



INSTITUTE FOR
AUTONOMY AND
GOVERNANCE



TRAINING MODULE

ON

**ANTI-TERRORISM ACT OF 2020
& HUMAN RIGHTS PROTECTION**



This module aims to provide comprehensive knowledge and a deeper understanding of the Anti-Terrorism Act of 2020 and its implications for human rights protection work and the regional and provincial personnel of the Bangsamoro Human Rights Commission (BHRC) network of CSO partners. This module also intends to provide them with a technical guide on responding to human rights violations in implementing anti-terrorism measures.

Training Module on ANTI-TERRORISM ACT OF 2020 & HUMAN RIGHTS PROTECTION

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CHAPTER I

INTRODUCTORY ACTIVITY

DESCRIPTION:

The chapter aims to set a positive atmosphere among the participants despite differences in their faiths and beliefs. This mood will help the participants become familiar with one another and open to sharing spaces as a learning community. Such a learning environment will also help the participants quickly acquaint themselves with the training flow.

OBJECTIVES:

1. Appreciate the value of unity and mutual acceptance despite differences in faiths and beliefs.
2. Establish connections with other participants.
3. Have reasonable expectations and become aware of unrealistic ones.
4. Become familiar with the fundamental aspects of the training.

ACTIVITY 1 – PRELIMINARIES

Objective:

Listen to a high-ranking official's introductory remarks.

Material:

List of participants and their places of origin

Procedure:

1. Review the participants' profiles using the attendance sheet to know about the religions they practice. Request volunteers from the faith groups to lead the opening prayer one at a time.
2. Thank the representatives and allow the participants to sit comfortably first before the welcome address.
3. Ask a ranking official of your organization or any other respected person to give the welcome remarks. Introduce the official properly to the participants. It would help if you could acquire a profile of the speaker beforehand.
4. Thank your speakers immediately after their remarks.

ACTIVITY 2 – GETTING TO KNOW YOU

Objective:

Familiarize themselves with other participants.

Material:

Participants' name tags

Procedure:

1. Ask the participants to introduce themselves to other participants in the training by giving the following:
 - a. Name
 - b. Ethnic affiliation
 - c. Name of organization represented (optional: you may also state your position)
 - d. Place of work

Sample Output:

- Jimmy Dalgan; Maguindanaon; MDFI, Program Manager; Koronadal City
- Tommy Pangcoga; Maranao; TFI, Managing Director; Gen. Santos City
- Miguel Peñaloza; Cebuano; Commission on Human Rights – Region XII, Senior Investigator; Koronadal City
- Jovar Pantao; Maguindanaon; TFI, Board Trustee; Gen. Santos City

Note to the Facilitator: In every activity, thank the participants. You may take part in the activity or you may introduce yourself before or after the exercise.

ACTIVITY 3 –EXPECTATIONS SETTING

Objectives:

- 1. Share their expectations about the training
- 2. Determine reasonable and realistic expectations

Materials:

- 1. Colored metacards
- 2. Permanent markers
- 3. Masking tape
- 4. Scissors

Procedure:

- 1. Divide the participants into groups according to their geographical or organizational profile. (Please do so only if such grouping is possible or appropriate.)
- 2. Distribute a set of colored metacards to each group (one set to three sets of four colors per group). Each color represents one category (e.g., yellow-content, light blue- process, etc.
- 3. Instruct the participants to discuss within their respective groups what expectations to write on the cards based on the given category, one idea per card.
- 4. Ask the participants to post their cards according to the given categories.
- 5. Cluster identical, near-identical, and similar answers. Acknowledge the value of each expectation and how it relates to the training itself.
- 6. Clarify vague ideas and separate different ideas written on one card.
- 7. Post the output on the wall so that the facilitator and the participants will have a guide.

Sample Output:

Content	Process	Co-Participants	Facilitator
- Answer 1	- Answer 1	- Answer 1	- Answer 1
- Answer 2	- Answer 2	- Answer 2	- Answer 2
- Answer 3	- Answer 3	- Answer 3	- Answer 3
- Answer 4	- Answer 4	- Answer 4	- Answer 4

ACTIVITY 4 – TRAINING OVERVIEW

Objectives:

1. Become familiar with the training program
2. Articulate what their expectations are and how they can meet them.
3. Distinguish reasonable and realistic expectations from unreasonable and unrealistic expectations.

Materials:

1. Training program flow (flashed on the wall or pre-written on a Manila paper).
2. Summary of participants' expectations.

Procedure:

1. Present to the participants the general description and objectives of the training.
2. Provide the participants with the training schedules.
3. Instruct the participants to compare the program flow with the summary of their expectations.
4. Ask the participants how likely they can meet their expectations.
5. Talk about the participants' expectations that the training will not be able to address.
6. Ask the participants if they have any questions before moving on to the next activity/topic.

CHAPTER II

Understanding Terrorism and Bangsamoro Political Context: A Situationer

DESCRIPTION:

The chapter aims to broaden the participants' understanding of the international and domestic political situation, particularly the potential threat from violent extremist groups and the various factors stimulating the spread of extremism/terrorism in the region.

OBJECTIVES:

1. Situate terrorism and violent extremism in local and global contexts.
2. Analyze the threats of terrorism and violent extremism to the normalization process in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

TOPIC 1 – Terrorism and Violent Extremism Phenomenon

Objectives:

1. Describe the local and global context of terrorism and violent extremism.
2. Distinguish between terrorism and violent extremism.

Materials:

1. Metacards
2. Marking pens
3. Manila Paper
4. Masking tape

Activity 1: Pyramid Discussion

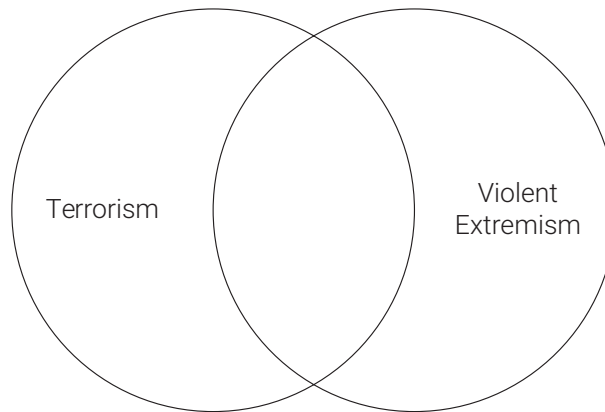
1. Ask the participants to pair off. Have them agree on who will play the role of Participant A and Participant B.

Participant A: Write a word or a phrase to describe terrorism on a blue metacard.
Participant B: Write a word or a phrase to describe violent extremism on a red metacard.

2. Give the participants two (2) minutes to discuss what they have written on their assigned metacard with their respective partners.
3. Request the participants to form small groups with four members each. Ask them to present their views on terrorism and violent extremism to each other. They will take turns in sharing their idea. Allow the participants to agree or disagree with each other and state why they agree or disagree. Give the participants four (4) minutes each to do this part of the activity.
4. Instruct the participants to form groups of eight members each. At this stage, give them eight minutes to take turns in discussing the distinction between terrorism and violent extremism.

Activity 2: Venn Diagramming

1. With the same group in Step 4 of Activity 1 (Pyramid Discussion), the whole group will discuss and agree on the definition of terrorism and violent extremism.
2. Instruct them to organize their ideas as groups in a Venn Diagram below.



3. Have each group elect a member to present their Venn Diagram to the plenary.
4. Give each group five (5) minutes to present their output to the plenary. Encourage the participants to give their reflections after each presentation.
5. Synthesize the activity by highlighting the difference between terrorism and violent extremism.
6. Deepen the activity by presenting a brief lecture on the definition and trends of terrorism and violent extremism.

Activity 3: 3-2-1 Reflection

1. On a metacard, have the participants write the following:
 - a. three important things they have learned about terrorism and violent extremism
 - b. two connections or insights about how terrorism and violent extremism violate human rights
 - c. one goal you have in promoting rights-based prevention/transformation of terrorism and violent extremism
2. Ask some volunteers to present their output.
3. Give feedback and synthesize the reflections of the participants.

TOPIC 2 – Threats of Terrorism and Violent Extremism to Normalization Process

Objectives:

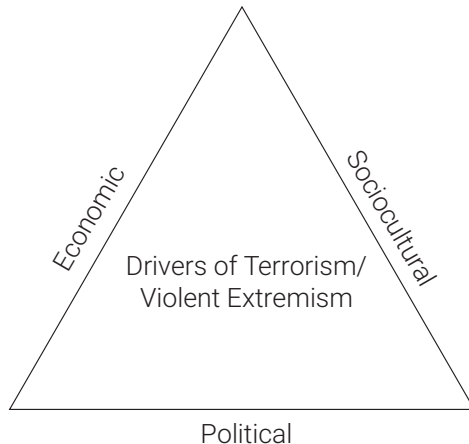
1. Identify the drivers of terrorism and violent extremism.
2. Analyze the threats of terrorism and violent extremism to the normalization process in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

Materials:

1. Metacards
2. Marking pens
3. Manila Paper
4. Masking tape

Activity 1: Mapping Drivers of Terrorism

1. Group the participants according to organization or by geographical area.
2. Instruct the groups to map out the drivers of terrorism and violent extremism using the triangle organizer below.



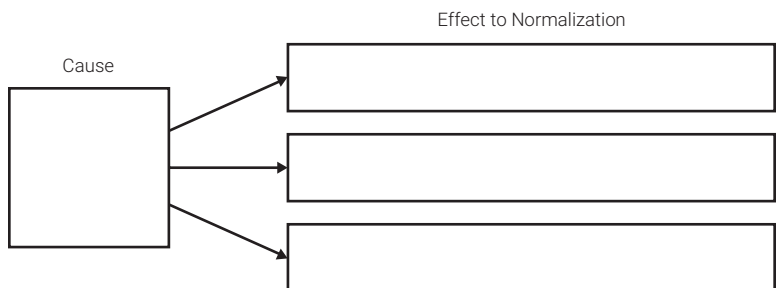
3. Provide ample time for the groups to finish their task.

Activity 2 – Gallery Walk

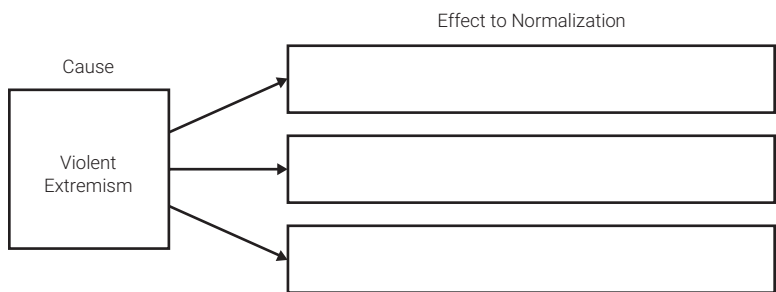
1. Instruct the teams in Activity 1 to post their output in the assigned station.
2. Assign roles to the participants such as leader, reporter, and recorder.
3. Direct the teams to different stations. Upon arriving at each station, encourage the teams to ask questions and comment on the output presented to them.
4. After a short period, instruct the teams to rotate clockwise to the next station. The teams must add feedback and suggestions from the previous group who visited the station this time.
5. As the teams rotate around the stations, encourage all the participants to process the teams' outputs using questioning. The facilitator may ask the following questions:
 - a. What recurring drivers of terrorism/violent extremism did you observe among the teams' outputs?
 - b. What outliers did you discover from the workshop outputs of the teams?
 - c. How do you think the terrorism/violent extremism drivers can affect the process of normalization in BARMM?
6. Instruct the participants to synthesize the feedback and suggestions to them by the other teams upon returning to their home station. Allot one minute of preparation time for each team to report the synthesis of their learning from the activity about how terrorism/violent extremism affects the normalization process in BARMM.
7. Deepen and synthesize the discussion by presenting a lecture emphasizing the mutually reinforcing drivers of terrorism/violent extremism. Remind the participants that if people do not address these drivers, they will contribute to the threats to the normalization process in BARMM.

Activity 3 – Cause and Effect Analysis

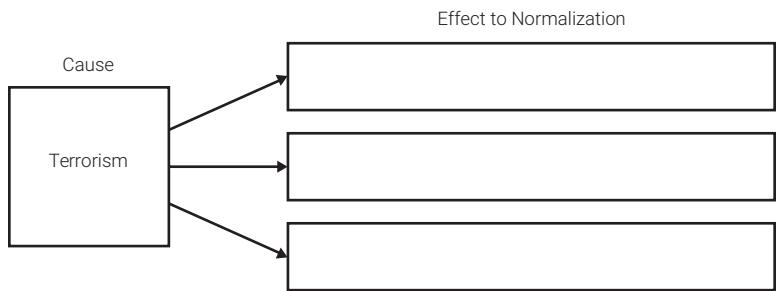
1. Divide the participants into three groups.
2. As shown below, introduce the cause and effect organizer they will use in this workshop



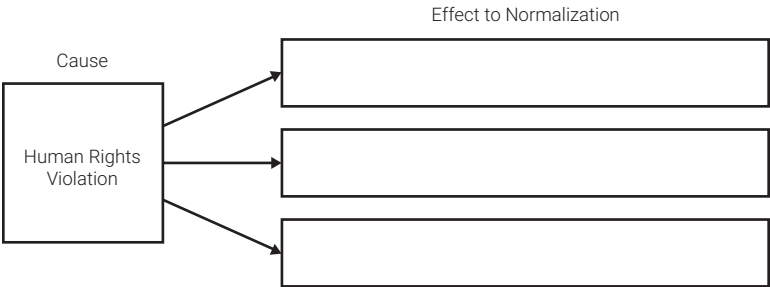
3. Assign each group with the following issues to map out.
Group 1: Violent Extremism



Group 2: Terrorism



Group 3: Human Rights Violation



- 4. Give ample time for the group to assign a reporter and complete the cause and effect analysis.
- 5. Give each group five (5) minutes to present their output to the plenary. Encourage the participants to give their reflections after each presentation.
- 6. Synthesize the activity using the matrix below.

Challenges	Effect on Development/Normalization		
	Political	Sociocultural	Economic
Violent Extremism			
Terrorism			
Human Rights Violation			

- 7. Deepen the activity by presenting a brief lecture on terrorism/violent extremism threats to the normalization process.

CHAPTER III

UPHOLDING HUMAN RIGHTS IN COUNTER-TERRORISM: EXAMINING THE ANTI-TERRORISM ACT OF 2020

DESCRIPTION:

This chapter provides participants with a deeper understanding of the salient ATA of 2020 provisions and how to protect and defend human rights on the possible impacts of the law.

LEARNING OBJECTIVES:

1. Examine the provisions of ATA 2020.
2. Analyze the implications of ATA for the protection and defense of civil and political rights.

Topic 1 – Salient Provisions of Anti-Terror Act of 2020 and strategies to Defend Human Rights

Objectives:

1. Examine the provisions of the Anti-Terror Act 2020.
2. Explain the strategies to protect human rights.
3. Identify possible strategies to defend human rights.

Materials:

1. PowerPoint Presentation
2. Copies of the Anti-Terror Act of 2020 and other relevant laws
3. Manila Paper
4. Marking pens

Activity 1-Examining the Salient Provisions of ATA 2020

1. Divide the participants into six groups.
2. Assign provisions of ATA 2020 for the group to review and examine. Use the guide below.

Group	Topic	Section to Review/Examine
Group 1	Definition of an act of terrorism	Section 4
Group 2	Planning, Preparing, Inciting, and Facilitating Terrorism	Section 6,7,8,9,10
Group 3	Arrest and detention without judicial warrants	Section 29
Group 4	Preliminary Proscription as Terrorist	Section 27
Group 5	Prolonged and broadened surveillance	Section 16, 17, 18,19
Group 6	Restrictions on Travel	Section 34

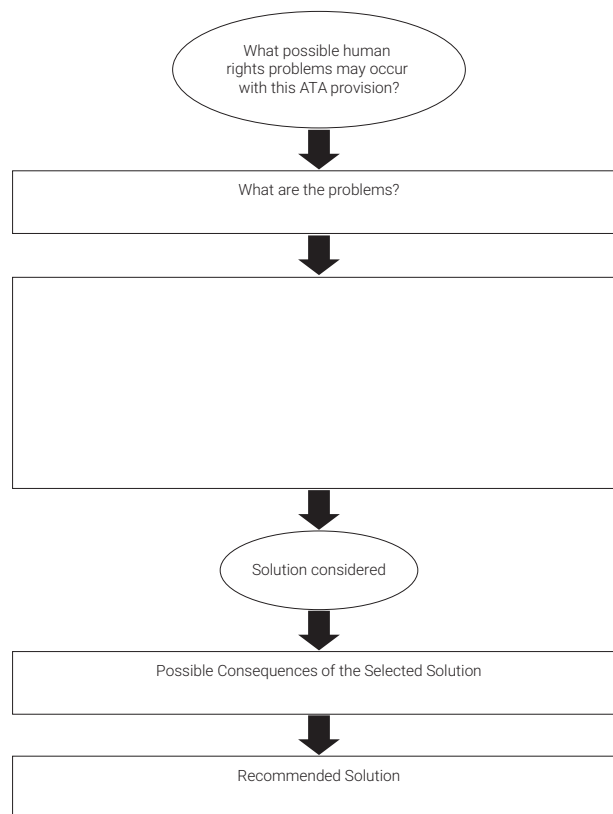
3. Introduce and explain the tool that the groups will use to review and examine the ATA provisions.

Contentious Provisions	Possible Human Rights Violation	Justification

4. Give ample time for the groups to accomplish the task. Instruct them to choose a facilitator, recorder, and reporter.
5. Provide 3-5-minute presentation time for each group. Encourage the participants to give feedback every after the presentation.
6. Synthesize the outputs of the groups and deepen the discussion by presenting a lecture on the pros and cons of ATA in the context of human rights promotion.

Activity 2-Problem-Solving Organizer

1. With similar group composition in Activity 1, instruct the participants to offer solutions to the identified human rights problem.
2. Instruct the groups to lift the human rights problem/s they have identified in the activity.
3. Tell them that they will think of possible solutions to the problem they have identified using the problem-solving organizer in this activity.
4. Introduce the problem-solving organizer, which they will complete in this activity.



5. Give ample time for the groups to accomplish their problem-solving organizer. Encourage them to discuss each of the alternatives they will identify by exploring their pros and cons.

