



MORO CHRISTIAN PEOPLE'S ALLIANCE

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THE HUMAN RIGHTS SITUATION OF THE MORO PEOPLE IN THE PHILIPPINES

SUBMISSION TO THE OFFICE OF THE HIGH COMMISSIONER ON HUMAN RIGHTS

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SUBMITTED BY:

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1. The Moro-Christian Peoples Alliance (MCPA) is an interfaith network of Muslim and Christian religious leaders, Moro people's organizations and institutions, and civil libertarians advocating the rights of the Moro people and their collective aspiration for self-determination.
2. 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.
3. MCPA acknowledges that the Philippine government (GPH) is signatory, and has formal obligations, to the major international instruments to protect and promote human rights. Despite its avowed adherence and compliance to these instruments, the plight of the Moro people shows the contrary.
4. The Moro people bears the brunt of a continuous, systematic and large-scale human rights violations (HRVs) by the GPH that violates the UDHR, ICCPR and even its own constitution, related statutes and legal-judicial processes.
5. In the 2008 UPR session, there were no submissions on the Moro peoples human rights issues. There were no recommendations to the GPH's accountabilities to the human and democratic rights of the Moro people.

The Moro People's Struggle for Self-Determination

6. The Moro people are the Muslim national minority with 13 ethno-linguistic groups. The major groups are Tausug, Maguindanao and Maranao who are primarily in Mindanao, southern Philippines. About 10-14% of the 80M Filipinos are Moro; They are the 20% of the Mindanao population. Mindanao, the second largest island and one of the country's resource-rich area is ironically home to the poorest Moro and the indigenous Lumad peoples. Majority of the Moro people are peasants, subsisting mainly by farming and fishing.
7. "Moro" was a derogatory term used by Spanish colonizers to refer to the Islamized groups who resisted colonization and Christianization. "Moro" later evolved to signify the Moro people's continued defiance to colonization, institutionalized discrimination and state oppression.
8. The Moro people's resistance against colonization continued even after the Philippine "independence" in 1946. The assertion of their inalienable right to land and self-determination gave rise to Moro national consciousness and political movements.
9. The Moro National Liberation Front (MNLF), formed in 1969, launched armed rebellion from 1972-1976 for the independence of the *Bangsamoro* (Moro nation). In 1976, under the auspices of the Organization of Islamic Countries, it signed the Tripoli Agreement with the GPH; and in 1996, the Final Peace Agreement (FPA). The GPH did not fully comply with the stipulations in the FPA.
10. In 1977, Hashim Salamat and other MNLF leaders broke away from the MNLF and formed the Moro Islamic Liberation Front (MILF). The MILF resumed the armed rebellion for a separate Islamic state. In 1997, it entered into peace negotiation with the GPH and signed a ceasefire agreement. The peacetalks was suspended in August 2008. It resumed talks with the Aquino government in 2011 where the MILF dropped its bid for independence and proposed the "Moro sub-state."
11. The Moro Resistance and Liberation Organization (MRLO), a member of the revolutionary National Democratic Front (NDF), is also fighting for genuine regional

autonomy for the Moro people. Since 1986, the NDF and GPH are engaged in peace negotiations.

Second Front in the US “War on Terror”: Terror against the Moro People

12. In 2001, the U.S. government launched its “war on terror,” a military response to the 9-11 attack. It involved a series of “counterterrorist” operations in several countries, including the Philippines. Bush labelled the Philippines as its “second front.” The supposed targets were the Abu Sayyaf Group (ASG) and purported local cells of terrorist groups al-Qaeda and Jemayah Islamiya (JI). The ASG, was targeted as a “terrorist” group. It is actually a bandit group that thrives on kidnap-for-ransom activities.
13. The U.S.-Arroyo regime used ASG activity, particularly in the Autonomous Region of Muslim Mindanao, to justify its “counter-terrorism campaign” and the presence of US troops in Mindanao. The Armed Forces of the Philippines (AFP) reportedly takes advice from US military officials in planning operations; and that US troops are embedded in AFP units in actual operations.

