

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 35/6344/2017

24 May 2017

Philippines: Martial law must not facilitate human rights violations

The Philippines must ensure that human rights are respected and protected, following the President's declaration of martial law yesterday in the southern island of Mindanao. The authorities must also ensure a clear timetable for an end to martial law, which is now for 60 days, but may be extended by Congress.

Amnesty International is gravely concerned that the President has since used his powers to declare a suspension of the writ of habeas corpus. The writ of habeas corpus requires a person to be brought before a judge or court especially to secure their release, unless lawful grounds are shown for their detention. This right is an essential safeguard against arbitrary deprivation of liberty, which under international human rights law is non-derogable, that is, it cannot be denied even in times of emergency.¹ President Duterte must therefore repeal this suspension immediately.

Under international human rights law, including treaties which the Philippines is a party to, the scope of martial law must be limited to the extent strictly required by the exigencies of the situation. This requirement relates to the duration, geographical scope and any measures of derogation resorted to because of the emergency.

Amnesty International also calls on security forces to show utmost restraint and fully respect the country's obligations under international human rights law. A state of martial law does not suspend other key human rights, including the right to life, the prohibition of torture and other ill-treatment, and the right to a fair trial. Further, the authorities, including army commanders, must make it clear that military personnel of all ranks will not be exempted from prosecution for human rights violations committed when carrying out their duties.

¹ Human Rights Committee, General comment no. 29: States of emergency (article 4), UN Doc. CCPR/C/21/Rev.1/Add.11, 31 August 2001, para. 16.

Over the years, Amnesty International has expressed concerns over impunity for violations of international human rights law by Philippine security forces as well as human rights abuses by paramilitaries and militia, in particular in Mindanao. Martial law must not be allowed to deepen the culture of impunity in the country, which has increased under President Duterte. Despite the killing of thousands of suspected drug offenders, no meaningful investigations are believed to have taken place, let alone prosecutions of police involved in extrajudicial executions.

Across the Philippines, there were tens of thousands of victims of human rights violations including arbitrary detention, torture, enforced disappearances and extra-judicial killings under the ten year imposition of martial law by former President Ferdinand Marcos. Although some victims and their relatives have been provided reparations, no one has been brought to justice for these crimes.

Background

President Duterte declared martial law in the Philippines island of Mindanao on 23 May 2017, after fighting escalated in Marawi City between government forces and the Maute group, which has pledged allegiance to the armed group calling itself Islamic State (IS). The group has reportedly formed an alliance with Abu Sayaff leader Isnilon Hapilon, who is also said to be the IS leader of in the Philippines.

Firefighting in Marawi city apparently started on 23 May at 2pm when government forces learned Hapilon was in the city and launched a raid. The situation worsened, with fires, power cuts, and clashes continuing and by the end of the day, at 10pm, martial law was declared.

Within 48 hours of the declaration, the President is required by law to report either in person or in writing, to Congress. The Congress, voting jointly, by a vote of at least a majority of all its Members in regular or special session, may revoke or extend martial law. A few lawmakers have questioned whether placing the whole of Mindanao under martial law is necessary or proportionate. President Duterte has threatened to impose martial law numerous times throughout his presidency.