Activity 3 – Gallery Walk

1. Instruct the groups in Activity 2 to post their output in the assigned station.
2. Assign roles to the participants such as leader, reporter, and recorder.
3. Direct the teams to different stations. Upon arriving at each station, encourage the teams to ask questions and comment on the output presented to them.
4. After a short period, instruct the teams to rotate clockwise to the next station. This time, they must add feedback and suggestions from the previous group who visited the station.
5. As the teams rotate around the stations, encourage all the participants to process the outputs of the groups using questioning.
6. Instruct the participants to synthesize the feedback and suggestions to them by the other teams upon returning to their home station. Allot 5 minutes for each team to present their output to the plenary.
7. Deepen and synthesize the discussion by presenting a lecture on the strategies to defend human rights.

Topic 2 – Implications of ATA for the Protection and Defense of Civil and Political Rights

Objective:

Analyze the implications of ATA for the protection and defense of civil and political rights.

Materials:

1. PowerPoint Presentation
2. Brainwriting Idea Form

Activity 1 – Think, Pair, Share

1. Divide the participants into groups of three.
2. Introduce and explain the activity “Think, Pair, Share.”
3. Project the phrase “civil and political right” on the screen for the participants to think and recall what they know about the human rights assigned to them. Give the participants a minute to two to work out an explanation of the human rights projected on the screen.

Round	Group 1	Group 2	Group 3
1	Right to Self-Determination	Right to Bail	Right to access to information
2	Right to Life, Liberty and Security	Right to Appeal One’s Conviction of a Crime	Right to peaceful assembly for the redress of grievance
3	Right to Fair and Public Trial	Right to Compensation Due to Miscarriage of Justice	Right to freedom of association
4	Right to Confrontation	Right to Privacy	Right to participate in government affairs and equal access to public service
5	Right to Self-Incrimination	Right to hold opinions without interference	Right to suffrage

4. Instruct the participants to form pairs or groups of three to discuss their reactions to the human rights presented on the screen.
5. Ask for responses from some pairs of small groups. Include time to discuss all the answers from the groups and address questions from the participants.

Activity 2 – Brainwriting

1. Divide the participants into five (5) groups.
2. Instruct the groups to appoint a moderator for this activity. The moderator's job is to ensure that everyone in the group stays on course throughout the meeting.
3. Introduce and explain the mechanics of the brainwriting activity as shown in the box.

What to Do?

1. In three (3) minutes, every member should write down the implications of ATA to civil and political rights on the idea form.
 2. After writing a response, instruct a member to hand in the idea form to the member sitting on the right. When the member receives the form, he/she should write additional idea/s. Do this process until all the members of the group complete their work.
4. Provide time for the group to review and discuss what they have written on the idea form.
 5. Give time for the moderator to present the group's output to all the participants. Encourage everyone to probe and give feedback every after the group presentation.
 6. Deepen the discussion and synthesize the outputs of the groups on the implications of ATA to Civil and Political Rights.

CHAPTER IV

INVESTIGATING AND DOCUMENTING HUMAN RIGHTS VIOLATION CASES IN COUNTER-TERRORISM

DESCRIPTION:

This chapter seeks to expound on the processes and mechanisms that the BHRC and its network of CSO partners must put in place to effectively respond to human rights violation cases and incidents amid the implementation of ATA/counter-terrorism measures.

It also seeks to acquaint BHRC investigators, paralegals, and trainers about the Commission's systems, procedures, and mechanisms on investigating and documenting human rights violation cases in light of implementing the counter-terrorism law.

LEARNING OBJECTIVE:

1. Define and analyze the ATA-related cases and incidents.
2. Describe the techniques and steps in responding to HRV cases/incidents.
3. Write an incident report to remedy HRV using the basic 5W and 1 H fact sheet.
4. Explain the different rights-based approaches in addressing VE/terrorism

Topic 1 – Investigating Human Rights Violations

Objectives:

1. Describe the process of human rights violations investigation.
2. Identify the challenges encountered in investigating human rights violations.
3. Propose adjustments to the rules and procedures in responding effectively to ATA-related human rights issues

Materials:

1. Bond paper
2. Metacards
3. Marking pens
4. Manila Paper
5. Masking tape

Activity 1 – Illustrating the Process of Human Rights Violations Investigation

1. Divide the participants into five (5) groups.
2. Ask the participants to select a facilitator, reporter, and documenter.
3. Instruct them to illustrate the steps they follow in investigating human rights violations in a flow chart.
4. Give ample time for the participants to finish the flow chart.
5. Facilitate the output presentations of the groups. Encourage the participants to give feedback after every group's presentation.
6. After the groups' presentations, discuss the similarities and differences of the flow charts presented by the groups.
7. Synthesize the outputs of the groups by coming up with a flow chart based on the participants' inputs. Have the participants affirm the flow chart that illustrates the actual process of investigating human rights violations.

Activity 2 – Challenge Listing

1. Distribute bond papers to the participants of the training.
2. Instruct them to list down the challenges they encounter in investigating human rights violations for three minutes. Remind them to write the challenges in words or phrases.
3. After the given time, direct the participants to form groups of five members.
4. Give the participants each one minute to present their list to the group. Encourage them to discuss the challenges each member of the group offers.
5. Have the groups select a representative to communicate to everyone the synthesis of their discussion in the group.
6. Synthesize the challenges encountered by the participants in investigating human rights violations. Deepen this by presenting an input on investigating human rights violations.

Activity 3 – Workshop on Proposing Adjustments to Rules and Procedures in Investigating Human Rights Violations

1. Instruct the participants to go back to their respective groups in Activity 2.
2. Introduce and explain the matrix below.

Challenges	Potential Solutions	Advantages	Disadvantages	Ways Forward

Column 1: List down the challenges in investigating human rights violations in Activity 2.

Column 2: Brainstorm and input possible solutions to the challenges.

Column 3: List down the advantages of the possible solutions identified.

Column 4: List down the disadvantages of the possible solutions identified.

Column 5: Recommend a way forward to improve the process of investigating human rights violations.

3. Give ample time for the groups to complete the matrix.
4. Instruct the group to select a representative to report the output of their group. Encourage the participants to give feedback after each presentation.
5. Synthesize the adjustments proposed by the participants in improving the process of investigating human rights violations.
6. Propose adjustments to the rules and procedures to respond effectively to ATA-related human rights issues

Topic 2 – Documenting Human Rights Violations

Objectives:

1. Explain the significance of documenting human rights violations.
2. Analyze the strengths and weaknesses in documenting human rights violations.
3. Identify ways forward to improve the process of documenting human rights violations.

Materials:

1. Metacards
2. Marking pens
3. Manila Paper
4. Masking tape

Activity 1 – Think-Pair-Share

1. Project the proverb, “If you have not documented the activity, you have not done it” on screen.
2. Instruct the participants to reflect on the proverb. Motivate them to form their ideas silently.
3. Pair up the participants to discuss their thoughts.
4. Ask some participants to share their ideas with all participants.
5. Synthesize the ideas of the participants and discuss the significance of documenting human rights violations.

Activity 2 – Mapping the Strengths and Weaknesses of Documenting Human Rights Violations

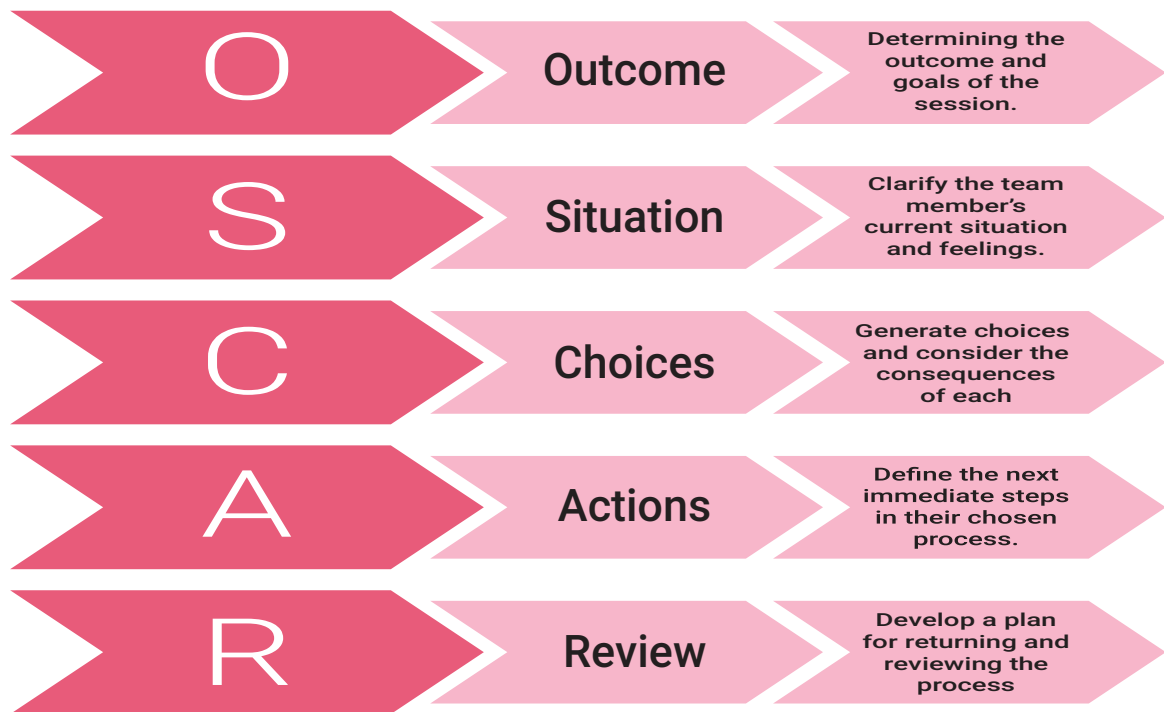
1. Divide the participants according to the organization they represent. Instruct the groups to select a facilitator, reporter, and documenter.
2. Instruct them to map out the strengths and weaknesses of the organization in documenting human rights violations. Use the matrix below.

Strengths	Weaknesses

3. Give ample time for the groups to analyze their strengths and weaknesses in documenting human rights violations.
4. Facilitate the presentation of the organizations. Encourage the participants to ask questions after each presentation.
5. Synthesize the participants' outputs on mapping the strengths and weaknesses in documenting human rights violations. Deepen this activity by presenting tips in reporting human rights violations.

Activity 3 – Planning using OSCAR Model

1. Divide the participants according to the organization they represent. Instruct the groups to select a facilitator, reporter, and documenter.
2. Explain to the participants the OSCAR Model as shown below.



3. Ask the participants to complete the OSCAR Matrix in the context of improving the process of documenting human rights violations.

Components	Statements
Outcome	
Situation	
Choices	
Actions	
Review	

4. Give ample time for the groups to analyze their strengths and weaknesses in documenting human rights violations.
5. Facilitate the presentation of the organizations. Encourage the participants to ask questions after each presentation.
6. Synthesize the outputs of the participants. Stress the need for proper documentation of the human rights violations in the context.

Topic 3 – Reporting Human Rights Violations

Objectives:

1. Explain the significance of reporting human rights violations.
2. Write an incident report to remedy HRV using the basic 5W and 1H fact sheet.

Materials:

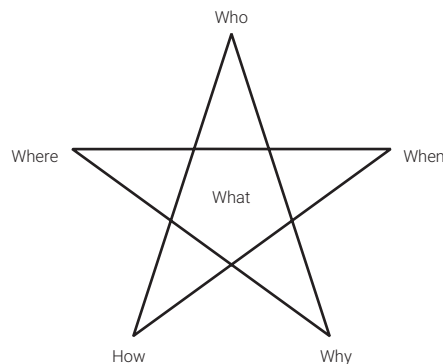
1. Bond papers
2. Marking pens
3. Manila Paper
4. Masking tape

Activity 1 – In My List

1. Instruct the participants to list at least ten (10) human rights violations that they watched on TV, listened to over the radio, or read on the news. Give them time to recall.
2. Tell the participants to rank the reports on their list. Rank 1 is the most successful report, while Rank 10 is the least successful report.
3. Ask some participants to share their reasons for the ranking they made. Encourage them to stress the elements of most successful reporting of human rights violations.
4. Deepen the information coming from the participants by presenting a brief lecture on “How to Write Human Rights Report.”

Activity 2 – Incident Star Mapping

1. Divide the participants into five (5) small groups. Instruct them to select a facilitator, reporter, and recorder.
2. Tell them to think of a human rights violation that one group member recently witnessed.
3. Introduce the star map and explain its use for this workshop. Tell the participants to use the map to present the details of the human rights violation they identified.



4. Remind the participants that the certificate recipient will be the next to give a message. The certificate recipient must award the certificate to the person whose name appears on the certificate.
5. Instruct the groups to present their output to all the participants. Encourage everyone to probe after each presentation.
6. Synthesize the activity by stressing the need to get information to answer the 5W and 1H questions in writing the report. Present a brief lecture on writing incident reports to remedy Human Rights Violations using 5W and 1H.

Activity 3 - Incident Report Writing

1. Using your organization's template, ask the participants to write an incident report to remedy HRV using the basic 5W and 1H format.
2. Give them ample time to complete their work.

CHAPTER V

Evaluation and Closing

ACTIVITY 1 – CLOSING PROGRAM

Objective:

Conclude the training formally.

Materials:

1. Printed certificates of participation to the participants
2. Printed certificate of appreciation to the resource persons
3. Reproduced directory of participants

Procedure:

1. Ask the participants and the present resource persons to gather in the hall's center, forming a concentric circle.
2. Distribute the printed certificates to everybody in the circle. Ensure that no one gets a certificate with their name written on it.
3. Ask one participant to give a message to the person whose name appears on the issued certificate. The participant must award the certificate after the remarks.
4. Remind the participants that the certificate recipient will be next one to give a message and award the certificate to the person whose name appears on it.
5. Repeat the process until all the participants receive their certificates.
6. Give your message of appreciation to all participants as the facilitator. Also, recognize the contribution of the resource persons.
7. End the activity with a closing prayer. Ask volunteers from among the participants to lead the prayer.

ACTIVITY 2 – EVALUATION

Objectives:

1. Collect comments and reactions from the participants on the conduct of the training.
2. Conclude the training formally.

Materials:

1. Meta cards
2. Pen markers
3. Masking tape
4. Manila Paper
5. Evaluation Paper (reproduced in advance)
6. Certificates of attendance/participation

Procedure:

Evaluate the entire training by doing one of the following:

Verbal Evaluation: Ask the participants to express their insights in a sentence or two.

Written Evaluation: Ask the participants to complete the evaluation instrument.
(Reproduce the instrument beforehand.)

Sample:

Conference	Suggestions/Comments
What do you like about the training?	Response 1 Response 2 Response 3
Changes or Improvements?	Response 1 Response 2 Response 3
How useful did you find this training to you?	Response 1 Response 2 Response 3

One thing to do when you get home / back to office	Response 1 Response 2 Response 3
Other comments or suggestions	Response 1 Response 2 Response 3

Lecturette for Chapter II

TERRORISM PHENOMENON: INTERNATIONAL TRENDS

Terrorism, in the broadest sense, is the intentional use of violence, generally against civilians, for political purposes. It is the criminal tactic employed by violent extremists to intimidate a population seriously. It unduly compels a government or an international organization to perform or abstain from performing any act, seriously destabilizing or destroying fundamental political, constitutional, economic, or social structures of a country or an international organization.

Across the globe, the trends in terrorism are deteriorating. The Global Terrorism Index of 2020 revealed that deaths from terrorism are now 59 percent lower than their peak in 2014. This overall fall in deaths has resulted in a decrease in the number of countries experiencing deaths from terrorism. Since 2003, the lowest number of at least one death from terrorism recorded in 63 countries happened in 2019. Although cases of terrorism have fallen in most regions, they have become more widespread in others. More recently, terrorists have concentrated in South Asia and sub-Saharan Africa, with both regions having recorded more terrorism deaths than the Middle East and North Africa (MENA) since 2018.¹

The emerging trends in terrorism remain a serious concern of the global community despite its deterioration recently. While the level of terrorist activity continues to reduce in the Middle East and South Asia, threats of new terrorists are starting to arise. For instance, the spread of the most prominent ISIL affiliate groups in sub-Saharan Africa and the emergence of far-right terrorism in Western Europe and North America. The global reach of ISIL has steadily expanded as underscored by the recorded ISIL-related attacks across seven regions of the globe, namely Asia-Pacific, Europe, MENA, North America, Russia and Eurasia, South Asia and sub-Saharan Africa.²

Terrorism is not likely to continue but may increase as a manifestation of low-intensity conflict.³ This low-intensity conflict can emanate from many factors, such as the weak rule of law. Evidence built on cross-sectional analysis unleashed that maintaining a sound rule of law can notably reduce the prospect of any terrorist activity. In short, policies which can lessen the influence of terrorism will be the most powerful and formidable barricade against terrorist activities.⁴

¹² Institute for Economics & Peace. Global Terrorism Index 2020: Measuring the Impact of Terrorism, Sydney, November 2020. Available from: <http://visionofhumanity.org/reports> (accessed 15 February 2012).

³ Shukla, S. (2006). Emerging new trends of terrorism: challenges before the United Nations. *The Indian Journal of Political Science*. Vol. LXVIII, No. 1

⁴ Choi, S. (2010). Fighting Terrorism through the Rule of Law? *The Journal of Conflict Resolution*, 54(6), 940-966. Retrieved February 13, 2021, from <http://www.jstor.org/stable/25780761>

Moreover, terrorism correlates with human rights violations. The terrorist activities yield devastating consequences for the enjoyment of the right to life, liberty, and physical integrity of victims. As a matter of act, the highest level of the United Nations, notably by the Security Council, the General Assembly, the former Commission on Human Rights, and the new Human Rights Council, recognized the destructive impact of terrorism on human rights and security.