State Terrorism, Human Rights Violations and Injustice Against the Moro People

Total War Against the Moro people

14. In Arroyo’s nine years, a series of military offensives purportedly against the ASG but were mainly directed against the MNLF and MILF, displaced Moro communities more than five times. Hundreds of thousands of families and individuals became victims of HRVs. The all-out war against the MILF in August to September 2008 resulted in massive forced evacuation of more than half a million people.¹
15. The aborted signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD) on August 5, 2008 broke the GPH-MILF peace negotiations and resumed hostilities. This provoked attacks on civilian population allegedly by MILF leader Abdurahman “Commander Bravo” Macapaar in Lanao del Norte in August 17. The AFP used these attacks to justify renewed offensives that extended in North Cotabato and Maguindanao.
16. More than 83 were killed and 101 injured, many were innocent civilians, including children. Some 202 civilian houses were totally razed. More than Php120M worth of public and private property were damaged, including schools, livestock and crops. In the end, some 528,053 individuals were displaced and cramped in 123 evacuation centers; while 253,255 individuals sought shelter with relatives elsewhere. Children, women, and the elderly were the majority of the 110,389 families affected in 354 villages in three provinces. Neglected by the government, families endured inhuman conditions in the evacuation centers. Various illnesses afflicted the evacuees and caused several deaths.
17. In evacuation centers, the evacuees were not safe from military attacks. Several evacuees were seized by soldiers, beaten up, detained and slapped with false charges.
18. The AFP offensives resulted to: a) death or injury of civilians from indiscriminate artillery and aerial bombings; b) during the evacuation, the death of ailing civilians from lack of medical attention; c) enforced disappearance and summary executions; d) massacres; e) arbitrary arrests and detention; f) grave coercion; g) torture of civilians suspected as MILF member h) physical assault and injury; i) threat, harassment and intimidation; j) illegal search

and seizure of property; k) coercion to join the CVO; l) razing of homes, burning of crops; m) divestment of property; n) desecration of places of worship; o) indiscriminate bombings of communities and schools, and p) “terrorist” tagging.ⁱⁱ

19. To date, many of those displaced in August 2008 hostilities are still in evacuation centers.
20. When President Aquino assumed presidency in June 2010, he reiterated his promise to fight corruption and give justice to those wronged by the Arroyo government.
21. Aquino formed a new peace panel and resumed the peace talks with the MILF. Breaking protocol, he met with MILF chairperson Al Haj Murad in Tokyo on August 5, 2011 to fast track the talks.
22. But on October 24, he called for 'all-out justice' - a military offensive against “lawless elements” and “rogue MILF commanders” in Payao, Zamboanga Sibugay (ZS) and Al Barka, Basilan, in response to the death of 19 soldiers ambushed by the MILF in Al Barka on October 18. The 19 soldiers, among a 40-man force, entered a known MILF area. The MILF condemned the intrusion as provocation and violation of the ceasefire agreement.
23. The military assault in ZS from October 25-27 included air strikes, ground assaults and naval artillery fire. ZS is about 144 kilometers away from the ambush site. More than 30,000 civilians were reportedly displaced. In anticipation of a military backlash, some 1,195 families in Al Barka evacuated to nearby barangays.
24. Others cases of HRVs reported are: a civilian, Jilun Kaharut Abdasal, was killed; Nurfa Sappalun, Ibrahim Sappalun and Abdulkarim Abubakar were wounded from indiscriminate mortar shelling; 20 houses, two Islamic schools and two buildings of the Bangsamoro Development Agency were destroyed in Al-Barka, Basilan. The MCPA network members conducted a fact-finding mission on November 21-25, 2011 in the two affected areas. Findings of the mission will be released on November 28.

