

# SHATTERED PEACE IN MINDANAO

THE HUMAN COST  
OF CONFLICT IN  
THE PHILIPPINES

**AMNESTY**  
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*Cover photo:* Displaced people fleeing the violence in North Cotabato province villages, southern Philippines, August 2008.  
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## TABLE OF CONTENTS

1. Introduction and summary.....	1
1.1 Key recommendations.....	5
2. Laws governing non-international armed conflict.....	6
3. A brief history of the Mindanao conflict.....	8
3.1. The recent escalation of conflict in Mindanao.....	11
4. A looming humanitarian crisis.....	14
5. Human rights abuses and violations of international humanitarian law by the Moro Islamic Liberation Front.....	22
5.1 North Cotabato province.....	23
5.2 Lanao del Norte province.....	26
6. Violations of international humanitarian law and human rights by the Philippine security forces.....	31
6.1 Arming civilians.....	36
7. Recommendations.....	38



## PHILIPPINES

### Shattered Peace: the human cost of conflict in Mindanao

#### 1. Introduction and summary

*"I had not even gotten married yet when this conflict began. I was still a young lady when we first had to evacuate. Then, when I had young children, we had to evacuate again. Now, I have three grandchildren, but nothing has changed."*

–Mariam, 63, North Cotabato province

Heavy fighting erupted in August 2008 after a temporary restraining order on the Memorandum of Agreement on Ancestral Domain (MOA-AD)<sup>1</sup>, which would have widened the territory of the existing Autonomous Region for Muslim Mindanao and given broader political and economic powers to Muslim leadership in the island region in the southern Philippines. The MOA-AD, previously "initialled" by the Philippine government and the armed opposition group the Moro Islamic Liberation Front (MILF), was scheduled to be formally signed in Putra Jaya, Malaysia on 5 August, but on 4 August the Philippine Supreme Court issued a temporary restraining order on it. The document was designed to pave the way for peace in Mindanao, an island region double the size of the Netherlands, where the long standing armed conflict over the last 40 years has claimed the lives of an estimated 120,000 people, displaced some two million civilians and left the resource-rich region impoverished.

On 2 September, the Office of the Solicitor General informed the Supreme Court that the executive would not sign the MOA-AD with MILF, regardless of whether or not the Supreme Court upheld it. The next day the President announced that the government has dissolved the peace panel, with her spokesperson and former peace adviser saying there will be, "no more talks".<sup>2</sup>

On 14 October 2008, the Supreme Court ruled that the MOA-AD was unconstitutional.<sup>3</sup> In response, an MILF commander announced that it would launch

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<sup>1</sup> The Memorandum of Agreement on Ancestral Domain (MOA-AD) is a sub-agreement identified in the 2001 Philippine Government – Moro Islamic Liberation Front Tripoli Agreement on Peace. It contains general principles concerning the rights and identity of the indigenous Bangsamoro people, the establishment of a self-governance system deemed genuine and appropriate for them; the towns, cities and villages to be included under this self-governance system (called the Bangsamoro Juridical Entity), and the protection and use of resources found within the ancestral domain. Once the MOA-AD is signed, the peace panel from both parties were to move on to discuss the issues that will be carried to the final peace accord, otherwise known as the Comprehensive Compact. (Sulaiman Santos, Jr., "A Primer on the Memorandum of Agreement on Ancestral Domain", The Manila Times, 29 August 2008.)

<sup>2</sup> Al Jazeera, "Philippines dissolves peace panel", 3 September 2008. <http://english.aljazeera.net/news/asia-pacific/2008/09/2008936259832396.html>, last accessed 24 October 2008.

<sup>3</sup> In the opening paragraph of the Supreme Court's decision, it said: "*Subject of these consolidated cases is the **extent of the powers of the President in pursuing the peace process.** While the facts surrounding this controversy center on*

further attacks, as its fighters were largely frustrated with the results of the peace talks.<sup>4</sup>

Data gathered by Amnesty International in August 2008 in a fact-finding mission to various locations in Mindanao, together with information received from local contacts, the media and the Philippine Human Rights Commission, indicate that the renewal of violence between the Philippine government and the Moro Islamic Liberation Front (MILF) has been, and continues to be, accompanied by human rights abuses and violations of international humanitarian law by both sides. While the armed conflict in the Philippines' south is not new, the number of civilians directly affected by this most recent escalation of hostilities has increased dramatically, with no clear end in sight.

If impunity for perpetrators of violations of human rights and international humanitarian law from both parties to the conflict continues, with a lack of avenues for redress for the victims and the threat of more MILF attacks in the wake of the failure of the peace talks, Mindanao may find itself approaching a human rights crisis.

Two months after the attacks by the MILF on civilians in predominantly Christian and sometimes mixed Christian and Muslim neighbourhoods in August 2008, the National Disaster Coordinating Council (NDCC) reported that over 610,000 people have fled their villages to escape the violence. They fled from MILF attacks on their homes; fighting between the MILF and Philippine security forces; and after their relatives had been killed or injured. Around 240,000 of them have subsequently gone back to their homes after the Philippine military declared their villages safe. These people, many of whom found their houses burned and their livestock stolen upon their return, continue to live in fear. The 370,000 who are still displaced, remain in internally displaced person (IDP) sites or with their relatives. With the peace talks indefinitely stalled, skirmishes and military operations against the MILF continue.

Reported cases of civilians killed as a result of the conflict between August and September 2008 have reached at least 104<sup>5</sup>-- many of them children. Government data attributed at least 30 deaths to "hack wounds" or "multiple gunshot wounds".

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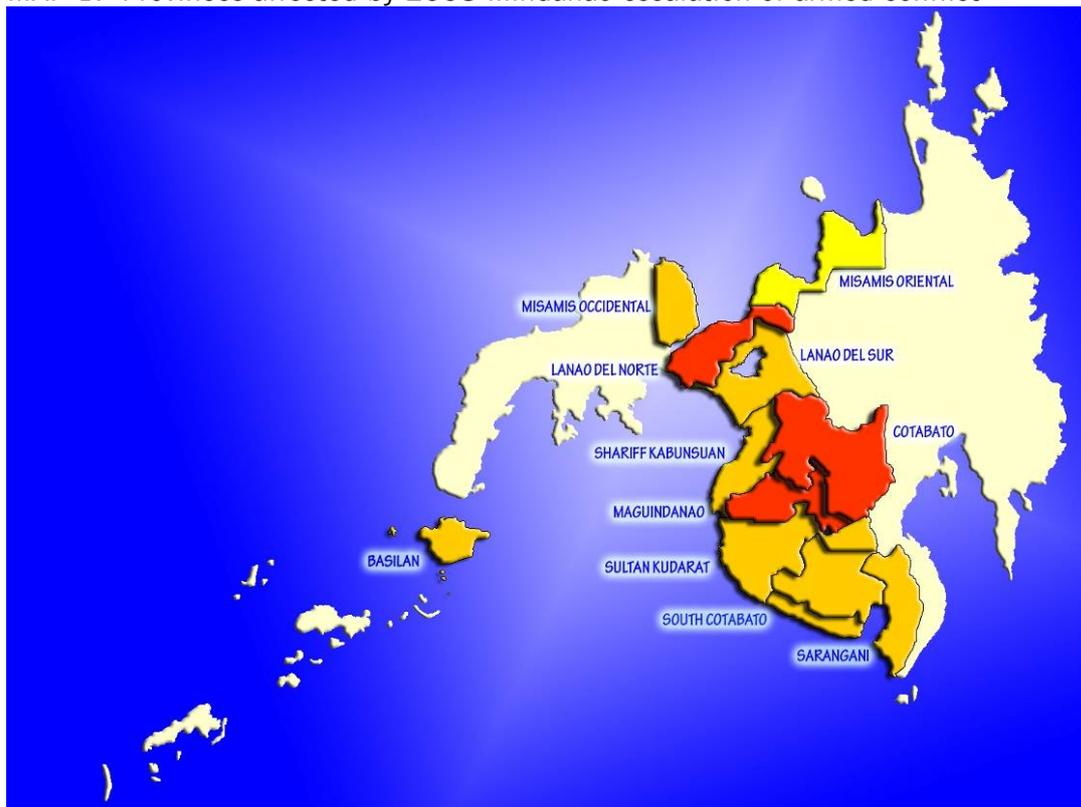
*the armed conflict in Mindanao between the government and the Moro Islamic Liberation Front (MILF), the legal issue involved has a bearing on all areas in the country where there has been a long-standing armed conflict. Yet again, the Court is tasked to perform a delicate balancing act. It must uncompromisingly delineate the bounds within which the President may lawfully exercise her discretion, but it must do so in strict adherence to the Constitution, lest its ruling unduly restricts the freedom of action vested by that same Constitution in the Chief Executive precisely to enable her to pursue the peace process effectively.*" (The Supreme Court's decision on the case: Province of North Cotabato vs the Government of the Republic of the Philippines Peace Panel on Ancestral Domain, 14 October 2008. For the actual Supreme Court decision, see <http://www.supremecourt.gov.ph/jurisprudence/2008/october2008/183591.htm>)

<sup>4</sup> Agence France-Presse, "MILF warns SC ruling could lead to more clashes", 15 October 2008.

<sup>5</sup> Combined figure based on National Disaster Coordinating Council's civilian death count as of 11 October and data from local non-government organisations.

Some were also killed by “mortar shelling”.<sup>6</sup> Given the difficulty in obtaining data from the remote villages where the fighting continues to take place, there could be more civilian casualties than has been reported. Hundreds of civilians have been injured either from getting caught in the crossfire, hit by government air strikes or by mortar attacks by both sides.

MAP 1: Provinces affected by 2008 Mindanao escalation of armed conflict



SOURCE: National Disaster Coordinating Council

(Note: Armed violence did not occur in Misamis Oriental and Misamis Occidental, but they were highlighted because a substantial number of displaced people fled to them after the 18 August attack in Lanao del Norte. Provinces in red are areas that have gone through, or still continue to undergo, the worst violence.)

As of October 2008, the armed conflict has spread to nine provinces and three cities in Mindanao. These include the provinces of Lanao del Norte, Lanao del Sur, North

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<sup>6</sup> National Disaster Coordinating Council Situation Report, as of 11 October 2008. [http://210.185.184.53/ndccWeb/images/ndccWeb/ndcc\\_update/ARMED\\_CONFLICT/sitrep%2056%20ndcc%20update%20complex%20emergency.pdf](http://210.185.184.53/ndccWeb/images/ndccWeb/ndcc_update/ARMED_CONFLICT/sitrep%2056%20ndcc%20update%20complex%20emergency.pdf), last accessed 24 October 2008.

