



INSTITUTE FOR
AUTONOMY AND
GOVERNANCE

SPECIAL REPORT
May 2022



Examining Human Rights and the Anti-Terrorism Act of 2020 in the Bangsamoro Region

Examining Human Rights and the Anti-Terrorism Act of 2020 in the Bangsamoro Region

A SPECIAL REPORT

RYAN D. ROSAURO

ABOUT THE AUTHOR

Ryan D. Rosaura is a journalist based in Mindanao who has followed and written about the Bangsamoro peace process. He is currently desk editor of the Mindanao Bureau of the Philippine Daily Inquirer.

This report is published by the Institute for Autonomy and Governance (IAG), a non-profit policy center dedicated to advancing good governance and human security in the southern Philippines. The views expressed in this publication do not necessarily reflect the views and policies of IAG.

The electronic version of this publication can be downloaded from the digital archives of IAG at www.iag.org.ph. It is available under a Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Philippines (CC BY-NC-SA 3.0 PH) license. You are free to copy, distribute and transmit the publication, and to remix and adapt it, provided it is only for non-commercial purposes, that you appropriately attribute the publication, and that you distribute it under an identical license. For more information visit the Creative Commons website: <https://creativecommons.org>.

IAG is located at Notre Dame University, Notre Dame Avenue, Cotabato City, Philippines. Telefax: +63 64 557 1638. Email: info@iag.org.ph

Cover Photo by Ram Toledo: Two locals in Omar town in Sulu enjoy the cool morning see breeze.

INTRODUCTION

Swathes of territory belonging to the newly created Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) are traditional hotbed of terrorism in the Philippine, and anti-terrorism operations carried out by state security forces in these areas often led to grave human rights violations, especially against ordinary civilians.

These abuses by state forces add to the compounded history of repression against Muslims dating back to when terrorism was not yet in vogue—to the days of Moro secessionist rebellion beginning in the late 1960s—when civilians were massacred and communities flattened in the course of the military’s fight against, first, the Moro National Liberation Front (MNLF), and later, the Moro Islamic Liberation Front (MILF).

Under the anti-terrorism banner, persons got killed or were arrested and detained for long periods because they were tagged—mistakenly or deliberately—as terrorists. These violations happened even under the supposedly benign Human Security Act (HSA) of 2007, or Republic Act No. 9372. Given these experiences, it was not surprising that Moro political leaders and human rights activists were among the first to immediately raise their voices of dissent against the passage by Congress of a draconian anti-terrorism law.

The BARMM’s security landscape presents an added challenge to the Bangsamoro transition process and beyond. For one, the region’s nascent institutions are pressed to deliver on the promise of addressing social, political and economic discontent that underpinned over four decades of secessionist rebellion, and now spawn violent extremism. Also, it will test the exercise by the regional government of its human rights mandate given its people’s previous experience of being disadvantaged in the course of anti-terrorism campaigns.

The BARMM is the fourth autonomy setup established covering predominantly Muslim territories. As a product of political negotiations between the government and the MILF, the BARMM is invested with far

greater political, social, economic, and fiscal powers than the previous ones as a way to address the longing for meaningful Moro self-governance. But defense and security still rest with the national government through the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP).

The region's leaders share the national government's view that terrorism is a scourge that must be eliminated in order to ensure sustained peace and development in its communities. However, they are worried that repressive measures will only lead to more human rights abuses hence deepen local resentment and provide ground for extremist recruitment.

This report looks at the unique position of the BARMM in the country's anti-terrorism drive and explores opportunities for safeguarding its constituents from potential abuses given its human rights mandate.

MUSLIM MINDANAO AS A MAJOR ANTI-TERRORISM THEATER

Apart from being the country's least developed, the conflict-torn Bangsamoro region is also a major theater of the Philippine government's anti-terrorism campaign. Owing to the links of Abu Sayyaf terrorists to Al-Qaeda, the Philippines became an arena of the United States government's global war on terror as an offshoot of the 9/11 attacks.¹ For over 13 years, from January 2002 to May 2015, up to 600 US forces were deployed in the country through Operation Enduring Freedom—Philippines "to advise and assist Philippine security forces at the tactical, operational and strategic levels against violent extremist organizations throughout the southern Philippines."² The Joint Special Operations Task Force-Philippines, which carried out the mission, was mainly based in Zamboanga City, inside the AFP's Western Mindanao Command (Wesmincom).

The Abu Sayyaf had its beginnings in Basilan in 1991 and expanded to nearby Sulu, taking into its ranks former MNLF guerrillas with the goal of continuing the fight for an independent Islamic state.³ Its introduction

into the public mind was through the massacre of civilians and burning on April 4, 1995 of predominantly Christian-populated Ipil town in what is now Zamboanga Sibugay province. The attack left 53 people killed and destroyed the town's commercial district.

The group lost its ideological moorings with the death of founder Ustadz Abdurajak Janjalani in 1998,⁴ sliding into banditry and displaying a bold capacity for atrocity such as beheading kidnap victims due to unmet ransom demands. The gunmen had undertaken kidnapping activities in Mindanao, Palawan and Sabah (Malaysia) and brought the victims to their lairs in Basilan and Sulu, keeping them there until payoffs were done. In 2017, it attempted an incursion into Bohol province, a major tourist haven in the Central Visayas, but was foiled by the military.

Apart from abductions, the Abu Sayyaf also gained notoriety for carrying out the bombing of Superferry 14 on February 27, 2004, resulting in the deadliest terrorist attack at sea. The bomb exploded more than an hour after the vessel carrying 900 passengers left the port of Manila; 63 people were killed and 53 missing and presumed dead as the vessel sunk.

Various factions of the Abu Sayyaf proclaimed allegiance to the Islamic State (IS) starting in 2014⁵ as Al-Qaeda's influence in the global terror network waned. Hence, it continues to attract terrorists from other parts of the world to train and fight for *jihad*. The group deployed an Indonesian couple for the suicide bombing in the Catholic cathedral in Jolo, Sulu on January 27, 2019 that killed 22 and injured about 100. This signaled its new tack of carrying out terror attacks.

Eight individuals have so far followed the footsteps of the Indonesian couple, figuring in five more attacks in Sulu, three of them locals. On February 21, 2021, the military arrested nine women in Patikul and Jolo towns suspected of training to be suicide bombers. According to the military, the Abu Sayyaf has focused on recruiting from the ranks of widows and orphaned daughters of jihadists, and have set sights on targets beyond Sulu, such as Zamboanga City, the economic center of western Mindanao.⁶

Perceived to have been marginalized due to sustained pressure since 2002, the Abu Sayyaf, particularly the faction led by Basilan-based Isnilon Hapilon, pulled off a security surprise by laying siege on Marawi City in Lanao del Sur on May 23, 2017, sparking a five-month war that flattened its commercial district. Hapilon, then emir of the IS in Southeast Asia,⁷ combined forces with followers of Daulah Islamiyah (DI) in Lanao del Sur under the command of brothers Omarkhayam and Abdullah Maute, and foreign terrorist fighters. The global IS leadership likened the occupation of Marawi to its occupation of Mosul, Iraq in 2014.⁸ Hapilon and the Maute brothers were eventually killed in battle, ending the extremist forces' short-lived occupation, and setting off a manhunt of their remnants in Lanao del Sur up to this day.

In Maguindanao province, terrorism activities are perpetrated by various factions of the Bangsamoro Islamic Freedom Fighters (BIFF), and associated groups of DI. Except for a few groups, most are also linked to the IS and maintain community strongholds that become a nexus for various criminal activities.

