMMITTEE ON NATIONAL DEFENSE AND SECURITY TO INVESTIGATE, IN AID OF LEGISLATION, THE CRIMINAL ACTIVITIES OF THE ABU SAYYAF GROUP (ASG) AND OTHER LAWLESS GROUPS, INCLUDING THE RECENT BEHEADING OF A GERMAN NATIONAL, WITH THE END VIEW OF STRENGTHENING THE CAPACITY OF GOVERNMENT FORCES, PARTICULARLY THE ARMED FORCES, TO COMBAT AND NEUTRALIZE SUCH GROUPS**

*WHEREAS*, Article II, Section 5 of the 1987 Constitution provides that “[t]he maintenance of peace and order, the protection of life, liberty, and property and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy”;

*WHEREAS*, dubbed as “the smallest but most terrifying Muslim extremist group in the Philippines”<sup>1</sup>, the ASG “was formed in the early 1990s through the leadership of Abdurajak Janjalani,”<sup>2</sup> who “[a]fter studying in the Middle East where he purportedly met with Al-Qaeda’s Osama Bin-Laden, ... led a breakaway group from the established separatist movement Moro National Liberation Front (MNLF)”<sup>3</sup>, after the latter “engaged in peace talks with the government”<sup>4</sup>;

*WHEREAS*, on October 1, 2009, *Time.com* reported that the “Abu Sayyaf has always said it is fighting for an independent Islamic nation in the southern Philippines, but during the late 1990s, the movement began to show cracks, and members started behaving more like a gang of well-armed bandits driven by greed, not creed”<sup>5</sup>;

*WHEREAS*, in the same article, *Time.com* reported that “[s]ince about 2002, however, the extremist group has been reverting to its original separatist goals, and

<sup>1</sup> <http://cnnphilippines.com/news/2016/04/08/Abu-Sayyaf-terrorist-organization.html> (last accessed 5 March 2017).

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> <http://content.time.com/time/world/article/0,8599,1927124,00.html> (last accessed 5 March 2017).

<sup>5</sup> *Ibid.*

its bombings and assassination attempts have increased accordingly”; that the ASG “carried out its first attack in 1991, killing two American evangelists with grenades on the southern island of Mindanao”; that “the group’s body count in Mindanao steadily rose,” including incidents in 1994, when “a series of bombings in the Philippine city of Zamboanga that killed 71” was attributed to the group by the Philippine Army”, and in the following year, when the ASG “raided the town of Ipil, leaving 53 dead, and in 1998 a grenade attack on a department store injured 60.”<sup>6</sup>

*WHEREAS*, *Time.com* further reported that, “after its leader, Abdurajak Abubakar Janjalani, was killed in a gun battle with police in 1998, the militant group changed course, stopping its bomb attacks and kidnapping potentially rich foreigners for ransom money to fund operations and gain support from local communities”<sup>7</sup>;

*WHEREAS*, on 09 April 2016, *ABS-CBN* reported that, on April 23, 2000, “[t]he group ma[de] its first known foreign sortie, snatching 10 Western tourists and 11 Asians from the Sipadan island resort, off Malaysian Borneo”, who were “freed in August 2001, with the westerners flown to Tripoli aboard a jet sent by then Libyan leader Moamer Kadhafi, who is said to have paid millions of dollars in ransom”; that on May 27, 2001, “[t]hree Americans [were] among 20 people snatched from a western Philippine island resort”, one of whom, tourist Guillermo Sobero, was beheaded 13 months later, and two others, Christian missionary Martin Burnham, and a Filipina hostage were killed in a military operation in June 2002, while most of the local hostages were ransomed off.<sup>8</sup>

*WHEREAS*, *ABS-CBN* further reported that, on February 27, 2004, “[t]he Abu Sayyaf firebomb[ed] a ferry on Manila Bay, killing 116 people in the country’s deadliest terrorist attack”<sup>9</sup>;