Cotabato, South Cotabato, Saranggani, Sultan Kudarat, Shariff Kabunsuan, Basilan and Maguindanao and the cities of Iligan, Marawi and General Santos.



(Photos used with permission from the Missionary Oblates of Mary Immaculate and Bantay Ceasefire)

Figure 1 and 2: Internally displaced persons fleeing from North Cotabato villages

A particularly worrisome development since the escalation in fighting has been the reappearance of the vigilante group *Iliga*, a vigilante group that was known in the 1970s to have targeted and killed Moros (Philippine Muslims) whom they perceived as subversive. Government backed Civilian Armed Forces Geographical Units (CAFGU), Civil Volunteer Organizations (CVOs), police auxiliaries and other civilian militias supported by local politicians have also joined the conflict. Government officials and the police justify the arming of civilians in various provinces around Mindanao as a form of protection for communities from further attacks from MILF fighters. Amnesty International has earlier cautioned against the arming of civilian militias, stating that “experience from around the world shows that the deployment of civilian militias can set off a chain of reprisals and only increases the danger facing civilians”.<sup>7</sup>

In the course of its research on the ground and its subsequent monitoring of the conflict’s development, Amnesty International has collected information indicating that both the Philippine government and the MILF have committed human rights abuses and violations of international humanitarian law during the renewed conflict. Unlawful killings, including reported killings as a result of targeting civilians by the MILF and indiscriminate attacks by the security forces, and hostage taking with possible torture or other cruel, inhuman or degrading treatment or punishment (other ill-treatment) by the MILF, and have occurred in the conflict areas of Mindanao.

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<sup>7</sup> Amnesty International Press Release “Mindanao civilians under threat from MILF units and civilian militias”, 21 August 2008. <http://www.amnesty.org/en/for-media/press-releases/philippines-mindanao-civilians-under-threat-milf-units-and-militias-2008>

Both sides of the conflict have violated their obligations under international humanitarian law to protect from harm those who are taking no active part in the hostilities.

The MILF has attacked civilians in several towns and villages in at least three provinces in Mindanao, using guns and machetes to kill villagers in their homes or on the streets. Amnesty International has received reports from credible local sources about how the MILF forces had taken civilians as hostages after attacks in the towns of Kolambugan and Kauswagan in Lanao del Norte province. The MILF fighters had also reportedly looted businesses and burned houses in the different affected provinces. Such abuses were described as being directed at Christian civilians who are locally considered as “settlers” in what was historically a Muslim-dominated Mindanao.

The Philippine military has failed to protect the civilian population in the conflict affected areas, and has killed civilians in a number of attacks and aerial bombings. Amnesty International has also received documentation from reliable local sources that members of government security forces have burned houses and stolen civilian belongings and crops during their operations.

To protect victims who fear reprisals from the military or the MILF if they are identified, throughout this report, Amnesty International does not use the real names of its interviewees nor include sensitive details of the cases, unless it otherwise specifies.

### **1.1 Key recommendations:**

Amnesty International calls for all parties to the conflict to explicitly commit to putting an immediate and unconditional halt to all violations of international human rights and humanitarian law, including but not limited to the targeting of civilians, indiscriminate attacks, unlawful killings and destruction of schools, shops, houses and crops.

The Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) must demonstrate their commitment to respect international humanitarian law, immediately cease all violations and take all measures necessary to ensure they are not repeated in the future. The Philippine government must take responsibility for the security of all civilians regardless of religion or ethnicity. It must also ensure the protection of displaced Moro civilians from reprisal attacks.

Amnesty International recognizes the need for protection of civilians. However, the Philippine government must ensure that any civilian militias such as police auxiliaries, Civilian Volunteer Organizations (CVOs) and the Civilian Armed Forces Geographical Unit (CAFGU) receive appropriate training, are closely monitored, and are not allowed to operate with impunity for any violation of human rights and international humanitarian law.

The Bangsamoro Islamic Armed Forces (BIAF, the armed wing of the MILF) must respect international humanitarian law, and ensure that its commanders do not commit human rights abuses and violations to international humanitarian law.

Amnesty International calls on the Philippine government to bring to justice perpetrators of violations to international human rights and humanitarian laws, and guarantee that reparations will be accorded to victims of these abuses. As a demonstration of its commitment to international human rights and humanitarian laws, the leadership of the MILF must also ensure that it will cooperate with the Philippine government in investigating allegations of violations and in bringing perpetrators to justice according to international standards of fairness.

Amnesty International calls on the government to investigate reports of food blockades, or aid being restricted by local government officials, and ensure that local political disagreements do not hinder aid from reaching the displaced people.

## **2. Laws governing non-international armed conflict**

Article 3 Common to the four Geneva Conventions provides that in the case of non-international armed conflict, each Party to the conflict shall, as a minimum, “treat humanely without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth... persons taking no active part in the hostilities.” Pursuant to this rule of international humanitarian law, it is “prohibited at any time and in any place whatsoever with respect to the above-mentioned persons” to commit “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; taking of hostages; outrages upon personal dignity, in particular humiliating and degrading treatment....”

This rule applies both to the Philippine armed forces, as a High Contracting Party to the Geneva Conventions, and to the MILF, as a party to the non-international armed conflict in Mindanao.

All sides to this armed conflict have violated key principles of international humanitarian law governing the conduct of hostilities, which are binding on both of them.

A fundamental principle of international humanitarian law is that parties to an armed conflict must at all times distinguish between civilians and combatants, and between civilian objects and military objectives.<sup>8</sup> Operations may only be directed against combatants and military objectives. It is never permitted to target civilians or civilian objects for attack. This principle, known as the “principle of distinction”, is codified in Additional Protocol I to the Geneva Conventions and is a rule of customary international law, binding on all parties to armed conflicts, whether international or non-international.<sup>9</sup>

According to international humanitarian law a civilian is any person who is not a member of the armed forces.<sup>10</sup> Members of the armed forces comprise all organized armed forces, groups and units which are under a command responsible to the party, including militia and volunteer corps forming part of such forces.<sup>11</sup> With regard to non-international armed conflicts, Article 3 Common to the four Geneva Conventions, which as noted protects “persons taking no active part in the hostilities”, is understood to contain the principle of distinction as well.<sup>12</sup>

Moreover, the doctrine of command responsibility extends responsibility for violations of international humanitarian law to those who occupy positions of authority, if they ordered their subordinates to commit such abuses, failed to take reasonable preventive action, or failed to punish the perpetrators. This doctrine is particularly relevant to those in the BIAF, which operates with an established, military-style chain of command. The doctrine also extends to the MILF's political leaders, as they also exercise effective responsibility and control over the BIAF and, in general, over any MILF fighters.

The MILF appeared to have targeted civilians and civilian objects for attacks, as the descriptions in this report clearly show. The organization calls upon the MILF to instruct the BIAF to immediately halt all such attacks and remove those who have conducted or ordered them from frontline positions.

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<sup>8</sup> Military objectives are defined in Additional Protocol I, Article 52(2) as including objects “which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definitive military advantage”.

<sup>9</sup> See Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Volume 1: Rules* (Cambridge: Cambridge University Press & International Committee of the Red Cross 2005), Ch. 1.

<sup>10</sup> See Jean-Marie Henckaerts and Louise Doswald-Beck, Rule 5, p. 17.

<sup>11</sup> Additional Protocol I, Article 43.

<sup>12</sup> See Jean-Marie Henckaerts and Louise Doswald-Beck, Rule 1, pp. 5-8.

In several incidences in North Cotabato province, the fighters of the MILF reportedly attacked civilians in villages in July and August 2008. The MILF had also been accused of targeting civilians in Kauswagan and Kolambugan areas in Lanao del Norte province on 18 August, killing up to 70 people. Some were hacked to death, using machetes. Greater detail of these incidents are provided in section 5 of this report.

Attacks which although directed at a military target may cause disproportionate harm to civilians or civilian objects are also prohibited under international humanitarian law. Additional Protocol I's definition of indiscriminate attacks includes:

*"...an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."*<sup>13</sup>

While there are no provisions for proportionality explicitly applicable to non-international armed conflicts, this obligation is considered to be inherent in the principle of humanity which is applicable to these conflicts.<sup>14</sup>

Amnesty International is concerned that the Philippine security forces – including CVOs – may have launched several indiscriminate attacks, where MILF fighters may have been the target, but where no steps were taken to ensure that civilians were not disproportionately harmed.

Several civilians were reported to have been killed or severely injured by mortar shelling or aerial bombs launched by the security forces. In this report, Amnesty International has mentioned several cases in section 6, including that of Rhomidie Abdulkarim, an 11 year-old boy who died from multiple wounds from a reported aerial bomb that exploded close to their house in the village of Butilen, Datu Piang area, Maguindanao province. Another more case also in section 6 of this report, is the 8 September aerial bombing in Maguindanao province, which killed six members of a family who were trying to flee from the violence.

### **3. A brief history of the Mindanao conflict**

Whereas most people in the Philippines are Christian due to the 300-year colonial rule of Spain in the islands, the majority of the country's estimated five million Muslims live in the south, and have maintained a separate identity, calling themselves Moros. After the Second World War, the Philippine government encouraged the

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<sup>13</sup> Additional Protocol I, Article 51(5)(b).

<sup>14</sup> See Jean-Marie Henckaerts and Louise Doswald-Beck, pp.48-49.

settlement of what was then Muslim-dominated Mindanao by Christians from the north of the country. This policy continued practice established under US colonial rule, which “set unequal limits on private land ownership for Christians and non-Christians”,<sup>15</sup> thereby leaving Muslims in Mindanao “minoritized”.<sup>16</sup> Such measures fostered discontent among the Muslim population about land rights.