The BIFF grew out of a small group that split in 2010 from the Bangsamoro Islamic Armed Forces (BIAF), armed wing of the once secessionist MILF. Two of three factions are linked to the IS through the DI, the Philippine umbrella of IS-allied groups. In the last 12 months, the BIFF has launched bold offensives in Maguindanao province such as the attempt to occupy Datu Piang town in December 2020, blocking the installation of a joint peace and security team (JPST) outpost in Datu Saudi Ampatuan town in March 2021, and the six-hour occupation of the center of Datu Paglas town on May 8, 2021. The attack against a JPST outpost signified the BIFF's continued attempt to scuttle the Bangsamoro peace process, it being a mechanism set up by the MILF and the government to maintain law and order in erstwhile guerrilla communities, based on the 2014 Comprehensive Agreement on the Bangsamoro (CAB). The running offensives triggered the evacuation of over 10,000 families from their homes in five neighboring towns.

The Maguindanao terrorist lairs reinforce the groups such as the Khilafa Islamiya Mindanao and Ansar Khilafa Philippines in nearby Sultan Kudarat

and South Cotabato provinces, and prop up the remaining forces of the Maute Group which is on the run in Lanao del Sur's hinterlands following intensified crackdown after being driven away from Marawi City in 2017. The military has said that the Maute Group is now led by a certain Faharudin Hadji Satar.⁹ The band last clashed with government troops on August 21, 2021 in the hinterland border communities of Madalum, Lanao del Sur and Munai, Lanao del Norte, displacing over 400 families.

This security situation puts pressure on the fledgling Bangsamoro government to bring the immediate fruits of the peace process to bear on social, political and economic deprivation that is driving people, especially the youth, into the folds of violent extremism. It also exposes the locals to potential rights abuses in pursuit of suspected terrorists.

IMPACT OF ANTI-TERROR CAMPAIGN TO HUMAN RIGHTS

Government's anti-terror campaign in the last 20 years has generated a host of alleged shortcuts that compromised the rights of residents in the region, especially among the Muslim population.

The Bangsamoro parliament, in its Resolution No. 77 passed on July 2, 2020 noted that the Moro people have fallen victim to both terrorist attacks and human rights violations. This is among the reasons why the Bangsamoro leaders were apprehensive that the ATA, given its controversial provisions like sanctioning warrantless arrest and prolonged detention, will just be a continuation of the saga of human rights abuses.

A general pattern of the abuses has become familiar: an arrest without a warrant, often accompanied by brute force; the suspect held incommunicado for days or even weeks, and then surfaced with the authorities already having a perfect tale of a crime and the necessary evidence to support the allegation. The case would then drag on for long, at which period authorities would cure their not-so-believable crime narrative. In the course of these ordeals, some of the suspects fall ill or die while in detention.

For those who survive, prolonged detention had devastating impacts on suspects, even as they would later be freed. An investigative report done by ABS-CBN News in 2015 showed suspects unable to continue their businesses, losing their wives, and becoming alienated from their children.¹⁰

One particular case of these trumped up charges is that of Kaharudin Talib, an aspiring overseas worker from Maguindanao who was arrested in Metro Manila in August 2007 by police and military operatives while he was preparing for a Middle East job recruitment. Kaharudin was hidden for three days during which time he was tortured into owning up to a crime. The police and soldiers also went to where he lived and supposedly found a bomb there after an unwarranted search that had no independent witnesses.¹¹ With the aid of Moro lawyers, Kaharudin's case was dismissed by the prosecutor.

A sensational one was the 'mistaken' arrest of 51 suspects tagged as Abu Sayyaf bandits from 2001 to 2014, as documented by ABS-CBN News.¹² These cases were used among the arguments by a petition against the Anti-Terrorism Act (ATA) led by House Deputy Speaker and Basilan Rep. Mujiv Hataman.

Apart from scoring brownie points for anti-terrorism performance, the ABS-CBN News report also pointed to bagging rewards as one big motivation for law enforcers to launch arrests, even as these were spurious. With foreign governments taking keen interest in going after the Abu Sayyaf, especially during its kidnapping heydays, funds flowed for rewards for the arrest and prosecution of particular bandits.

Among those highly prized for a pursuit at the time was a certain 'Black Tungkang', commanding P3.3 million for alleged involvement in the kidnapping of members of the Jehovah's Witness religious denomination who went on a mission to Sulu in 2002. As if to ensure high batting percentage in a hit-and-miss game, police arrested two persons who were then tagged as 'Black Tungkang' but they turned out false based on the court testimony of one of the kidnap victims.

The ABS-CBN News report further documented that three persons were arrested and tagged as Jerome Mustakim, three Edwin Sawaldi, two Ustadz Hamad Idris, two Mohamad Said Sali, two Abdasil Dimas, two Madia Hamja, and two Hussein Kasim.

The interfaith network Moro-Christian Peoples Alliance (MCPA) noted that the “Moro people bears the brunt of a continuous, systematic and large-scale human rights violations by the government” as gleaned from cases it documented of Moro individuals “subjected to indiscriminate terrorist-tagging and arbitrary arrests” from 2000 to 2001 based on a questionable warrant of arrest indicating only aliases of Abu Sayyaf suspects, all of whom were illegally detained, tortured and charged with trumped up criminal cases.¹³ One was Muhamadiya Hamja who was first arrested in 2001 and released in 2005. But in 2008, he was allegedly abducted, later declared to be arrested by authorities for, unbelievably, the same case he was already acquitted of.

Wholesale human rights violations were committed during the short-lived declaration of a state of lawlessness in Basilan in 2001 by President Gloria Macapagal-Arroyo to heighten the campaign against the Abu Sayyaf, giving the military power to detain suspected members and supporters for 36 hours without warrant. In its International Religious Freedom Report 2002, the US Department of State noted that 73 Muslims were detained during this crackdown.¹⁴

The MCPA said the declaration “became a springboard for military operations that victimized Moro communities in the towns of Lamitan, Tuburan, and Sumisip” and “laid the legal bases for subsequent illegal mass arrests and detention of Moro civilians allegedly in collusion with the bandits.” The crackdown netted some 125 Moro civilians from Basilan, 106 from Sulu, and 36 from Zamboanga City who “were arbitrarily arrested, detained without the privilege of the writ of habeas corpus, accused of multiple crimes in court without preliminary investigation, and illegally detained” and most were tortured. The MCPA further noted that the total number of arrests exceeded the military’s target of 200 suspected Abu Sayyaf supporters. From their initial

detention in Zamboanga City, 73 of those arrested—five of whom minors—were eventually transferred on December 18, 2001 to Camp Bagong Diwa in Bicutan, Taguig City, headquarters of the police command overseeing the National Capital Region.¹⁵ There, the detainees languished for over 10 years; their cases moving at snail pace while some of them suffered from serious ailments and seven died in detention as of 2012.

During the so-called Bicutan siege on March 15, 2005 when several alleged Abu Sayyaf members attempted a jailbreak, 11 of the 73 were killed in the course of the police operation to put down the standoff, according to the MCPA. The police operation to subdue the siege was even wrought with controversy with witnesses saying only six of the 27 killed were actually involved in the siege, the rest apparently shot by commando forces out of “religious bigotry and disregard for human rights.”¹⁶ Four years after the incident, two analysts said: “The evidence suggest that the Bicutan siege was a premeditated and concerted effort of the national government to eliminate identified enemies of the State (the members of the Abu Sayyaf Group or ASG) notwithstanding that they were already under government custody and were on or awaiting trial for their criminal acts.”¹⁷

In recent times, the discrimination against Muslims continues to show in the behavior and thinking of the AFP and PNP with respect to the anti-terrorism fight. On January 31, 2020, the Manila Police District (MPD) ordered all station commanders to submit updated personal information of Muslim students in high school, colleges, and universities in their areas, supposedly part of its effort of strengthening the “peace-building and counter violent extremism (initiatives) of the PNP.”¹⁸

This earned a howl of protest from Muslim leaders and progressive groups. “Baseless stereotyping can end in lethal results,” said Hataman. The group Alliance of Concerned Teachers said targeting young Muslims by profiling them “reek(s) of the police's ignorance and Islamophobia.” BARMM’s interim parliament also passed a resolution criticizing the MPD’s order. The profiling initiative was eventually scrapped amid snowballing opposition.