Specifically, the terrorism according to the member-states:

- 1) threatens the dignity and security of human beings everywhere, endangers or takes innocent lives, creates an environment that destroys the freedom from fear of the people, jeopardizes fundamental freedoms, and aims at the destruction of human rights;
- 2) Has an adverse effect on the establishment of the rule of law, undermines pluralistic civil society, aims at the destruction of the democratic bases of society, and destabilizes legitimately constituted Governments;
- 3) Has links with transnational organized crime, drug trafficking, money-laundering and trafficking in arms, as well as illegal transfers of nuclear, chemical and biological materials, and is linked to the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, hostage-taking and robbery;
- 4) Has adverse consequences for the economic and social development of States, jeopardizes friendly relations among States, and has a pernicious impact on relations of cooperation among States, including cooperation for development; and
- 5) Threatens the territorial integrity and security of States, constitutes a grave violation of the purpose and principles of the United Nations, is a threat to international peace and security, and must be suppressed as an essential element for the maintenance of international peace and security.⁵

Respect for human rights and the rule of law must be the bedrock of the global fight against terrorism. This fight requires the development of national counter-terrorism strategies that seek to prevent acts of terrorism, prosecute those responsible for such criminal acts, and promote and protect human rights and the rule of law. It implies measures to address the conditions conducive to the spread of terrorism, including the lack of the rule of law and violations of human rights, ethnic, national, and religious discrimination, political exclusion,

⁵Office of the United Nations High Commissioner for Human Rights (2008). Human Rights, Terrorism and Counter-terrorism Fact Sheet 32. Office of the United Nations High Commissioner for Human Rights, Palais des Nations, 8-14 avenue de la Paix, CH-1211 Geneva 10, Switzerland

and socio-economic marginalization; to foster the active participation and leadership of civil society; to condemn human rights violations, prohibit them in national law, promptly investigate and prosecute them, and prevent them; and to give due attention to the rights of victims of human rights violations, for instance through restitution and compensation.⁶

THREATS OF TERRORISM AND P/CVE INITIATIVES AND THE BANGSAMORO PEACE PROCESS

Within the last 20 years, four major events in the Philippines have been recorded: 1) the “all-out-war” strategy of former President Joseph Ejercito Estrada against the Moro Islamic Liberation Front (MILF) in 2000, 2) the “all-out-peace” offensive of former President Gloria Macapagal-Arroyo in 2003 around the Buliok Complex, 3) the MOA-AD armed conflict in 2008 and 2009, and 4) the Marawi Siege. Within that same period, hundreds of minor and medium-scale conflicts had occurred. An estimated majority of which are recurrent and either triggered by terrorist or criminal activities or were caused by the more pervasive and more “bedrock” phenomenon of clan feud, or inter-tribal feud, which is locally known as “rido.”

The Philippines continues to face a very high level of threat of terrorism and extremism. The country placed ninth in the Global Terrorism Index’s 2019 list of countries most affected by terrorist activities⁷. The country, especially its second-largest island, Mindanao, has inexorably faced an acute domestic and international terrorism threat. The emergence of ISIS-affiliated extremist groups, persistent kidnappings by the Abu Sayyaf Group (ASG), attacks on government forces, and bombings happening primarily in central and western Mindanao persist a serious problem. Despite the counterterrorism efforts of the Philippine Military and the Police, there were still numerous attacks against government, public, and private facilities. The terrorist groups retain their strength and intent to conduct bombings, shootings, and ambushes against targets of their choice.⁸

Other than that, VE-embracing groups consider the Philippines a fertile ground for increasing their ideologies and causes because of the existing conflicts in Muslim-dominated areas of the country. Despite signing the two peace agreements between the Government of the Philippines and the Muslim resistance groups in Mindanao: Moro National Liberation Front (MNLF) in 1996 and the Moro Islamic Liberation Front (MILF) in 2014, VE-embracing

⁶ Office of the United Nations High Commissioner for Human Rights (2008). Human Rights, Terrorism and Counter-terrorism Fact Sheet 32. Office of the United Nations High Commissioner for Human Rights, Palais des Nations, 8-14 avenue de la Paix, CH-1211 Geneva 10, Switzerland

⁷ Institute for Economics and Peace, Global Terrorism Index 2019: Measuring the Index of Terrorism, Sydney, November 2019, p. 8.

⁸ United States Department of State, Country Reports on Terrorism 2016 - Philippines, 19 July 2017, available at: <https://www.refworld.org/docid/5981e41e13.html> [accessed 19 February 2021]

groups continue to be non-conformists to the government. Some of them condemn the signing of the Bangsamoro Organic Law (BOL) that mandates establishing a Bangsamoro government under a new political entity called Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).⁹

The establishment of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) marks the culmination of 22 years of negotiations between the Philippine government and the secessionist Moro Islamic Liberation Front (MILF). This breakthrough happened after the Marawi siege – a five-month Battle in 2017 for Marawi City by pro-ISIS fighters who still pose a threat though on the defensive. This new Bangsamoro political entity is expected to end the Moro struggle for self-determination and resolve the conflict between Moros and the Philippine state. The new autonomous region leaders have this great responsibility to fulfill the political aspirations of 3.5 million Muslim Mindanaoans. However, the ongoing transition faces many challenges, such as the splinter groups revolting against the government and their former allies. Such disintegration, if done again, could provide opportunities for recruitment among the VE-embracing groups, including those that are associated with ISIS.¹⁰

Armed Groups outside the Peace Process

The gravest security threat to the Bangsamoro Autonomous Region in Muslim Mindanao is the operations of the armed group outside the peace process. While most of these groups fight for Moro independence, several have proclaimed their allegiance to ISIS. Below is the list of the armed groups outside the peace process:

Bangsamoro Islamic Freedom Fighters

The Bangsamoro Islamic Freedom Fighters (BIFF), also called the Bangsamoro Islamic Freedom Movement (BIFM), is an Islamic separatist organization in the southern Philippines. It aims to establish an independent Islamic state for the Muslim Filipinos who live on the second-largest island of the Philippines, Mindanao. This splintered group from Moro Islamic Liberation Front (MILF) was founded by Ameril Umbra Kato in 2010.¹¹

After the death of Kato in the year 2015, the group splintered into three factions. The first faction is led by Karialan, which disavowed any association with ISIS. The second faction, headed by Abu Toraife, is the only group that pledged allegiance with ISIS. However, the third faction under the leadership of Bungos has this tendency to flirt with the ISIS association.

¹⁰ International Crisis Group (2019). The Philippines: militancy and the new Bangsamoro. Asia Report

⁹ Banloj, R. (2018). The Lamitan Bombing and Terrorist Threat in the Philippines. Journal of the International Center for Political Violence and Terrorism Research. ISSN 2382-6444, Volume 10, Issue 9

¹¹ Chalk, P. (2010) "The Bangsamoro Islamic Freedom Fighters: The Newest Obstacles to Peace in the Southern Philippines?" CTC Sentinel 6.11-6.12 (November 2013): 15-17. Web. 20 Aug. 2015. Santos, Jr., Soliman M. and Paz Verdades M. Santos. Primed and Purposeful: Armed Groups and Human Security Efforts in the Philippines. Geneva: Small Arms Survey, April 2010. Print.

The BIFF factions have carried out a series of bombings in Central Mindanao over the past years. These bombings are related to extortion rackets and were possibly not directed by BIFF leaders. For instance, the military associated the bombings in Isulan, Sultan Kudarat on August 28, 2018, and September 2, 2018, and the bomb explosion outside the Southseas Mall in Cotabato City on December 31, 2018, on a faction of the Bangsamoro Islamic Freedom Fighters (BIFF) that had pledged allegiance to the Islamic State (IS) jihadi group in the Middle East. The first bombing incident in Isulan killed three and injured 36, while the second killed two people and wounded 12 others. Meanwhile, the bomb explosion outside the Mall in Cotabato killed two and injured 32 others. The authorities associated the faction of Abu Toraife with the said attacks. According to the military, the said attacks were a retaliation against the military for air and ground operations in Maguindanao province that killed several fighters from the group.¹²

Ansar al-Khilafah

The Ansar al-Khilafah is a jihadi group operating in southern Mindanao provinces of South Cotabato, Sultan Kudarat, Sarangani and General Santos City. One part of the Moro Islamic Liberation Front splinter group, this small band pledged allegiance to the IS and maintained links with foreign fighters and Islamic converts. The group was known for facilitating recruitment and training camps and hosting a network of Indonesian, Malaysian, and other foreign jihadis. The group was pegged to the leadership of Mohammad Jafaar Sabiwang Maguid, aka Tokboy, who was killed on January 5, 2017, in Sarangani Province.

Despite the death of its leader, the Police attributed the 16 September 2018 bombing in General Santos, which injured eight to Bassar Sahak, a member of Ansar-al-Khilafah who reportedly had ties to Abu Toraife. Another bombing on September 16 in Midsayap, North Cotabato, appears to have been carried out by a criminal gang associated with Ansar al-Khilafa. The organization is now defunct, although authorities still believe that two or three associates of Maguid could revive the group under enabling conditions.

Maute Group

The Maute Group is a group of radical Islamists consisting of former Moro Islamic Liberation Front rebels and foreign fighters founded by brothers Abdullah and Omarkhayyam Maute. The brothers are scions of the Maute clan, a political family who actively fields candidates for local government elections. In April 2015, the group pledged its allegiance to IS caliph Abu Bakr al-Baghdadi. The group members refer to themselves as “IS Ranao,” referring to

¹² Fernandez, E. O. & Maitem, J. (2018). Military says BIFF rebels behind Sultan Kudarat blast. Inquirer.Net <https://newsinfo.inquirer.net>

the archaic name of Lanao del Sur province. In Marawi, the residents consider them as “grupong ISIS”.¹³

The remnants of the Maute Group went to ground in remote areas of Lanao del Sur and Maguindanao after the Marawi Siege. Under the leadership of Abu Dar, the group continued its recruitment efforts at least into 2018. The soldiers ground down the group as the clashes continued, and the group’s money ran short. The Philippine soldiers killed Abu Dar on March 14, 2019, in Tubaran, Lanao del Sur.¹⁴

Abu Sayaff Group

The Abu Sayaff Group (ASG) emerged as the most radical and violent Islamist alternative to the stagnated political movements of the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF). As a splinter group to MNLF, the group was organized and founded by Abdurajak Abubakar Janjalani in 1991 on the island of Basilan. The goal of the ASG was focused predominantly on the creation of an independent, autonomous Islamic state in the Southern Philippines.¹⁵

At the beginning of the ASG’s operation in 1991, the group implemented a string of bombing incidents against Christian communities in Southern Philippines¹⁶. In 2000, the group was also responsible for kidnapping 24 foreigners in the Philippines. The group released their hostages for a ransom of 10 to 25 million dollars. After 2003, the ASG deemphasized its kidnapping for ransom activities as they increased their bombing and violent activities¹⁷. The leader of the group Khadaffy Janjalani established its alliance with Jemaah Islamiah in the late 2003.¹⁸

¹³ Franco, J. (2017). The Maute Group: New Vanguard of IS in Southeast Asia? (RSISCommentaries, No. 107). RSIS Commentaries. Singapore: Nanyang Technological University

¹⁴ International Crisis Group (2019). The Philippines: militancy and the new Bangsamoro. Asia Report

¹⁵ Fellman, Zack. 2011. Abu Sayyaf Group. Case Study 5. Homeland Security & Counterterrorism Program: Transnational Threats Project. Washington, DC: Center for Strategic and International Studies. http://csis.org/files/publication/111128_Fellman_ASG_AQAMCaseStudy5.pdf.

¹⁶ CFR. 2009. “Abu Sayyaf Group (Philippines, Islamist Separatists).” Council on Foreign Relations. May 27. <http://www.cfr.org/philippines/abu-sayyaf-group-philippines-islamist-separatists/p9235>; Niksch, Larry A. 2007. Abu Sayyaf: Target of Philippine-US Anti-Terrorism Cooperation. CRS Report for Congress RL31265. Washington, DC: Congressional Research Service. <http://fas.org/sgp/crs/terror/RL31265.pdf>; Abuza, Zachary. 2010. “The Philippines Chips Away at the Abu Sayyaf Group’s Strength.” CTC Sentinel, April. <https://www.ctc.usma.edu/v2/wp-content/uploads/2010/08/CTCSentinel-Vol3Iss4-art5.pdf>.

¹⁷ Niksch, L. A. (2007) Abu Sayyaf: Target of Philippine-US Anti-Terrorism Cooperation. CRS Report for Congress RL31265. Washington, DC: Congressional Research Service. <http://fas.org/sgp/crs/terror/RL31265.pdf>.

¹⁸ Bruce, V., Chanlett-Avery, E., Dolven, B., Manyin, M.E., Martin, M. F., & Niksch, L. A (2009). Terrorism in Southeast Asia. CRS Report for Congress 7-5700. Washington, DC: Congressional Research Service. <http://www.fas.org/sgp/crs/terror/RL34194.pdf>.

The death of Khadaffy Janjalani and other key leaders in 2006 resulted in leadership and structural challenges to the group. The ASG struggled to advance its efforts to a separate Islamic state. But despite the group's dwindling strength, they continue to manoeuvre violent actions.

Rajah Solaiman Islamic Movement

The Balik-Islam Movement (BIM) is a group of Filipino former-Christians who believe that Filipinos need to 'revert' back to being Muslims as before Western colonization. The movement emerged as part of the segment of today's VE-embracing group in the country. Historically, the RSM was founded by Ahmed Santos in March 1971. Santos, originally Roman Catholic, converted to Islam while working in the Middle East. The Police first uncovered the existence of RSM in 2002 after they executed a series of operations in the province of Pangasinan. The Police recovered arms, training, bomb-making materials, and documents.¹⁹

Khilafa Islamiya Mindanao

The Khilafa Islamiya Mindanao (KIM) was organized by Humam Abdul Najid in early 2012. It serves as the vanguard of ISIS in the Philippines. According to the classified intelligence information obtained by the Philippine Institute for Peace, Violence and Terrorism Research (PIPVTR), the organization of the KIM happened when an unidentified Afghan National asked Najid while they were in Afghanistan to go back to Mindanao to establish the said group in Mindanao.

Upon return to Mindanao, Najid contacted some friends from Abu Sayyaf Group (ASG). Najid, Janiti, and Kata introduced the KIM to young Moro when they reached Camp Uato, Sitio Barit, Barangay Uato, Marawi City, Lanao del Sur in March 2012. They eventually recruited young men to join their group.

KIM orchestrated some bombing operations in Mindanao. Among the bombing associated with Najid's operations were the bombings of the Rural Bus Transit in Barangay Guiwan, Zamboanga City on August 16, 2012, Maxandrea Hotel along JR Borja Street in Cagayan de Oro City on October 11, 2012, Pension House in Iligan City as part of the test mission of his trainees on 24 December 2012 and the two improvised explosive devices (IEDs) exploded in Cinema 5 of the Gaisano Mall and Cinema 1 of SM Mall Ecoland in Davao City injuring at least six persons on September 16, 2013.²⁰

¹⁹ Borer D., Everton S., Jr M.N.(2009). Global Development and Human (In)security: Understanding the Rise of the Rajah Solaiman Movement and Balik Islam in the Philippines', Third World Quarterly, London: Vol. 30, Issue 1, pp 181 – 204

²⁰ ISIS Followers in the Philippines: Threats to Philippine Security. Securite & Defense Magazine. October 13, 2015

Suyuful Khilafa Fi Luzon

There is another pro-IS group that is operating outside Mindanao. The Suyuful Khilafa Fi Luzon (SKFL), which consists of Muslim converts, organized in Manila. Most of the group members were from the Rajah Solaiman Islamic Movement (RSIM), responsible for the 2004 Superferry 14 bombing that killed 116 people and wounded more than 300 others. On April 26, 2018, the Philippine National Police (PNP) arrested two SKFL members for the illegal possession of explosives assumed to be used for bombing activities in Metro Manila.²¹

Other terrorist groups in the Philippines declared by Solicitor-General Calida were Ansar Dawiah Filibbin; Al Harakatul Islamiyah Battalion; Jama'at Ansar Khilafa; Bangsamoro Justice Movement; Khilafah Islamiyah Mindanao; the Ma'Rakah Al-Ansar Battalion; Dawla Islamiyyah Cotabato; Dawlat Al Islamiyah Waliyatul Masrik; Ansar Al-Shariyah Battalion; Jamaah Al-Tawhid Wal Jihad Philippines; Abu Dujanah Battalion; Abu Khubayn Battalion; Jundallah Battalion; Abu Sadr Battalion; Jamaah Al Muhajirin Wal Anshor; and the Balik-Islam Group.²²

Addressing Terrorism and Violent Extremism

Terrorism is a serious concern of the global community that requires effective responses. The post-1945 United Nations era comes with concerns of the “liberation fighters” who engage in terror-violence to pursue the right to self-determination. They used the United Nations Charter (Treaty Series, vol. 1, no. XVI), articles 1(2), and 55 (see also 1941 Atlantic Charter) to justify their actions. As contextualized in this Charter, the Organization’s obligation to “develop friendly relations” among nations (not “States”) is based on the principles of equal rights and the self-determination of “peoples.” Over the years, there have been difficulties and controversies on the practical operations of equal rights and self-determination, resulting in different conflicting interpretations of the relevant Charter principles and provisions surrounding self-determination.²³

²¹ Banloj, R. (2018). The Lamitan Bombing and Terrorist Threat in the Philippines. *Journal of the International Center for Political Violence and Terrorism Research*. ISSN 2382-6444, Volume 10, Issue 9

²² Acosta, R. (2017). Terror groups in PHL: Removing the masks. *Business Mirror*

²³ United Nations (2018). *Education for Justice University Module Series Counter-Terrorism*. English, Publishing and Library Section, United Nations Office at Vienna

In addressing terrorism, the United Nations Counterterrorism Strategy developed four strategic pillars to respond to the threats of terrorism. The four strategic pillars are shown in figure 1.

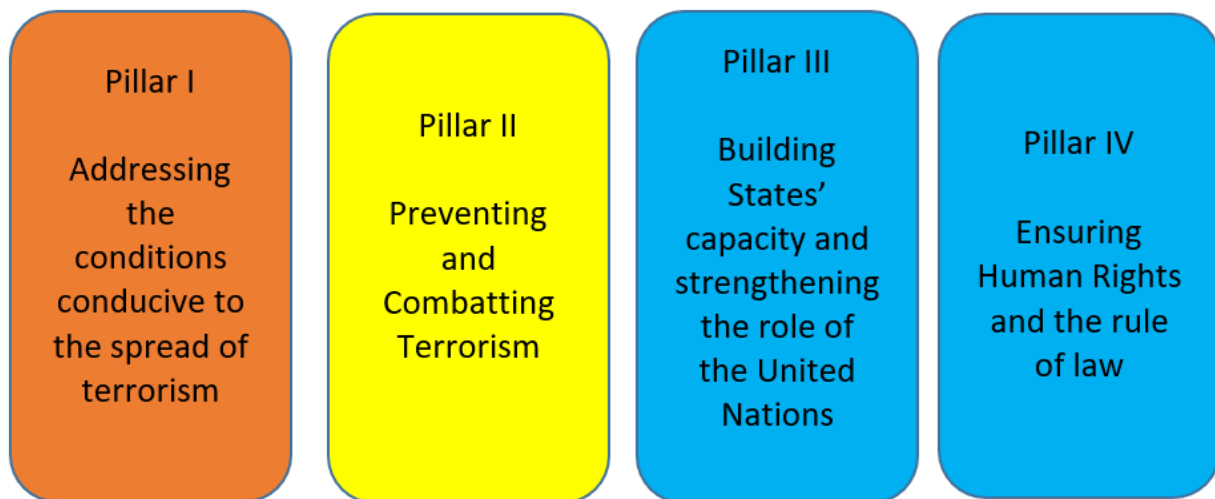


Figure 1. UN Global Counter-Terrorism Strategy

DISCUSSION ON THE FOUR PILLARS OF THE UNITED NATIONS COUNTERTERRORISM STRATEGY

Pillar I: Measures to address conditions conducive to the spread of terrorism

Terrorism spreads due to certain conditions. These conditions include the long-running unresolved conflicts, dehumanization of terrorist victims, and a lack of the rule of law. Other possible conditions are human rights violations, ethnic, national, and religious discrimination, political exclusion, socioeconomic marginalization, and a lack of good governance. However, not all are equally applicable to each region or sub-region. Few are better aware of the factors that encourage the growth of terrorism than RSRs (Regional and Subregional bodies).