In the early 1970s, a full-scale armed conflict erupted between the Philippine government and the Moro National Liberation Front (MNLF). The conflict, which lasted from 1972 to 1976, displaced a large number of civilians. In 1978, the Moro Islamic Liberation Front (MILF) broke away from the MNLF, with which the government subsequently signed a peace agreement in 1996. Today, the BIAF, the armed wing of the MILF, is reported to have 12,000 fighters operating in several base commands around southern Philippines, with a stronghold in Maguindanao province. For its part, the MILF has claimed that it has 70,000 registered fighters in the BIAF, and more than 100,000 trained but not armed fighters.<sup>17</sup>

In 1987, four of Mindanao’s 23 provinces voted for and were granted autonomy, forming the Autonomous Region of Muslim Mindanao. In 1997, despite the signing of an Interim Ceasefire Agreement the year before, hostilities continued. In 2000, following a series of violent incidents, the Philippine government declared all-out-war on the MILF, to which the MILF responded by declaring *jihad* against the government.<sup>18</sup> Another full-blown conflict erupted in 2003. By 2005, a bilateral ceasefire was put in place, and both parties to the conflict announced that “negotiations are eighty percent completed”.<sup>19</sup>

The 60-member Malaysian-led International Monitoring Team (IMT) came to the Philippines in 2004, with participation of peacekeeping contingents from Brunei, Libya and Japan.<sup>20</sup> Previously, the Malaysian government had facilitated the peace negotiations, leading to significant agreements such as the Tripoli Agreement of 2001, the Implementing Guidelines on the Security Aspect of 2001, and the Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspect of 2002.<sup>21</sup>

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<sup>15</sup> Catholic Peacebuilding Network. “The Conflict in the Philippines”. [http://cpn.nd.edu/phil\\_hist.htm](http://cpn.nd.edu/phil_hist.htm), last accessed 24 October 2008.

<sup>16</sup> Catholic Peacebuilding Network. “The Conflict in the Philippines”.

<sup>17</sup> Salamat, Hashim, “*The Bangsamoro People’s Struggle Against Oppression and Colonialisation*”, Camp Abubakar As-Siddique: Agency for Youth Affairs-MILF, 2001.

<sup>18</sup> Carlito Pablo, Blanch Rivera, “MILF Assembly Affirms Jihad”, Philippine Daily Inquirer, 29 September 2000.

<sup>19</sup> Catholic Peacebuilding Network. “The Conflict in the Philippines”.

<sup>20</sup> Office of the Presidential Adviser on the Peace Process press release, “Malaysia extends peace monitors”, 1 September 2008. [http://opapp.gov.ph/index.php?option=com\\_content&task=view&id=143&Itemid=115](http://opapp.gov.ph/index.php?option=com_content&task=view&id=143&Itemid=115), last accessed 24 October 2008.

<sup>21</sup> Ayesah Abubakar, “Keeping the Peace: the International monitoring team (IMT) Mission in Mindanao”, Mindanao Peace Program, University Sains Malaysia, 2005.

The IMT<sup>22</sup>, composed of officers from the military and police, is mandated to monitor the ceasefire, the implementation of the abovementioned agreements; and to ensure that the peace process successfully reaches the stage of rehabilitation, reconstruction and development of the conflict affected areas.<sup>23</sup>

Cease fire violations, suspension of peace negotiations and administrative delays have contributed to the difficulties of the ongoing Philippine government-MILF peace negotiations. The physical presence of the IMT in the conflict areas gives them direct access to both parties. In principle, the host government and the MILF support the IMT in its work, assuring it of “free movement” in its field investigations, although they are nonetheless escorted by Philippine government-MILF security during their activities at all times. The IMT is primarily bound to submit its findings to the Philippine government and MILF Peace Panels.<sup>24</sup>

In the wake of the Supreme Court’s decision on the MOA-AD and the recent escalation of hostilities, the Philippine government requested a further extension to the IMT’s mandate, with its 2008 mandate set to expire the following month. In a release about the government’s push for IMT extension on their website on 20 August, the presidential adviser to the peace process said, “we are a few strides away from the finish line... on the Ancestral Domain aspect. We firmly assert the primacy of the peace process on the ground.”<sup>25</sup> The present IMT whose members have been reduced to a team of 29, agreed to extend their mandate in Mindanao until November 2008.

In its recent report on the Mindanao conflict, the International Crisis Group (ICG) summarizes the conduct of the peace talks as having “a pattern of two steps forward, one step back”, saying that the Philippine government and the MILF “come to the table and hammer out a key issue, only to confront a major obstacle: either they reach an impasse or fighting erupts, usually in the areas controlled by commanders known as ‘renegades’, men with large personal followings who are very much part of the MILF

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<sup>22</sup> The IMT’s remit is to: observe and monitor the implementation of cessation of hostilities as well as the socioeconomic development of the agreements; conduct field verification and validate reported violations (on the ceasefire agreement); coordinate closely with the joint Coordinating Committee on the Cessation of Hostilities and the Local Monitoring Team when there is a need for further investigations; report its findings and assessment of the reported violations to the peace panels from both the Philippine government and the MILF; and ensure that all reports are classified and treated accordingly. (Ayesah Abubakar, “Keeping the Peace: the International monitoring team (IMT) Mission in Mindanao”).

<sup>23</sup> Ayesah Abubakar, “Keeping the Peace: the International monitoring team (IMT) Mission in Mindanao”, Mindanao Peace Program, University Sains Malaysia, 2005.

<sup>24</sup> Ayesah Abubakar, “Keeping the Peace: the International monitoring team (IMT) Mission in Mindanao”.

<sup>25</sup> Press release from the Office of the Presidential Adviser on the Peace Process, “GRP bats for IMT extension; Singapore, Saudi roles eyed”, 20 August 2008.

[http://opapp.gov.ph/index.php?Itemid=1&id=134&option=com\\_content&task=view](http://opapp.gov.ph/index.php?Itemid=1&id=134&option=com_content&task=view), last accessed 24 October 2008.

structure but sometimes act independently of the chain of command. Negotiations come to a halt.”<sup>26</sup>

A breakthrough in the peace negotiations was announced in November 2007 when the two parties prepared to sign an agreement on ancestral domain, but talks were stalled when the government pushed for inserting constitutional processes into the discussion. The peace talks went back on track from March to July 2008, resulting in the MOA-AD.

ICG’s analysis explains how this halt in the peace talks is more serious:

*“It is based not on the eruption of conflict but on deep suspicions about the substance of the MOA, meaning that it will be very difficult, even if negotiations resume, to go back to this agreement as the starting point for the next round. The MILF says the agreement is a “done deal” and it will not countenance any renegotiation. The MOA is also feeding into national politics, with Arroyo’s opponents determined to use it against her as political manoeuvring intensifies ahead of presidential polls in 2010. The general feeling is that while both sides may go through the motions of resuming talks, no movement is possible until after a new president is in place. Even then it will be difficult, if not impossible, to simply pick up where the MOA left off.”*

### **3.1. The recent escalation of conflict in Mindanao**

Before the recent escalation in the conflict, intermittent fighting between the security forces and the MILF fighters were mostly caused by *rido* (clan conflicts). While the Supreme Court’s restraining order on the MOA-AD precipitated heavy fighting between parties, skirmishes and low-level encounters had begun in the few weeks preceding.

As early as 9 June 2008, as discussions between the Philippine government and the MILF were progressing, local group *Bantay* Ceasefire (Ceasefire Watch) documented sightings of armed MILF fighters in communities in North Cotabato province. Some residents, wary of impending violence, began to evacuate. By mid-July, provincial and local government officials requested ammunition from the military and the police. On 23 July, some Christian politicians from North Cotabato province filed a petition with the Supreme Court to “require disclosure” of the MOA-AD.<sup>27</sup> On 24 July, upon requests of farmers, around 400 armed CVOs entered a village in Aleosan town in

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<sup>26</sup> International Crisis Group, “The Philippines: The Collapse of Peace in Mindanao”, P.2. 23 October 2008. [http://www.crisisgroup.org/library/documents/asia/south\\_east\\_asia/b83\\_the\\_philippines\\_the\\_collapse\\_of\\_peace\\_in\\_mindanao.pdf](http://www.crisisgroup.org/library/documents/asia/south_east_asia/b83_the_philippines_the_collapse_of_peace_in_mindanao.pdf), last accessed 24 October 2008.

<sup>27</sup> Abs-Cbn News. 22 August 2008. <http://www.abs-cbnnews.com/nation/08/21/08/sc-may-still-rule-moa-ad-spokesman-says>, last accessed 24 October 2008.

North Cotabato province to protect farmers harvesting rice. Fighting between the CVOs and MILF ensued. In the succeeding days, the MILF reportedly burned 43 houses in the same village and in adjacent Midsayap town. By end of July, sporadic skirmishes began in several areas in North Cotabato province.

By 1 August, before the Supreme Court issued a temporary restraining order on the MOA-AD, over 73 houses had been burned, and dozens of civilians had been killed or injured.<sup>28</sup> On 3 August, the Philippine government confirmed that it would sign the MOA-AD, despite calls by various groups and local Christian politicians to suspend the signing of the agreement. The President announced that only a temporary restraining order from the Supreme Court would stop the signing.<sup>29</sup> Meanwhile, in North Cotabato province, approximately 100 MILF fighters clashed with the security forces. An MILF spokesperson was quoted in media as saying that the fighters were “getting impatient”.<sup>30</sup> The military reported that 40 separate attacks on military positions occurred between 1 May and 30 June<sup>31</sup>, and on a separate report, the military stated that 27 skirmishes had taken place between 13 June and 3 August.<sup>32</sup>

Immediately after the Supreme Court’s restraining order on the agreement on 4 August, incidences of MILF fighters firing at farmers who went to their farms near the MILF’s newly occupied positions were reported. 12,000 civilians fled from occupied villages to Pikit town, North Cotabato province that day.<sup>33</sup>

On 8 August, government troops equipped with artillery began arriving in Pikit town, and later that day, firing between CVOs and MILF fighters ensued in two of the occupied villages.<sup>34</sup> The Interior Secretary said that 800 MILF fighters led by Ameril Umbra Kato occupied nine villages in the five municipalities and that 400 armed civilian members of CVOs under the control of local government officials were preparing a counter-attack. Some local politicians decried neglect by the military, and said that they “would arm themselves and harness any arms (they) could get”.<sup>35</sup> A local politician was quoted as saying, “we encourage our people in the areas to defend

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<sup>28</sup> From Bantay Ceasefire’s records (Aleosan and Midsayap Cotabato 27 June – 1 August 2008)

<sup>29</sup> Inquirer.net August 03, 2008. Christine Avendaño. “Only SC TRO can stop signing of gov’t-MILF deal—Palace”. [http://archive.inquirer.net/view.php?db=1&story\\_id=152407](http://archive.inquirer.net/view.php?db=1&story_id=152407), last accessed 24 October 2008.