*WHEREAS*, *Time.com* also reported that the ASG “appeared... to lose ground after the army launched a major offensive against the organization in August 2006,” and it was “running low on funds, and no new leader came forward to unite the disgruntled factions within the group” after Khadaffy Janjalani and two other high-ranking leaders with important connections to funding in the Middle East were killed, thus prompting the group to go back to kidnapping for ransom money as a means of funding its operations.<sup>10</sup>

*WHEREAS*, in January 2009, the ASG kidnapped three (3) representatives of the International Committee of the Red Cross (ICRC), namely, 62 year-old Italian national Eugenio Vagni, 38 year-old Swiss national Andreas Notter, and 44 year-old

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<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> <http://news.abs-cbn.com/focus/04/09/16/timeline-of-the-abu-sayyaf-in-the-philippines> (last accessed 5 March 2017).

<sup>9</sup> *Ibid.*

<sup>10</sup> *Supra* footnote #4.



Filipino Mary Jean Lacaba,<sup>11</sup> and “and analysts suspect they were released only after large ransoms were paid”<sup>12</sup>;

WHEREAS, *ABS-CBN*, also reported that, in 2011, Australian former soldier Warren Rodwell was abducted and was freed after a ransom of \$100,000 was paid; in 2014, German couple Stefan Okonek and Henrike Dielen were abducted and were freed after ransom was paid; in 2015, Malaysian tourist Bernard Then and restaurant manager Thien Nyuk Fun were seized in Malaysia, but only Thien was released after ransom was paid, while the ASG beheaded Then during the time when Malaysian Prime Minister Najib Razak was in the Philippines attending a regional summit<sup>13</sup>;

WHEREAS, *Aljazeera.com*, on 26 April 2016, reported that Canadian John Ridsdel – who was kidnapped along with three (3) other tourists, namely, Canadian Robert Hall, Hall’s Filipina girlfriend Marites Flor and Norwegian Kjartan Sekkingstad, from a marina on Samal Island - was beheaded and his severed head was found in a street in Jolo, Sulu;<sup>14</sup>

WHEREAS, it was later reported by *Aljazeera.com*, in June 2016, that the other Canadian kidnap victim, Robert Hall, was also beheaded and that “the army said the al-Qaeda-linked organisation had threatened to behead a captive if \$6.4m wasn’t paid for each one”<sup>15</sup>;

WHEREAS, *CNN Philippines*, on 27 February 2017, reported that, a few days ago, ASG beheaded another German kidnap victim, Juergen Gustav Katner, in Sulu. Katner was abducted last November 2016, along with his partner, aboard a yacht in Sabah, Malaysia. The ASG asked for P30 Million ransom, but, due to the Government’s no ransom policy, the ultimatum expired last February 26<sup>16</sup>;

WHEREAS, *ABS-CBN*, on 27 February 2017, reported that Foreign Affairs Secretary Perfecto Yasay, in an interview, offered a reason for the killing of Katner by stating that Katner “may have been killed because he was sick”<sup>17</sup>;

WHEREAS, *Inquirer*, on 28 February 2017, reported that President Rodrigo Duterte apologized to the government of Germany and expressed sympathies to its citizens after the beheading of Katner by the ASG. President Duterte also admitted that “military operation has been going on for some time already, but we have failed”<sup>18</sup>;

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<sup>11</sup> <http://news.abs-cbn.com/nation/03/31/09/timeline-kidnapping-icrc-hostages-abu-sayyaf-group> (last accessed 5 March 2017).

<sup>12</sup> *Supra* footnote #4.

<sup>13</sup> *Supra* footnote #8.

<sup>14</sup> <http://www.aljazeera.com/news/2016/04/captors-kill-canadian-hostage-philippines-160425212732763.html> (last accessed 5 March 2017).

<sup>15</sup> <http://www.aljazeera.com/news/2016/06/abu-sayyaf-groups-beheads-canadian-hostage-160613090026588.html> (last accessed 5 March 2017).