While still warming his seat as AFP Chief of Staff, Gen. Gilbert Gapay told the foreign press in October 2020 that the military is looking into the possible role of Islamic schools or madaris in Sulu in the radicalization of the youth. “We are coordinating now with the Department of Education, looking into different schools, particularly in Sulu and other parts of Mindanao. It is in one of these institutions or areas where recruitment is occurring particularly [among] the youth,” Gapay had said.¹⁹

Hataman, who said he was a product of the madrasa system, said Gapay’s comments were “dangerous and unfair, and ... serves no real purpose but to unjustly put our schools in a very compromising situation.” “While I also share the deep concern of the armed forces on the existence of Filipino suicide bombers at present, I would not go as far as to associate these terrorists to our madrasas. Our schools are institutions of peace and learning, and are not breeding grounds for violent extremists and terrorist,” added Hataman, asking the AFP to file cases if they have proof.

The BARMM interim parliament passed a resolution on November 17, 2020 requesting the AFP “to exercise utmost caution and prudence in issuing statements, especially on Institutions of Madaris, which might further alienate the Muslims in the Philippines to deleterious perceptions.”²⁰

These experiences cement the perception of the state security forces harboring anti-Muslim and anti-Moro bias, playing with their fate by making them a ready reserve of made-up terror suspects.

THE ENACTMENT OF THE ATA

First approved by the Senate in February 2020 (Senate Bill No. 1083) and set for consideration in the House of Representatives, the proposed law quickly sailed through the legislative mill after President Rodrigo Duterte certified to the urgency of its enactment. To expedite the process, the House simply adopted the Senate version of the proposed law and streamlined floor deliberations that effectively sidelined thorough scrutiny of its contentious aspects. On June 3, 2020, amid a raging coronavirus pandemic, the House approved the measure (House Bill No.

6875); by then, President Duterte's signature will make it a law that, for many rights activists, could disadvantage many people, especially the country's Muslim minority.

Signed into law by Mr. Duterte on July 18, 2020, the ATA, or Republic Act No. 11479, was quickly used to designate organizations and individuals in furtherance of government's anti-terrorism campaign in the region. Anti-Terrorism Council (ATC) Resolution No. 13 listed 16 names of groups and designated these as terrorist organizations. In the resolution approved on December 9, 2020, the ATC said it found probable cause, "based on evidence submitted by the Armed Forces of the Philippines and the Philippine National Police" to designate as terrorists the following:

- 1) Islamic State in Iraq and Syria in South-East Asia;
- 2) Dawlatul Islamiyah Waliyatul Masrik;
- 3) Dawlatul Islamiyah Waliyatul Mashriq;
- 4) IS East Asia Division;
- 5) Maute Group;
- 6) Islamic State East Asia;
- 7) Maute ISIS;
- 8) Grupong ISIS;
- 9) Grupo ISIS;
- 10) Khilafah Islamiyah;
- 11) KIM;
- 12) Ansharul Khilafah;
- 13) Bangsamoro Islamic Freedom Fighters—Bungos;
- 14) Bangsamoro Islamic Freedom Fighters—Abubakar;
- 15) Jama'atu al-Muhajirin wal Ansar fil Filibin; and
- 16) Daulah Islamiyah.

The resolution lengthens the list of officially designated terrorist groups in the country, from only one—the Abu Sayyaf, under the HSA. The resolution added that all Daesh-affiliated groups are also designated as terrorists. After designating the groups as terrorist organizations, the ATC then designated individuals associated with these as terrorists through Resolution No. 16 approved on February 24, 2021 and Resolution No. 20 approved on June 23, 2021. *[See Appendix, page 33]*

Government hopes that these legal efforts complement the active military and police pursuit against suspected terrorists within the region. Except for the few offensives against the BIFF that spilled over into civilian communities, many of the pursuit operations were targeted or surgical, helped in large measure, per pronouncements of the Army, by civilian informants.

Surveillance and reconnaissance technology also played a crucial role in aiding the pursuit against terrorists, making the strikes surgical and swift. One notable case is the November 3, 2020 dawn operation employing an attack helicopter and naval assault boat against a band of seven Abu Sayyaf bandits who just left Sulare Island of Parang, Sulu on a speedboat. The military had presumed all seven died.²¹ The military's claim of growing people's support for its anti-terror campaign augurs well for lessening, if not eliminating, cases of mistaken identities and false arrests, among others.

On December 7, 2021, the Supreme Court ruled on the 37 petitions against the ATA, declaring the controversial law as compliant with the 1987 Constitution except for two provisions. These are a portion of Section 4 which deals with the definition of terrorism, and a paragraph of Section 25 which deals with the designation of individuals, groups of persons, organizations or associations as terrorists.²²

ATA's Section 4 partly reads: "... *Provided*, That, terrorism as defined in this section shall not include advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights, which are not intended to cause death, or serious physical harm to a person, to endanger a person's life, or to create a serious risk to public safety."²³

With the High Court ruling, such portion of Section 4 now reads: "... *Provided*, That, terrorism as defined in this section shall not include advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights."

The Court also struck down this entire paragraph of Section 25:²⁴

“Request for designations by other jurisdictions or supranational jurisdictions may be adopted by the ATC after determination that the proposed designee meets the criteria for designation of UNSCR (UN Security Council Resolution) No. 1373.”

Not one of the contentious provisions cited by Bangsamoro leaders and activists merited the tag of unconstitutionality by the Court.

RESPONSES TO THE ATA IN THE BARMM

Political leaders and human rights advocates in the BARMM were the first to immediately raise their voices of dissent against the passage by Congress of a more draconian anti-terrorism law. Moro activists particularly pointed to the grave rights violations suffered by Muslims and indigenous peoples in the course of government’s anti-terrorism operations in the past, under the supposedly benign HSA.

Prior to President Duterte’s signing of the law, the Bangsamoro parliament firmed up a resolution asking the President to veto the measure and send it back to Congress so its contentious aspects can be revised. Resolution No. 77, which was passed on July 2, 2020, noted that apart from vagueness in some definitions, the proposed law also lacks adequate measures against abuse.

The parliament said that the following provisions “instill fear or compound resentment” among the Moro people:

- a) sanctioning warrantless arrests outside of the limitations allowed by the Rules of Court;
- b) allowing wiretapping of private conversations/communications upon *ex parte* application before the Court of Appeals and without an opportunity for the ‘suspect’ to present countervailing evidence at any stage of the proceedings;
- c) detention of the suspects for 14 to 24 days without a valid commitment order from the courts; and

d) unilateral designation of persons or groups as ‘terrorists’ by the Anti-Terrorism Council which consists of members appointed by the executive, and lack of remedies to question such designations before the courts.

The parliament stood that “an effective counter-terrorism penal law must be evidence-based and intended to respond to the actual evil sought to be prevented or penalized.” Such measure, it said, should not encroach on fundamental freedoms; clearly distinguish conduct that is lawful from unlawful to avert any misinterpretation and arbitrary and discriminatory enforcement; and give individuals adequate notice of their legal obligations so that they can govern their behaviors accordingly. “Counter-terrorism strategies with no or limited regard for human rights cannot win the ideological battle against terrorism, nor can it suppress violent extremism,” the parliament resolution emphasized.

Amid the furor against the measure, Senator Panfilo Lacson, the law’s main author, told an online meeting of the country’s provincial governors that had it been legislated earlier, the siege by IS-linked local terrorists of Marawi City in 2017 could not have happened. But two Maranao leaders disputed Sen. Lacson saying it was not the absence of an anti-terror law that allowed militants to lay siege on Marawi but the failure by authorities to read signs of the imminent threat.

