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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Written statement* submitted by the Asian Forum for Human Rights and Development
(FORUM-ASIA), a non-governmental organisation in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human rights situation of Internally Displaced Persons (IDPs) in Mindanao, Philippines¹

The on-going armed conflict in central Mindanao has intensively aggravated since the signing of the Memorandum of Agreement on Ancestral Domain (MoA-AD) between the Government of the Philippines and the Moro Islamic Liberation Front (MILF) was aborted on 4 August 2008 by the Supreme Court which issued a Temporary Restraining Order. The peace panel was disbanded immediately after the final decision of the Supreme Court on 14 October 2008 that the MoA-AD is contrary to the Constitution, and this was a fatal blow to the 11 years of search for solutions to the conflict in Mindanao. The trouble then spilled over to the provinces in Lanao del Norte, Saranggani and in Maguindanao province which resulted in more displacement of civilian populations – especially women, children and the elderly – which led to the disruption of community life especially the people's economic activities as well as the education of the children.

According to the National Disaster Coordinating Council on its 8 September 2008 Report, the cumulative total number of affected persons in Mindanao is 88,243 families and 423,772 individuals. Cases of death and wounding among civilian population, as they were caught in the cross fire, and those who became sick and died in the evacuation centers have been also increasing as the conflict continues. The outcry surrounding the MoA-AD gave rise to a new ground of skirmishes in Mindanao, and as of October 2008, more than 640,000 civilians were displaced, hundreds were killed and thousands were left injured in nine provinces of Mindanao.

Adding to the conflict situation is the policy adopted by the local government to arm civilians in response to the violent attacks made by the MILF in Lanao del Norte and Saranggani provinces. This action of the local government is a breach of its duty to protect its citizens and instead exposed the latter to risks of attacks by other armed groups and the military.

Government operations against the MILF also persisted despite calls for a ceasefire during the Holy Month of Ramadan where the military employed ground and air assaults which indiscriminately hit civilian communities, for example, the case of a family of six killed in Barangay Butilen, Datu Piang, Maguindanao. Four children, a pregnant woman and their father were killed in that incident as they, together with their neighbors tried to flee their village for safety.

Cases of human rights violations such as killing of civilians, looting and destruction of their properties, food blockade and hamletting were widespread across the affected areas. The hamletting occurred mostly in the interior areas in Lanao del Norte and Lanao del Sur. However, reports of these incidents have not been accorded much response despite the victims' constant pleas for justice and reparation.

¹ This written statement is based on the fact-finding mission jointly conducted by Philippine Alliance of Human Rights Advocates (PAHRA), a member organization of FORUM-ASIA as well as Task Force Civilian Protection (TFCP), Alyansa Ng Mga Mamamayan Para Sa Karapatang Pantao (AMKP) and Mindanao Peoples' Peace Movement (MPPM). The fact-finding activities were done in North Cotabato and Maguindanao provinces, and in Lanao del Sur, Lanao del Norte and Iligan City areas from 12 to 22 October 2008. The complete report is available at:

<http://www.philippinehumanrights.org/component/content/article/3/54-mindanao-fact-finding-mission-unraveling-stories-of-human-rights-violations.html>

The fact-finding mission team of Filipino human rights groups furthermore found that the conflict had resulted in a psycho-emotional trauma for the victims, particularly women and children. It caused moral damages to victims of mutilation, who were also arrested and detained. It interrupted the normal functioning of the community in terms of livelihood of farmers, closure of some business establishments, and formal education of children. This also affected the trust and harmonious relationship between the Moro and Christian settlers. Vigilante groups were revived in Christian areas due to the failure of the Armed Forces of the Philippines (AFP) to protect the civilians.

In evacuation centers, the internally displaced persons and communities were not yet able to return to their respective homes due to continuous militarization and the inability of the Government to secure the people and their means of livelihood, nor has it taken a serious effort to attain genuine peace for Mindanao. Outbreak of diseases, malnutrition and death were already occurring in evacuation centers due to congestion, poor sanitation, lack of food supply and flimsy shelters which offer no ample protection against the extreme heat during the day and coldness at nights. Furthermore, the lack of potable water, insufficient relief goods and medical assistance added to the deplorable situation of the IDPs.

Meanwhile, in the Christian populated communities of Mamasapano, Maguindanao and in Lanao del Norte, the MILF committed numerous atrocities towards innocent civilians. The Christian communities of the affected villages appealed to the Government to permanently deploy military forces in the hinterlands of these areas to protect them from any possible MILF attack. On the other hand, in Moro communities in Lanao del Norte, Lanao del Sur, Maguindanao including Mamasapano and North Cotabato, human rights violations were extensively committed by the AFP. The Moro communities urged the Government to stop the militarization and to pull out the military forces in their areas in order for them to continue their normal and peaceful way of living.

Thus, FORUM-ASIA calls upon the Government of the Philippines:

- a) To resume peace negotiations and ensure genuine efforts in resolving the conflict situation in Mindanao while ensuring the compliance of all concerned parties to the international humanitarian and human rights norms;
- b) To immediately inquire into the cases of human rights violations in the context of the conflict committed by any actors including its military personnel, and provide the victims, both the Christian and Muslim community with adequate legal redress and justice;
- c) To pay a particular and due attention to the situation of internally displaced persons for their return, local integration and resettlement, specifically by creating and ensuring a safe environment that would be also economically sustainable; and
- d) To seriously revisit the recommendations made by the Representative of the Secretary-General on IDPs upon his country visit to the Philippines in November 2002 (E/CN.4/2003/86/Add.4), and invite the Representative for his follow-up visit to the Philippines with a view to assessing and addressing the needs of IDPs and the returnees affected by the conflict in Mindanao.

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