<sup>30</sup> Inquirer.net. August 03, 2008. Edwin Fernandez. “250 families flee as Moro rebels attack N. Cotabato village”. [http://archive.inquirer.net/view.php?db=1&story\\_id=152405](http://archive.inquirer.net/view.php?db=1&story_id=152405), last accessed 24 October 2008.

<sup>31</sup> AFP Chief of Staff Alexander Yano announced the figure to the Manila Overseas Press Club, cited in “The Philippines: The Collapse of Peace in Mindanao” report of the International Crisis Group, October 2008.

<sup>32</sup> Inquirer.net . August 05, 2008. Joel Guinto. “Military prepares for escalation of violence in the south”. [http://archive.inquirer.net/view.php?db=1&story\\_id=152751](http://archive.inquirer.net/view.php?db=1&story_id=152751), last accessed 24 October 2008.

<sup>33</sup> From Fr. Eduardo Vasquez’s Pikit Updates (Catholic Parish Church of Pikit, North Cotabato)

<sup>34</sup> From Fr. Eduardo Vasquez’s Pikit Updates

<sup>35</sup> Abigail Kwok, Joel Guinto, “Piñol brothers decry military ‘neglect’ of North Cotabato”, Inquirer.net. 6 August 2008. [http://archive.inquirer.net/view.php?db=1&story\\_id=153039](http://archive.inquirer.net/view.php?db=1&story_id=153039), last accessed 24 October 2008.

themselves. We cannot allow these rebels to kill our people like sitting ducks".<sup>36</sup> Late that afternoon, the military declared that the MILF fighters were pulling out of the villages they had occupied, but by then about 80,000 persons had fled these villages, hearing news that the military would launch an attack on the MILF.

On 18 August, an estimated 500<sup>37</sup> MILF fighters launched attacks on Kauswagan, Kolambugan, Maigo and Linamon towns in Lanao del Norte province. Government troops arrived in the afternoon, but by then MILF fighters had left bodies scattered along the roads, a bus attacked and burned dozens of houses to the ground. According to the provincial government's figures, the attack left 33 civilians dead, although local human rights non governmental organizations (NGOs) put the number at more than 70.<sup>38</sup> The MILF fighters reportedly took around 143 people hostage. In Saranggani province, some 80 MILF fighters raided a coastal town, killing two civilians and looting some shops.

By 22 August, the fighting between the military and MILF fighters escalated in the provinces of Maguindanao, Shariff Kabunsuan and North Cotabato as AFP air and ground offensives began. The government reported more than 70,000 residents from Maguindanao towns of Shariff Aguak, Datu Saudi, Mamasapano, Datu Piang, Datu Unsay and from Kabuntalan and Northern Kabuntalan towns in Shariff Kabunsuan province fled the violence.<sup>39</sup>

On 27 August, the Philippine Commission on Human Rights expressed alarm over the rising human cost of the military offensive against MILF fighters in Mindanao. PCHR Chair Leila de Lima said that around 20 civilians were killed when military troops overran MILF positions in Lanao del Norte province on 24 August, but this was not reported in the media. De Lima said that it was not immediately clear if the deaths were a result of deliberate MILF attacks or from heavy artillery bombardment carried out by the military.<sup>40</sup>

At the time of writing, military "clearing" operations and sporadic clashes continue as the military search for MILF fighters, under three MILF commanders, who have

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<sup>36</sup> Alcuin Papa, et al, "North Cotabato folk told to defend selves", *Philippine Daily Inquirer*, 8 August 2008. [http://archive.inquirer.net/view.php?db=1&story\\_id=153347](http://archive.inquirer.net/view.php?db=1&story_id=153347), last accessed 24 October 2008.

<sup>37</sup> Estimated number by a local humanitarian organization in the Lanao provinces.

<sup>38</sup> 23 civilians were reportedly killed in Kauswagan and approximately 50 were killed in Kolambugan including 18 hacked by MILF according to Lanao Alliance of Human Rights Advocates; 28 were killed according to *Inquirer.net*. (Joel Guinto, "MILF rebels surrender; tag Bravo in Lanao carnage", 20 August 2008. [http://archive.inquirer.net/view.php?db=1&story\\_id=155857](http://archive.inquirer.net/view.php?db=1&story_id=155857) )

<sup>39</sup> Nikko Dizon. "Fighting heats up; AFP bombs rebels, 16 dead", *Philippine Daily Inquirer*, 22 August 2008. [http://archive.inquirer.net/view.php?db=1&story\\_id=156127](http://archive.inquirer.net/view.php?db=1&story_id=156127), last accessed 24 October 2008.

<sup>40</sup> Agence France-Presse, "CHR Chief: Civilians slain during Army offensive vs MILF", 27 August 2008. [http://archive.inquirer.net/view.php?db=1&story\\_id=157120](http://archive.inquirer.net/view.php?db=1&story_id=157120), last accessed 24 October 2008.

reportedly led the attacks in the provinces of North Cotabato, Lanao del Norte and Saranggani.

### 3. A looming humanitarian crisis

*“We civilians are so very, very tired of becoming the victims in this war. Have pity on us who have become the ‘firing line’...”*

*“We know that you are not so blind or deaf that you do not see or hear the violence in this war.... So many of us have died.... As a victim in this war, I am deeply saddened not only for my family, not only for my neighbours who remain with us in this evacuation centre, but also for government soldiers and MILF fighters who have died because of this war. I am ashamed that we have resorted to killing each other in this place.”*

-- excerpts from letters to the President, written by displaced people and given to Amnesty International



Used with permission from ECOWEB)

Figure 3: a displaced person Grieving for his brother who was killed by MILF fighters.



(Used with permission from Bantay Ceasefire and the Oblates of Mary Immaculate)

Figures 4 and 5: displaced persons fleeing their villages in North Cotabato province

More than 610,000 had fled their homes in the last two months of fighting in Mindanao. Although the total number of currently displaced people reaches almost 400,000, more than two-thirds of these people are not staying in any of the 150 IDP centres provided by the government to shelter those who are displaced by the conflict, but have opted to stay with their relatives—a common practice that has stemmed from the cycle of conflict-induced intermittent displacement since the 1970s. Around 35% of the 610,000 recorded internally displaced persons have gone back to their villages.

While the Philippine government has taken action to provide shelter and other basic necessities for the civilians who have fled their homes, many families living in remote sites have complained of insufficient supplies. The ongoing military operations in other provinces which have not come under attack by the MILF have led to another surge in the number of people displaced. It is the plight of these displaced people that has prompted aid agencies to warn of a possible humanitarian crisis if plans were not put in place to provide for the needs of the local population amidst the possibility of an increase in fighting.<sup>41</sup>

The table that follows summarizes the number of internally displaced persons who have fled their villages. The numbers pertain to the number of displaced people temporarily living in the provinces stated below as a result of the armed conflict.

Table 1: Summary of displaced persons from the nine affected provinces

(figures as of 8 October 2008)	Cumulative Figure of Displaced Persons	Current Figure of Displaced Persons
North Cotabato	104,260	85,040
Saranggani	18,015	6,775
South Cotabato	6,710	4,180
Sultan Kudarat	10,085*	10,085
Basilan	23,190	13,870
Maguindanao	149,485	110,263
Shariff Kabunsuan	59,875	23,535
Lanao del Sur	84,448	62,258
Lanao del Norte	144,302	55,739
Evacuated to other provinces	11,618	no clear data
<b>TOTAL</b>	<b>611,988</b>	<b>371,745</b>

Source: National Disaster Coordinating Council Situation Report as of 8 October  
\*cumulative data in NDCC is 9,850, which is less than current figure. This affects total number.

<sup>41</sup> IRIN, "Philippines: 'Humanitarian crisis' risk in Mindanao", Manila, 15 October 2008.  
<http://www.irinnews.org/Report.aspx?ReportId=80918>, last accessed 24 October 2008.

Massive evacuations began early August in North Cotabato province, around the time of the aborted signing of the MOA-AD. Records of the local Catholic church in Pikit, which played a major role in managing the needs of the displaced people, said that by 7 August, 12,000 individuals were forced to flee their homes as MILF forces occupied their villages. The next day, this number swelled to 80,000 for North Cotabato alone.

In an interview with Agence France-Presse, a social worker described the situation: “the bullets were landing where we were hiding. It’s frightening and sooner or later the bullets will hit those trying to escape.”<sup>42</sup>

A resident of North Cotabato province told Amnesty International how she and her neighbours were caught unprepared, causing them to face more risk by leaving their homes too late:

*“As early as 5am, the Moros (Philippine Muslims) began to leave. Our village chief told us not to worry. At around 3pm the fighting started. Explosions, children crying, everyone running.... When I was running, a young man at my side was shot.”*

Amnesty International observed the conditions in several IDP sites in North Cotabato province, where the largest number of displaced people were in August 2008.



(Used with permission from Bantay Ceasefire, taken August 2008)

Figure 6: Congested situation in a public school in North Cotabato province

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<sup>42</sup> Agence France-Presse, “Refugees in Southern Philippines face uncertain future”, Inquirer.net, 12 August 2008. <http://newsinfo.inquirer.net/breakingnews/regions/view/20080812-154118/Refugees-in-southern-Philippines-face-uncertain-future>, last accessed 24 October 2008.

At the onset of the mass displacement, most displaced people were accommodated in public schools in Pikit town, which, although providing protection from the monsoon rains and for the most part against stray bullets, were overcrowded. Classrooms meant for 40-50 pupils often held more than 100 individuals and whatever belongings they were able to take with them. When classes resumed in Pikit town, the displaced people were transferred to IDP sites.

Amnesty International visited some of the temporary shelters including a church-owned gymnasium, a rice warehouse, and various “tent cities”. “Tent cities” are informal structures where displaced people use donated tarpaulin tents for shelter. They augment these materials with dried coconut palm leaves or ripped up sacks of rice. On a typically rainy day during the monsoon season, displaced people have to contend with the muddy ground that is also their floor and sleeping space.



Figure 7: A “tent city” style IDP site in Pikit, North Cotabato



(Used with permission from Bantay Ceasefire)

Figure 8: At least 13 people live in this dwelling in one of the “tent cities”

Those that stayed indoors in the rice warehouses or gymnasiums slept on the cement floors, using discarded rice sacks or salvaged blankets for their bedding. Other sites included Islamic schools, mosques, beach resorts, an old municipal building, an old market and a hospital.



