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Introduced by Senator Miriam Defensor Santiago

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RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON REPORTS THAT HUMAN RIGHTS ABUSES WERE ALLEGEDLY COMMITTED BY CERTAIN MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES DURING THE RECENT ZAMBOANGA CITY ARMED CONFLICT

WHEREAS, the Constitution, Article 2, Section 5 provides: "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy";

WHEREAS, the Constitution, Article 2, Section 3 provides: "Civilian authority is, at all times, supreme over the military. The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory";

WHEREAS, the First Geneva Convention, Article 3 provides: "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- b) taking of hostages;
- c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2) The wounded and sick shall be collected and cared for";

WHEREAS, according to a news report posted last 1 October 2013 on Inquirer.net, entitled "Group hits AFP over human rights violations during Zamboanga conflict," the Human Rights Watch (HRW), a human rights research and advocacy group, said that the military allegedly mistreated detainees and put civilians and hostage victims at greater risk during the recent armed conflict in Zamboanga City;

WHEREAS, HRW Philippines Researcher Carlos Conde reportedly learned about the alleged human rights violations through interviews with people that were taken hostage by the Moro National Liberation Front (MNLF) and some captured MNLF members;

WHEREAS, plastic bags were allegedly placed over the heads of five detained MNLF members by police or military authorities to suffocate them and force them to admit they were members of the MNLF;


WHEREAS, some detainees were allegedly tortured; some detainees were allegedly beaten up; a detainee alleged that alcohol was poured into his now, whole another claimed that he was blindfolded and his head dunked into a toilet bowl;

WHEREAS, the military, during its operations, allegedly continued firing at the members of the MNLF even when the latter were using hostages as human shields, thus putting the lives of the hostages at even greater risk;

WHEREAS, there is a need to investigate the alleged human rights violations committed by the Philippine military in the recent Zamboanga City conflict to (1) prosecute and bring to justice the perpetrators of the abuses; (2) strengthen efforts in promoting human rights within the military; (3) ramp up efforts to educate our soldiers on their duty to protect and promote human rights; and (4) ensure that future military operations are in full accord with international humanitarian law;

WHEREFORE, be it hereby resolved by the Philippine Senate to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on reports that human rights abuses were allegedly committed by certain members of the Armed Forces of the Philippines during the recent Zamboanga City Armed conflict.

Adopted,

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MIRIAM DEFENSOR SANTIAGO

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