<sup>16</sup> <http://cnnphilippines.com/news/2017/02/27/dureza-confirms-abu-sayyaf-beheading-german.html> (last accessed 5 March 2017).

<sup>17</sup> <http://news.abs-cbn.com/news/02/27/17/yasay-hostage-may-have-been-beheaded-because-he-was-sick> (last accessed 5 March 2017).

<sup>18</sup> <http://globalnation.inquirer.net/152972/failed-duterte-apologizes-beheading-german-hostage>

WHEREAS, on 30 August 2016, the DailyMail.co.uk quoted President Duterte as saying, "Go out and destroy them. Kill whoever they are";<sup>19</sup>

WHEREAS, another report quoted President Duterte as saying, in reference to ASG, that "I will really open up your body. Just give me vinegar and salt, and I will eat you"<sup>20</sup>;

WHEREAS, these lawless groups are not only sowing domestic terror, but are also proving to be a weak spot making us vulnerable to external threats;

WHEREAS, in September 2015, the Regional Trial Court of Basilan, acting on an application for proscription of the Abu Sayyaf Group filed by the Department of Justice (DOJ) at the time when the undersigned was the Secretary of Justice, granted such application and, thus, declared the ASG as a terrorist organization, as defined in Section 17 of Republic Act 9372 or the "Human Security Act of 2007"<sup>21</sup>;

WHEREAS, the undersigned, as then Secretary of Justice, lauded the action of the court, saying that:

"The proscription against the ASG as a terrorist organization which was granted by the Regional Trial Court of Basilan only formalizes the longstanding position of the government that the group is nothing more than a terrorist organization, thereby boosting the government's effort to put an end to its existence and to capture all its members," De Lima said.

She said the declaration would allow the government to file criminal charges not just against Abu Sayyaf members, but also against "supporters and financiers of the organization under the Human Security Act and the Terrorism Financing Prevention and Suppression Act."<sup>22</sup>

WHEREAS, it is but proper to commend all Philippine soldiers who have been fighting valiantly to defend and uphold the peace and order situation in Mindanao, and especially to recognize the sacrifices of those who died in action;

WHEREAS, a critical part of recognizing and commending the efforts of Government forces requires that the Government should exert all efforts to employ a more synchronized and holistic approach to combatting the ASG and other lawless groups;

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(last accessed 5 March 2017).

<sup>19</sup> <http://www.dailymail.co.uk/wires/afp/article-3764966/Philippine-military-ramps-Abu-Sayyaf-offensive.html> (last accessed 5 March 2017).

<sup>20</sup> <http://newsinfo.inquirer.net/813248/duterte-warns-abu-sayyaf-i-will-eat-you-alive-literally> (last accessed 5 March 2017).

<sup>21</sup> <http://newsinfo.inquirer.net/721376/basilan-court-declares-asg-terrorist-group> (last accessed 5 March 2017).

<sup>22</sup> *Ibid.*

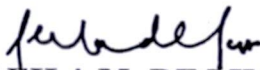


*WHEREAS*, Congress should investigate, in aid of legislation, what legislative measures may be passed in order to address the factors that may have contributed as to why government forces have not yet succeeded in neutralizing the ASG, towards the ultimate end of enacting measures that will strengthen and boost capacities of Government forces in eradicating or neutralizing the ASG and other lawless groups;

*WHEREAS*, Congress should also ensure that measures are in place to maintain government functions in Mindanao despite challenging situations;

***NOW THEREFORE, BE IT RESOLVED***, as it is hereby resolved, that the Senate Committee on National Defense and Security investigate, in aid of legislation, the criminal activities of the Abu Sayyaf Group (ASG) and other lawless groups, including the recent beheading of a German National, with the end view of strengthening the capacity of Government forces, particularly the Armed Forces, to combat and neutralize such groups.

*Adopted,*

  
LEILA M. DE LIMA