Injustice for Moro political detainees and continuing arbitrary arrests of civilians under a 'state of lawlessness'

25. The Arroyo government's “state of lawlessness” in Basilan on May 21, 2001 ostensibly in response to the acts of violence by ASG became a springboard for military operations that victimized Moro communities in the towns of Lamitan, Tuburan, and Sumisip. On July 13, the Department of Justice issued Memorandum Circular No. 40 that laid the legal bases for subsequent illegal mass arrests and detention of Moro civilians allegedly in collusion with the bandits.
26. Some 125 Moro civilians from Basilan, 106 from Sulu and 36 in Zamboanga City were arbitrarily arrested, detained without the privilege of writ of habeas corpus, accused of multiple crimes in court without preliminary investigation, and illegally detained. Most were tortured. The total number of arrests exceeded the military’s “order of battle” that claims some 200 civilians are ASG supporters.
27. Jose Manuel Mamauag, former director of the Region IX Commission on Human Rights, affirmed in his July 26, 2001 report that HRVs were committed: illegal arrest, illegal search, “tactical interrogation” (euphemism for torture).
28. Among those arrested, 73 were transferred from Zamboanga to Camp Bagong Diwa (CBD) in Taguig City on December 18, 2001. They are now called “Basilan 73.”
29. For more than 10 years, many of the “Basilan 73” languish in jail without conviction. Several are in detention despite a release order from the court. About five were minors in

2001 and have grown up in detention. Many suffer from serious ailments and about seven died in detention. Idris Tumpilan died from complications of acute ulcers in October.

30. In 2005, 11 from the “Basilan 73” were killed in a bloody police siege of CBD when ASG inmates attempted to escape.
31. Until now, Moro people are subjected to indiscriminate terrorist-tagging and arbitrary arrests based on a 'defective' warrant of arrest issued for the ASG crimes in 2000-2001. The warrant was amended several times to add new names of suspected “terrorists” using aliases of accused ASG members
32. The recent cases of arrests are: 1) Muhamadiya Hamja, first arrested in 2001, released in 2005 but abducted and re-arrested in 2008 for the same case he was already acquittedⁱⁱⁱ 2) Patta Jahal Hoyo, arrested on November 3, 2010^{iv} 3) Malik Daggung Abdurahman, arrested on May 8, 2011^v and 4) Asraf Jamiri Musa, arrested on June 22, 2011^{vi}. All were arbitrarily arrested as ASG or MILF members, illegally detained, tortured and charged with criminal cases.
33. Presently, there are 248 Moro detainees: 185 at the CBD; nine at the PNP Camp Crame; 27 at the Basilan Provincial Jail; and three at the General Santos City Jail. Among the detainees, 24 are members of the MILF and MNLF charged with common crimes instead of political offenses.
34. MCPA's own review of the detainees' cases identified 90 innocent civilians. MCPA and allied HR organizations consider them political prisoners, being victims of political repression by the GPH. They are innocent civilians, arrested, detained and tortured in the conduct of the GPH's “anti-terrorism” campaign. They are invariably presented to the public as members/supporters of “terrorist” organizations ASG and JI. Also detained are 24 MILF members.

The Ampatuan massacre

35. The carnage that claimed the lives of 58 persons on November 23, 2009 in Maguindanao was the height of the reign of impunity under GMA. Two years passed yet, many of the perpetrators remain scot-free. The case remains pending in court.
36. The incident highlighted the rule of guns, warlords and use of private armies—the AFP-trained CVO. They are AFP's “force multipliers” in the fight against “insurgency.” This started under Pres. Corazon Aquino, reinforced through Arroyo's Executive Order 546 and strengthened under Pres. Benigno Aquino.
37. The Moro peoples human rights situation shows the GPH's non-adherence to the UDHR and gross violations of the stipulations in the 1996 ICCPR:
 - a. Article 6, recognition of *Right to Life* for indiscriminate bombings and incident of summary execution.
 - b. Article 7, recognition of the *Right Against Torture And Cruel, Inhuman Or Degrading Treatment Or Punishment*; Article 9: *Arbitrary Arrest And Detention*; Article 14 *Equality Before the Courts and Tribunals* and Article 15 *Rights Against Criminalization of Political Offenses* for Moro political detainees;
 - c. Articles 6, 7, 9, 10 and 16 for enforced disappearance;
 - d. Articles 17 and 20, *Unlawful Attacks On Honor And Reputation And Incitement To Violence Against One's Person*; Articles 19 and 22, *Attacks Against the Right to Freedom of Expression and Association* for 'terrorist'-tagging and vilification of civilians;

- e. Article 12, *Militarization, Displacement, Forcible Evacuation/Reconcentration Of Civilians* for the massive displacement of Moro communities due to military offensives;
- f. Article 24, *Right of Child* for the disruption of classes due to hostilities and trauma to children from forced displacement and witnessing the 'horrors of war'; and
- g. Article 1, *Right to Self-Determination* for continued military offensives against the MILF and MNLF despite on-going peace talks; and GPH inaction to come up with viable solutions to realize the Moro peoples right to self-determination.