“The Marawi siege happened because the government underestimated the capacity of the combined Maute and Abu Sayyaf groups to stage a war none would have expected,” said Bangsamoro parliament member Zia Alonto-Adiong. “It’s not (even) about a lack of intelligence (gathering), rather, a failure to appreciate what seemed to be a clear and present danger,” added Adiong, noting that prior to the siege, the militants already staged attacks in the towns of Butig and Piagapo in Lanao del Sur. “These encounters should have been treated as clear signs that something bad was about to happen,” Adiong said.²⁵

Maranao activist Drieza A. Lininding, chair of the Moro Consensus Group, lamented at how Sen. Lacson justified the enactment of “a horrific law” on “a wrong accounting of events.” Lininding noted that Mr. Duterte, in a

speech in Lumbayanague town in November 2016, warned of a plan by local terrorists to lay siege on the city, “but the military and police failed to take due account of that.”²⁶ The Marawi siege started on May 23, 2017, while Mr. Duterte was on a state visit in Russia. From Moscow, the President issued Proclamation No. 216, placing under martial law and suspending the privilege of the writ of habeas corpus in the entire Mindanao. (Congress extended the martial law imposition three times, until December 31, 2019.) A five-month military campaign to flush out the terrorists reduced the city’s main commercial district into rubble, and sent some 300,000 people fleeing for safety. Today, close to 90,000 are still unable to return home.

“In Mindanao, especially in Muslim communities, it is a frequent occurrence that mosque-goers, Quran reciters, prayer-callers, even simple market vendors and truck drivers are dragged away by law enforcers – simply on suspicion that they are supporters, relatives, co-conspirators or active participants in acts of rebellion, kidnapping and what now constitutes terrorism,” read a portion of the so-called Hataman petition that questioned the constitutionality of the ATA.

The 83-page petition averred that the anti-terror law “threatens to legalize these clearly abhorrent state actions.” It was filed by Hataman, Anak Mindanao Partylist Rep. Amihilda Sangcopan, Bensaud Degusman, Rameer Tawasil, Sheikh Jamsiri Jainal, and lawyers Satrina Mohammad, Jamar Kulayan and Alman-Najar Namla. The petitioners said the cases of mistaken arrests “is prejudice and injustice based (on an) unfounded fear of Muslims.” “It is religious discrimination, plain and simple,” they asserted.²⁷

Speaking in a webinar organized by the Innovation, Transformation and Excellence in Governance, lawyer Alghamar Latiph, another petitioner against the ATA, said the fears of human rights violations are not mere conjectures but real because the abuses “have happened already.” Latiph said that under the ATA, the power to determine who is a terror suspect is lodged with the police and the military, institutions which are perceived to have strong anti-Moro and anti-Muslim bias. Sangcopan, speaking in the same webinar, noted that “Muslims have been negatively

stereotyped as extremists” hence subjected to “unimaginable sufferings” in the hands of authorities. Prior to his death in 2020, human rights lawyer Zainudin Malang posted a warning on social media that if enacted into law, the anti-terrorism bill would trigger an “open season on Moros” for rights abuses.

In voting against the legislation when it was still with the House, Hataman cited the lack of safeguards against wrongful arrest as the prescribed penalty for it, as contained in the HSA, was no longer carried into the ATA. Hataman also took issue of the proposed law’s lack of reformation measures for those who turn their backs on terrorism.

Based on the petitions, the ATA is being assailed for infringing upon the fundamental freedoms and rights guaranteed by the 1987 Constitution, to wit: freedom of speech and expression; freedom of religion; freedom of assembly; freedom of association; freedom of the press; right to due process of law; freedom from unreasonable searches and seizures; right to privacy; right to travel; right to bail; presumption of innocence; freedom of information; right against ex post facto laws and bills of attainder; right against torture and incommunicado detention; and academic freedom.²⁸

In the course of the Supreme Court’s hearing of the petitions, several related motions were also filed by some petitioners who were either arrested or tagged by state security forces as communist rebels whom the government brands as terrorists.

When signed into law to replace the HSA, rights groups and individuals, many of them coming from the BARMM, immediately challenged its constitutionality before the Supreme Court, arguing, among others, that the law poses a serious threat to the civil liberties of the people. In all, the ATA has been the subject of 37 petitions before the Supreme Court, making it the most contentious law, so far, in the country.

On July 19, a day after the anti-terrorism bill was signed into law, BARMM Interim Chief Minister Ahod ‘Al Haj Murad’ Ebrahim issued a statement²⁹ saying they respect the decision of Mr. Duterte but that

“We trust (that) the President will ensure that the concerns and apprehension of the Bangsamoro people on some provisions of the law will not happen. Rest assured that we will support the implementation of the law and commit to continue the conversation within the Bangsamoro, in our effort to provide the National Government realistic context from the ground,” Ebrahim said.

Although the immediate target for the application of the ATA was the Philippine Left, the focus could shift or expand into Bangsamoro areas where armed groups with links to the global terrorism network overseen by the IS maintain holdouts.

THE HUMAN RIGHTS MANDATE OF BARMM

Albeit a hotspot for human rights violations arising from anti-terrorism operations, the BARMM as an autonomous political entity is in a good position to hedge against these given its human rights mandate. Republic Act No. 11054, or the Bangsamoro Organic Law (BOL), which is the charter of the BARMM, created the Bangsamoro Human Rights Commission (BHRC). Its functions, duties and responsibilities are defined by Bangsamoro Autonomy Act No. 4, known as the Bangsamoro Human Rights Act of 2019, that was passed by the Bangsamoro Parliament on December 20, 2019 and approved by Ebrahim on January 14, 2020.

The BHRC is a collegial body composed of a Chairperson who should be a lawyer, and two Commissioners. They are appointed by the President from a list of three candidates for each position forwarded by the Chief Minister. They will serve for seven years and are not eligible for reappointment, except if one has held the position for less than two years. For the first appointees, the Chairperson will serve for seven years while the two Commissioners will be for five and three years, respectively.

The agency has field offices in the region’s five provinces and the Special Geographic Area comprising the 63 villages of Cotabato province that are now part of the BARMM.

As the human rights institution of the Bangsamoro, the BHRC is mandated to promote and protect human rights and, during armed conflict, uphold international humanitarian law.

Its core functions are fairly identical to the Regional Human Rights Commission (RHRC) under the BARMM's predecessor entity, the Autonomous Region in Muslim Mindanao (ARMM). The RHRC was also a mandate of the amended Organic Act of the ARMM, Republic Act 9054, that was enacted in 2001 in response to the government's commitment to redo Moro autonomy, in keeping with the Final Peace Agreement it signed with the MNLF in 1997. (The first Organic Act of the ARMM was enacted in 1989.) The RHRC was operationalized through Muslim Mindanao Act No. 288 passed by the then Regional Legislative Assembly on June 26, 2012.

A major difference, however, is that in operationalizing the BHRC, the Bangsamoro parliament gave it the power to prosecute cases for violation of human rights, run its own witness protection program, and investigate past human rights violations in relation to the transitional justice mandate in the BOL. The latter role will persist until a Bangsamoro transitional justice mechanism is established.

Based on its charter, the following are the specific powers and functions of the BHRC:

- 1) promote human rights through education and training, public awareness, and publications;
- 2) protect human rights and uphold international humanitarian law through conducting investigations, monitoring, fact-finding missions, and public inquiries, reporting the results of the same, and proceeding with prosecution when warranted;
- 3) advise the government, at its own instance or upon request, on the promotion and protection of human rights and international humanitarian law;

- 4) protect human rights defenders;
- 5) act as the transitional justice mechanism;
- 6) perform administrative functions; and
- 7) perform such other powers and functions as may be provided by law, consistent with its mandate, independence, and fiscal autonomy.

