

# **THE STATE OF MORO HUMAN RIGHTS UNDER THE GPH-MILF PEACE AGREEMENT**

**MORO-CHRISTIAN PEOPLE'S ALLIANCE SUBMISSION TO THE OFFICE OF THE  
HIGH COMMISSIONER ON HUMAN RIGHTS FOR THE 27<sup>TH</sup> SESSION OF THE UNIVERSAL  
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## **EXECUTIVE SUMMARY**

The Moro people, or the Bangsamoro, refer to the 13 ethno-linguistic groups in the Philippines which had embraced Islam since the 13<sup>th</sup> century, namely: the Tausugs, Maguindanaw, Maranaw, Yakan, Iranun, Samal, Sangil, Badjao, Jama Mapun, Kalagan, Kalibugan, Palawani and Molbog.

They comprise 5.1 percent of the Philippine population, and can be found mainly in Central Mindanao, Basilan, Sulu, Tawi-Tawi and Palawan.

Their Islam faith gave Moros a distinct character and context in their right for self-determination, different from indigenous peoples.

At present, land remains the primary problem of the Bangsamoro, with majority of the population still landless. The provinces under the Autonomous Region in Muslim Mindanao (ARMM) continue to be mired in poverty, ranking highest in poverty incidence in 2012. Up to 70 percent live below the poverty line, and denied of basic services, such as health and education.

In the 13<sup>th</sup> Session of the Universal Periodic Review of the Philippine Government in the United Nations Human Rights Council in May – June 2012, the Moro-Christian People's Alliance (MCPA) made its first submission to the Office of the High Commissioner on Human Rights --- the human rights situation of the Moro people in the Philippines, highlighting the plight of the more than 100 Moro political detainees who are intentional victims of mistaken identity; sacrificial lambs in exchange for more 'anti-terrorist' US military aid, or bounty from the US 'reward for justice system' for captured 'terrorist'.

## ***Violations of the Moro people's human rights worsen amid the signing of the Comprehensive Agreement on the Bangsamoro (CAB) between the Aquino government (GPH) and the Moro Islamic Liberation Front (MILF)***

When President Benigno Simeon Aquino III assumed the presidency in 2010, he made a public commitment to resume the Moro peace process and promised to address the roots of the decades-old armed conflict to correct the historical injustices to the Moro people.

President Aquino pushed on with the peace talks with the MILF, and eventually signed the Framework Agreement on the Bangsamoro (FAB) in October 2012 and the Comprehensive Agreement on the Bangsamoro (CAB) in March 2014, ending the 17-year old GPH-MILF peace negotiations.

**The CAB, however, meant nothing to the Moro communities, which continue to be repeatedly attacked and displaced by military operations**, as the government engages in secret operations, such as the one in Mamasapano, in faithful compliance with the US war on terror.

Even while the Aquino government engages the MILF in peace negotiations, the **Armed Forces of the Philippines (AFP)** figured in four major offensive operations in the Bangsamoro lands - three of them inside Moro rebel territory, which **violated existing GPH-MILF ceasefire mechanisms and subjected Moro communities to forced evacuation, destruction of properties, and massive arbitrary arrests and detention of innocent civilians.**

Finally, the Aquino government's proposed **Basic Law for the Bangsamoro Autonomous Region (BL-BAR or HB 5811)** for the CAB **perpetuates the same laws, policies and social system that has oppressed and exploited the Moro people and violated their human rights and right to self-determination.**

## **THE GPH-MILF PEACE TALKS:**

### **Insincerity and Treachery in Achieving Long and Lasting Peace in the Bangsamoro Homeland**

On August 4, 2011, Aquino and MILF Chairman Al Haj Murad Ebrahim met in Tokyo, Japan and agreed to fast-track the GPH-MILF peace negotiations. Aquino wanted the exit agreement signed before he steps down from office in 2016.

On October 15, 2012, Atty. Marvic Leonen, chairman of the GPH peace panel, and Mohagher Iqbal, chairman of the MILF peace panel, signed the Framework Agreement on the Bangsamoro (FAB). The MILF called the document a "best compromise."

On March 27, 2014, the Comprehensive Agreement on the Bangsamoro (CAB) was signed by Iqbal and Miriam Coronel-Ferrer, who took over as head of the GPH peace panel after President Aquino appointed Leonen as justice in the Supreme Court.

Under the CAB, a 15-member Bangsamoro Transition Commission (BTC) composed of eight appointees of the MILF, and seven by GPH, drafted the Bangsamoro Basic Law (BBL), a proposed law that will legalize the implementation of the CAB.