Furthermore, reaching worldwide agreement on appropriately managing these illnesses and determining which ones require priority treatment has been difficult. As a result, addressing these issues in regional and subregional contexts is more likely to meet the concerns of local stakeholders and, as a result, may provide more significant results. Preventive diplomacy and working to settle and avoid regional and sub-regional disputes that fuel terrorism are two of the most important contributions that RSRs can make to addressing conditions favorable to the development of terrorism. "Successful prevention and peaceful resolution of long-running unsolved disputes would assist to strengthening the worldwide battle against terrorism," the Strategy states. Many of the disputes frequently related to the rise of terrorism are regional in origin and require regional solutions. Regional groups have shown tremendous promise in this regard in some cases. The Organization for Security and Cooperation in Europe (OSCE), for example, has played an important role in defusing ethno-nationalist, separatist, and religious crises in Southeastern Europe and Central Asia through its monitoring missions and other institutions.

RSRs may also be well-positioned to understand better the local academic and religious communities that foster connections with these groups. They also play a crucial role in promoting intercultural and interreligious dialogue and developing culturally sensitive projects to empower moderate religious scholars and civil society. They can serve as forums for sharing experiences and best practices in national initiatives to reach out to moderate religious leaders and their communities of various religions and the construction or reform of schools, jails, and other institutions to combat radicalization. Finally, they provide forums for ex-violent extremists to share their experiences in the expanding attempt to "de-radicalize" them.

Pillar II: Measures to prevent and combat terrorism

RSRs can also play an important role in working with their members to monitor and promote the implementation of the Strategy's second pillar, preventive counterterrorism measures. They can, for example, advocate for the creation of a unified regional or sub-regional counterterrorism framework to facilitate the required judicial and law enforcement cooperation between and among nations to ensure that suspected terrorists are prosecuted or extradited. In some cases, regional or sub-regional extradition or mutual legal assistance treaties have already been signed in criminal situations such as terrorism.

Due to a shared sense of the threat posed by transnational crime at regional and sub-regional levels, these organizations may have a comparative advantage in convincing their member nations to improve their coordination and cooperation in combating crimes linked to terrorism. Security Council Resolution 1373 and other UN resolutions recognize the "close link between international terrorism and transnational organized crime, illicit drugs, money laundering, illegal arms trafficking, and the illegal movement of nuclear, chemical, biological, and other potentially lethal materials." However, the UN has been slow to address these issues coherently.

RSRs often have more homogeneous memberships and more clearly defined common interests than the UN's broader membership. They may be able to help with efforts to combat terrorism on the Internet and respond to the Strategy's call for greater international and regional coordination in this area, which has proven difficult to achieve at the international level.

Moreover, some regional bodies can play a leading role in stimulating the development of public/ private sector partnerships between their members and multinational companies. These partnerships develop due to their relationships with local and transnational companies in their regions and their understanding of their business practices and culture. These public-private partnerships in areas like cyber terrorism prevention can help the Strategy's implementation.

DISCUSSION ON THE FOUR PILLARS OF THE UNITED NATIONS COUNTERTERRORISM STRATEGY

Pillar III: Measures to build states' capacity to prevent and combat terrorism and to strengthen the role of the UN system in this regard

RSRs can help with both the facilitation and delivery of capacity-building assistance. They can assist in identifying capacity gaps in their region or sub-region and disseminating information on relevant bilateral and multilateral capacity-building programs among their members to improve donor coordination, among other things. These organizations could ensure that the regional or sub-regional strategy-related capacity needs are presented consistently to the relevant UN bodies (or even the Task Force working group focusing on the integrated implementation of the UN Strategy). This integrated implementation can be accomplished, for example, by developing a unified set of regional or sub-regional priorities and technical assistance requests that span a variety of Strategy-related areas. This implementation can be done by assisting the UN in better understanding the needs and priorities of countries in the region or sub-region and improving communication between the UN and the relevant geographical area. These organizations also serve as platforms for bilateral and multilateral funders to hold training seminars, provide assistance, and, more broadly, encourage the development of regional, sub-regional, and national capacity. They can, for example, endorse counterterrorism-related standards and best practices developed by international functional bodies in a variety of fields. The UN Strategy explicitly mentioned many of them, such as aviation, port, and border security. It also organizes workshops with technical experts from relevant functional bodies to ensure local officials receive the training and skills to practice these standards and best practices.

RSRs also serve an essential role in providing targeted, regional knowledge to supplement the broader legislative drafting help supplied by the UN Office on Drugs and Crime (UNODC) to allow nations to join and execute the sixteen international terrorist agreements and protocols. Finally, given a sufficient mandate and resources, RSRs can provide the institutional infrastructure to maintain the necessary focus on strategy-related issues long after assistance providers have left. It also ensures the long-term sustainability of these capacity-building programs and the states' implementation of the assistance.

Pillar IV: Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism

One of the Strategy's major accomplishments is to place the Strategy and all worldwide counterterrorism activities firmly in the context of human rights and the rule of law. RSRs can help advance these cross-cutting themes in a variety of ways.

As called for in the Strategy, RSRs can encourage their members to “accept the competence of international and relevant human rights monitoring bodies,” support and cooperate with the OHCHR, and support and communicate with the Special Rapporteur and other relevant UN special procedures mandate holders. They can, for example, request the Special Rapporteur to make regional or sub-regional visits and co-host workshops with the Special Rapporteur and the Office of the High Commissioner for Human Rights, focused on the Strategy’s human rights framework. They can also collaborate to ensure that the human rights-based approach to counterterrorism that underpins the Strategy is reflected in all counterterrorism-related declarations, statements, or other materials produced by each regional and sub-regional authority.

Several regions or sub-regions have approved their own human rights conventions or charters, putting universal human rights requirements in the context of their respective areas and assisting in developing a shared regional interpretation of those obligations. Human rights bodies have been established to monitor how its members implement these treaties or charters in some places. Such organizations can guide members on best practices and a venue for exchanging them among countries facing similar issues. They can endeavor to strengthen their members’ capacity by disseminating rules of conduct and offering training for security, law enforcement, and judicial officials involved in the fight against terrorism. Regional human rights commissioners and courts, in particular, can play an essential role in interpreting nations’ human rights commitments, investigating and exposing abuses, and affording redress above the national level. RSRs can provide a forum for conducting peer reviews and other monitoring methods to ensure that national counterterrorism measures adhere to international and regional human rights norms. They can put political pressure on local governments if they don’t.

Source: Rosand, E., Millar, A. , Ipe, J. & Healey, M. (2008). The UN Global Counter-Terrorism Strategy and Regional and Subregional Bodies: Strengthening a Critical Partnership. Center on Global Counterterrorism

Conceptual Framework of United Nations Development Program for Preventing Violent Extremism²⁴

Figure 2 shows the conceptual framework of the UNDP for preventing violent extremism. As displayed in figure 2, the framework considers the potential drivers of radicalization which can facilitate violent extremism. It describes radicalization as a term that is becoming associated solely with an anti-liberal, anti-democratic, and religiously fundamentalist agenda and its links to the use of violence. However, it recognizes that radical movements may also yield positive societal change. Radicalization becomes dangerous when radical movements use fear, violence, and terrorist activities to achieve ideological, political, economic, or social aims; radicalization then turns to violent extremism.

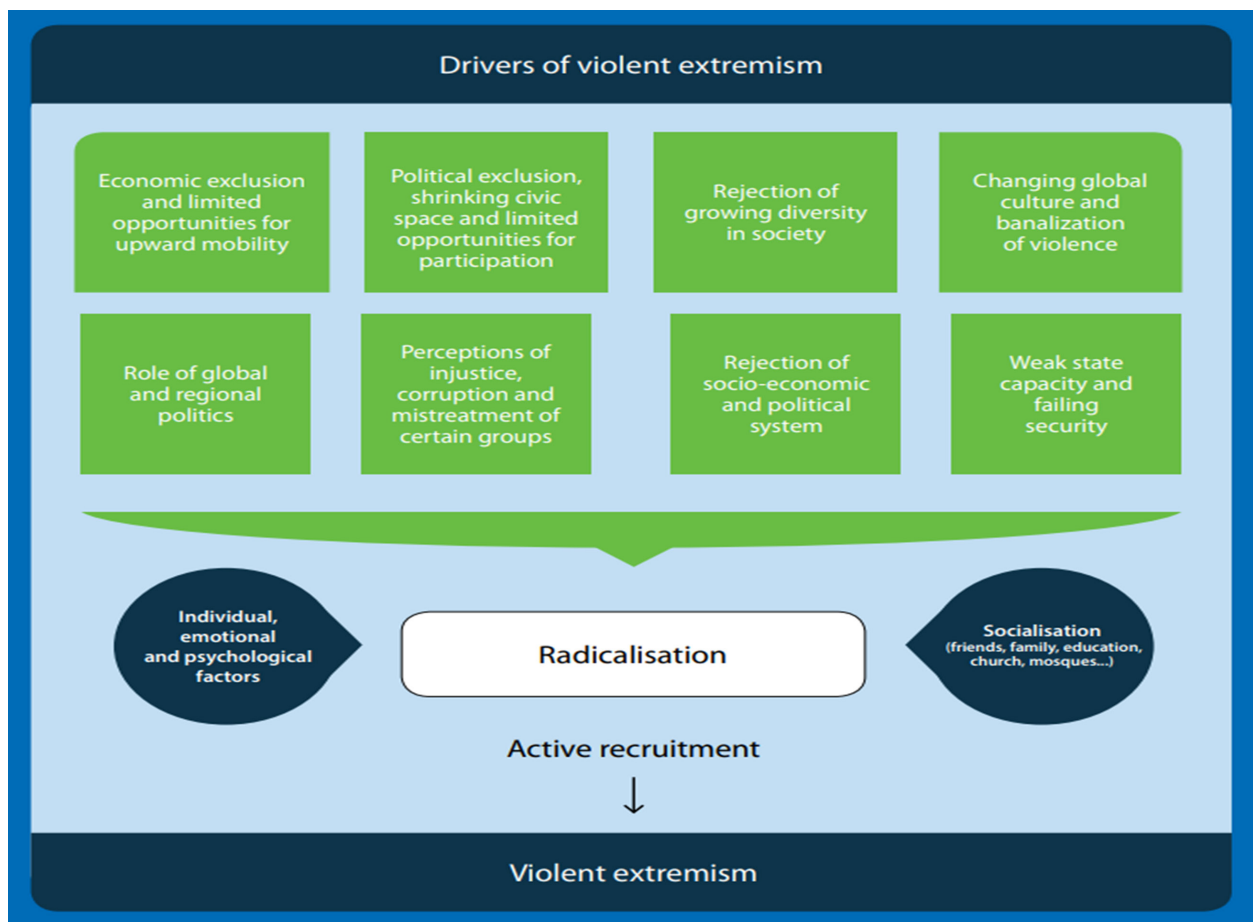


Figure 2. UNDP's Conceptual Framework for Preventing Violent Extremism

²⁴ United Nations Development Programme (2016). Preventing violent extremism through promoting inclusive development, tolerance and respect for diversity - a development response to addressing radicalization and violent extremism

The growth in violent extremism worldwide is a product of mutually-reinforcing factors. The UNDP's conceptual framework highlights the following eight drivers that can lead to radical behavior and result in violent extremist action: (1) the role and impact of global politics; (2) economic exclusion and limited opportunities for upward mobility; (3) political exclusion and shrinking civic space; (4) inequality, injustice, corruption and the violation of human rights; (5) disenchantment with socio-economic and political systems; (6) rejection of growing diversity in society; (7) weak state capacity and failing security; and (8) a changing global culture and banalization of violence in media and entertainment. Also, the framework displays that individuals get pulled into radical and ultimately violent movements when manipulation and socialization processes happen (via media, schools, family, religious and cultural organizations). They are enabled by personal, emotional, or psychological factors such as alienation, search for identity, a sense of injustice, loss of a family member, previous mistreatment or imprisonment, etc.). In addition, when the socialization process directed towards fostering social cohesion fails, individuals' vulnerability and attraction to more radical and violent beliefs and attitudes may likely increase.²⁵

In the Bangsamoro Autonomous Region in Muslim Mindanao, the peace process entails disarming 40,000 Moro Islamic Liberation Front (MILF) fighters and ensuring their smooth reintegration into civilian life and peace dividends for the areas where they live. Thus, activities during the BARMM government transition include a "normalization" process aimed at disarming ex-rebels and paying peace dividends to the Philippines' Bangsamoro area. Providing socioeconomic support, deploying peacekeeping personnel to boost conflict mitigation efforts, and disbanding private militias are all significant parts of this process.²⁶

The normalization process, a crucial element of the peace deal, has already been harmed by the lockdowns and diversion of attention and funding to handle COVID-19. Besides the additional pressures imposed by COVID 19, failure to meet former fighters' expectations might hinder the next demobilization phase, erode confidence between the parties, and jeopardize the delicate peace process. Former fighters who are dissatisfied with the peace process may join armed groups not part of the peace process, resulting in more violence and displacement.²⁷ This process got off to a promising start, but COVID-19 has slowed it down significantly in the last year, increasing the likelihood of frustration among ex-combatants and civilians alike.²⁸ Hence, the COVID-19 pandemic has presented both a threat and an opportunity. In the case of BARMM, the virus jeopardizes the region's health security and its overall growth, particularly at this important juncture.

²⁵ United Nations Development Programme (2016). Preventing violent extremism through promoting inclusive development, tolerance and respect for diversity -a development response to addressing radicalization and violent extremism

²⁶ International Crisis Group (2021). Southern Philippines: Keeping Normalisation on Track in the Bangsamoro. Asia Report

²⁷ Relief Web (2020). COVID-19 Humanitarian Response Plan Philippines

²⁸ Engelbrecht, G. (2021). The Normalization Process in the Bangsamoro Faces Rising Uncertainty. The Diplomat

The combination of a pandemic and a government transition is a huge issue.²⁹

Armed confrontations existed in the region even before COVID-19. Despite the community's rigorous quarantine precautions, incidents of violence persist. Armed conflicts and clan feuds have resulted in the displacement of households in the region since March 2020. The Bangsamoro Islamic Freedom Fighters (BIFF) clashed with members of the Moro Islamic Liberation Front (MILF) and Moro National Liberation Front (MNLF), as well as the Abu Sayyaf group and other unidentified non-state armed groups. Due to the ongoing fighting, families have been forced to abandon their houses and temporarily relocate to government centers and informal camps. However, the situation in these sites is similarly difficult.³⁰

They say that Mindanao's normalization process has failed. The civilian casualties are just the latest in a long line of deaths from mid-February to early March 2021 in the communities of Datu Saudi Ampatuan, Datu Salibo, Mamasapano, Shariff Aguak, and Shariff Saydona Mustapha, when various violent conflicts erupted. Over 66,000 people have been displaced because of the recent hostilities, according to authorities.³¹ Although there is a case to be made that the MILF decommissioning procedure, if expanded to members of violent extremist groups, maybe a useful weapon in combating violent extremism.³²

²⁹ Villasis, J. & Romano, D. L. (2020). BARMM Transition in the Midst of COVID-19 Pandemic. Access Bangsamoro

³⁰ Villasis, J. & Romano, D. L. (2020). BARMM Transition in the Midst of COVID-19 Pandemic. Access Bangsamoro

³¹ International Alert (2021). Normalisation process fails to normalise Mindanao in the Philippines

³² Loesch, J. (2017) The GPH-MILF Peace Process in the Philippines to Prevent and Transform Violent Extremism in Mindanao, *Journal of Peacebuilding & Development*, 12:2, 96-101, DOI: 10.1080/15423166.2017.1331747

Lecturette for Chapter III

RA 11479 (Anti-Terrorism Act of 2020) Timeline

- February 26, 2020 – SB 1083 was approved by the Senate, with 19 voting in favor and only 2 voting against.
- May 30, 2020 – House Bill 6785 was filed in the House of Representatives adopted from the approved version by Senate.
- June 3, 2020 – HB 6785 was approved on final reading. Out of the 71 original authors, 15 had their names stricken out, and 5 more withdrew their authorship afterward.
- June 30, 2020 – UN High Commissioner on Human Rights Michelle Bachelet criticized the bill during the 44th regular session of the UN Human Rights Council, saying it could have a “chilling effect” on human rights work in the country.
- July 2, 2020 – the Bangsamoro Parliament passed a unanimous resolution urging Pres. Duterte vetoed the bill, arguing that it would lead to abuses and unfairly target Muslim Filipino who have historically faced religious discrimination.
- July 3, 2020 – RA 11479 was signed into law by Pres. Rodrigo R. Duterte.
- July 15, 2020 – 50 members of the United States Congress urged Ambassador Jose Manuel Romualdez to request the Government of the Philippines to consider repealing the “oppressive and unnecessary legislation.”
- July 18, 2020 – the ATA of 2020 officially took effect, 15 days after being published on the website Official Gazette, effectively repealing the Human Security Act of 2007.
- August 2020 – The Technical Working Group (TWG) of the Anti-Terrorism Council (ATC), led by the Department of Justice, began drafting the Implementing Rules and Regulations (IRR) of the ATA of 2020.
- October 14, 2020 – The IRR was approved by the Anti-Terrorism Council (ATC).
- November 26 – Preliminary Conference on ATA 2020 by the Supreme Court

- As of December 31, 2020 – a total of thirty-seven (37) petitions have been filed by various groups with the Supreme Court of the Philippines questioning the constitutionality of some provisions or the whole of the law.
- No temporary restraining order (TRO) or a status quo ante order (SQA) has been issued.