In the event that the BHRC provides advice to the government, the region's Human Rights Act compels the latter to respond within a reasonable time. If the advice was addressed to the parliament, the matter will be calendared for deliberation.

The BHRC is also tasked to act as the Gender and Development Ombud for the Bangsamoro in relation to Republic Act No. 9710 or the Magna Carta for Women, and as the Children Ombud in relation to Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006.

To ensure protection of victims and witnesses as well as facilitate effective investigation, the BHRC is further empowered to, among others:

- 1) administer oaths;
- 2) issue compulsory subpoena to secure the attendance of witnesses and produce documentary and/or objective evidence;
- 3) require the assistance and cooperation of government or private entities;
- 4) cite for direct or indirect contempt;
- 5) petition for the issuance of Writs of *Amparo*, *Habeas Data*, *Habeas Corpus*, or *Mandamus*;
- 6) issue preventive and mandatory measures; and

7) deputize lawyers, legal aid groups, or medical organizations.

Some important powers vested in the old RHRC were not carried into the BHRC. One is the power to grant immunity to any person who possesses evidence vital to an inquiry about a human rights violation. Another is the power to order the preventive suspension of any officer or employee—with the exception of Members of Congress, those of the Judiciary, and impeachable officials—if the evidence of guilt is strong and one's continued stay in office may prejudice the case.

In order to make its mechanism easily accessible to the people, the BHRC is mandated to adopt a system of electronic filing or reporting of complaints, install a hotline that is open round the clock, and ensure that personnel are available even on holidays and non-working days.

Based on its charter, the BHRC can enter into cooperative and coordinative relations with the national Commission on Human Rights (CHR) for, among others, capacity-building, information sharing, investigation, monitoring, fact-finding and public inquiry.

The parliament intended for the BHRC to be independent and free from the interference of any government or private entity. In keeping with this principle, the parliament ordained that the agency enjoy fiscal autonomy, which means its annual appropriation shall be regularly and automatically released, and cannot be less than what it received in a preceding year.

This is a marked improvement from that enjoyed by the old RHRC and even the CHR. The CHR had to beg for resources from Congress every budget year while the RHRC used to contend for funds with other agencies of the ARMM which, in turn, depended on the generosity of the President and Congress for its annual appropriation. Thanks to the block grant for the BARMM, the BHRC will no longer go through the same ordeal.

In the Bangsamoro Expenditure Programs for 2021 and 2022, the BHRC has an annual allocation of P97,456,528.90. For 2022, P59,391,354.56 or 61% of the agency's budget goes to personnel services, P35,652,898.34

for maintenance and other operating expenses, and P2,412,276.00 for capital outlay. Of its operating budget, P15,379.00 will go to support activities in human rights protection, human rights promotion, and human rights fulfillment.

Partnerships for Human Rights

The BHRC has started building its grassroots reach for human rights education and promotion, tapping the MILF's contingents to the Coordinating Committee on the Cessation of Hostilities (CCCH) and the Ad Hoc Joint Action Group (AHJAG). BHRC Chairperson Abdul Rashid Kalim said they need partners in the grassroots communities which are vulnerable to human rights violations.

The two peace process mechanisms have strong and wide reach in the grassroots communities, especially in areas which were once hotbeds of the secessionist armed conflict such as Lanao del Sur, Maguindanao, and Basilan.

Both Anwar Alamada, chair of the MILF contingent to the AHJAG, and Butch Malang, MILF CCCH chair, welcomed the opportunity to work together with the BHRC. Alamada said the partnership ensures the effective promotion of human rights in the region. Malang, for his part, said the collaboration with the BHRC is important to respond to situations of human rights violations in the communities.

The continuing pursuit by government forces against Islamic State-linked militants in Maguindanao sparks armed clashes from time to time and created a situation ripe for possible rights violations. Last year, the MILF's AHJAG and CCCH jointly investigated incidents of mortar blasts in Datu Saudi Ampatuan town one of which hit a house, killing two children.

Other agencies are also working for possible tie-up with the BHRC such as the Bangsamoro Development Agency, the MILF's development arm, which is implementing a project that supports social protection and human rights, aiming to form and train a community of human rights defenders.

Through a memorandum of understanding, BARMM's Ministry of Indigenous Peoples' Affairs has joined hands with the BHRC in strengthening the promotion and protection of the rights of indigenous peoples in the region. The BHRC is also collaborating with the Maguindanao Provincial Police Office for human rights education and capacity development for its personnel as part of efforts to improve their policing practice.

The BHRC also partnered with the Cotabato City-based Institute for Autonomy and Governance for a series of trainings for its personnel and civil society partners about the fundamentals of the ATA and its implications for human rights protection.

The BHRC can also tap into an ecosystem of groups with human rights programs, and networks of human rights defenders that can multiply the BHRC's reach throughout the region. Many of them, or at least their personnel, have a long experience of documenting alleged atrocities against civilians during the height of the war between the government and the MILF, and abuses in the course of anti-terror operations. Add to these, the organizations of indigenous peoples seeking protection of their ancestral domain.

Current Expectations

After its organization, demand for the services of BHRC immediately picked up. In June 2021, the agency started an inquiry on the circumstances surrounding a police search for loose firearms in a house in Datu Montawal, Maguindanao that led to the death of an MILF member, and the main target arrested.³⁰ The inquiry was done by investigators from the BHRC regional and Maguindanao offices although the findings are not yet released to the public.

Also in June 2021, Maguindanao provincial board member King Jhazzer Mangudatu urged the BHRC, through an interview with local radio station DxMS in Cotabato City, to investigate the shaming of lesbians in Ampatuan town by gun-wielding men who forcibly shaved their heads in full view of the community. Mangudatu emphasized that the BOL has

made explicit that, “No person in the Bangsamoro autonomous region shall be subjected to any form of discrimination on account of creed, religion, ethnic origin, parentage, or gender.” The incident was caught on video that has gone viral on social media, although, the original report by a local news outfit in Cotabato City has since been taken down.

The viral video prompted rights groups in the Philippines and abroad to express alarm.³¹ “Officials should ensure that justice is served for the victims and the perpetrators are held accountable, and lawmakers should redouble efforts to prohibit and eradicate discrimination against LGBTI people throughout the Philippines,” said Ryan Thoreson, LGBT rights researcher of the New York-based Human Rights Watch.

Expressing concern over the incident, the CHR has said it will conduct its own investigation. CHR spokesperson Jacqueline de Guia said the Safe Spaces Act (Republic Act No. 11313) “upholds the right of all persons from harassment, including protection from remarks and slurs that betray hatred and fear of members of the LGBTQI community.” Interior Minister and BARMM spokesperson Naguib Sinarimbo has said that the incident is also being investigated by the regional government.

Three months after the Ampatuan incident, a grenade was lobbed at the municipal covered court of Datu Piang, Maguindanao on September 18, 2021 while members of the LGBT community were playing volleyball. One was killed and seven injured. The following day, another member of the LGBT community in the town was murdered at home. The Army suspected that the killings are the handiwork of Islamic State-linked militants.³² Several days earlier, on September 14, two members of the LGBT community, who are students of the Mindanao State University in Marawi City, Lanao del Sur were gunned down inside the campus.³³

The Bangsamoro parliament, in two resolutions passed during its session on September 22, 2021, condemned the Marawi and Datu Piang incidents. For the Marawi killings, the parliament urged concerned agencies, especially the BHRC, to assist in the investigation of the case. During deliberations, member of parliament (MP) Laisa Alamia, who used to be RHRC chairperson, said that while non-state actors are involved in

the Marawi killings, the BHRC can investigate these through its role as Gender and Development Ombud as the incident has the attributes of being gender-based violence.