On April 22, 2014, the BTC submitted to the Office of the President the proposed BBL.

On September 10, 2014, the Office of the President submitted the Malacanang-MILF BBL agreed version to Congress as House Bill 4994 and Senate Bill 2408.

### ***The dilution and eventual junking of the Bangsamoro Basic Law***

In the aftermath of anti-Moro hysteria by the Mamasapano fiasco, the proposed BBL was rejected by many lawmakers, mostly Aquino allies, who questioned its constitutionality, the big budget allotment for the Bangsamoro entity, and even the true names of the MILF leaders.

At the House of Representatives, **the original proposed bill HB 4994 was unilaterally replaced by the Office of the President with substitute bill HB 5811, which renamed the BBL agreed version into the “Basic Law for the Bangsamoro Autonomous Region”(BL-BAR).** It reached as far as plenary debates in December 2015.

**At the Senate, interpellations did not even proceed for substitute bill, HB 2894.**

The MILF decried that under HB 5811, the Bangsamoro entity would end up “lower than ARMM” as it **changed the framework of the “asymmetric relationship between the central government and the Bangsamoro, and destroyed “the concept of exclusivity of the powers” of the Bangsamoro political entity, as agreed in the CAB.**

## **Worsening State of War in Moro Lands**

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### ***1. “All-out Justice” operations in Al-Barka, Basilan and Zamboanga Sibugay***

On October 18, 2011, some 40 elements of the Philippine Army Special Forces entered deep into MILF territory in Al-Barka, Basilan. AFP officials said the soldiers were sent to check reports of armed men led by MILF official Dan Laksaw Asnawi of the MILF 114<sup>th</sup> Base Command, who was implicated in an encounter in 2007, also in Al-Barka, where 23 Marines were killed, 14 of them beheaded.

The MILF Central Committee issued a statement saying the tragic encounter was **“due to shortcomings in the observance of the ceasefire accord.”**

Two days after the Al-Barka tragic encounter, on October 20, government troops launched massive air and ground strikes in the MILF 113rd base in Labatan village, Payao, Zamboanga Sibugay. The AFP claimed they were running after “lawless elements”, Waning Abdusalam and Ogis Jakarta, who reportedly ambushed government troops and killed four soldiers and three policemen. **The MILF protested the attacks in its territory.**

Up to **10,800 residents fled from the three towns in Zamboanga Sibugay**, while some **5,000 evacuated from Al-Barka, Basilan**, because of the military attacks.

## **2. Zamboanga siege: symptoms of a bungled peace process**

The Aquino government's divide-and-rule tactics on the Bangsamoro was even more evident in its treatment of the mainstream Moro National Liberation Front (MNLF) faction led by Nur Misuari, whose restiveness culminated in the Zamboanga siege.

At dawn of September 9, 2013, armed men and women of the Misuari mainstream MNLF faction massed up in Sta. Barbara village, Zamboanga City, along with a number of residents – including women, the elderly and children. They were supposed to hold a flag parade, and march to the city hall.

Police blocked the marchers, and arrested 11 MNLF men. Fire fight ensued. The Zamboanga crisis lasted for three weeks, with President Aquino personally monitoring the military operations.

The military claimed **100 MNLF men and five civilians were killed**. **Ten thousand civilian houses were razed to the ground**, and **thousands forcibly displaced** and had to stay in cramped evacuation centers. The Alliance for the Advancement of Moro Human Rights (Kawagib) has documented **274 people, majority Moro innocent civilians, were arbitrarily arrested**, charged and brought to Metro Manila for detention at the Special Intensive Care Area (SICA2), Camp Bagong Diwa, Taguig City. Many of them claimed they were **severely beaten and experienced various forms of torture during tactical interrogation** – as the military and Philippine National Police forced them to admit participation in the three-week siege.

Three years after the infamous Zamboanga siege, more than **200 Moro detainees are still languishing at the SICA2, Camp Bagong Diwa, Taguig City, Metro Manila** – suffering from poor prison condition, very far from their families in Western Mindanao whose visit highly depends on the assistance of the International Committee of the Red Cross (ICRC).

