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SENATE

P. S. Res. No. 768

REG. NO. 

Introduced by **SENATOR LEILA M. DE LIMA**

**RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE
TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION,
INTO THE REPORTED VIOLATIONS OF HUMAN RIGHTS
AND INTERNATIONAL HUMANITARIAN LAW
IN MINDANAO AFTER A YEAR OF IMPOSITION OF MARTIAL LAW**

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

5 WHEREAS, Article II, Section 11 of the same avers that “[t]he State values the
6 dignity of every human person and guarantees full respect for human rights”;

7 WHEREAS, Article III, Section 1 provides that “[n]o person shall be deprived
8 of life, liberty, or property without due process of law, nor shall any person be denied
9 the equal protection of the laws”;

10 WHEREAS, Article VII, Section 18 provides in part that, “[a] state of martial
11 law does not suspend the operation of the Constitution”;

12 WHEREAS, on 23 May 2017, President Rodrigo Roa Duterte declared Martial
13 Law in the whole of Mindanao after the terrorist Maute group conducted simultaneous
14 attacks in Marawi City, Lanao del Sur¹;

¹ Proclamation No. 216 (2017)

1 WHEREAS, on 22 July 2017, Congress adopted Resolution of Both Houses No.
2 2 extending the proclamation of Martial Law and the suspension of the privilege of the
3 writ of habeas corpus in Mindanao²;

4 WHEREAS, on 13 December 2017, Congress adopted Resolution of Both
5 Houses No. 4 further extending Martial Law in Mindanao until 31 December 2018;

6 WHEREAS, as early as November 2017, Amnesty International (AI) released its
7 report entitled “The Battle of Marawi: Death and Destruction in the Philippines” which
8 detailed various alleged human rights violations in Mindanao during Martial Law
9 while the so-called Marawi crisis was ongoing. The report chronicled numerous
10 alleged violations of human rights and international humanitarian law supposedly
11 committed by both sides [Maute group and government forces] to the conflict,
12 including cases of unlawful killings and enforced disappearances by militants, ill-
13 treatment of detainees by government forces, and rampant looting by all parties”³;

14 WHEREAS, the AI revealed that the Maute group regularly targeted civilian
15 victims, nearly all Christians, “because they were not Muslim”. Militants gave civilians
16 a *de facto* religious test by asking them to recite the *Shahada* and those who do not
17 respond appropriately were often summarily executed”⁴;

18 WHEREAS, AI also narrated that, as of 2017, government rescued 1,780
19 hostages from the Maute group. The hostages were reported to be “physically abused,
20 made to do forced labour, served as human shields, forced to make improvised bombs,
21 fight and loot and even used as sex slaves⁵;

³ Mangosing, Frances G. *Amnesty International Accuses Military Of Carrying Out Abuses In Marawi*. (17 November 2017). Retrieved from <http://newsinfo.inquirer.net/945782/amnesty-international-accuses-military-of-carrying-out-abuses-in-marawi-maute-isis-amnesty-international-terrorism-human-rights>

⁴ Amnesty International. *The Battle of Marawi : Death and Destruction in the Philippines*. (2017). Retrieved from <https://www.amnesty.org/download/Documents/ASA3574272017ENGLISH.PDF>.

⁵ *Ibid*

1 WHEREAS, AI also said that our government forces violated the prohibition of
2 torture and other ill-treatment of people in their custody⁶;

3 WHEREAS, in fact, in a press release issued by human rights group Karapatan
4 last December, it also reported that two (2) small scale miner-famers, one of whom
5 was a minor, were illegally arrested and tortured by members of the military. They
6 were accused of stealing and were later brought to the police station in Tagum City
7 where they were beaten, “hogtied with their mouth covered with packaging tape”⁷;

8 WHEREAS, Rappler also said that government forces are accused of “likely
9 committing pillage and may also have carried out disproportionate air and ground
10 attacks”⁸;

11 WHEREAS, on 23 May 2018, Karapatan released a report stating that 49
12 victims of extrajudicial killings in Mindanao or an average of one (1) victim was killed
13 per week since the May 2017 Martial Law proclamation. The victims comprised mostly
14 of indigenous peoples and members of local peasant organizations⁹;

15 WHEREAS, Karapatan documented 22 cases of torture, 116 victims of
16 frustrated extrajudicial killings, 89 victims of illegal arrest and detention, and 336,124
17 victims of indiscriminate gunfire and aerial bombings¹⁰. Because of such bombings, at
18 least 404, 654 individuals were also displaced¹¹;

19 WHEREAS, in its report, Karapatan also recorded 9,738 victims of threats,
20 harassment and intimidation by State security forces¹²;

⁶ Supra foot note # 4

⁷ Karapatan- Southern Mindanao. *2 Farmers Details Torture And Attempted Murder By Military*. (21 December 2017). Retrieved from <http://mohr.ph/2-farmers-details-torture-and-attempted-murder-by-military/>

⁸ Rappler. *Both sides in Marawi siege committed abuses – Amnesty Int'l*. (17 November 2017). Retrieved from <https://www.rappler.com/nation/188673-both-sides-marawi-siege-humanitarian-human-rights-law-violations-amnesty-international>.

⁹ N.A. *Mindanao Under Martial Law, A Year of State Terror*. (23 May 2018). Retrieved from <http://www.karapatan.org/Mindanao+Under+Martial+Law%2C+A+Year+of+State+Terror>.

¹⁰ Ibid

¹¹ Supra foot note # 9

¹² Supra footnote # 9

1 WHEREAS, Karapatan likewise reported alleged displacement of communities
2 and forced evacuation of a number of families in such areas as in Maguindanao, North
3 Cotabato, South Cotabato, and Davao del Norte¹⁴;

4 WHEREAS, we are faced with an ironic situation wherein what should have
5 been used as an opportunity to bring peace and order in Mindanao is used as an
6 opportunity to even violate our constitutionally guaranteed human rights and
7 international humanitarian law;

8 WHEREAS, under international law, our State has an obligation, not only to
9 respect, but to take positive action to ensure that international human rights standards
10 are indeed implemented, and enforced;

11 WHEREAS, in its report, AI emphasized that the Philippines, as a party to
12 various international human rights treaties, is required to “initiate a prompt, effective,
13 and impartial investigation on the alleged abuses”, whether by state or non-state
14 actors¹⁵;

15 WHEREAS, AI also recommended that government should “ensure that all
16 individuals who have suffered violations of international humanitarian law or serious
17 violations and abuses of human rights law are afforded an effective remedy and
18 reparations, including restitution, compensation, rehabilitation, and guarantees of
19 non-repetition¹⁶;

20 WHEREAS, AI further recommended the lifting of the proclamation of Martial
21 Law in Mindanao;

22 WHEREAS, in these challenging times in Mindanao, the State is duty-bound to
23 uphold the primacy of human rights, especially in ensuring that duty bearers act in
24 strict accordance with human rights and the international humanitarian law;

25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
26 appropriate Senate Committee to conduct an inquiry, in aid of legislation, into the

¹⁴ Supra footnote #9

¹⁵ Amnesty International. *The Battle of Marawi' - Death and Destruction in the Philippines*. (17 November 2017). Retrieved from <http://www.refworld.org/docid/5a0e99724.html>

¹⁶ Ibid

- 1 reported violations of human rights and international humanitarian law in Mindanao
- 2 after a year of the imposition of Martial Law.

Adopted,


LEILA M. DE LIMA