Figure 9: Displaced people in Buisan Evacuation Centre in North Cotabato province

In most of the sites visited by Amnesty International, there were midwives and at least one social worker present. Medical care, however, was inadequate. There were reports of children dying from diarrhoea in some centres. While on one centre visited by Amnesty International there was a debriefing session conducted by the social workers, other displaced people, especially those staying with relatives, do not receive professional help in processing their often traumatic experiences.



Figure 10: At daytime in many IDP centres, only elderly, women, children are found

At the time of Amnesty International's visit, many of the adult men risked going back to their villages during the day to harvest their crops or take what was left of their belongings once they heard that the fighting had momentarily stopped. Amnesty International met Abul and his wife Hawa in a shelter in North Cotabato province. They had just gotten back from their village, and were visibly shaken because of an ordeal they just experienced in the hands of uniformed armed men, whom they believed to be soldiers:

*"Last Sunday (10 August), government officials told us to leave Pikit Central School. They said classes will resume the next day so we had to go. We were told that the fighting in our village had stopped. On our way home, we heard gun fire. I think there was an encounter in a nearby village at that time. My wife and I went to our house to gather our belongings. We got our clothes and other things we left behind when we left suddenly last week. On our way back to Pikit, some soldiers stopped us. One of them accused me of being one of the rebels they had an encounter with. I said it couldn't have been me because I'm already old. I am just a "bakwet".<sup>43</sup> I said we just wanted to leave. The soldier threatened me and said that if they ever see me again, they will kill me."*

Abul thinks that the uniformed men specifically picked on him because they were identifiably Muslim, as his wife wore a head scarf. Because of the renewal of violence, in some areas, people who appeared to be Muslims were sometimes suspected of being MILF members. Moro civilians like them fear reprisal attacks from the military or militias.



*"We do not really care about joining this war. We are old. We only look after our small rice hamlet, some root crops and vegetables. We do not even own a gun. We just want to make a living."*

-- Hawa, Muslim woman allegedly harassed by soldiers

Figure 11: Hawa, settling in at one of the IDP sites

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<sup>43</sup> Term locally used for displaced people; sprung from the English word "evacuate".

Lorena, a Christian woman with seven children, took her older children with her to tend to their farm during the day. Many of her neighbours, all farmers, did the same. Before 5pm, they returned to a safer area. She said:

*“Many of us have begun to go home, but we don’t stay in our houses overnight. Most of the attacks happened in the middle of the night and we are afraid to stay. Besides, if the MILF and the soldiers have an encounter in our village in the middle of the night, where can we run? How can we escape being caught in a crossfire if we can’t see the way?”*

Amnesty International also met Fatima, a 46-year-old Muslim woman, who with her family lived in the “tent city” that was Batulawan Annex 2 in Pikit town, North Cotabato province. She described their experience of leaving their village and becoming an internally displaced person:

*“We did not really want to come to Pikit because we had our farm to think about and our crops were ready for harvest. When the military came, we were asked to leave our village. My husband asked for the military’s permission to go back to our farms just to harvest our crops, but they said no. They had to ‘clear’ the area of MILF fighters. Then, that same day, the fighting began and we had to flee to Pikit Poblacion (town centre). Nowadays we just sit here, waiting. Waiting for dole outs from NGOs. Waiting to receive rice, noodles, sardines. We wait for handouts, but our farms are also waiting for us. The copra in our backyard is waiting. The corn, ready to be harvested is also waiting. They wait, we wait. Look at our new home. When it rains, the water seeps in. Last week, my husband had fever. Now, he’s better. He wants to go back and try to harvest our crops so that we do not have to rely on handouts.”*



Figure 12: Fatima’s “new home” is one of these tents

In temporary shelters in the town centres, displaced people receive a sufficient supply of food—mostly rice and a handful of canned goods and noodles donated by the World Food Programme, other humanitarian organisations and the government. Amnesty International has received reports, however, that displaced people staying in IDP centres in more remote areas have not received a sufficient amount of aid primarily because of the fighting that goes on in areas where humanitarian aid needs to pass in order to reach their centres.



(Used with permission from the Oblates of Mary Immaculate)

Figure 13: A family sharing a meal in one of the IDP sites

In Tangkal town, Lanao del Norte province, for example, the military reportedly blocked the passage of food and other aid so that the displaced people resorted to scavenging for root crops to ease their hunger.<sup>44</sup> In majority-Moro IDP centres in remote villages in Munai and Pantao Ragat in Lanao del Norte province and Piagapo in Lanao del Sur province, the military reportedly blocked the entry of humanitarian aid in late August. Credible sources told Amnesty International that the military admitted that they were trying to prevent MILF fighters, whom they had positively identified to be among the displaced people living in temporary shelters, from receiving any aid. A consultation with local groups put an end to this food blockade. Amnesty International, however, has received reports that in some areas in the Lanao province, food aid does not reach IDP centres in villages where the village chief is not politically aligned with the mayor.

While Amnesty International has observed that in general the Philippine government has worked to ensure the safety, well-being and humanitarian needs of persons recently displaced by the armed conflict, the organization calls for the Philippine

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<sup>44</sup> Reported by Muslim Christian Agency for Advocacy, Relief and Development

government to adhere to the UN Guiding Principles for Internal Displacement, including Principle 3(1) which states: “National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons” and Principle 24 (2) “Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.”



Figure 14: internally displaced persons in North Cotabato province

Tensions are never far from the surface. Most of them farmers with small hamlets, already impoverished by the protracted conflict, those who are displaced bear the human cost of this war. With displacement goes the disruption of their livelihood, the loss of their harvest and livestock, and for some, the loss of their homes and farming implements. For the children, it is the disruption of education and the induction into the cycle of stop-start violence and evacuation.

## **5. Human rights abuses and violations of international humanitarian law by the Moro Islamic Liberation Front**

During its visit to Mindanao Amnesty International, with the help of local organizations<sup>45</sup> in the various affected provinces, documented several incidences of MILF forces targeting civilians for attack, including MILF attacks on farmers in North Cotabato province and on civilians in the towns of Kauswagan and Kolambugan in Lanao del Norte province on 18 August, killing dozens of people – possibly up to 70.<sup>46</sup> According to local sources, there were no soldiers in the villages, but Amnesty International is not able to confirm this report.

Amnesty International calls on the leadership of the Bangsamoro Islamic Armed Forces under the MILF to abide by the provisions of Common Article 3 and Additional Protocol II.

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<sup>45</sup> Balay Rehabilitation Foundation (Balay); Bantay Ceasefire; Pikit Catholic Parish Church under the Missionary Oblates of Mary Immaculate; Task Force Detainees of the Philippines, Ecosystems Work for Essential Benefits (ECOWEB); Voluntary Service Overseas; Kalimudan Foundation; Muslim-Christian Agency for Advocacy, Relief and Development; Civil Society Organization Forum for Peace, Lanao Alliance of Human Rights Advocates

<sup>46</sup> This estimated figure by an NGO is currently being verified in a fact finding mission. Official provincial government figures report 33 deaths.

## 5.1 North Cotabato province

In the agricultural villages of North Cotabato province, farmers had reportedly been attacked on several occasions by MILF fighters, reportedly under the leadership of MILF commander Umbra Kato. Throughout July and August, residents in various villages in the Aleosan, Pikit, and Midsayap areas in North Cotabato province were threatened by MILF fighters in their villages. The exodus of the displaced people from the villages began in June, but increased dramatically in early August after it became apparent that the MOA-AD was not going to be signed. At the time of writing, 104,260 internally displaced persons have been recorded from North Cotabato alone.

When Amnesty International interviewed Crispin, 37, in Pikit town, he and his family were preparing for novena prayers offered for the 9<sup>th</sup> day after a family member dies, as with custom of Filipino Catholics. They were going to pray for their patriarch Lucio<sup>47</sup>, 76, his wife Isidra, 62, and their son Dulcisimo, 32, who were all killed by the MILF. Police auxiliaries and a military detachment were close by. Crispin gave Amnesty International his account of how he escaped shooting by MILF forces in a village in North Cotabato province on 11 August:

*“It was early morning; I was harvesting corn with my father-in-law, while my mother in-law and my brother-in-law were in their house, which was close to the corn fields where we were at. I did not notice (the) MILF (fighters) arrive. Suddenly, I heard someone calling me. I looked up and I saw a group of armed men—more than 20—not too far from where we were. One of them asked me to come to them, quick. I did not come. I was afraid. Their guns were aimed at me. When the man repeated his call, I panicked and ran. Then, they started shooting at us. I ran and ran, and saw my father in-law got shot. I saw him buckle and fall. I ran and got into my motorcycle. I went straight home to find my wife. I was afraid the armed men would follow me and if they find me and my family, they might kill us.”*

MILF fighters had been periodically sighted in the villages weeks before, sometimes threatening Christian farmers or CVOs.

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<sup>47</sup> The names cited are the real names of the victims that died in this incident.



(Used with permission from Bantay Ceasefire)

Figure 15: Volunteers recovering the body of Dulcisimo



(Used with permission from Bantay Ceasefire)

Figure 16: The bodies of Isidra and Lucio.

Volunteers who recovered their bodies told Crispin that the MILF fighters appeared to have then gone straight into Crispin's in-law's house, gunned down Isidra, taking Dulcisimo with them. Crispin recalled:

*"The volunteers who recovered the bodies did not find Dulci. We hoped that he was still alive. I helped look for him, but we were not successful. The volunteers*

*found his body after three days. They said that he looked as though he was dragged through the ground by an animal. I didn't see his face, but they said one of his eyes was gone. His body had begun decomposing by the time they found him."*

Crispin and his family were temporarily staying with relatives. Their house had not been burned, but he said he would rather not go back to their village again.



*"What if they go back for me? After all, they saw my face. I did not even participate in this conflict. I was just tending to our corn field. This is the second time I got strafed. The next time I may not be as lucky to survive. I can not go back again. I have five children to think about."*

-- Crispin

Figure 17: Crispin, survived shooting by MILF

Data from the National Disaster Coordinating Council (NDCC) reported 174 houses as damaged either totally or partially in North Cotabato province. Amnesty International collated additional data from local NGO partners, and found that as of September 2008, at least 413 houses were reported damaged in the provinces of Lanao del Norte, North Cotabato, Basilan and Maguindanao. MILF fighters reportedly burned many of these houses. However, due to difficulties of access to villages, it is impossible to comprehensively assess this situation.