Conclusion and Recommendations

38. The GPH's intent and sincerity in the peacetalks with the MILF is seriously in question as it pursues 'total war,' counter-insurgency and counter-terrorism. It is inconsistent with its avowed observance of international human rights instruments. The Arroyo government implemented *Oplan Bantay Laya* with the U.S. 'war on terror'. The Aquino government's *Oplan Bayanihan* is based on the U. S. Counter-Insurgency Guide. Both resulted to grave abuses in human and democratic rights of the Moro people and, violated the essence and stipulations of the UDHR and ICCPR.
39. The prolonged detention of political prisoners and continued arbitrary arrests of Moro civilians show the GPH's disregard of the UDHR and ICCPR. Many of the detainees are intentional victims of mistaken identity; sacrificial lambs in exchange for more "anti-terrorist" U.S. military aid, or bounty from the U.S. 'reward system' for captured 'terrorists.' The Aquino government has the moral obligation to rectify the wrongs of the past administration. It should end the practice of arbitrary arrests, torture and illegal detention of innocent Moro civilians.
40. The Arroyo regime is directly accountable for the Ampatuan massacre for supporting and legally arming the Ampatuans. The Aquino government should stop the culture of impunity, start the apprehension, expeditious prosecution and the punishment of all the perpetrators of this unpardonable offense.
41. The decades-old Moro rebellion can only be resolved by genuinely addressing the basic aspiration of the Moro people of their inalienable right to land and self-determination as enshrined, promoted and protected in the UN Charter and in almost all the major international covenants and agreements.
42. In this context, the MCPA recommends the following action to the GPH and for the support of the international community:
 - a. Immediate and unconditional release of all Moro political detainees particularly those detained during the 2001 Basilan crackdown:
 - i. Lift the 'state of lawlessness' in Basilan and revoke DOJ Memo. Circular No. 40.
 - ii. Void the 'defective' warrant of arrest used to justify illegal and arbitrary arrests.
 - b. File appropriate charges and hold criminally accountable those involved in the CBD siege in 2005 (based on CHR recommendations).
 - c. Justice for victims of forced evacuations/IDPs in the 2008 "all out war."
 - i. Pullout military troops to facilitate the peaceful return of evacuees;

- ii. rehabilitate the community and indemnify victims for damaged properties, crops and livelihood.
- d. Investigate all cases of HRVs, hold the Arroyo regime and the military accountable; indemnify all victims.
- e. Investigate and file appropriate charges for cases of violence and human rights violation by US troops; terminate the VFA, MLSA and pull out US troops in the Philippines.
- f. Resume the GPH-MILF and GPH-NDF peacetalks; comply to all previous agreements.
- g. Expedite the ratification and signing of the Optional Protocol to the Convention against Torture.
- h. Stop torture and extrajudicial killings.
- i. Abolish paramilitary groups. Revoke E.O. 546.
- j. Invite the Special Rapporteur on the promotion and protection of human rights.

ⁱ (Annex 1, National Humanitarian Mission Report, October 2008)

ⁱⁱ (See Annex 1 for further details)

ⁱⁱⁱ (Annex 2, MCPA Narrative Case Summary of Muhamadiya Hamja)

^{iv} (Annex 3 MCPA Case Summary of Patta Hoyo)

^v (Annex 4 OMCT Urgent Bulletin for Malik Daggung Abdurahman)

^{vi} (Annex 5 KAWAGIB Fact Sheet 2011-006 Asraf Jamiri Musa)