In introducing the resolution on the Datu Piang attacks, MP Susana Anayatin expressed hope the hate crimes stop soon, emphasizing that whatever their sexual preference, people “must be given protection and must feel protected by the community and the government.” MP Alamia called on the Bangsamoro leadership to develop an action plan for the promotion and protection of the rights of the LGBTQ+ community in the BARMM and end violence against persons on account of their sexual orientation, gender identity and expressions.³⁴

Just like the entire Bangsamoro government, the BHRC is not only faced with the challenge of dealing with instances of human rights violations, but also with people’s expectations of delivering effective actions.

NONCOMBAT INITIATIVES VS. TERRORISM

The ATA mandates the ATC to undertake programs that address social conditions that breed violent extremism such as ethnic, national and religious discrimination; socioeconomic disgruntlement; political exclusion; dehumanization of victims of terrorism; lack of good governance; and prolonged unresolved conflicts.

But even prior to this feature in the ATA, there have been various noncombat initiatives to deal with terrorism in the region. A standout is the Program Against Violent Extremism (PAVE) for Peace in Basilan. Launched on April 17, 2018, PAVE is a collaboration between the then ARMM, led by Hataman as Regional Governor, the Army command in the province, and Cagayan de Oro City-based nongovernment group Balay Mindanaw Foundation Inc.

The program mainly aims to lure Abu Sayyaf gunmen to abandon banditry and terrorism by providing opportunities for a new life through livelihood and educational support for those who surrender. Hataman noted that many of those who joined the Abu Sayyaf, especially the

minors who come from impoverished families, did so not for the ideology it brings but for the promised monetary reward. “The presence of government has to be felt by the people. We have to show them that government is sincere in providing basic services. These people would have not been in the jungle if there was a strong government (presence) here in the past,” Hataman had said.³⁵

PAVE started with 139 former gunmen who surrendered since 2016. The numbers grew to over 200 by the end of 2019. One of its beneficiaries is now an elected local official in Al-Barka town while another is an agri-entrepreneur. Apart from dealing with the former bandits, PAVE also sought to reach out to the victims of the group’s atrocities in the hope of starting the healing process. The program has been credited for weakening the Abu Sayyaf’s presence in Basilan.

Military leaders have good impressions of PAVE, recommending it as a model approach for other localities grappling with the challenge of violent extremism.³⁶ When he was commander of Wesmincom that covers the Sulu archipelago, and central and western Mindanao, former AFP Chief of Staff Gen. Cirilito Sobejana emphasized the importance of these noncombat initiatives in defeating terrorism.

But the International Crisis Group (ICG), in the June 2019 report “Militancy and the Bangsamoro,” noted that these localized initiatives dealing with armed groups outside of the Bangsamoro peace process lack basis in national policy hence are only *ad hoc* and reactive. ICG also highlighted concerns raised by several organizations about the rollout focused on former armed fighters and not much with those they victimized.

Swamped with bandits who surrendered since 2017, the Army in Sulu stepped up efforts to optimize community-driven noncombat means to subdue the Abu Sayyaf there beginning in 2019. The Army partnered with municipal governments for the rollout of Local Social Integration Program (LSIP) intended for former bandits in their respective localities. In support of the LSIP, the BARMM also provides financial assistance to each beneficiary through the Ministry of Social Services and Development,

shelling out P2.16 million last year for 144 former Abu Sayyaf gunmen. The factions of the MNLF have also helped the Army in convincing Abu Sayyaf fighters to lay down their weapons. By the Army's count, 271 bandits have surrendered in Sulu by the end of September 2020.³⁷

The Army, in partnership with local governments, also launched the Balik-Barangay program which seeks to bring back families driven out of their communities due to presence of and constant clashes with the Abu Sayyaf in the past. This was pioneered in Tugas village of Patikul town in October 2020 involving over 600 families. Once returned, the Army then provide some sort of security cordon, denying the terrorists space where they can dig in and thrive.³⁸

In Maguindanao, the provincial government launched the AGILA-HAVEN (Anak na may Ginintuang Layunin Upang Hintuan ang Violent Extremism Ngayon) program to lure BIFF gunmen back into the folds of the law. As of August 2021, it has assisted 221 former terrorists.³⁹

On top of those provided by local governments, the BARMM provides incentives to gunmen who were persuaded to abandon terrorism. In 2020, the Ministry of the Interior and Local Government catered to 197 former fighters and had allocated resources for 250 more in 2021. Complementing this policy of attraction is the MILF's effort to woo BIFF gunmen back to its fold so they can be covered by the ceasefire accord it had with the government,⁴⁰ and potentially avail of normalization-related support for the BIAF, which is in the process of being decommissioned in keeping with the CAB.

The combined impact of military pressure and noncombat measures has whittled down the strength of local IS-linked terrorists thereby changing the region's security landscape, according to then Wesmincom commander, Lt. Gen. Corleto Vinluan. In central Mindanao, the BIFF's estimated force of about 500 armed men in 2016 have dwindled to half by the end of 2020. It was further diminished by 170 from January to August 2021; 69 of them killed in clashes, 98 surrendered, and three arrested.⁴¹

The growing popularity of the so-called soft approach to rein in the threat of terrorism could help reduce the risks of potential rights abuses in pursuit of suspected terrorists.

FINAL NOTES

Based on the preceding discussions, the following are worth noting and pursuing:

(1) The national government should seriously consider the request of the Bangsamoro government to be provided a seat in the ATC given that the region is a major theater of its anti-terrorism campaign. This should diversify the voices and perspectives within the ATC and help shape a more wholistic and comprehensive approach toward addressing terrorism.

(2) Given its mandate, the ATC must consider expanding the local initiatives to combat terrorism such as the PAVE for Peace in Basilan, and provide the necessary assistance to strengthen those started in Sulu and Maguindanao provinces.

(3) Given the experience of human rights abuses in the region, the national legislators should reconsider the controversial provisions of the ATA even as these were upheld by the Supreme Court. Because of the railroading of the measure in the House of Representatives, its legislation was not properly informed of the dangers these pose to the freedoms of citizens. The safeguards against abuse, which is a feature of the HSA, must also be enshrined in an overhauled ATA.

(4) The AFP and the PNP must address the persistent perception of their anti-Muslim and anti-Moro bias, not just through a public relations offensive but through institutional reform efforts geared toward changing the outlook of its people. Human rights and cultural sensitivity trainings will be helpful in this regard. The BHRC can help push this forward, jumping off from its current partnership with the Maguindanao provincial police.

(5) The BHRC must revisit its cooperation agreement with the CHR to cover the latter's ATA mandate. In Section 47 of the law, the CHR is mandated to "give the highest priority to the investigation and prosecution of violations of civil and political rights of persons" in

furtherance of anti-terrorism actions. Such cooperation must also generate trainings that will capacitate BHRC staff and partners on dealing with the emerging human rights issues in the region such as violence against persons on account of their sexual orientation, gender identity and expressions.

(6) The BHRC must use its mandate of protecting human rights defenders to cultivate an enabling environment for strengthening the human rights community in the region, least of all through allocating resources for this purpose.

(7) The Bangsamoro parliament did a good job in investing the BHRC with the power to prosecute cases of human rights violations in the region as well as in running its own witness protection program. But the basic challenge is empowering the region's people, mainly by making them aware of their rights, and simplifying the system for seeking redress for abuses committed against them. The partnership between the BHRC and the MILF peace mechanisms could provide a boost in this effort given their knowledge of human rights and international humanitarian law and work of documenting alleged violations in relation to government's offensives in Moro communities.

(8) The fruition of the promise of sustained, broad-based and inclusive development as an offshoot of greater Moro autonomy should increase the potency of economic, political and social measures in dealing with the terrorism threat, reducing the need for military operations and diminishing the risk of rights abuses.