Anton, 51, another farmer, told Amnesty International how he watched his house taken over by MILF fighters who later burned it to the ground on 11 August. His house was one of nine houses burned in Crispin's village in a village in North Cotabato province. He said:

*"I was outside my house when I saw the armed men coming towards us. Run! I said to my wife. The MILF fighters are coming! There were more than 50 of them that went to my house. They took their time and stayed. Then, the CVOs arrived. A skirmish ensued. Then, afterwards, the MILF fighters burned my house. It was dark by then. In one night, we lost everything."*



(used with permission from Balay Rehabilitation Foundation)

Figure 18: What remains of Anton's house

Like many villages affected by the escalation of conflict, their village was deserted except for a few farm animals, and some local men from the village who worked in their fields or salvaged whatever they could from their homes: clothes, kitchen utensils, pots and pans, a pail— belongings that they could take back to their temporary shelters. Houses in this impoverished region often resemble huts, made of wood and woven grass. Very few were made of more solid materials like concrete. Some of the men who returned stayed with armed CVOs called Police Auxiliaries and CAFGU members who patrolled the villages in an effort to protect them from another attack by MILF fighters.

## 5.2 Lanao del Norte province

In the early hours of 18 August, hundreds of kilometres away from North Cotabato, forces reportedly under MILF commander Abdullah Macapaar, alias Commander Bravo, launched simultaneous attacks on the towns of Kauswagan, Kolambugan, Maigo and Linamon, Lanao del Norte province, leaving hundreds of civilians dead or wounded and taking others as hostages. In a series of communications to Amnesty International in the first 48 hours after the attack, a local peace worker who was at that time in Lanao del Norte, gave an account of his experience on the ground. The following are excerpts from his communications:

*At dawn today, the Moro Islamic Liberation Front (MILF) has attacked the municipality of Kolambugan, Lanao del Norte taking over the municipal hall.... The very little police force... could not defend the municipality; the chief of police is reported to have been taken hostage.*

...

*A number of civilians have been reported to have been killed by the MILF. Many are wounded. One five year-old taking taken? with him his younger sibling reported that their parents were killed and their house burned. They were taken hostage by the MILF forces.*

...

*After about seven hours since the attack of the MILF in these towns of Lanao del Norte, no military reinforcement has been reported yet. People, with the support from local officials, are just finding ways to save their lives from the attacking MILF force.*

...

*Good news and thank God! The MILF forces have already withdrawn from the coastal towns of Lanao del Norte, including Kolambugan. But the military is already on its way to re-enforce. Helicopters, and OB10 have started their air strikes in selected communities suspected to be the strongholds and bases of the MILF forces.*

...

*This morning we saw dead bodies of a three year old child and her father lying... by the road side, unclaimed. Houses were burned and two school buildings were razed to the ground. We interviewed people and 67 hostages who were used as human shield yesterday afternoon.*

...

*Last night we interviewed a 12 year old girl. She narrated how her father was shot by the MILF. Her father was carrying her three year old sister who also died in front of her.*

The peace worker took on the case of Teresa, the 12-year old girl mentioned above. A local organization ECOWEB<sup>48</sup> produced a film documentary about the attacks in Lanao del Norte. Although Amnesty International could not independently verify the following account from the documentary,<sup>49</sup> it considers the account to be credible. In the documentary, Teresa described her experience when the MILF fighters came to their home in a village in Lanao del Norte:

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<sup>48</sup> ECOWEB or Ecosystems Work for Essential Benefits is a local organisation working for peace and development at the grassroots level in the Lanao provinces in Mindanao.

<sup>49</sup> Ecosystems Work for Essential Benefits, "Kolambugan Rising from Ashes", August 2008.

*“It was around 4:30am. My father rose early to prepare milk for my mother who gave birth to my youngest sister, two days earlier. My father noticed a group of uniformed men with guns, passing by our house. I then heard another group of armed men shouting and demanding that we get out of our houses. Then, a third group of armed men came. We heard gunshots.*

*Let’s get out of the house, my father told us. He picked up my three-year old sister who was awakened by the commotion. We asked him to leave our sister with us, but he refused because my mother had just given birth the other day.... When my father got out, I heard one of the men asking him, where is the army detachment? My father told him it’s in the next village. Then, I heard somebody shouting, he’s a CAFGU! Kill him! I saw my father run to the bushes carrying my little sister in his arms. We heard more gun shots. We were all scared. I did not realize that that would be the last time that I would see my father and sister alive, but I hoped against hope that they were still alive.”*

According to local sources, the following day the body of her father and her sister were found about a hundred meters away from their house. The little girl’s body was riddled with bullet wounds. Her father’s body was recovered a few metres away, behind thick bushes.

The MILF took around 143 civilians hostage on 18 August. According to the same source, the armed men forced them to leave their house, and together with their neighbours, brought them to Kolambugan Central School. Teresa and her remaining family members, including her two-day old baby sister, the youngest hostage in the group, were directed to go to the market. The armed men made them line up along the road under the heat of the sun from 7am until 11am, after which they were each tied to an MILF fighter as they began their march towards the town of Tangkal. The wounded were left in the market. At around noon, all the children, pregnant women and elderly were told to march back. Around 70 hostages were allowed to go home. The rest marched to the nearby Tangkal town. By nightfall, another 62 civilians were released. The rest are believed to have been released the following day.

Carolina, also from Kolambugan town, is one of the hostages who survived being gunned down. The bullet lodged at the side of her leg. In the documentary film by ECOWEB,<sup>50</sup> she described her ordeal.

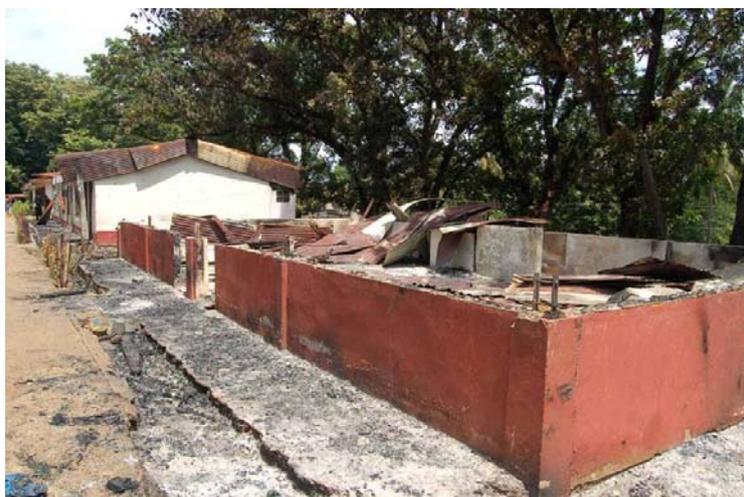
*“The MILF lined us up. We all went with them together. I did not know that they were going to kill us. Then, one of them fired a gun and shot one of my*

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<sup>50</sup> Ecosystems Work for Essential Benefits, “Kolambugan Rising from Ashes”, August 2008.

*neighbours. He just carried on shooting at us. I rolled over. I did not know then that I had also gotten hit.”*

In the centre of Kolambugan town, very few commercial establishments have opened. Small business owners whose shops had been looted were unable to find the the money to re-open their businesses. A month after the attack, schools have re-opened. Many students, however, were afraid to go back to school, traumatized by the attack. Some families who could afford it moved to safer towns.



(Used with permission from ECOWEB)

Figure 19: Remains of a burned school in Lanao del Norte province



(Used with permission from ECOWEB)

Figure 20: Some of the many burned houses in Lanao del Norte province

In Lanao del Norte alone, at least 144,302<sup>51</sup> people have been displaced because of the attacks and the military operations that followed. Military officials reported that most of the civilian casualties came from those whom the MILF fighters fired at as they retreated from the town. There had been no encounter between the military and the MILF fighters during the actual attack. In the province of Lanao del Norte, the NDCC noted 61 houses “totally burned down by the MILF”.<sup>52</sup>

One of the houses reportedly burned by the MILF was that of Miguel Daitia Sr.,<sup>53</sup> a 94-year-old man whose house was taken over by MILF fighters at dawn on 18 August. The MILF then killed him along with his two sons, and burned his house. Amnesty International spoke to a local human rights worker who described the incident:

*“They used a large rock to destroy the lock of their house, and then they went in and took the men. There were three of them, including the 94-year old. They killed them then. They asked the women in the house to leave. Once they left, the MILF fighters burned the house. Then, they burned the house in front of it. They burned 22 houses in that neighbourhood in Lapayan, Kauswagan town.”*

Based on the records of NDCC, Miguel Daita, Sr. died of a “head injury”, while his son Ruben Daita, 33, died of “multiple gunshot wounds and stab wounds”.<sup>54</sup> Amnesty International has been unable to verify the name of the third man from the Daita household.

Amnesty International has received information from a reliable source that chaos broke out after the killing of the Daita men and the burning of their house. At least 16 men and two women were hacked to death by alleged MILF fighters in Kauswagan town while running for their lives. Many others have died from multiple gunshot wounds. Local sources report that all the casualties in the attack were Christians.

Those who fled slowly began to return to their villages in the affected provinces. Some decided not to leave their homes at all.

Under international humanitarian law, the taking of hostages is strictly forbidden in all circumstances.<sup>55</sup> As noted, targeting civilians and civilian objects for attack are also

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<sup>51</sup> National Disaster Coordinating Council situation report as of 8 October 2008.

<sup>52</sup> National Disaster Coordinating Council situation report as of 8 October 2008.

<sup>53</sup> His real name.

<sup>54</sup> National Disaster Coordinating Council situation report as of 24 September 2008.

<sup>55</sup> See for instance Common Article 3, at para. 1(b).

prohibited absolutely. Amnesty International calls upon the Philippine government to ensure that these and all other cases of suspected violations of international humanitarian law are investigated promptly, independently, impartially and thoroughly, and that suspected perpetrators, including those who ordered these acts, are brought to justice in proceedings which meet international standards of fairness. Victims should be ensured reparations. The organization calls upon the MILF to put an immediate, unconditional and total halt to all such acts, immediately remove suspected perpetrators from frontline duties and remove commanders suspected of ordering these acts from positions of responsibility.

## **6. Violations of international humanitarian law and human rights by the Philippine security forces**

Amnesty International received reports from local sources that security forces had also attacked civilians and ill-treated detainees during their operations.