IMPLICATIONS OF RA 11479 AND COMPARISONS WITH THE HUMAN SECURITY ACT OF 2007

(Adapted from various sources)

On the definition of “terrorism”

2007 Human Security Act	2020 Anti-Terror Act
2007 Human Security Act 2020 Anti-Terror Act SEC. 3. Terrorism. — Any person who commits an act punishable under any of the following provisions of the Revised Penal Code: Article 122 (Piracy in General and Mutiny in the High Seas or the Philippine Waters); Article 134 (Rebellion or Insurrection): Article 134-a (Coup d'état), including acts committed by private persons; Article 248 (Murder); Article 267 (Kidnapping and Serious Illegal Detention); Article 324 (Crimes Involving Destruction), or under Presidential Decree No. 1613 (The Law on Arson); Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990); Republic Act No. 5207. (Atomic Energy Regulatory and Liability Act of 1968); Republic Act No. 6235 (Anti-Hijacking Law): Presidential Decree No. 532 (Anti-Piracy and Anti-Highway Robbery Law of 1974), and, Presidential Decree No. 1866, as amended (Decree Codifying the Laws on Illegal and Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunitions or Explosives) thereby sowing and creating a condition of widespread and extraordinary fear and panic among the populace, coercing the government to give in to an unlawful demand shall be guilty of the crime of terrorism and shall suffer the penalty of forty (40) years of imprisonment without the benefit of parole as provided for under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended	Sec. 4. Terrorism. - Subject to Section 49 of this Act, terrorism is committed by any person who within or outside the Philippines, regardless of the stage of execution; Engages in acts intended to cause death or serious bodily injury to any person, or endangers a person's life; Engages in acts intended to cause extensive damage or destruction to a government or public facility, public place, or private property Engages in acts intended to cause extensive interference with damage or destruction to critical infrastructure; Develops, manufactures, possesses, acquires, transports, supplies, or uses weapons, explosives or of biological, nuclear, radiological, or chemical weapons, and Release of dangerous substances, or causing fire, floods or explosions when the purpose of such Act, by its nature and context, is to intimidate the general public or a segment thereof create an atmosphere or spread a message of fear, to provoke or influence by intimidation the government or any of its international organization, or seriously destabilize or destroy the fundamental political, economic, or social structures of the country, or create a public emergency or seriously undermine public safety, shall be guilty of committing terrorism and shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592

Implications:

The definition of terrorism is broad and vague. It is vulnerable to the open interpretation of law enforcement personnel in terms of what activities are considered part of terrorism and what is not.

Both laws punish existing crimes / there is an overlap in-law in terms of which one is to be used to commit a crime.

HSA 2007 - if the crimes are committed to sowing fear and panic, they would be punished by up to 40 years in prison without the benefit of parole.

ATA 2020 - adds qualifications for crimes to be punishable by life imprisonment without the benefits of both parole and reasonable conduct time allowance (GCTA): if the crimes are done to intimidate the general public or if they seriously destabilize or destroy the fundamental political, economic, or social structures of the country.

“Provided, That, terrorism as defined in this Section 6 shall not include advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights, which are not intended to cause death or serious physical harm to a person, to endanger a person’s life, or to create a serious risk to public safety.”

Dissent is not exempted if it creates a serious risk to public safety (protecting the public —safeguarding people from crimes, disaster, and other potential dangers and threats)

Interpretation of the term public safety lies on the implementers of the law (Refer to IRR of ATA 2020 if dissent has been defined)

Inciting, planning, training, preparing and facilitating terrorism

2007 Human Security Act	2020 Anti-Terror Act
SEC. 4. Conspiracy to commit Terrorism. Persons who conspire to commit the crime of terrorism shall suffer the penalty of forty (40) years of imprisonment. There is a conspiracy when two or more persons agree concerning the commission of the crime of terrorism as defined in Section 3 hereof and decide to commit the same.	Sec. 5. Threat to Commit Terrorism. - Any person who shall threaten to commit any of the acts mentioned in Section 4 hereof shall suffer the penalty of imprisonment of twelve (12) years. Sec. 6. Planning. Training, Preparing and Facilitating the Commission of Terrorism. - It shall be unlawful for any person to participate in the planning, training, preparation, and facilitation in the commission of terrorism, possessing objects connected with the preparation for the commission of terrorism, or collecting or making documents connected with the preparation of terrorism. Any person found guilty of the provisions of this Act shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592 Sec. 8. Proposal to Commit Terrorism. - Any person who proposes to commit terrorism as defined in Section 4 thereof shall suffer the penalty of imprisonment of twelve (12) years. Sec. 9. Inciting to Commit Terrorism. - Any person who, without taking any direct part in the commission of terrorism, shall incite others to the execution of any of the acts specified in Section 4 hereof through speeches, proclamations, writings, emblems, banners or other representations tending to the same end, shall suffer the penalty of imprisonment of twelve (12) years. Sec. 10. Recruitment to and Membership in a Terrorist Organization. - Any person who shall recruit another to participate in, join, commit or support any terrorism or a terrorist individual or any terrorist organization, association or group of persons proscribed under Section 26 of this Act, or designated by the United Nations Security Council as a terrorist organization, or organized to engage in terrorism, shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592. **NOTE: There is also a conspiracy provision (Section 7)

Implications:

ATA 2020 added crimes threat, planning, training, facilitating, proposal, and inciting terrorism and recruitment and membership to a terrorist organization, on top of conspiracy to commit terrorism.

There is a possibility that critics may be charged with inciting terrorism.

Fundamental constitutional human rights include speeches, proclamations, writings, emblems and banners, and freedom of speech, either supportive or critical of the government. (Article III, 1987 Constitution, Bill of Rights)

Arrest and Detention

2007 Human Security Act	2020 Anti-Terror Act
SEC. 18. Period of Detention Without Judicial Warrant of Arrest. The provisions of Article 125 of the Revised Penal Code to the contrary notwithstanding, any police or law enforcement personnel, who, having been duly authorized in writing by the Anti-Terrorism Council, has taken custody of a person charged with or suspected of the crime of terrorism or the crime of conspiracy to commit terrorism shall, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said charged or suspected person to the proper judicial authority within a period of three days counted from the moment the said charged or suspected person has been apprehended or arrested, detained, and taken into custody by the said police, or law enforcement personnel: Provided, That the arrest of those suspected of the crime of terrorism or conspiracy to commit terrorism must result from the surveillance under Section 7 and examination of bank deposits under Section 27 of this Act.	Sec. 29. Detention Without Judicial Warrant of Arrest. The provisions of Article 125 of the Revised Penal Code to the contrary notwithstanding, any law enforcement agent or military personnel, who, having been duly authorized in writing by the ATC, has taken custody of a person suspected of committing any of the acts defined and penalized under Sections 4, 6, 7, 8, 9, 10, 11, and 12 of this Act shall, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said suspected person to the proper judicial authority within a period of fourteen (14) calendar days counted from the moment the said suspected person has been apprehended or arrested, detained, and taken into custody by the law enforcement agent or military personnel. The period of detention may be extended to a maximum period of ten (10) calendar days if it is established that further detention of the person/s is necessary to preserve evidence related to the terrorism or complete the investigation, further detention of the person/s is necessary to prevent the commission of another terrorism; and the investigation is being conducted properly and without delay.

Implications:

Both laws allow the arrest and detention of suspected terrorists through the Anti-Terror Council (ATC).

ATA 2002 - The Anti-Terror Council (ATC) will be composed of top cabinet officials. This means they would no longer have to obtain warrants from the court to do this.

Surveillance:

- HSA 2007 only allows an ATC-authorized arrest and detention if it results “from the surveillance under Section 7 and examination of bank deposits under Section 27 of this Act.” – falls under “flagrante delicto,” crime is being committed in the presence of a police officer
- ATA 2020 does not provide for this limitation

Prolonged Detention

- HSA 2007 - law enforcers must bring a suspect to court within 3 days.
- ATA 2020 - specifies a maximum of 14 days with an extension of another 10 days to keep a suspect in court, for a total of 24 days.
- It allows such prolonged detention beyond what the Constitution says is the maximum period (3 days) and only for very specific crimes like rebellion or invasion (Section 18, Article VII of the Constitution, or the suspension of the writ of habeas corpus during martial law)

Preliminary Proscription as Terrorists

2007 Human Security Act	2020 Anti-Terror Act
SEC. 17. Proscription of Terrorist Organizations, Association, or Group of Persons. – Any organization, association, or group of persons organized to engage in terrorism, or which, although not organized for that purpose, actually uses the acts to terrorize mentioned in this Act or to sow and create a condition of widespread and extraordinary fear and panic among the populace to coerce the government to give in to an unlawful demand shall, upon application of the Department of Justice before a competent Regional Trial Court, with due notice and opportunity to be heard given to the organization, association, or group of persons concerned, be declared as a terrorist and outlawed organization, association, or group of persons by the said Regional Trial Court.	Sec. 27. Preliminary Order of Proscription. -Where the Court has determined that probable cause exists based on the verified application which is sufficient in form and substance, that the issuance of an order of proscription is necessary to prevent the commission of terrorism, he/ she shall, within seventy-two (72) hours from the filing of the application, issue a preliminary order of prescription declaring that the respondent is a terrorist and an outlawed organization or association within the meaning of Section 26 of this Act. The court shall immediately commence and conduct continuous hearings, which should be completed within six (6) months from the time the application has been filed, to determine whether; The preliminary order of prescription should be made permanent; A permanent order of proscription should be issued in case no preliminary order was issued; or A preliminary order of proscription should be lifted. It shall be the burden of the applicant to prove that the respondent is a terrorist and an outlawed organization or association within the meaning of Section 26 of this Act before the court issues an order of proscription, whether preliminary or permanent. The permanent order of prescription herein granted shall be posted in a newspaper of general circulation. It shall be valid for a period of three (3) years after which a review of such order shall be made, and if circumstances warrant, the same shall be lifted.

Implications:

- HSA 2007 - the court should conduct a full trial before it can declare anyone a terrorist.
- ATA 2020 - allows the courts designated as “anti-terrorism courts” to declare groups

preliminarily as terrorists even without a full hearing. The preliminary declaration can come as quickly as in 72 hours.

- ATA 2020 - the court, if it finds probable cause and finds the petition sufficient in form and substance, can issue within 72 hours a preliminary order of proscription, meaning people or organizations can be declared as terrorists within that period.

Prolonged and Broadened Surveillance

2007 Human Security Act	2020 Anti-Terror Act
SEC. 7. Surveillance of Suspects and Interception and Recording of Communications. The provisions of Republic Act No. 4200 (Anti-Wire Tapping Law) to the contrary notwithstanding, a police or law enforcement official and the members of his team may, upon written order of the Court of Appeals, listen to, intercept and record, with the use of any mode, form, kind or type of electronic or other surveillance equipment or intercepting and tracking devices, or with the use of any other suitable ways and means for that purpose, any communication, message, conversation, discussion, or spoken or written words between members of a judicially declared and outlawed terrorist organization, association, or group of persons or of any person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism. SEC. 10. Effective Period of Judicial Authorization. Any authorization granted by the authorizing division of the Court of Appeals, pursuant to Section 9(d) of this Act, shall only be effective for the length of time specified in the written order of the authorizing division of the Court of Appeals, which shall not exceed a period of thirty (30) days from the date of receipt of the written order of the authorizing division of the Court of Appeals by the applicant police or law enforcement official.	Sec. 16. Surveillance of Suspects and Interception and Recording of Communications. The provisions of Republic Act No. 4200, otherwise known as the "Anti-Wire Tapping Law" to the contrary notwithstanding, law enforcement agent or military personnel may, upon written order of the Court of Appeals, secretly wiretap, overhear and listen to, intercept screen, read, surveil, record or collect, with the use of any mode, form, kind or type of electronic, mechanical or other equipment or device or technology now known or may hereafter be known to science or with the use of any other suitable ways and means for the above purposes, any private communications, conversation, discussion/s, data, information, messages in whatever form, kind or nature, spoken or written words between members of a judicially declared and outlawed terrorist organization, as provided in Section 26 of this Act; between members of a designated person as defined in Section 3(E) of Republic Act No. 10168; or any person charged with or suspected of committing any of the crimes defined and penalized under the provisions of this Act; Sec. 19. Effective Period of Judicial Authorization. Any authorization granted by the Court of Appeals, pursuant to Section 17 of this Act, shall only be effective for the length of time specified in the written order of the authorizing division of the Court of Appeals, which shall not exceed a period of sixty (60) days from the date of receipt of the written order by the applicant law enforcement agent or military personnel.

Implications:

- Both laws allow surveillance on not only judicially declared terrorists but also suspected terrorists
- ATA 2020 – since it has added many new crimes into the definition of terrorism, more people can be subjected to surveillance
- HSA 2007 – provides for a 30-day limit from the court order to conduct the surveillance
- ATA 2020 – would allow a maximum of 60 days

- The courts are required to be informed of such surveillance, but only upon the filing of charges before the prosecutor. In short, subjects of surveillance and suspected persons will have already been arrested and jailed before they are made aware of actions against them. (Section 12, Article III, 1987 Constitution)

Restriction on Travel

2007 Human Security Act	2020 Anti-Terror Act
SEC. 26. Restriction on Travel. In cases where evidence of guilt is not strong, and the person charged with the crime of terrorism or conspiracy to commit terrorism is entitled to bail and is granted the same, the court, upon application by the prosecutor, shall limit the right of travel of the accused to within the municipality or city where he resides or where the case is pending, in the interest of national security and public safety, consistent with Article III, Section 6 of the Constitution. Travel outside of said municipality or city, without the authorization of the court, shall be deemed a violation of the terms and conditions of his bail, which shall then be forfeited as provided under the Rules of Court. He/she may also be placed under house arrest by order of the court at his or her usual place of residence. While under house arrest, he or she may not use telephones, cellphones, e-mails, computers, the Internet, or other means of communications with people outside the residence until otherwise ordered by the court. The restrictions above mentioned shall be terminated upon the acquittal of the accused or the dismissal of the case filed against him or earlier upon the discretion of the court on motion of the prosecutor or of the accused.	Sec. 34. Restriction on the Right to Travel. Prior to the filing of information for any violation of Sections 4, 5, 6, 7, 8, 9,10,11, and 12 of this Act, the investigating prosecutor shall apply for the issuance of a precautionary hold departure order (PHDO) against the respondent upon a preliminary determination of probable cause in the proper Regional Trial Court. Upon filing the information regarding the commission of any acts defined and penalized under the provisions of this Act, the prosecutor shall apply with the court having jurisdiction for the issuance of a hold departure order (HDO) against the accused. If available, the said application shall be accompanied by the complaint affidavit and its attachments, personal details, passport number, and a photograph of the accused. In cases where evidence of guilt is not strong, and the person charged is entitled to the bail and is granted the same, the court, upon application by the prosecutor, shall limit the right of travel of the accused to within the municipality or city where he/she resides or where the case is pending, in the interest of national security and public safety, consistent with Article III, Section 6 of the Constitution. The court shall immediately furnish the DOJ and the Bureau of Immigration with the copy of said order to travel outside of said municipality or city, without the authorization of the court, shall be deemed a violation of the terms and conditions of his/her bail, which shall be forfeited as provided under the Rules of Court. He/she may also be placed under house arrest by order of the court at his/her usual place of residence. While under house arrest, he/she may not use telephones, cellphones, e-mails, computers, the Internet, or other means of communications with people outside the residence until otherwise ordered by the court. If the evidence of guilt is strong, the court shall immediately issue an HDO and direct the DFA to initiate the procedure for the cancellation of the passport of the accused. The restrictions above-mentioned shall be terminated upon the acquittal of the accused or the dismissal of the case filed against him/her or earlier upon the court's discretion on the motion of the prosecutor or of the accused.

Implications:

- HSA 2007 – Government can restrict a suspect’s movement to only within a municipality or city of his or her residence. If the guilt is determined as not strong, the suspect can post bail. Meaning the restriction can be applied when the suspect has been charged in court.
- ATA 2020 – Government can restrict travel even when the suspect has not yet been charged.

Damages for wrongful arrests/acquitted people

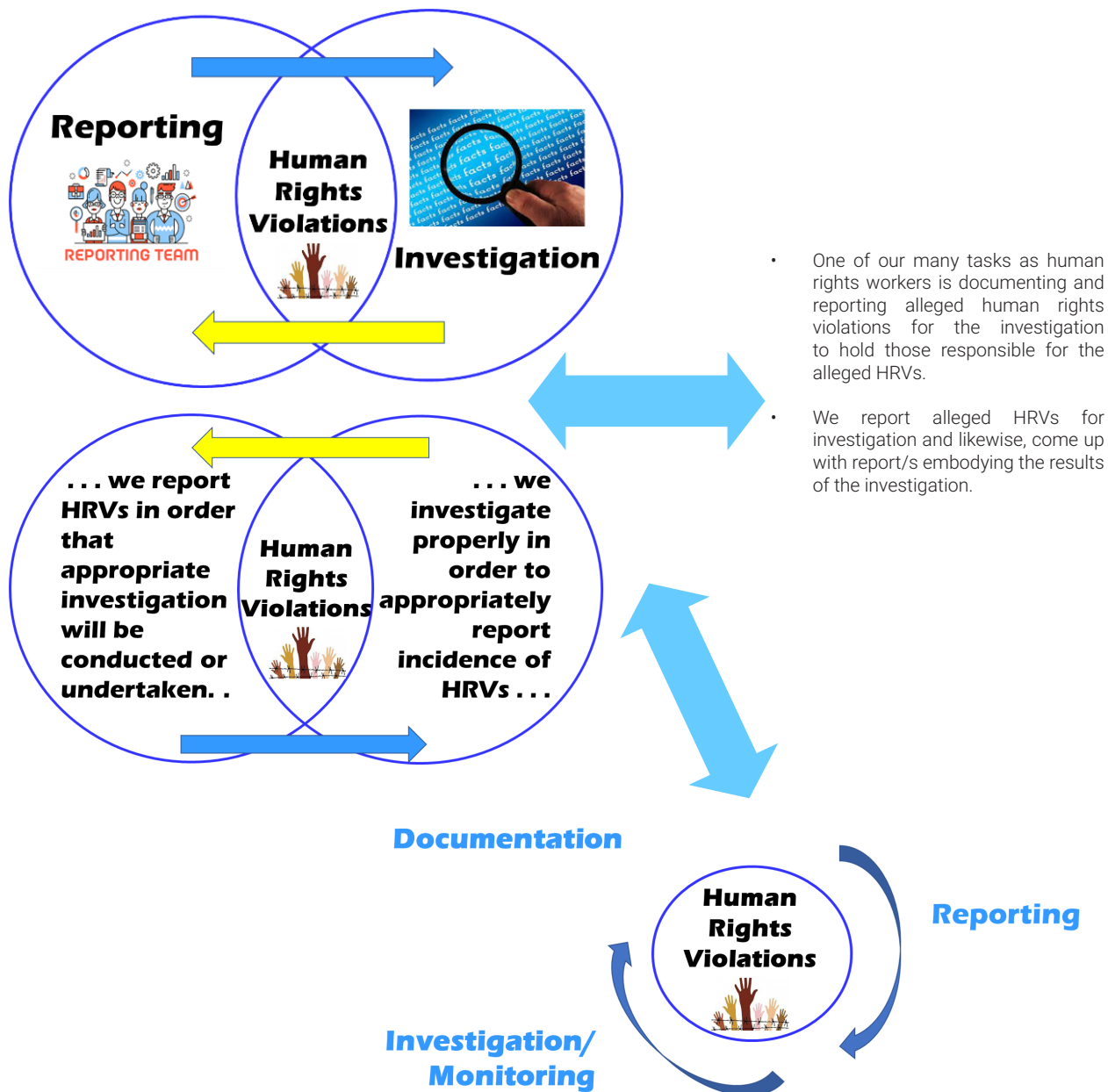
2007 Human Security Act	2020 Anti-Terror Act
SEC. 41. Disposition of the Seized, Sequestered, and Frozen Bank Deposits, Placements, Trust Accounts, Assets, and Record. - Upon his or her acquittal or the dismissal of the charges against him or her, the amount of Five Hundred Thousand pesos (P500,000.00) a day for the period in which his properties, assets, or funds were seized shall be paid to him on the concept of liquidated damages. The amount shall be taken from the appropriations of the police or law enforcement agency that caused the filing of the enumerated charges against him/her.	Sec. 31. Violation of the Rights of a Detainee. The penalty of imprisonment of ten (10) years shall be imposed upon any law enforcement agent or military personnel who has violated the rights of persons under their custody as provided for in Sections 29 and 30 of this Act. Unless the law enforcement agent or military personnel who violated the rights of a detainee or detainees as stated above is duly identified, the same penalty shall be imposed on the head of the law enforcement unit or military unit having custody of the detainee at the time the violation was done.