## **3. US-backed War on Terror Operation: Oplan Exodus/Mamasapano fiasco**

On January 25, 2015, less than one year after the conclusion of the GPH-MILF peace negotiations with the signing of the Comprehensive Agreement on the Bangsamoro (CAB), the whole nation was shocked with the death of 44 members of the Special Action Force of the Philippine National Police (PNP-SAF) in an encounter with Moro rebels in the town of Mamasapano, Maguindanao, Central Mindanao. The deadly fighting was triggered by the secret entry of 400 SAF men, dubbed Oplan Exodus, a mission to capture two suspected Jemaah Islamiyah members, Malaysian Zulkifli bin Hir, a.k.a. "Marwan", and Filipino Bassit Usman, who were wanted by the US government with a bounty of USD5 million. The Philippine government also put up a PhP7 million bounty.

It was the biggest number of government casualties, ironically, during a time of ceasefire.

**The tragic Mamasapano encounter in many ways exposed realities about the Aquino government's sincerity and treachery in achieving peace in war-torn Muslim Mindanao. It showed**

how Aquino was willing to put the lives of his own troops, and the GPH-MILF peace process on the line, just to secure brownie points in the War on Terror.

### ***Putting civilian lives at risk***

The **Mamasapano fiasco stirred Islamophobia**, as public and media attention focused on the grieving families of the SAF 44, and certain lawmakers turned to MILF-bashing during the investigation. But little interest was given to the **Moro communities of Mamasapano** who also mourned the loss of lives and livelihood and are the ones **to bear the worse and long lasting impact of Oplan Exodus**.

The **Aquino government's disregard of the civilian lives resulted in violations of international humanitarian laws**, which protect non-combatants in armed-conflict.

Among the civilians **killed was a Moro peasant Badrudin Langalan, 18, of Pembalkan village, whose body was found hogtied, riddled with bullets, and eyes gouged out**. He was believed to have been accosted by the SAF men at the wooden bridge in Tukananipao.

**Sarah Pananggulon, 8, was also killed when her house in Sitalnungog, Tukananipao village was strafed by SAF men**, mistaking it for Marwan's house. **Her parents, Tots and Samrah, were wounded** in the attack.

The People's Fact-finding Mission (PFFM) led by Suara Bangsamoro reported that some **1,500 residents forcibly evacuated** to safer grounds. Many of them returned home to find **their houses damaged from indiscriminate firing and mortar shells**. Some residents reported that their **abandoned homes were looted**.

#### ***4. "All-out offensive" against the BIFF***

While various investigations on the Mamasapano fiasco were going on, the AFP turned its attention to another rebel group in Maguindanao, the Bangsamoro Islamic Freedom Fighters (BIFF). On February 25, 2015, then AFP Chief of Staff Lt. Gen. Gregorio Catapang declared an "all-out offensive" in Central Mindanao, to run after BIFF forces who engaged the SAF men in Mamasapano. In a sequence of events similar to 2011 Al-Barka encounter, **massive operation by the police, Marine and army troops displaced communities and endangered people's lives, destroyed properties and disrupted the lives of the Moro civilians**.

The operations dragged for a month, in which up to **123,000 evacuated from 11 towns in Central Mindanao**. And as the fighting between the government forces and the BIFF spread, the evacuees had to move from one site to another, to avoid getting caught in the crossfire.

### **Deteriorating and Unresolved Human Rights Violations**

**Military offensive operations under Aquino's "War on Terror" disregarded the impact on, if not directly targeted, the civilian population, and committed violations of human rights and international humanitarian laws in the course of running after "state enemies."**

Amid the military operations, **soldiers encamped in civilian facilities, such as barangay halls and houses, and stationed themselves even at evacuation centers. Mortar shelling and artillery attacks were directed toward residential areas, destroyed homes, farms and foliage.** A number of civilian residents were also wounded, from stray bullets or hit by artillery shrapnel.

### ***Forced evacuation: aggravating the Moro people's poverty***

**Displaced civilians reported the hardships in the evacuation centers. The scarcity of food, poor sanitation and congestion contributed to, and even worsened the condition of those already in poor health. Some evacuees died due to heat stroke, dehydration and other illnesses. Many home-based evacuees, or those who only transferred to nearby relatives, were not given assistance by the government.**

In 2012, Army pursuit operations against the BIFF men who ambushed soldiers in Lanao del Sur triggered the evacuation of **30,000 people from six municipalities in Maguindanao.**

As of June 2015, the United Nations High Commissioner for Refugees reported that **202,000 people were displaced from the armed conflict in 21 towns in Maguindanao and North Cotabato provinces in Central Mindanao.** The UNHCR also reported that some **28,000 victims of the Zamboanga City siege remained displaced, two years after the incident.**