In a village in Lanao del Norte where military operations were being conducted, soldiers reportedly abducted a group of around ten Muslim civilians, including at least one child. In an interview with one of Amnesty's local contacts, Rais told his story:

*"Early morning one day, my neighbours and I went back to our village and get some corn, copra, cassava and banana from our farms. It was evening by the time we started to go back to the evacuation centre. Our horses carried a full load of farm products, so instead of riding them, we had to walk. In a rush to get back to the evacuation centre, we all walked in silence.*

*All of a sudden I heard voices shouting, 'Down! Down! Put your hands up!' They spoke in Tagalog, and not our local dialect. I heard someone use a handheld radio. Then, a helicopter came down and took us all.*

*We were brought to a military camp where we were handcuffed and interrogated. 'What we you doing in that village? Where is Commander Bravo?' They asked us (in Tagalog). We said we were all civilians and that we just wanted to get some of our crops. They hit one of us with an M16 rifle. They beat some of us during interrogation."*

The next morning, they were blindfolded and handcuffed. The soldiers brought them to the helicopter which took them to another army camp. Rais continued:

*"Again and again they asked us: 'Are you MILF? Do you know Commander Bravo? Do you know where Bravo is? Why are you in the village where we*

*found you? What were you doing there? Are you not afraid of soldiers?' They accused us of being MILF fighters. We repeatedly denied this.*

*The soldiers said we needed to undergo a test to determine whether or not we fired a gun. They poured some wax into our hands. It hurt so bad, I screamed. My other friends screamed in pain as well. My left hand got burned. It was numb for a while. Then, they took away the candle-like material. By then my left hand was red and burned. They inspected our bodies and took photographs of us.*

*After a few more days, they released us and told us not to tell anybody what we have just experienced. I still have scars from those days."*

Amnesty received another testimony from a local contact in the area. In another village in Lanao del Norte province, security forces in pursuit of MILF fighters led by Abdullah Macapaar alias Commander Bravo allegedly killed 15-year-old Samsudin, a farmer who took the risk of going to an area of military operations. Samsudin was about to get married and needed money for a dowry, so he could not afford to miss the harvest this year. Together with Taha, another farmer, Samsudin was walking with his horse to harvest corn from his village when they came across a group of soldiers who allegedly threatened them. Taha, in panic, ran away but soldiers pursued him and hit him on the head. The blow was strong enough for him to fall into a ravine. It is not known how events proceeded after that, but Samsudin was later found in a ditch, his ears and genitals cut off and his body marked with around 30 hack wounds. His family immediately buried him and went into hiding.

Under international humanitarian law, those not taking active part in the hostilities must be treated humanely at all times.<sup>56</sup> This includes a prohibition on "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture."<sup>57</sup> These absolute prohibitions have been violated by the Philippine security forces according to these reports.

MILF has also repeatedly accused soldiers from the Philippine army as well as its civilian militias such as the CAFGU and CVOs to have looted and burned a number of houses in the affected provinces during some of their "clearing operations". In its interviews with the media, the military has denied all accounts of looting and burning of houses. In many cases no independent information is available; however the preliminary findings of a fact-finding mission undertaken by 48 local groups to the

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<sup>56</sup> See for instance Common Article 3; Additional Protocol II, Article 4.

<sup>57</sup> See Common Article 3, para. 1(a); Additional Protocol II, Article 4(2)(a).

provinces of Lanao del Norte and Lanao del Sur described a number of cases of members of the security forces committing violations of international law, stating:

*“Cases of torture and illegal detention committed by the military in Lanao del Norte were also confirmed by the tortured and detained victims themselves. According to the interviewed victim, he and nine (9) others were forcibly taken by the Military to the headquarters, and forced to admit their involvement and support to the MILF as well as the identities and whereabouts of the MILF fighters. They were illegally detained for three (3) days, blind folded and beaten with sticks and deprived of food and forced to drink urine and dirty water from canal (sewage).*

*In the town of Piagapo, Lanao del Sur, cases of murder, destruction and burning of houses, farm equipment, Masjid, Madrasa School and looting of farm animals were confirmed to have been perpetrated by the Military. The residents also claimed that their villages were occupied and used as camps of the military and that their food stocks such as rice grains, were either eaten, destroyed or burned. There was even a case of a 13 year old boy who was killed and was thrown in a toilet hole (unused septic tank).”<sup>58</sup>*

Amnesty International has received independent reports of soldiers stealing personal belongings of civilians during the military’s clearing operations. Civilians have reportedly witnessed soldiers stealing a community owned corn husker and rice mill, and other agricultural equipment. Soldiers were also reportedly seen to be stealing personal belongings such as living room furniture. Under international humanitarian law, to “pillage” is one of the acts which “are and shall remain prohibited at any time and in any place whatsoever.”<sup>59</sup> It is similarly prohibited “to attack, destroy, remove or render useless... objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock...”<sup>60</sup>

Amnesty International obtained the testimony of a young farmer, briefly describing how security forces destroyed his house and crops during military operations in a village in Lanao del Norte in August, stating:

*“It was 2:00 in the morning when the bombs exploded everywhere. I carried my one month old child and together with my wife, we ran to the forest. The rain was very strong that time and it was cold... The animals which we brought*

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<sup>58</sup> Press statement “Human rights violations (HRVs) confirmed by the fact-finding team in Lanao provinces” issued by 48 local organizations in the area. 16 October 2008.

<sup>59</sup> See for instance Art. 4(2)(g) of Additional Protocol II.

<sup>60</sup> See for instance Art. 14 Additional Protocol II.

*with us died because of the heavy rain. My child also died. We walked until 9am towards the next town. When we returned to our place, we found that the army destroyed our house and they used the lumber as firewood. We had nothing to eat. The army ran over and destroyed our farms. We had to sneak and steal our own harvest which they guarded."*

On 18 September in Calanogas town in Muslim-dominated Lanao del Sur province, two houses were burned by the security forces. In several villages in the provinces of Lanao del Norte and Lanao del Sur alone, at least 300 houses are alleged to have been burned by security forces.

Amnesty International, in its ongoing monitoring of the conflict, notes media reports of attacks by the security forces where civilians were killed. The organization also received reports of civilian casualties mostly in the remote villages of Maguindanao province from organizations working on the ground. What follows is an abbreviated version of the cases received by Amnesty International. Real names have been used.

On 19 August, the military reportedly fired howitzers towards Northern Kabuntalan area, Shariff Kabunsuan province. Sisters Ramlah Anda, three, and Raisah Anda, 13, were wounded. A bomb hit the ground near their house. Ramlah had a severe leg injury, while Raisah was wounded in her waist.<sup>61</sup>

On 22 August, Rhomidie Abdulkarim, 11, died from multiple wounds from an aerial bomb that exploded close to their house in the village of Butilen in Datu Piang area, Maguindanao province. His head, left arm and stomach all bore shrapnel wounds. His sister, seven year-old Rabia, was also wounded in the air strike.<sup>62</sup>

Also on 22 August, Sabaniya "Enjong" Dimaudtang, 30, who was nine months pregnant, died from multiple wounds from what is reported to be an aerial bombing in the village of Muntay, Datu Piang area, Maguindanao province. Also hit and wounded in Datu Piang were Nurhuda Diaudtang, 13, Guiabel Lampatan, 32. Tumindeg Mama, 72, Buko Intel, 15<sup>63</sup>.

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<sup>61</sup> Mindanao Tulong Bakwet, "Innocent Civilians Suffer Most", 22 August 2008.

<http://mindanaotulongbakwet.blogspot.com/2008/08/innocent-civilians-suffer-most.html>, last accessed 24 October 2008.

<sup>62</sup> Sittie Sundang, "11-year old boy killed, 7-year old sister injured in air strike on Datu Piang", Mindanews, 25 August. [http://www.mindanews.com/index.php?option=com\\_content&task=view&id=5030&Itemid=190](http://www.mindanews.com/index.php?option=com_content&task=view&id=5030&Itemid=190), last accessed 24 October 2008.

<sup>63</sup> Consortium of Bangsamoro Civil Society, "Human Rights Violations in Maguindanao and Shariff Kabunsuan".

On 28 August, Abu Utiyak and Kentao Ending of Maguindanao province, were both fishing when airplanes reportedly dropped bombs where they were, killing them instantly<sup>64</sup>.

On 8 September in Maguindanao province, a fisherman and his five children, including his 18-year old pregnant daughter, were killed by shrapnel from an alleged air strike attack that was called by the Commission on Human Rights as an “airborne ordnance blast”.<sup>65</sup> Killed were the father Daya, and his children Aida, 18; Bailyn, nine; Zukarudin, seven; Adtayan, five; Faidza, two. The Mandi family was in a motorized boat, trying to flee from the violence when the bomb was dropped by a bomber plane<sup>66</sup> in the area where they were<sup>67</sup>.

A Philippine Air Force officer told media that the pilots were shot at, but members of the family that survived claimed that there was no exchange of gunfire before the blasts. Residents of the area did not hear of any gunfire either. The military confirmed that it flew in the area to target MILF fighters, but denied that it ordered a bomb to be dropped in the area, saying that they only used rockets. News photos, however, showed craters created by the explosions. The blasts produced three large craters, each measuring 1.5 metres to 1.8 metres in diameter and at least  $\frac{3}{4}$  meter deep. Shrapnel was still found in the third crater.<sup>68</sup>

Amnesty International reminds the Philippine Government of its duty under international humanitarian law to ensure the protection of civilians. The organization calls for the Philippine government to ensure that prompt, independent, impartial and thorough investigations are conducted into these and other credible cases reported by ongoing local fact-finding missions. Suspected perpetrators, including those with command responsibility, must be brought to justice in proceedings which meet international standards of fairness. Surviving victims and families of those killed arbitrarily must be granted reparations in accordance with international standards.

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<sup>64</sup> Consortium of Bangsamoro Civil Society, “Human Rights Violations in Maguindanao and Shariff Kabunsuan”.

<sup>65</sup> Speech delivered by Leila M. de Lima, Chairperson, Commission on Human Rights of the Philippines. Sulu Hotel, Quezon City, Philippines, 15 September 2008.

<sup>66</sup> Consortium of Bangsamoro Civil Society, “Human Rights Violations in Maguindanao and Shariff Kabunsuan”.

<sup>67</sup> Carolyn Arguillas, “When he looked around, his siblings and his father were dead or dying, Mindanews”, Mindanews, 17 September 2008.

[http://www.mindanews.com/index.php?option=com\\_content&task=view&id=5170&Itemid=190](http://www.mindanews.com/index.php?option=com_content&task=view&id=5170&Itemid=190), last accessed 24 October 2008.

<sup>68</sup> Carolyn Arguillas, “When he looked around, his siblings and his father were dead or dying, Mindanews”, Mindanews, 17 September 2008.