Implications:

- HSA charges damage to the person wrongfully arrested to the agency that caused the filing of the charges against the person, only upon acquittal or dismissal of said charges.
- ATA 2020 does not provide any monetary damages to persons who are wrongfully arrested. Instead, it provides a penalty of ten years imprisonment to any law enforcement agent or military personnel who violates the rights of persons under their custody. If the perpetrating personnel cannot be identified, the same penalty will be imposed on the head of the unit having custody of the detainee at the time of the violation.

Lecturette for Chapter IV

Rights-based Approach in Reporting and Investigating Human Rights Violations in the Context of ATA-related Cases and Incidents



♦ **What human rights violations are possible under the Anti-Terrorism Act?**

- The right to life, liberty, and security of a person
- The freedom of association, expression, assembly
- The right to a fair trial
- Right to privacy and its protection by the law
- Right to liberty and freedom of movement
- Freedom from arbitrary arrest or detention
- Freedom from torture and cruel, inhuman, or degrading treatment
- The right to equal protection of the law
- The right to vote and take part in the conduct of public affairs

♦ **In the context of R.A. 11479, otherwise known as “The Anti-Terrorism Act of 2020”; how will we do about Reporting and Investigating Human Rights Violations?**

- . . . a report, or an investigation is founded on a precisely good documentation, which includes:
 - Confirmation - the process of supporting a statement by evidence
 - Attestation - proving of the existence of something through evidence, an official verification of something as true or authentic
 - Corroboration to support with evidence or authority; make more certain
 - Substantiate - to establish by proof or competent evidence
 - Validation - determination of the degree of validity of the report.

♦ **Documenting Human Rights Violations** - could be based on a wide range of purposes:

- education – coming up with learning materials genuinely rooted in research, real facts etc.
- awareness-raising – similarly educating people utilizing truth-based learning materials,
- litigation – for seeking appropriate redress, and/or filing specific cases before tribunals of competent jurisdiction.
- direct assistance to victims – to come up with the appropriate remedies.
- historical records – to come up with an accurate account of the HRVs committed.
- It follows that the documenting process could be different according to the purpose on which it is carried out.

- ♦ **Documentation** - process consisting of several activities, namely:
 - determining what information is needed and establishing means for acquiring it;
 - recording the discovered information and storing such in appropriate containers (called documents) or collecting already-existing documents containing the needed information;
 - organizing the documents to make them more accessible; and
 - actually providing the documents to users who need the information.

- ♦ **5 Basic Tips on Documenting Human Rights Violations** Adapted from "5 Basic tips on documenting human rights violations during a political crisis" by Prof. Linireth Hernandez, Rafael Urdaneta University, and co-founder of CODHEZ (a local NGO based in Venezuela)
 - **Establishing trust during interviews**
 - Find a way to explain to the clients that what was happening to them (HRV) was out of the ordinary and that they had done nothing wrong.
 - Make sure they understood that the actions performed by law enforcers were violating their constitutional and human rights, and consequently, they were the victims; so the only way to place these events on record was reporting them.
 - always respect the victim's decision. This means keeping things private if this is their wish, and never judging them for refusing to report the HRV.

 - **Identifying the right location**
 - choosing a meeting place located **far enough from the "crime" scene**.
 - Try to make separate appointments for each victim individually and at different hours, this is recommended in order to keep things more private and strengthen the trust you already established with them.
 - person probably won't feel comfortable discussing their case around people they don't know.
 - constantly change the meeting times and places in order to avoid a routine that might be easily detected and intercepted.

 - **Choosing the right means of communication**
 - **Telephone communication must be avoided at all levels**, since interception of calls and text messages is very common in this scenery, even more so when this involves people who have been previously identified and are now a target.
 - not mentioning any meeting place or times through phone calls, all the directions must be agreed personally.
 - use keywords to identify the specific places where the documentation process would take place and where to go in case of an interception.

- **Creating backups**

- always have backups of the documentation, and backups of those backups, information collected shouldn't be kept in only one place, it is recommended to have an external hard drive with the data kept in a safe place, preferably someone you can trust.
- It is suggested you make regular backups of your cellphone so you don't keep any information about the victims or their cases in it, because this is something you usually carry everywhere and in case you're detained, it'll be confiscated and inspected.

- **Have a security protocol**

- It is important to be aware that, during a political and social crisis, documenting human rights violations for subsequent reports might have serious repercussions, and this is a reality you must accept.
- Therefore it is recommended to have a security protocol with your work team where you consider even the worst scenarios possible and decide which action plan you will use.
- This involves information like who to call in case you're detained, what level of public visibility you'd like to be given to your case, etc.)

♦ **Reporting Human Rights Violations**

- Human Rights Report
 - is meant to highlight violations committed by responsible parties.
 - It is often written by human rights advocacy organizations that submit their findings to monitoring bodies, whose purpose is to oversee the implementation of international human rights treaties provisions.

Report Human Rights Violations/Abuses!!!

- We can—and should—report human rights violations.
- Even if they are not prosecuted, publicity or the prospect of an investigation can have a restraining effect on the perpetrators.
- List the specific Articles of the Universal Declaration of Human Rights that have been violated.
- Report Human Rights Violations/Abuses!!!
- Include the:
 - date
 - time
 - place of the incident(s)

- name and position of the perpetrator(s)
- place of detention if applicable
- names and addresses of any witnesses and any other important details
- Organizations to report to:
 - Amnesty International
 - Human Rights Action Center
 - Human Rights Watch
 - Children's Defense Fund
 - Commission on Human Rights (CHR)
 - Bangsamoro Human Rights Commission(BHRC)
 - Other organizations

♦ **How to Write a Human Rights Report**

- human rights report is meant to highlight violations committed by responsible parties.
- often written by human rights advocacy organizations that submit their findings to monitoring bodies, whose purpose is to oversee the implementation of international human rights treaties provisions.
- Writing a successful report requires:
 - planning,
 - thorough research,
 - knowledge of human rights instruments,
 - concise language.
- **Understanding your relationship with the issue(s)**
 - Before beginning your report, establish parameters.
 - Are you writing as an individual, an international non-profit, or as a governmental organization?
 - Understanding your role will help clarify your writing process.
 - Factors such as access to information and name recognition will influence the impact of your report.
 - If writing as an individual, reach out to organizations that specialize in your issue(s) to work together and combine resources.
 - Furthermore, only those with Consultative Status at the United Nations will be able to submit a human rights report directly.
- **Defining your issue(s)**
 - After identifying your role – the perspective informing your report – define your issue(s).

- issues do not exist in a vacuum.
- Are you writing about a specific issue pertaining to a single country, a regional bloc, or the entire global community?
- The issue(s) in question has to be precisely defined in relation to its context (Cultural variables such as religion and tradition can be specific to particular countries, even regions within countries.)
- This will aid the author in identifying responsible parties committing possible human rights violations as well as pinpoint the group(s) who suffers the violations.
- **Establishing a legal framework**
 - Once you've identified the issue(s) and context, its time to place them within the legal framework of international covenants and conventions.
 - A trip to the Office of the High Commissioner for Human Rights' website, will give you a list of international treaties. Known as the Core International Human Rights Instruments, these treaties establish provisions for the protection of human rights.
 - Treaty provisions are then monitored by corresponding committees of experts who oversee the implementation of provisions by State parties.
- **Let's take a deep breath.**
 - Understanding the inner-workings of United Nation human rights mechanisms can be a daunting task. But comprehension of these mechanisms will help clarify and strengthen your report in the end.
 - After familiarizing yourself with the treaties, establish those that pertain to your issue(s).
 - When writing your report, information such as evidence of human rights violations will be organized alongside corresponding provisions.
 - Additionally, if submitting your report is also a goal, the correct monitoring body will have to be identified as well.
- **Gathering information**(It's time to do the research.)
 - research must validate the claims of human rights violations.
 - your information must come from bona fide sources such as peer-reviewed scholarship, non-profit publications, government statistics, and first-hand accounts.
 - Access to information is another reason why understanding your role is so important.
 - Working with an international non-profit that focuses in human rights can provide access to information not accessible to a lone academic.
 - While conducting research, make sure to keep up to date with monitoring bodies as well as human rights mechanisms such as the Universal Periodic Review.

- These mechanisms keep track of violations committed by responsible parties as well as the steps made by those parties to correct violations.
- An outdated human rights report will contribute nothing new.

- **Writing the report**

- After your initial draft, revise your report.
- Check for any grammatical errors and superfluous language.
- Your report should be right to the point. If working as a part of an advocacy team, have your peers offer input.
- A well-written and succinct report will keep the reader's attention and contribute to its impact.
- After finishing your research, you must compose the report. Luckily, this should be the easy part

♦ **Investigating Human Rights Violations/Abuses**

- **Human Rights Investigation:**

- refers to the process
- one gathers, or receives
- analyzes evidence
- and makes findings of fact regarding human rights violations.
- Applying the international human rights standards, norms and principles in relation to the Philippines obligations under the various international human rights treaties to which it is a Party, as well as domestic human rights framework and pertinent laws, rules and regulations;
- factual conclusions relating to the violations are determined authoritatively and definitely

- **How to Investigate Human Rights Violation**

1. Throwing the Net

- The first phase - be compared to throwing a fishing net.
- (Immediately after the incident took place, investigators should try to cast the widest possible net in order to gather as much evidence as possible.)
- The main task of the investigator is to identify, collect and document available evidence. (Usually after the incident of certain human rights violations took place, there is plenty of material evidence and testimonies.)
- It is crucial that investigators collect as much evidence as possible without trying to analyze or test it. (Analysis and tests are done in later stages.)
- The investigator must determine whether or not there is a path of evidence to follow.

- Furthermore, the investigator also must ask the question 'does certain evidence point to the existence of additional evidence'? (For example, the investigator goes to the place where the attack took place during a public protest and there he/she finds a press card. This card indicates that a representative of the media was present at the protest. The investigator finds the owner of the press card and it turns out that the TV crew was on the scene. From this information, the investigator draws new information on the TV crew, finds the TV crew and receives videos with recorded protests from them. Each time the investigator finds new evidence, he/she extends the net and increases the likelihood that more evidence will appear.)

2. Detecting the Case

- second phase of the investigation, when the investigator concludes that there are enough evidence collected.
- investigator must ensure that the majority of evidence is identified. At this point the investigator begins to detect the case.
- it is important to distinguish between detection of the case and the fabrication of the case. (The investigator must not fabricate the case by creating what he or she considers is the truth while applying a biased evaluation and manipulation of evidence.
- The investigator needs to detect the case while carefully reviewing the collected evidence and allowing the case to open itself and must leave aside all prejudices, biases and assumptions and "listen to what the evidence has to say."
- The investigator has to let the case be exactly what evidence says it is and not perform and shape conclusions for which he/she considers to be the ultimate reality of the case.
- Conclusion that is implied solely by the established facts. (Investigators like all other people often become victims of their own unconscious bias, expectations and beliefs. In order to remain objective throughout the investigation, the investigator is required to do some efforts: It is not enough to just be careful about not being biased since a person can unconsciously become biased.)
- Once the investigator detects the case, he/she can begin the process of formulating the theory and the list of suspects. (The evidence at this stage usually does not indicate a particular theory or suspect, but can support several different theories and may even be consistent with several different suspects. The investigator must identify every possible scenario and take into account all possible suspects.)

3. Investigating the Case

- The third phase of investigation goes back to search for evidence.
- The investigator, having identified all possible theories and suspects, goes in search of evidence that either supports or eliminates any theory or suspect. (During this phase, the investigator carefully examines the evidence in order to extract as much information as possible. For example, some physical evidence might have to be sent for forensic analysis or the witness statements must be checked in mutual comparison. While the investigator goes deeper into the case, he/she may find that some of the theories and some of the suspects will have to be eliminated, and, therefore, the other theories will become more likely used.)

4. Building the Case

- the investigator should have a clear idea of what has happened and who the responsible persons are, based on strong, credible and reliable evidence.
- it is important to concentrate on evidence in the light of the law. (The investigator critically examines the case and the laws he/she suspects have been violated in order to determine whether the evidence in this case meets the legal criteria.)
- The investigator must identify any gaps in the evidence, and develop strategies to fill these gaps. (There may be gaps in time because the investigator has no evidence of where the victim was before his/her death. There may be gaps in material evidence as the investigator still has not found the weapon used in the attack. During this last phase of the investigation, the investigator must be sure that every possible option is exhausted in filling these gaps.)
- The important task of examining the laws that apply to the certain human rights violations. (The assessment must be made regardless of whether the evidence shows all aspects or elements that a certain law has been breached. For example, during investigation of the cases of torture, the investigator may find that he/she has enough evidence that torture has been committed in order to identify the violators. However, following a subsequent interpretation of the legal definition of torture, the investigator understands that he/she has foreseen evidence that torture has been committed or induced by an official person, as required by Article 1 of the Convention against Torture and Other Inhumane and Degrading Treatment or Punishment (1975). The investigator must continue to search for evidence indicating this element of crime and torture. At the end of the investigation, the investigator should be able to produce a report that reflects a fundamental and professional investigation by revealing the truth about the event with credible and reliable evidence.)

Adapted from the four initial investigation phases by Dermot Groome, Handbook of Human Rights Investigation (2nd Ed.), PennState University, USA. Ada Hasanagić is a human rights professional currently working as a researcher at the Delegation of the International Committee of the Red Cross in Sarajevo, Bosnia and Herzegovina. Previously, Ada graduated with honors from the Sarajevo School of Science and Technology and the University of Buckingham in the fields of Political Science and International Relations. Also, she earned a master's degree in Democracy and Human Rights from the University of Sarajevo and University of Bologna.

♦ EIGHT PRINCIPLES OF EXCELLENT INVESTIGATION

1. Investigators must be as independent as possible.
 2. Investigators must be trained and experienced.
 3. All potentially relevant issues must be identified and, where appropriate, pursued.
 4. Investigations must be sufficiently resourced.
 5. All relevant physical and digital evidence must be identified, preserved, collected and examined as necessary.
 6. All relevant documentation must be secured and reviewed.
 7. All relevant witnesses must be identified, segregated where practical and thoroughly interviewed.
 8. The analysis of all the material gathered during the investigation must be objective and based solely on the facts.
- Source: Asia Pacific Forum, Undertaking Effective Investigations, a Guide for National Human Rights Institution

♦ Investigation Technics and Ethics

▪ **When necessary, e.g. high profile and/or complicated cases**

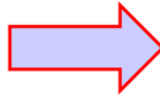


Investigator shall prepare an Investigation Plan



- **serves as guide in the conduct of his investigation**
- **provide the activities**
- **includes the schedule to conduct the investigation**

- **before going on a field mission, It is advisable to use a**



CHECKLIST

proper documentation

- **of activities undertaken**
- **as well as the information gathered during the course of the investigation.**

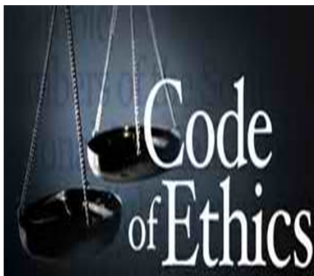


provides and lists all the activities to be undertaken by the investigator in the course of his probe and in accordance with his investigation plan.

Investigator and Lawyer in charge of the case:



all times, observe the Rules on Confidentiality of the Commission



to ensure the safety of the complainants, the witnesses, their families and even the investigator/s involved

Investigator in conducting an interview shall:



- **all times be courteous**
- **he/she shall introduce himself/herself and**
- **shall inform the interviewee of the purpose of the interview.**
- **he/she shall then inform the interviewee of his/her rights under the laws.**

- **To be informed of the nature of the complaint or report of human rights violations against him/her;**
- **To be informed of the right to remain silent and to be assisted by counsel preferably of his/her choice;**
- **Not to be compelled to be a witness against himself;**
- **Not to be subjected to force, violence, threat, intimidation, badgering, or any other means which vitiates his/her free will; and**
- **To have an interpreter, whenever necessary.**

Investigator shall at all times avoid revictimization



- **Duplication of interviews must be avoided whenever possible (whenever a previous one has already been exhaustively conducted)**



Investigator must at all times take into account their vulnerability and characteristics (Especially children and disabled persons, women in relation to certain crimes, etc.).

victim has already made statement to other investigating official or agencies



- **avoid needless and duplicitous interviews, which serve no other purpose but to badger and harass the victim**



peruse the affidavits and documents previously executed and submitted by the victim and should the same be sufficient, it shall be adopted in the investigation

- assess the risk faced by the victims and the witnesses
- make the necessary recommendations to the Regional Director and/or the Commission for the immediate provision of witness protection
- ensure the preservation of all the pieces of evidence gathered.
- shall likewise guarantee and observe the chain of custody in the gathering of evidence.
- duty to list down and make an inventory of all the pieces of evidence gathered during the investigation.
- cause the chronological filing of the records of the case and for the observance of proper pagination from the very first document to the end.