In all, the Bangsamoro region will be a key platform for continuing the critique against the ATA in its present form, especially impressing upon national leaders that the fight against terrorism need not infringe on civil liberties, and offering proactive ways to deal with violent extremism.

The pronouncement of BARMM Interim Chief Minister Ahod Ebrahim gives a hopeful note: "While we agree that a policy framework needs to be enacted to fight the menace of terrorism, we feel that the fundamental guarantees of liberty and the institutions of democracy must be protected. We can do better."⁴²

References

- 1 Linda Robinson, Patrick B. Johnston and Gillian S. Oak. (2016) US Special Operations Forces in the Philippines, 2001-2014. RAND Corporation. (https://www.rand.org/content/dam/rand/pubs/research_reports/RR1200/RR1236/RAND_RR1236.pdf)
- 2 Sam LaGrone. *U.S. Officially Ends Special Operations Task Force in the Philippines, Some Advisors May Remain*. US Naval Institute. Feb. 27, 2015. (<https://news.usni.org/2015/02/27/u-s-officially-ends-special-operations-task-force-in-the-philippines-some-advisors-may-remain>)
- 3 Kim Cragin, Peter Chalk, Sara A. Daly and Brian A. Jackson. (2007) *Sharing the Dragon's Teeth: Terrorist Groups and the Exchange of New Technologies*, RAND Corporation, p. 30. (https://www.rand.org/content/dam/rand/pubs/monographs/2007/RAND_MG485.pdf)
- 4 *Ibid.*
- 5 P. Kathleen Hammerberg and Pamela G. Faber (With contributions from Alexander Powell). (2017) Abu Sayyaf Group (ASG): An Al-Qaeda Associate Case Study. CNA. (https://www.cna.org/cna_files/pdf/DIM-2017-U-016122-2Rev.pdf)
- 6 Frances Mangosing. 9 'potential' female suicide bombers arrested in Sulu – military. Philippine Daily Inquirer. Feb. 23, 2021. (<https://newsinfo.inquirer.net/1398938/9-potential-female-suicide-bombers-arrested-in-sulu-military>)
- 7 Black Flags Over Mindanao: Terrorism in Southeast Asia. (2017) *Proceedings of the Hearing Before the Subcommittee on Asia and the Pacific, Committee on Foreign Affairs, US House of Representatives*. (<https://www.govinfo.gov/content/pkg/CHRG-115hhrg26224/html/CHRG-115hhrg26224.htm>)
- 8 Rumiya Issue 10, p. 4. Electronic copy. (2017)
- 9 Froilan Gallardo. *Marawi militants regroup under new leader, Philippine commandeer says*. Benar News. Oct. 16, 2020. (<https://www.benarnews.org/english/news/philippine/militant-leader-10162020165651.html>)
- 10 Gigi Grande. *51 wrongful arrests*. ABS-CBN News. Mar. 27, 2015. (<https://news.abs-cbn.com/nation/03/25/15/51-wrongful-arrests>)
- 11 *No scoop is worth sending an innocent man to jail*. Press statement of Association of Muslim Advocates of Law, Bangsamoro Lawyers Network, Inc. and Muslim Legal Aid Foundation, Inc. Aug. 7, 2007.
- 12 Gigi Grande. *51 wrongful arrests*. ABS-CBN News. Mar. 27, 2015. (<https://news.abs-cbn.com/nation/03/25/15/51-wrongful-arrests>)
- 13 Moro-Christian Peoples Alliance. *The Human Rights Situation of the Moro People in the Philippines*. (2012) (https://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/MCPA_UPR_PHL_S13_TheMoroChristianPeoplesAlliance_E.pdf)
- 14 Bureau of Democracy, Human Rights, and Labor, US Department of State. *International Religious Freedom Report 2002*. (<https://2009-2017.state.gov/j/drl/rls/irf/2002/13907.htm>)
- 15 Moro-Christian Peoples Alliance. *The Human Rights Situation of the Moro People in the Philippines*. (2012) (https://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/MCPA_UPR_PHL_S13_TheMoroChristianPeoplesAlliance_E.pdf)
- 16 Ningning Sta. Cruz. *'Cops Shot ASGs After Assault' – Bicutan Inmates*. Bulatlat. April 3-9, 2005. (<https://www.bulatlat.com/news/5-8/5-8-bicutan.html>)
- 17 Napoleon C. Reyes and Michael S. Vaughn. (2009) *Revisiting the Bicutan Siege: Police Use of Force in a Maximum Security Detention Center in the Philippines*. International Criminal Justice Review Volume: 19. (<https://www.ojp.gov/ncjrs/virtual-library/abstracts/revisiting-bicutan-siege-police-use-force-maximum-security>)
- 18 *Police hit over alleged profiling of Muslim students*. CNN Philippines. Feb. 21, 2020. (<https://www.cnnphilippines.com/news/2020/2/21/Police-hit-over-alleged-profiling-of-Muslim-students.html>)

19 Umair Jamal. *Philippine military will monitor Islamic schools to counter violent extremism: Will it work?* ASEAN Today. Nov. 5, 2020. (<https://www.aseantoday.com/2020/11/philippine-military-will-monitor-islamic-schools-to-counter-violent-extremism-will-it-work/>)

20 Resolution No. 94. Bangsamoro Transition Authority. (<https://parliament.bangsamoro.gov.ph/mis-content/uploads/2020/12/AR-94-Deleterious-Perceptions.pdf>)

21 Julie S. Alipala, Kathleen de Villa, Patricia Denise M. Chiu. *Top Abu Sayyaf leader killed in Sulu sea assault*. Philippine Daily Inquirer. Nov. 4, 2020. (<https://newsinfo.inquirer.net/1356196/top-abu-sayyaf-leader-killed-in-sulu-sea-assault>)

22 Supreme Court En Banc Decision on G.R. No. 252578, et al. Dec. 7, 2021. [Date Uploaded: Feb. 15, 2022]. (<https://sc.judiciary.gov.ph/24370/>)

23 *Republic Act No. 11479*. Official Gazette. (<https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>)

24 *Ibid.*

25 Divina M. Suson. *Marawi siege a failure to read signs, not due to absence of anti-terror law — Maranao leaders*. Philippine Daily Inquirer. June 28, 2020. (https://newsinfo.inquirer.net/1298618/marawi-siege-a-failure-to-read-signs-not-due-to-absence-of-anti-terror-law-maranao-leaders-utm_medium=Social&utm_source=Facebook&fbclid=IwAR1Vczs3IBX0ht_NfPzgLyuIWSfVvMJ1H2n3y5e8DpsH1N0VRGmRjyvCqIA#Echobox=1593321543)

26 *Ibid.*

27 Lian Buan. *We will be victims: Moros file impassioned plea vs anti-terror law*. Aug. 4, 2020. Rappler. (<https://www.rappler.com/nation/moros-file-petition-vs-anti-terror-law>)

28 Tetch Torres-Tupas. *SC Justices resolve anti-terrorism law petitions; ruling out soon*. Philippine Daily Inquirer. Dec. 7, 2021. (<https://newsinfo.inquirer.net/1525138/sc-on-anti-terror-case>)

29 Statement of BARMM Chief Minister Ahod 'Al Haj Murad' Ebrahim on the Signing of the Anti-Terrorism Act of 2020. July 4, 2020.