### ***Political prisoners: victims of torture, illegal detention***

Hapless Moro civilians continue to bear the brunt of government's "War on Terror." **State security forces conduct random warrantless arrests, not sparing even minors.** In some cases the victims were set free after a few days in detention, in most, they were **charged with fabricated criminal cases.** In most, if not all cases, the **victims are subjected to torture.**

At present there are more than **400 Moro political detainees in the Special Intensive Care Area 1 and 2 in Camp Bagong Diwa, Taguig City, Metro Manila.** More than **100 of them were arrested 15 years ago, victims of the State of Lawlessness under the past Arroyo regime** who continue to languish in jail on charges of which they are innocent. The sorry plight of these detainees was the highlight of the Moro-Christian People's Alliance (MCPA) submission to the Office of the High Commissioner on Human Rights for the 13<sup>th</sup> Session of the Universal Periodic Review of the Philippine Government in the United Nations Human Rights Council in May-June 2012.

The past Aquino government not only refused to correct the injustice on these detainees, their number even increased, particularly with the arrests of Zamboanga City residents who were rounded up during the all-out war operations against the MNLF in September 2013.

Random arrests were periodically made to show police "efforts" to pursue "terrorists", such as the case of the four Moro youths in Lamitan City, Basilan who were arrested on December 14, 2014, tortured and detained for five days. Three of them, minors age 17 and younger, were eventually released.

### ***Children as victims***

**Children are among those killed in Military operations.** In 2012, **four year-old Asmayrah Usman was hit and killed by a stray bullet**, her father Mujahed Budi Usman was wounded, while staying at the evacuation center in Salbo village. Another victim, **six year-old Gaily Miraato was also killed by a stray bullet in Marawi City, Lanao del Sur.**

**Children also suffer as evacuees, cramped in makeshift shelters and subsisting on limited, donated food supply.** But they doubly suffer as **their education is disrupted**, sometimes, for long periods of time, as schools close whenever fighting erupts.

**In 2015, some 6,000 school children were affected by the “all-out offensive” in Maguindanao, as the Mamasapano encounter forced the suspension of classes in 13 schools for two weeks. Classes for the 300 Mahad/Arabic students were also disrupted. Class attendance declined after the Mamasapano encounter, and dropped much lower, even weeks later, as the exodus of civilians increased with the massive military operations.**

In most cases, **Army war vehicles were even positioned inside school grounds.**

## **CONCLUSION AND RECOMMENDATIONS**

The past Aquino government’s attempt to create its image as builder of peace rose up in flames, in several crises that broke out in its six years in office. It has been unmasked as a treacherous regime that has followed a divisive peace policy that aimed only to contain and pacify armed resistance in the Bangsamoro land.

His proposed BL-BAR offers only hoax autonomy, as it deprives the Bangsamoro of options for self-governance and development of resources. It perpetuates US imperialist plunder of the region’s rich natural resources and unhampered implementation of the US war on terror in Muslim Mindanao.

Thus, after six years in power, President Benigno Simeon Aquino III ended his term with an appalling human rights record and the Moro people in a worsening state of war. It shows his administration’s non-adherence to the UDHR and gross violations of the stipulations in the 1996 ICCPR:

- Article 6, recognition of *Right to Life* for indiscriminate bombings and incident of summary execution;
- 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*;
- Article 15, *Rights Against Criminalization of Political Offenses* for Moro political detainees;
- Article 12, *Militarization, Displacement, Forcible Evacuation/Reconcentration of Civilians* for the massive displacement of Moro communities due to military offensives;
- 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
- Article 1, *Right to Self-Determination* for continued military attacks on Moro communities and people, undermining and in violations to the government’s signed peace agreements with the MILF and MNLF.

In this context, the MCPA strongly recommends the following actions to the GPH under the Duterte administration and for the support of the international community:

- End ethnic discrimination; Stop discriminatory terrorist tagging of Moro people;
- Stop torture and extra judicial killings; Strictly enforce and order all state forces to adhere to the Philippine Anti-Torture Act of 2009 at all times;
- Stop militarization of Moro areas and forcible massive displacement of Moro civilians in the guise of making Moro communities terrorist-free; Ensure observance of the GPH-NDF Comprehensive Agreement of Respect for Human Rights and International Humanitarian Laws (CARHRIHL) during military operations or armed-conflict situation; and
- Respect and uphold peace agreements with the MNLF and MILF and urgently pass an enabling law that truly embodies the Moro people's aspiration of a genuine right to self-determination.

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