- shall consult from time to time the lawyers from the legal division to aid him/her in the preparation of his investigation reports.

◊ **The Investigator should always bear in mind the following standards:**

- must at all times remain neutral and objective.
- must conduct his investigation with impartiality and without bias.
- must keep an open mind during the conduct of his/her interviews.
- demeanor, assure the parties that he/she is seeking facts and information, and not expressing his/her own views or conclusions.
- always observe professionalism and objectivity in his/her work.
- must be an exemplar of competence in the field of investigation.
- must be thorough in the conduct of his/her investigation.
- investigation must cover the basic statements covered by the complaint, the statements of witnesses, and other matters, which may arise during the investigation.

should, attempt to interview all of the witnesses identified



if impossible to interview a witness, the *reason* for such impossibility should be *reflected* on the investigation report.



if people are reached, and yet declined the interview, the same should also be *reflected* in the report.



▪ must attempt to obtain all documentary evidence necessary for the case.



▪ In case the documents originate from government agencies, the investigator must see to it that they are authenticated so as to make them prosecution ready.

♦ Standards in Interviewing Witnesses

- complainant should normally be interviewed first,
- Adherence with the specific guidelines in interviewing women and children and others with vulnerability.
- should always be courteous and respectful.

must conduct a thorough review of the background/ record of the case



- *prepare before hand a list of the person/s to be interviewed*
- *the questions he will ask during the interview*



- *to be able to obtain the needed information that will aid him/her in the investigation of the case*

- must listen carefully to the answers given to be able to ask the appropriate follow-up question;
- likewise remain keen on the details provided, particularly those which may provide information on further evidence and/or witnesses relevant to the case.
- must not be afraid to deviate from his set of prepared questions.
- must be flexible, and be able to modify questions based on the answers given.

Leading Questions



- **at the outset, must be avoided, except *when dealing with child witnesses.***



- **Also, when, after several questions, draws nothing from interviewee, he may refresh his/her memory a fact or reference given earlier if he/she recalls the same.**
- **Never suggest the answer.**

follow-up interview

- clarify matters and to confront witnesses with documentary or object evidence

- inconsistencies are revealed regarding witnesses' or a parties' statement

Investigator should pursue and explore such inconsistencies

- should be careful so as to avoid revictimization

Documentation of Interview

must record the place and time of the interview

identify those present during the interview



Statements taken must once again to be read for the affiant's affirmation and oath.

◇ Questioning Techniques

"Garbage in, garbage out."

If you put the wrong information in, you'll get the wrong information out.



- If you ask the wrong questions, you'll probably get the wrong answers, or at least not quite what you're hoping for.

♦ Open and Closed Questions

Closed Question

- usually receives a single word or very short, factual answer.
- Example, "Gwapo ba ko?" The answer is "Ambot nimo!! (Yes" or "No"); "Where do you live?" The answer is generally the name of your town or your address
- Testing your understanding, or the other person's: "How could he do it?"
- Concluding a discussion or making a decision: "Now we know the facts, are we all agreed this is the right course of action?"
- Frame setting: "Are you happy with the results of the laboratory exam?"
- A misplaced closed question can kill the conversation and lead to awkward silences, so are best avoided when a conversation is in full flow.

Open Question

- elicit longer answers.
- usually begin with what, why, how.
- knowledge, opinion or feelings. "Tell me" and "describe" etc.
- OPEN Questions - are good for:
 - Developing an open conversation: "What did you observe that moment?"
 - Finding out more detail: "What else did you observe?"
 - Finding out the other person's opinion or issues: "What do you think about those blooded undergarments retrieved by the police officers in the garage?"

FUNNEL Questions - technique involves starting with general questions;

- then homing in on a point in each answer;
- and asking more and more detail at each level.
(often used by detectives taking statement from a witness)

Ex.

Q-"How many people were involved in the fight?"

A- "About ten."

Q- "Were they kids or adults?"

A- "Mostly kids."

Q - "What sort of ages were they?"

A - "About fourteen or fifteen."

Q - "Were any of them wearing anything distinctive?"

A - "Yes, several of them had red baseball caps on."

Q - "Can you remember if there was a logo on any of the caps?"

A - yes, I remember seeing a big letter N

- the witness is helped re-live the scene and gradually focus on a useful detail.

- he'll be able to identify young men wearing a hat seen the CCTV footage



Tip:

- When using funnel questioning, start with closed questions. As you progress through the tunnel, start using more open questions.

Funnel Questions are good for:

- Finding out more detail about a specific point: "Tell me more about Option 2."
- Gaining the interest or increasing the confidence of the person you're speaking with: "Have you used the IT Helpdesk?", "Did they solve your problem?", "What was the attitude of the person who took your call?"

PROBING Questions - strategy for finding out more detail;

- simple as asking your respondent for an example;
- help you understand a statement they have made.

Good for:

- Gaining clarification to ensure you have the whole story and that you understand it thoroughly;
- Drawing information out of people who are trying to avoid telling you something.

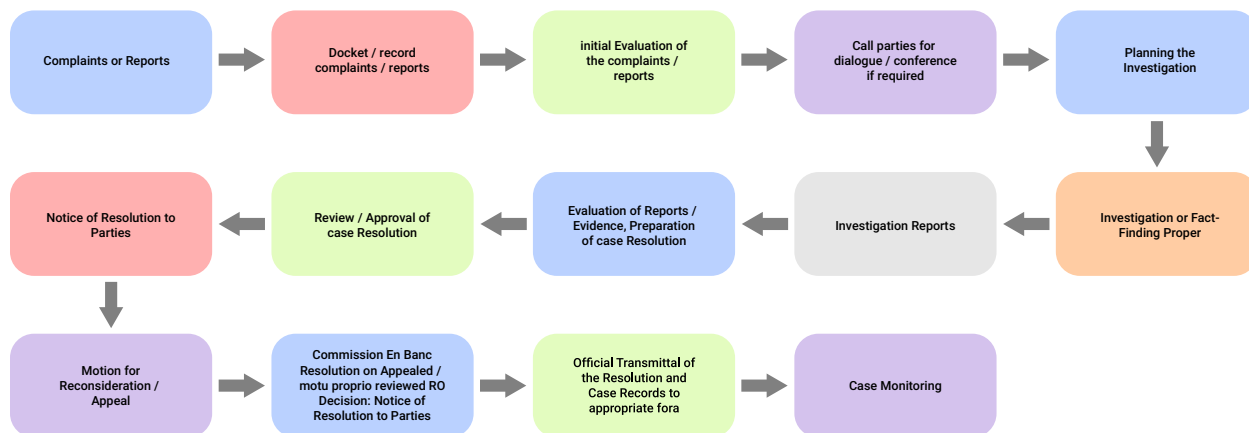


Tip :

- Use questions that include the word "exactly" to probe further: "What exactly do you mean by fast-track?"

- ◇ This is the CHR's Investigation and Case Management process flow. The process commence upon reception of the case, from the HRV victim themselves, or motu proprio, relative published allegations of HRVs happening the regional AOR of the regional offices. The rest of the process are self explanatory.

INVESTIGATION and CASE MANAGEMENT PROCESS



The Anti-Terrorism Act of 2020

**Republic of the Philippines
Congress of the Philippines
Metro Manila**

Eighteenth Congress

First Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, two thousand nineteen.

[REPUBLIC ACT NO. 11479, July 03, 2020]

**AN ACT TO PREVENT, PROHIBIT AND PENALIZE TERRORISM,
THEREBY REPEALING REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS THE
“HUMAN SECURITY ACT OF 2007”**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Short Title.- This Act shall henceforth be known as “The Anti-Terrorism Act of 2020”.

Section 2. Declaration of Policy.- It is declared a policy of the State to protect life, liberty, and property from terrorism, to condemn terrorism as inimical and dangerous to the national security of the country and to have welfare of the people, and to make terrorism a crime against the Filipino people, against humanity, and against The Law of Nations.

In the implementation of the policy stated above, the State shall uphold the basic rights and fundamental liberties of the people as enshrined in the Constitution.

The State recognizes that the fight against terrorism requires a comprehensive approach, comprising political, economic, diplomatic, military, and legal means duly taking into account the root cause of terrorism and/or criminal activities. Such measures shall include conflict management and post-conflict peace building, addressing the roots of conflict by building state capacity and promoting equitable economic development.

Nothing in this Act shall be interpreted as a curtailment, restriction or diminution of constitutionally recognized powers of the executive branch of the government. It is to be understood, however, that the exercise of the constitutionally recognized powers of the executive department of the government shall not prejudice respect for human rights which shall be absolute and protected at all times.

Section 3. Definition of Terms. - as used in this Act:

(a) Critical Infrastructure shall refer to an asset or system, whether physical or virtual, so essential to the maintenance of vital societal functions or to the delivery of essential public services that the incapacity or destruction of such systems and assets would have a debilitating impact on national defense and security, national economy, public health or safety, there administration of justice, and other functions analogous thereto. It may include, but is not limited to, an asset or system affecting telecommunications, water and energy supply, emergency services, food security, fuel supply, banking and finance, transportation, radio and television, information systems and technology, chemical and nuclear sectors;

(b) Designated Person shall refer to: Any individual, group of persons, organizations, or associations designated and/or identified by the United Nations Security Council, or another jurisdiction, or supranational jurisdiction as a terrorist, one who finances terrorism, or a terrorist organization or group; or

Any person, organization, association, or group of persons designated under paragraph 3 Section 25 of this Act.

For purposes of this Act, the above definition shall be in addition to the definition of designated persons under Section 3(e) of Republic Act No. 10168, otherwise known as the "Terrorism Financing Prevention and Suppression Act of 2012".

(c) Extraordinary Rendition shall refer to the transfer of a person, suspected of being a terrorist or supporter of a terrorist organization, association, or group of persons to a foreign nation for imprisonment and interrogation on behalf of the transferring nation. The extraordinary rendition may be done without framing any formal charges, trial, or approval of the court.

(d) International Organization shall refer to an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality;

(e) Material Support shall refer to any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (one or more individuals who may be or include oneself), and transportation;

(f) Proliferation of Weapons of Mass Destruction shall refer to the transfer and export of chemical, biological, radiological, or nuclear weapons, their means of delivery and related materials;

(g) Proposal to Commit Terrorism is committed when a person who has decided to commit any of the crimes defined and penalized under the provisions of this Act proposes its execution to some other person or persons;

(h) Recruit shall refer to any act to encourage other people to join a terrorist individual or organization, association or group of persons proscribed under Section 26 of this Act, or designated by the United Nations Security Council as a terrorist organization, or organized for the purposed of engaging in terrorism;

(i) Surveillance Activities shall refer to the act of tracking down, following, or investigating individual or organizations; or the tapping, listening, intercepting, and recording of messages, conversations, discussions, spoken or written words including computer and network surveillance, and other communications of individuals engaged in terrorism as defined hereunder;

(j) Supranational Jurisdiction shall refer to an international organization or union in which the power and influence of member states transcend national boundaries or interests to share in decision-making and vote on issues concerning the collective body , i.e. the European Union;

(k) Training shall refer to the giving of instruction or teaching designed to impart a specific skill in relation to terrorism as defined hereunder, as opposed to general knowledge;

(l) Terrorist Individual shall refer to any natural person who commits any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this Act;

(m) Terrorist Organization, Association or Group of Persons shall refer to any entity organized for the purpose of engaging in terrorism, or those proscribed under Section 26

hereof of the United Nations Security Council-designated terrorist organization; and

(n) Weapons of Mass Destruction (WMD) shall refer to chemical, biological, radiological, or nuclear weapons which are capable of a high order of destruction or causing mass casualties. It excludes the means of transporting or propelling the weapon where such means is a separable and divisible part from the weapon.

Section 4. Terrorism.- Subject to Section 49 of this Act, terrorism is committed by any person who, within or outside the Philippines, regardless of the stage of execution:

(a) Engages in acts intended to cause death or serious bodily injury to any person, or endangers a person's life;

(b) Engages in acts intended to cause extensive damage or destruction to a government or public facility, public place or private property;

(c) Engages in acts intended to cause extensive interference with, damage or destruction to critical infrastructure;

(d) Develops, manufactures, possesses, acquires, transports, supplies or uses weapons, explosives or of biological, nuclear, radiological or chemical weapons; and

(e) Release of dangerous substances, or causing fire, floods or explosions.

when the purpose of such act, by its nature and context, is to intimidate the general public or a segment thereof, create an atmosphere or spread a message of fear, to provoke or influence by intimidation the government or any international organization, or seriously destabilize or destroy the fundamental political, economic, or social structures of the country, or create a public emergency or seriously undermine public safety, shall be guilty of committing terrorism and shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592, otherwise known as "An Act Amending Articles 29, 94, 97, 98 and 99 of Act No. 3815, as amended, otherwise known as the Revised Penal Code". Provided, That, terrorism as defined in this section shall not include advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights, which are not intended to cause death or serious physical harm to a person, to endanger a person's life, or to create a serious risk to public safety.

Section 5. Threat to Commit Terrorism.- Any person who shall threaten to commit any of

the acts mentioned in Section 4 hereof shall suffer the penalty of imprisonment of twelve (12) years.

Section 6. Planning, Training, Preparing, and facilitating the Commission of Terrorism.- it shall be unlawful for any person to participate in the planning, training, preparation and facilitation in the commission of terrorism, possessing objects connected with the preparation for the commission of terrorism, or collecting or making documents connected with the preparation of terrorism. Any person found guilty of the provisions of this Act shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592.

Section 7. Conspiracy to Commit Terrorism.- Any conspiracy to commit terrorism as defined and penalized under Section 4 of this Act shall suffer the penalty of life imprisonment without the benefit of parole and the benefit of Republic Act No. 10592.

There is conspiracy when two (2) or more persons come to an agreement concerning the commission of terrorism as defined in Section 4 hereof and decide to commit the same.

Section 8. Proposal to Commit Terrorism.- Any person who proposes to commit terrorism as defined in section 4 hereof shall suffer the penalty of imprisonment of twelve (12) years.

Section 9. Inciting to Commit Terrorism.- Any person who without taking any direct part in the commission of terrorism, shall include others to the execution of any of the acts specified in Section 4 hereof by means of speeches, proclamations, writings, emblems, banners or other representations tending to the same end, shall suffer the penalty of imprisonment of twelve (12) years.

Section 10. Recruitment to and Membership in a Terrorist Organization.- Any person who shall recruit another to participate in, join, commit or support terrorism or a terrorist individual or any terrorist organization, association or group of persons proscribed under Section 26 of this Act, or designated by the United Nations Security Council as a terrorist organization, or organized for the purpose of engaging in terrorism, shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592.

The same penalty shall be imposed on any person who organizes or facilitates the travel of individuals to a state other than their state of residence or nationality for the purpose of recruitment which may be committed through any of the following means:

(a) Recruiting another person to serve in any capacity in or with an armed force in a foreign state, whether the armed force forms part of the armed forces of the government of that foreign state or otherwise;

(b) Publishing an advertisement or propaganda for the purpose of recruiting persons to serve in any capacity in or with such armed force;

(c) Publishing an advertisement or propaganda containing any information relating to the place at which or the manner in which persons may make applications to serve or obtain information relating to service in any capacity in or with such armed force or relating to the manner in which persons may travel to a foreign state for the purpose of serving in any capacity in or with such armed force; or

(d) Performing any other act with intention of facilitating or promoting the recruitment of persons to serve in any capacity in or with such armed force.

Any person who shall voluntarily and knowingly join any organization, association or group of persons knowing that such organization, association or group of persons is proscribed under Section 26 of this Act, or designated by the United Nations Security Council as a terrorist organization, or organized for the purpose of engaging in terrorism, shall suffer the penalty of imprisonment of twelve (12) years.

Section 11. Foreign Terrorist.- The following acts are unlawful and shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592:

(a) For any person to travel or attempt to travel to a state other than his/her state of residence or nationality for the purpose of perpetrating, planning, or preparing for, or participating in terrorism, or providing or receiving terrorist training;

(b) For any person to organize or facilitate the travel of individuals who travel to a state other than their states of residence or nationality knowing that such travel is for the purpose of perpetrating, planning, training, or preparing for, or participating in terrorism or providing or receiving terrorist training; or

(c) For any person residing abroad who comes to the Philippines to participate in perpetrating, planning, training, or preparing for, or participating in terrorism or provide support for or facilitate or receive terrorist training here or abroad.

Section 12. Providing Material Support to Terrorists.- Any person who provides material support to any terrorist individual or terrorist organization, association or group of persons committing any of the acts punishable under Section 4 hereof, knowing that such individual or organization, association, or group of persons is committing or planning to commit such acts, shall be liable as principal to any and all terrorist activities committed by said individuals or organizations, in addition to other criminal liabilities he/she or they may have incurred in relation thereto.

Section 13. Humanitarian Exemption.- Humanitarian activities undertaken by the International Committee of the Red Cross (ICRC), the Philippine Red Cross (PRC), and other state-recognized impartial humanitarian partners or organizations in conformity with the International Humanitarian Law (IHL), do not fall within the scope of Section 12 of this Act.

Section 14. Accessory.- Any person who having knowledge of the commission of any of the crimes defined and penalized under Section 4 of this Act, without having participated therein, takes part subsequent to its commission in any of the following manner: (a) by profiting himself/herself or assisting the offender to profit by the effects of the crime; (b) by concealing or destroying the body of the crime, or the effects, or instruments thereof, in order to prevent its discovery; or (c) by harboring, concealing, or assisting in the escape of the principal or conspirator of the crime, shall be liable as an accessory and shall suffer the penalty of imprisonment of twelve (12) years.

No person, regardless of relationship or affinity, shall be exempt from liability under this section.

Section 15. Penalty for Public Official.- If the offender found guilty of any of the acts defined and penalized under any of the provisions of this Act is a public official or employee, he/she shall be charged with the administrative offense of grave misconduct and/or disloyalty to the Republic of the Philippines and the Filipino people, and be meted with the penalty of dismissal from the service, with the accessory penalties of cancellation of civil service eligibility, forfeiture of retirement benefits and perpetual absolute disqualification from running for any elective office or holding any public office.