30 Edwin Fernandez. *BARMM rights body to probe alleged HR violation in police op*. Philippine News Agency. June 10, 2021. (<https://www.pna.gov.ph/articles/1143301>)

31 *Forced shaving of LGBTQ+ women's heads in Maguindanao alarms rights groups*. philstarGLOBAL. June 14, 2021. (<https://www.philstar.com/headlines/2021/06/14/2105428/forced-shaving-lgbtq-womens-heads-maguindanao-alarms-rights-groups>)

32 Jeffrey Maitem. *Army eyes BIFF in Maguindanao sports event blast that killed a spectator*. Philippine Daily Inquirer. Sept. 19, 2021. (<https://newsinfo.inquirer.net/1489706/army-eyes-biff-in-maguindanao-sporting-event-blast-that-killed-a-spectator>)

33 Sheila Mae De La Cruz. *Bangsamoro parliament condemns spate of violence in MSU-Marawi, Maguindanao town*. Philippine Daily Inquirer. Sept. 23, 2021. (<https://newsinfo.inquirer.net/1492063/bangsamoro-parliament-condemns-spate-of-violence-in-msu-marawi-maguindanao-town>)

34 *Bangsamoro Parliament resolutions articulate steps towards protecting LGBTQIA+ rights in the region*. Personal website of Atty. Laisa Alamia. Sept. 23, 2021. (<https://laisaalamia.com/2021/09/23/bangsamoro-parliament-resolutions-articulate-steps-towards-protecting-lgbtqia-rights-in-the-region/>)

35 Teofilo Garcia Jr. *ARMM launches program vs. violent extremism*. Philippine News Agency. April 17, 2018. (<https://www.pna.gov.ph/articles/1032269>)

36 John Unson. *Emulate peace efforts of Basilan residents — retired AFP chief*. philstarGLOBAL. Aug. 1, 2021. (<https://www.philstar.com/nation/2021/08/01/2116856/emulate-peace-efforts-basilan-residents-retired-afp-chief>)

37 Julie S. Alipala. *Sulu families return to village they left in 2017 for fear of Abus*. Philippine Daily Inquirer. Oct. 12, 2020. (<https://newsinfo.inquirer.net/1346437/sulu-families-return-to-village-they-left-in-2017-for-fear-of-abus>)

38 *Ibid.*

39 Edwin Fernandez. *10 more BIFF extremists yield in Maguindanao*. Philippine News Agency. Aug. 25, 2021. (<https://www.pna.gov.ph/articles/1151528>)

40 Bong S. Sarmiento. *Bangsamoro gov't: No talks with BIFF*. Philippine Daily Inquirer. May 27, 2021. (<https://newsinfo.inquirer.net/1437356/bangsamoro-govt-no-talks-with-biff>)

41 Jeannette I. Andrade. *AFP: Mindanao security landscape changing*. Philippine Daily Inquirer. Aug. 20, 2021. (<https://newsinfo.inquirer.net/1476187/afp-mindanao-security-landscape-changing#ixzz7FT6fuUMo>)

42 Ahod Balawag Ebrahim. *BANGSAMORO SPEAKS: It is our fear that among the hardest hit once the Anti-Terrorism Bill passes into law would be the Bangsamoro*. MindaNews. July 3, 2020. (<https://www.mindanews.com/mindaviews/2020/07/bangsamoro-speaks-it-is-our-fear-that-among-the-hardest-hit-once-the-anti-terrorism-bill-passes-into-law-would-be-the-bangsamoro/>)

Appendix

The following individuals were designated by the Anti-Terrorism Council (ATC) as terrorists through Resolution No. 16 approved on February 24, 2021:

- 1) Esmael Abdulmalik aka Commander Turaifie/Abu Turaifie/Abu Toraype of Jama'atu al-Muhajirin wal Ansar fil Filibin;
- 2) Raden Abu of ASG;
- 3) Esmael Abubakar aka Commander Bungos/Bungos Bangsamoro Islamic Freedom Fighters—Bungos faction;
- 4) Muhiddin Animbang aka Kagui Karialan/Karialan of the Bangsamoro Islamic Freedom Fighters (BIFF);
- 5) Salahuddin Hassan aka Orak/Salah/Tulea/Abu Salman of the Daulah Islamiyah or DI;
- 6) Radzmil Jannatul aka Khubayb/Kubaib/Kubaeb/Baeb of the ASG;
- 7) Mojan Sahidjuan aka Apo Mike/Apoh Mike of the ASG;
- 8) Faharudin Benito Hadji Satar aka Jer Mimbantas/Abu Zacaria/Zacharia/Abu Bakar/Omar of the Maute Group;
- 9) Mudsrimar Sawadjaan aka Mundi Sawadjaan/Puruh Sawadjaan/Puroh of the ASG; and
- 10) Almujer Yadah aka Mujer/Mujir of the ASG.

Except for Abubakar and Animbang, whom the ATC said were associated with the BIFF, all eight in the list are said to be also affiliated with the DI or Daulah Islamiyah.

Additional individuals were designated as terrorists through ATC Resolution No. 20 approved on June 23, 2021:

- 1) Radulan/Radullan Sahiron aka Commander Putol/Gagandilan/Magang of the ASG;
- 2) Hajan Sawadjaan/Hatib Hajan Sawadjaan aka Pah Hajan/Abdulhajan/Abduhajan of the ASG;
- 3) Furuji Amirin Indama/Furuji Indama aka Abu Sapek/Abu Dujana/Ustadz Faidz/Ben Dudjanan/Juljama Indama of the ASG;
- 4) Sansibar Saliddin Bensio/Sansibar Saliddin Bencio aka Sibar/Sansi of the ASG;
- 5) Pasil Bayali aka Kera/Kerah of the ASG;
- 6) Abdullah Jovel Indanan aka Guro/Guroh of the ASG;
- 7) Ibni Acosta/Acosta Ibni y Ibrahim aka Abu Tini/Alkaser Albani/Moin/Win of the ASG;
- 8) Bensito Quirino Yadah/Bensito Quirino Bakun/Ben Quirino Yadah aka Ben Tattoo/Ben Yadah of the ASG;
- 9) Suhud Gaviola Salasim aka Ben Wagas of the ASG;
- 10) Hassan Solaiman Indal/Hassal Indal aka Abu Azam/Abu Hassan/Assam/Abu Ali of the Turaifie group (of the BIFF);
- 11) Hassan Kulaw/Mustapha Kassin Kulaw/Kassin Kulaw aka Abu Saiden/Abu Saiden of the Turaifie group (of the BIFF);
- 12) Norodin Hassan/Nur Hassan aka Andot Hassan/Andot/Dot/Dots of the Hassan Group;
- 13) Emarudin Kulaw/Emaruddin Kulaw/Samaruddin Kulaw/Emarudin Kasan/Emarudin Hassan aka Alpha King/Alpha King Hassan of the Hassan Group;
- 14) Jaybee Mastura/Jayvee Mastura aka Abu Naim/Abu Naem of the Hassan Group;
- 15) Yusoph Hadji Nassif/Osoph Hadji Nassif/Osop Hadji Nasir aka Abu Asraf/Abu Arap/Osoph/Osop of the Maute Group;
- 16) Mahir Sandab aka Abu Jihad/Jihad/Lumen/Telmijie of the Maute Group;
- 17) Solaiman Tudon/Sulaiman Tudon aka Abu Jihad of the BIFF-Karialan faction;
- 18) Sukarno Sapal aka Abubakar Sapal/Zulkarnain Sapal/Sukamo Abubakar/Jake/Dick/CS 52/ Zuk of the BIFF-Karialan faction;
- 19) Khadafi Abdulatif/Khadaffi Abdulatif/Kadaffi Abdulatip aka Yusa/CS 01/ Zero One/Mukayam of the BIFF-Bungos faction;
- 20) Kupang Sahak/Kopang Sahak aka Commander Tarzan/Tarzan/Tarsan/Bapa Sahak of the Maguid Group.

Except for Sahiron, Bensio or Bencio, Abdulatif, Sapal, and Tudon, the ATC said that those in the latest list are affiliated with the DI.



INSTITUTE FOR
AUTONOMY AND
GOVERNANCE

Shaping public policy for peace and good governance



@iagorgph