## 6.1. Arming civilians

*“We have to stand up. It’s not the weapon in your hand that matters, it’s the courage in your heart and the principles that you stand for. Our houses might be burned, we might be attacked. But we have to fight for our homes and our children.”*

– Emmanuel Pinol, Vice Governor, North Cotabato province<sup>69</sup>

*“Shotguns for civilians is like pawning them in the war front and sacrificing their lives in the war zones. Is government already relinquishing its constitutional and moral mandate to protect its citizens? Is the AFP and PNP already saying we could not protect the civilians anymore and that is why each one should now carry his/her own shotgun?”*

-- Mindanao People’s Caucus<sup>70</sup>

Even before the major MILF attacks in several areas in Mindanao, a number of local politicians had requested ammunition for their CVOs. After the initial attacks of the MILF in Lanao del Norte, the Philippine National Police (PNP) distributed 1,000 shotguns to police auxiliaries in Mindanao “to protect villages, especially those attacked in recent weeks by the Moro Islamic Liberation Front”.<sup>71</sup> It also added that it would distribute 12,000 more shotguns to more police auxiliaries as part of its “internal security operations for the suppression of insurgency and other serious threats to national security” where police are to organize civilians to defend selected areas. The Police stated that they will select, screen and train the civilian police auxiliaries.

The use of civilian paramilitary groups like the Civilian Armed Forces Geographical Unit (CAFGU), CVOs and police auxiliaries is not new in the Philippines. The heart of the military reserve program, there are about 60,000 CAFGU<sup>72</sup>. The creation of police auxiliaries is based on Executive Order 546 (2006), which grants the police an active role in internal security operations, including combat operations, in support of the military. The executive order grants the police authorization to deputize *barangay tanods* (village watchmen) as “force multipliers”. CVOs, is also under the Department

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<sup>69</sup> Alcuin Papa, and others, “North Cotabato folk told to defend selves”, *Philippine Daily Inquirer*. 8 August 2008. <http://newsinfo.inquirer.net/inquirerheadlines/nation/view/20080808-153347/North-Cotabato-folk-told-to-defend-selves>, last accessed 24 October 2008.

<sup>70</sup> Public statement of Mindanao Peoples’ Caucus, 27 August 2008. MPC is an alliance of 26 local organizations in Southern Philippines

<sup>71</sup> GMA News, “PNP justifies arming civilian police auxiliary forces”, 26 August 2008. <http://www.gmanews.tv/story/116079/PNP-justifies-arming-civilian-police-auxiliary-forces>, last accessed 24 October 2008.

<sup>72</sup> Newsbreak, “Officers Face Charges Over Cafgu Money”, 13 August 2007. [http://www.newsbreak.com.ph/index.php?option=com\\_content&task=view&id=3587&Itemid=88889008](http://www.newsbreak.com.ph/index.php?option=com_content&task=view&id=3587&Itemid=88889008), last accessed 24 October 2008.

of National Defense, whose relationship with the uniformed military is described as “synergistic”<sup>73</sup>. In practice, the lines between these official militias are often blurred. In Mindanao, CVOs are composed of Christians and Moros.

Experience from around the world shows that the deployment of civilian militias can set off a chain of reprisals that only increases the danger facing civilians. As a case in point, the MILF justified some of its attacks in August by claiming that its forces were targeting CVO forces and not necessarily civilians. In the case of Teresa, featured earlier on in this report, her father was apparently gunned down by MILF fighters after someone reportedly pointed out that he is a member of CAFGU.

Amnesty International verified reports that members of civil volunteer organizations (CVOs) and police auxiliaries were being recruited and posted as armed village sentries.<sup>74</sup> According to the Interior Secretary, police auxiliaries received two weeks’ training<sup>75</sup> before they are issued guns from the PNP. Other CVOs receive even less training, but are similarly armed by certain “local patrons” who supply them with guns and ammunition.

In Iligan City, which is adjacent to Lanao del Norte province and the site of two bomb attacks on 17 August blamed on MILF elements, a group of 300 licensed gun owners, politicians and local government officials have set up a militia called “God Save Iligan City”. In North Cotabato province, around 400 members of CVOs under the control of local government officials reportedly armed themselves.<sup>76</sup>

There has been resurgence of a Christian vigilante group called the *Ilaga* (Visayan language term for rat), whose members now call themselves “God’s Army” or the “Reformed *Ilaga* Movement”. The group first gained notoriety in the 1970s by launching attacks against civilian communities in the name of their fight against the Moro National Liberation Front (MNLF). In turn two Moro vigilante groups were created, called the “Blackshirts” and the “Barracudas”. Human rights abuses attributed to the *Ilaga* reached their highest in June 1971 with the massacre of 65 men, women and children inside a mosque in Carmen town, North Cotabato province<sup>77</sup>.

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<sup>73</sup> Country Studies: Philippines. [http://www.mongabay.com/reference/country\\_studies/philippines/GOVERNMENT.html](http://www.mongabay.com/reference/country_studies/philippines/GOVERNMENT.html)

<sup>74</sup> See for instance Amnesty International press release, “Mindanao civilians under threat from MILF units and civilian militias”, 21 August 2008. <http://www.amnesty.org/en/for-media/press-releases/philippines-mindanao-civilians-under-threat-milf-units-and-militias-2008>, last accessed 24 October 2008.

<sup>75</sup> Conversation between Interior Secretary and Amnesty International delegate

<sup>76</sup> Philippine Daily Inquirer. August 08, 2008. Alcuin Papa, Nikko Dizon, Norman Bordadora, Gil C. Cabacungan Jr. Michael Lim Ubac. “North Cotabato folk told to defend selves”.

<sup>77</sup> Inquirer.net Abigail Kwok. 10 September 2008. “MILF Accuses Puno of ‘lying’ on *Ilaga*’s existence”. <http://www.inquirer.net/specialfeatures/mindanaopeaceprocess/view.php?db=1&article=20080910-159764>, last accessed 24 October 2008.

In 1988, in a report entitled “Unlawful Killings by Military and Paramilitary Forces”, Amnesty International documented unlawful retaliatory killings involving civilian volunteer organizations. If vigilante groups continue to emerge, the Philippines may find itself once again in a situation where vigilantes attacked with impunity civilians whom they suspect to have ties with Muslim separatists or other groups whom they considered as “rebels”.

## **7. Recommendations**

Amnesty International makes the following recommendations:

### **To both parties to the conflict**

The Philippine security forces and the MILF should publicly undertake to observe, in all circumstances, the provisions of Common Article 3 of the Geneva Conventions, Additional Protocol II and other provisions of international humanitarian law applicable to non-international armed conflicts. As a minimum, both parties should at all times treat humanely persons taking no active part in the hostilities in accordance with these rules. The Philippine government and the MILF should clarify both to their commanders and to their rank-and-file that no violations of international humanitarian law or human rights abuses will be tolerated.

Amnesty International urges all parties to the conflict to ensure that independent impartial, prompt and thorough investigations are conducted into all allegations of human rights violations and infringement to humanitarian law committed by security forces, MILF combatants and other armed groups acting on their behalf.

The Philippine government and the MILF must immediately remove any persons suspected of perpetrating violations of international law from positions and situations where they might continue to perpetrate abuses.

### **To the Philippine Government**

Put an immediate and unconditional halt to all violations of international human rights and humanitarian law by the security forces and aligned militias, including indiscriminate attacks and other unlawful killings, and destruction and pillaging of houses and crops;

Ensure that suspected perpetrators, including persons with command responsibility, are brought to justice, in proceedings which meet international standards of fairness

Grant reparations to victims of violations of international law in accordance with international standards, including restitution, compensation,

rehabilitation, satisfaction and guarantees of non-repetition, and enhance the current witness protection program;

Exercise full control over civilians it has armed, and vigilante groups claiming to work with or on behalf of the government, to ensure that they refrain from any violations of international humanitarian law or human rights law.

Otherwise such groups must be disbanded and suspected perpetrators brought to justice;

Ensure the security of all civilians affected displaced by the conflict, including internally displaced persons, regardless of religion or ethnicity, including taking concrete steps to protect Moro civilians from reprisal attacks;

Commit to cooperate with investigations into alleged violations of international humanitarian law and human rights law undertaken by credible organizations;

Ensure that internally displaced persons are protected from being further exposed to danger, that their humanitarian needs are provided, and that they are treated in accordance with international human rights law and standards.

Investigate reports of food blockade, or aid being restricted by local government officials, and ensure that local political disagreements do not hinder aid from reaching the displaced people.

### **To the Moro Islamic Liberation Front**

Immediately and unconditionally halt all violations of international humanitarian law and human rights abuses committed by the BIAF, including attacks targeting civilians, hostage taking, and the destruction of civilian property, publicly declare that such acts will no longer be tolerated, and remove suspected perpetrators from positions and situations where they might continue to perpetrate abuses;

Commit to cooperate with the Philippine government in any independent, impartial, prompt and thorough investigations to be conducted into all allegations of human rights abuses and violations of humanitarian law in the context of this conflict. This commitment includes ensuring the safety of a fact-finding team as they conduct the investigations.



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## **SHATTERED PEACE IN MINDANAO**

### **THE HUMAN COST OF CONFLICT IN THE PHILIPPINES**

Prospects for peace looked positive until armed conflict escalated bringing the Mindanao region of southern Philippines to the brink of a possible human rights crisis, as allegations of abuse surface in testimonies from among the 600,000 people who have fled to escape the violence.

Fighting escalated on 4 August 2008, when the Philippine Supreme Court delayed formally signing the “Memorandum of Agreement on Ancestral Domain”. The Memorandum increased the autonomous territory of Muslim Mindanao and signaled the beginning of the end for the 40-year conflict in the region. In response, Moro Islamic Liberation Front (MILF) fighters launched attacks against civilians, and fighting between the security forces and the MILF intensified.

Based on research and ongoing monitoring, this report shows the human rights abuses and violations of international humanitarian law taking place during the conflict. More than 100 civilians have been killed, hundreds have been severely injured and subjected to inhumane treatment, unlawful killings and destruction of property.

On 14 October 2008, the Supreme Court ruled the Memorandum “unconstitutional” increasing the risk of a further escalation in fighting. The Philippine security forces and the MILF must immediately stop targeting civilians, observe international humanitarian law, ensure humanitarian access to all affected people, and co-operate in the independent, impartial, prompt and thorough investigation of all allegations of human rights abuse.

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