

The Philippines: Martial law declaration in Mindanao must not be a justification for human rights violations

(Bangkok, 24 May 2017) – The Asian Forum for Human Rights and Development (FORUM-ASIA) is deeply concerned over the declaration of martial law in Mindanao, by the Philippine President Rodrigo Duterte. Martial law was declared for 60 days in the midst of ongoing clashes allegedly between members of Abu Sayyaf and Maute Group and security forces of the Government. FORUM-ASIA condemns the armed attack and the resulting violence, and expresses solidarity with the people in Marawi.

Marawi, the capital city of Lanao Del Sur Province, was reportedly sieged yesterday, on 23 May by gunmen, allegedly part of Abu Sayyaf and Maute Group, a radical Islamist group composed of former Moro Islamic Liberation Front (MILF) guerrillas and foreign fighters. The gunmen destroyed houses, properties, a hospital, and schools. At least one policeman and two soldiers died during the clashes, while several civilians, including a church leader, were wounded, held hostage, or abducted.

FORUM-ASIA expresses grave concern over President Duterte's decision to declare martial law in Mindanao, particularly considering the entire country has already been under indefinite 'State of National Emergency on account of lawless violence in Mindanao' since September 2016. Martial law will initially be in effect for a period not exceeding 60 days, for which Congress approval is not needed. However, within 48 hours from the declaration of martial law, the President must submit a report to Congress. President Duterte has also already indicated he expects martial law to be in place for much longer though.

More concerning has been his reference to the last time martial law was declared under the dictatorship of late President Ferdinand Marcos. 'To those who have experienced martial law, it would not be any different from what President [Ferdinand] Marcos did,' President Duterte said in a video posted online by the Government, 'I'll be harsh'. Martial law under Marcos was widely known for human rights violations, and did not, in any significant manner, contribute to resolving the conflict. Suspension of civil rights and legal remedies, especially the writ of habeas corpus, will mostly affect local communities and civilians, and make them more vulnerable in an already hazardous situation.

'Given the experience of martial law under the Marcos regime, which triggered serious human rights violations, we, to begin with, remind the President and the Government that the declaration of martial law in itself is not a justification to be able to violate the basic rights of the people. The Government should abide fully by its human rights obligations', says John Samuel, Executive Director of FORUM-ASIA, 'More so, the declaration of martial law adds to the continuing deterioration of the human rights situation in the Philippines, compounding the disrespect for basic human rights and fundamental freedoms in line with the Government's 'war on drugs'. The Philippine President's recent statement, openly threatening human rights defenders, is also particularly alarming. It is important for other branches of the Government, as stipulated in the 1987 Constitution, to ensure checks and balance when it comes to human rights'.

FORUM-ASIA calls on all parties to immediately cease any forms of violence and hostilities to ensure the return to order and stability. Those who are responsible should be held to account and face the consequences of their actions. FORUM-ASIA strongly urges President Duterte and the Government of the

Regional Office: S.P.D Building 3rd Floor, 79/2 Krungthoburi Road, Khlongtong Sai, Khlongsan, Bangkok 10600, Thailand

International Office: Rue de Varembe 1, 2nd Floor, 1202 Geneva, Switzerland

Tel: +41 (0)22 740 2947 Fax: +41 (0)22 740 2948

Jakarta Office: c/o KontraS - Jalan Kramat 2 no.7, Senen, Jakarta Pusat

10420 Indonesia +62(0)213919006

Kathmandu Office: c/o INSEC – Syuchatar, Kalanki, Kathmandu, Nepal, +9779(0)14278770

Website: www.forum-asia.org, Email: info@forum-asia.org

Philippines to handle the emergency situation in Marawi in full compliance with international human rights and international humanitarian law, and therefore revoke martial law in Mindanao.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.

For further information, please contact:

- Communication and Media Team, FORUM-ASIA, icp@forum-asia.org