Section 16. Surveillance of Suspects and Interception and Recording of Communications.- The provisions of Republic Act No. 4200, otherwise known as the "Anti-Wire Tapping Law" to the contrary notwithstanding, a law enforcement agent or military personnel may, upon a written order of the Court of Appeals secretly wiretap, overhear and listen to, intercept, screen, read, survey, record or collect, with the use of any mode, form, kind or type of

electronic, mechanical or other equipment or device or technology now known or may hereafter be known to science or with the use of any other suitable ways and means for the above purposes, any private communications, conversation, discussion/s, data, information, messages in whatever form, kind or nature, spoken or written words (a) between members of a judicially declared and outlawed terrorist organization, as provided in Section 26 of this Act; (b) between members of a designated person as defined in Section 3(e) of Republic Act No. 10168; or (c) any person charged with or suspected of committing any of the crimes defined and penalized under the provisions of this Act: Provided, That, surveillance, interception and recording of communications between lawyers and clients, doctors and patients, journalists and their sources and confidential business correspondence shall not be authorized.

The law enforcement agent or military personnel shall likewise be obligated to (1) file an ex-parte application with the Court of Appeals for the issuance of an order, to compel telecommunications service providers (TSP) and internet service providers (ISP) to produce all customer information and identification records as well as call and text data records, content and other cellular or internet metadata of any person suspected of any of the crimes defined and penalized under the provisions of this Act; and (2) furnish the National Telecommunications Commission (NTC) a copy of said application. The NTC shall likewise be notified upon the issuance of the order for the purpose of ensuring immediate compliance.

Section 17. Judicial Authorization, Requisites.- The authorizing division of the Court of Appeals shall issue a written order to conduct the acts mentioned in Section 16 of this ACT upon:

(a) Filing of an ex parte written application by a law enforcement agent or military personnel, who has been duly authorized in writing by the Anti Terrorism Council (ATC); and

(b) After examination under oath or affirmation of the applicant and the witnesses he/she may produce, the issuing court determines:

(1) that there is probable cause to believe based on personal knowledge of facts or circumstances that the crimes defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this Act has been committed, or is being committed, or is about to be committed; and

(2) that there is probable cause to believe based on personal knowledge of facts or circumstances that evidence, which is essential to the conviction of any charged or suspected person for, or to the solution or prevention of any such crimes, will be obtained.

Section 18. Classification and Contents of the Order of the Court.- The written order granted by the authorizing division of the Court of Appeals as well as the application for such order, shall be deemed and are hereby declared as classified information. Being classified information, access to the said documents and any information contained in the said documents shall be limited to the applicants, duly authorized personnel of the ATC, the hearing justices, the clerk of court and duly authorized personnel of the hearing or issuing court. The written order of the authorizing division of the Court of appeals shall specify the following: (a) the identity, such as name and address, if known, of the person or persons whose communications, messages, conversations, discussions, or spoken or written words are to be tracked down, tapped, listened to, intercepted, and recorded; and in the case of radio electronic, or telephonic (whether wireless or otherwise) communications, messages, conversations, discussions, or spoken or written words, the electronic transmission systems or the telephone numbers to be tracked down, tapped, listened to, intercepted, and recorded and their locations or if the person or persons suspected of committing any of the crimes defined and penalized under the provisions of this Act are not fully known, such person or persons shall be the subject of continuous surveillance; (b) the identity of the law enforcement agent or military personnel, including the individual identity of the members of his team, judicially authorized to undertake surveillance activities; (c) the offense or offenses committed, or being committed, or sought to be prevented; and, (d) the length of time within which the authorization shall be used or carried out.

Section 19. Effective Period of Judicial Authorization.- Any authorization granted by the Court of Appeals, pursuant to Section 17 of this Act, shall only be effective for the length of time specified in the written order of the authorizing division of the Court of Appeals which shall not exceed a period of sixty (60) days from the date of receipt of the written order by the applicant law enforcement agent or military personnel.

The authorizing division of the Court of Appeals may extend or renew the said authorization to a non-extendible period, which shall not exceed thirty (30) days from the expiration of the original period: Provided, That the issuing court is satisfied that such extension or renewal is in the public interest: and Provided, further, That the ex parte application for extension or renewal, which must be filed by the original applicant, has been duly authorized in writing by the ATC.

In case of death of the original applicant or in case he/she is physically disabled to file the application for extension or renewal, the one next in rank to the original applicant among the members of the team named in the original written order shall file the application for extension or renewal: Provided, finally, That, the applicant law enforcement agent or military personnel shall have thirty (30) days after the termination of the period granted by the Court of Appeals as provided in the preceding paragraphs within which to file the appropriate case before the Public Prosecutor's Office for any violation of this Act.

For purposes of this provision, the issuing court shall require the applicant law enforcement or military official to inform the court, after the lapse of the thirty (30)-day period of the fact that an appropriate case for violation of this Act has been filed with the Public Prosecutor's Office.

Section 20. Custody of Intercepted and Recorded Communications.- All tapes, disc, other storage devices, recording, notes, memoranda, summaries, excerpts and all copies thereof obtained under the judicial authorization granted by the Court of Appeals shall, within forty-eight (48) hours after the expiration of the period fixed in the written order or the extension or renewal granted thereafter, be deposited with the issuing court in a sealed envelope or sealed package, as the case may be, and shall be accompanied by a joint affidavit of the applicant law enforcement agent or military personnel and the members of his/her team.

In case of death of the applicant or in case he/she is physically disabled to execute the required affidavit, the one next in rank to the applicant among the members of the team named in the written order of the authorizing division of the Court of Appeals shall execute with the members of the team that required affidavit.

It shall be unlawful for any person, law enforcement agent or military personnel or any custodian of the tapes, disc, other storage devices recordings, notes, memoranda, summaries, excerpts and all copies thereof to remove, delete, expunge, incinerate, shred or destroy in any manner the items enumerated above in whole or in part under any pretext whatsoever.

Any person who removes, deletes, expunges, incinerates, shreds or destroys the items enumerated above shall suffer the penalty of imprisonment of ten (10) years.

Section 21. Contents of Joint Affidavit.- The joint affidavit of the law enforcement agent or military personnel shall state: (a) the number of tapes, disc, and recordings that have been made; (b) the dates and times covered by each of such tapes, disc, and recordings; and (c)

the chain of custody or the list of persons who had possession or custody over the tapes, discs and recordings.

The joint affidavit shall also certify under oath that no duplicates or copies of the whole or any part of any such tapes, discs, other storage devices, recordings, notes, memoranda, summaries, or excerpts have been made, or, if made, that all such duplicates and copies are included in the sealed envelope or sealed package, as the case may be, deposited with the authorizing division of the Court of Appeals.

It shall be unlawful for any person, law enforcement agent or military personnel to omit or exclude from the joint affidavit any item or portion thereof mentioned in this section.

Any person, law enforcement agent or military officer who violates any of the acts proscribed in the preceding paragraph shall suffer the penalty of imprisonment of ten (10) years.

Section 22. Disposition of Deposited Materials.- The sealed envelope or sealed package and the contents thereof, referred to in Section 20 of this Act, shall be deemed and are hereby declared classified information. The sealed envelope or sealed package shall not be opened, disclosed, or used as evidence unless authorized by a written order of the authorizing division of the Court of Appeals which written order shall be granted only upon a written application of the Department of Justice (DOJ) duly authorized in writing by the ATC to file the application with proper written notice to the person whose conversation, communication, message, discussion or spoken or written words have been the subject of surveillance, monitoring, recording and interception to open, reveal, divulge, and use the contents of the sealed envelope or sealed package as evidence.

The written application, with notice to the party concerned, for the opening, replaying, disclosing, or using as evidence of the sealed package or the contents thereof, shall clearly state the purpose or reason for its opening, replaying, disclosing, or its being used as evidence.

Violation of this section shall be penalized by imprisonment of (10) years.

Section 23. Evidentiary Value of Deposited Materials.- Any listened to, intercepted, and recorded communications, messages, conversations, discussions, or spoken or written words, or any part or parts thereof, or any information or fact contained therein, including their existence, content, substance, purport, effect, or meaning, which have been secured in violation of the pertinent provisions of this Act, shall be inadmissible and cannot be used

as evidence against anybody in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

Section 24. Unauthorized or Malicious Interceptions and/ or Recordings.- Any law enforcement agent or military personnel who conducts surveillance activities without a valid judicial authorization pursuant to Section 17 of this Act shall be guilty of this offense and shall suffer the penalty of imprisonment of ten (10) years. All information that have been maliciously procured should be made available to the aggrieved party.

Section 25. Designation of Terrorist Individual, Groups of Persons, Organizations or Associations.- Pursuant to our obligations under United Nations Security Council Resolution (UNSCR) No. 1373, the ATC shall automatically adopt the United Nations Security Council Consolidated List of designated individuals, group of persons, organizations, or associations designated and/or identified as a terrorist, one who finances terrorism, or a terrorist organization or group.

Request for designation by other jurisdictions of supranational jurisdictions may be adopted by the ATC after determination that the proposed designee meets the criteria for designation of UNSCR No. 1373.

The ATC may designate an individual, groups of persons, organization, or association, whether domestic or foreign, upon a finding of probable cause that the individual, groups of persons, organization, or association commit, or attempt to commit, or conspire in the commission of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act.

The assets of the designated individual, groups of persons, organization or association above-mentioned shall be subject to the authority of the Anti-Money Laundering Council (AMLC) to freeze pursuant to Section 11 of Republic Act No. 10168.

The designation shall be without prejudice to the proscription of terrorist organizations, associations, or groups of persons under Section 26 of this Act.

Section 26. Proscription of Terrorist Organizations, Association, or Group of Persons.- Any group of persons, organization, or association, which commits any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, or organized for the purpose of engaging in terrorism shall, upon application of the DOJ before the authorizing division of the Court of Appeals with due notice and opportunity to be heard given to the

group of persons, organization or association, be declared as a terrorist and outlawed group of persons, and organization or association, by the said Court.

The application shall be filed with an urgent prayer for the issuance of a preliminary order or proscription. No application for proscription shall be filed without the authority of the ATC upon the recommendation of the National Intelligence Coordinating Agency (NICA).

Section 27. Preliminary Order of Proscription.- Where the Court has determined that probable cause exists on the basis of the verified application which is sufficient in form and substance, that the issuance of an order of proscription is necessary to prevent the commission of terrorism, he/she shall, within seventy-two (72) hours from the filing of the application, issue a preliminary order of proscription declaring that the respondent is a terrorist and an outlawed organization or association within the meaning of Section 26 of this Act.

The court shall immediately commence and conduct continuous hearings, which should be completed within six (6) months from the application has been filed, to determine whether:

- (a) The preliminary order of proscription should be made permanent;
- (b) A permanent order of proscription should be issued in case no preliminary order was issued; or
- (c) A preliminary order of proscription should be lifted. It shall be the burden of the applicant to prove that the respondent is a terrorist and an outlawed organization or association within the meaning of Section 26 of this Act before the court issues an order of proscription whether preliminary or permanent.

The permanent order of proscription herein granted shall be published in a newspaper of general circulation. It shall be valid for a period of three (3) years after which, a review of such order shall be made and if circumstances warrant, the same shall be lifted.

Section 28. Request to Proscribe from Foreign Jurisdictions and Supranational Jurisdictions.- Consistent with the national interest, all requests for proscription made by another jurisdiction or supranational jurisdiction shall be referred by the Department of Foreign Affairs (DFA) to the ATC to determine, with the assistance of the NICA, if proscription under Section 26 of this Act is warranted. If the request for proscription is granted, the ATC shall correspondingly commence proscription proceedings through DOJ.

Section 29. Detention Without Judicial Warrant of Arrest. - The provisions of Article 125 of the revised Penal Code to the contrary notwithstanding, any law enforcement agent or military personnel, who, having been duly authorized in writing by the ATC has taken custody of a person suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, shall, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said suspected person to the proper judicial authority within a period of fourteen (14) calendar days counted from the moment the said suspected person has been apprehended or arrested, detained, and taken into custody by the law enforcement agent or military personnel. The period of detention may be extended to a maximum period of (10) calendar days if it is established that (1) further detention of the person/s is necessary to preserve evidence related to terrorism or complete the investigation; (2) further detention of the person/s is necessary to prevent the commission of another terrorism; and (3) the investigation is being conducted properly and without delay.

Immediately after taking custody of a person suspected of committing terrorism or any member of a group of persons, organization or association proscribed under Section 26 hereof, the law enforcement agent or military personnel shall notify in writing the judge of the court nearest the place of apprehension or arrest of the following facts: (a) the time, date, and manner of arrest; (b) the location or locations of the detained suspect/s and (c) the physical and mental condition of the detained suspect/s. The law enforcement agent or military personnel shall likewise furnish the ATC and the Commission on Human Rights (CHR) of the written notice given to the judge.

The head of the detaining facility shall ensure that the detained suspect is informed of his/her rights as a detainee and shall ensure access to the detainee by his/her counsel or agencies and entities authorized by law to exercise visitorial powers over detention facilities.

The penalty of imprisonment of ten (10) years shall be imposed upon the police or law enforcement agent or military personnel who fails to notify any judge as provided in the preceding paragraph.

Section 30. Rights of a Person under Custodial Detention. - The moment a person charged with or suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act is apprehended or arrested and detained, he/she shall forthwith be informed, by the arresting law enforcement agent or military personnel to

whose custody the person concerned is brought, of his/her right: (a) to be informed of the nature and cause of his/her arrest, to remain silent and to have competent and independent counsel preferably of his/her right: (a) to be informed of the nature and cause of his/her arrest, to remain silent and to have competent and independent counsel preferably of his/her choice. If the person cannot afford the services of counsel of his/her choice, the law enforcement agent or military personnel concerned shall immediately contact the free legal assistance unit of the Integrated Bar of the Philippines (IBP) or the Public Attorney's Office (PAO). It shall be the duty of the free legal assistance unit of the IBP or the PAO thus contacted to immediately visit the person/s detained and provide him/her with legal assistance. These rights cannot be waived except in writing and in the presence of his/her counsel of choice: (b) informed of the cause or causes of his/her detention in the presence of his legal counsel; (c) allowed to communicate freely with his/her legal counsel and to confer with them at any time without restriction; (d) allowed to communicate freely and privately without restrictions with the members of his/her family or with his/her nearest relatives and to be visited by them; and, (e) allowed freely to avail of the service of a physician or physicians of choice.

Section 31. Violation of the Rights of a Detainee. - The penalty of imprisonment of ten (10) years shall be imposed upon any law enforcement agent or military personnel who has violated the rights of persons under their custody, as provided for in Section 29 and 30 of this Act.

Unless the law enforcement agent or military personnel who violated the rights of a detainee or detainees as stated above is duly identified, the same penalty shall be imposed on the head of the law enforcement unit or military unit having custody of the detainee at the time the violation was done.

Section 32. Official Custodial Logbook and Its Contents. - The law enforcement custodial, unit in whose care and control the person suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this Act has been placed under custodial arrest and detention shall keep a securely and orderly maintained official logbook, which is hereby declared as a public document and opened to and made available for the inspection and scrutiny of the lawyer of the person under custody or any member of his/her family or relative by consanguinity or affinity within the fourth civil degree or his/her physician at any time of the day or night subject to be reasonable restrictions by the custodial facility. The logbook shall contain a clear and concise record of; (a) the name, description, and address of the detained person; (b) the date and exact time of his/her initial admission for custodial arrest and detention: (c) the name and address of the physician or

physicians who examined him/her physically and medically; (d) the state of his/her health and physical condition at the time of his/her initial admission for custodial detention; (e) the date and time of each removal of the detained person from his/her cell for interrogation or for any purpose; (f) the date and time of his/her return to his/her cell; (g) the name and address of the physician or physicians who physically and medically examined him/her after each interrogation; (h) a summary of the physical and medical findings on the detained person after each of such interrogation; (i) the names and addresses of his/her family members and nearest relatives if any and if available; (j) the names and addresses of persons, who visit the detained person; (k) the date and time of each of such visit; (l) the date and time of each request of the detained person to communicate and confer with his/her legal counsel or counsels; (m) the date and time of each visit, and date and time of each departure of his/her legal counsel or counsels; and (n) all other important events bearing on and all relevant details regarding the treatment of the detained person while under custodial arrest and detention.

The said law enforcement custodial unit shall upon demand of the aforementioned lawyer or members of the family or relatives within the fourth civil degree of consanguinity or affinity of the person under custody of his/her physician, issue a certified true copy of the entries of the logbook relative to the concerned detained person subject to reasonable restrictions by the custodial facility. This certified true copy may be attested by the person who has custody of the logbook or who allowed the party concerned to scrutinize it at the time the demand for the certified true copy is made.

The law enforcement custodial unit who fails to comply with the preceding paragraphs to keep an official logbook shall suffer the penalty of imprisonment of ten (10) years.

Section 33. No Torture or Coercion in Investigation and Interrogation. - The use of torture and other cruel, inhumane and degrading treatment or punishment, as defined in Sections 4 and 5 of Republic Act no. 9745 otherwise known as the "Anti-Torture Act of 2009," at any time during the investigation or interrogation of a detained suspected terrorist is absolutely prohibited and shall be penalized under said law. Any evidence obtained from said detained person resulting from such treatment shall be, in its entirety, inadmissible and cannot be used as evidence in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

Section 34. Restriction on the Right to Travel. - Prior to the filing of an information for any violation of Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, the investigating prosecutor shall apply for the issuance of a precautionary hold departure order (PHDO) against the

respondent upon a preliminary determination of probable cause in the proper Regional Trial Court.

Upon the filing of the information regarding the commission of any acts defined and penalized under the provisions of this ACT, the prosecutor shall apply with the court having jurisdiction for the issuance of a hold departure order (HDO) against the accused. The said application shall be accompanied by the complaint-affidavit and its attachments, personal details, passport number, and a photograph of the accused, if available.

In cases where evidence of guilt is not strong, and the person charged is entitled to bail and is granted the same, the court, upon application by the prosecutor, shall limit the right of travel of the accused to within the municipality or city where h/she resides or where the case is pending, in the interest of national security and public safety, consistent with Article III, Section 6 of the Constitution. The court shall immediately furnish the DOJ and the Bureau of Immigration (BI) with the copy of said order. Travel outside of said municipality or city, without the authorization of the court, shall be deemed a violation of the terms and conditions of his/her bail, which shall be forfeited as provided under the Rules of Court.

He/she may also be placed under house arrest by order of the court at his/her usual place of residence. Lawphi

While under house arrest, he/she may not use telephones, cellphones, e-mails, computers, the internet, or other means of communications with people outside the residence until otherwise ordered by the court.

If the evidence of guilt, is strong, the court shall immediately issue an HDO and direct the DFA to initiate the procedure for the cancellation of the passport of the accused.

The restrictions above-mentioned shall be terminated upon the acquittal of the accused or the dismissal of the case file against him/her or earlier upon the discretion of the court on motion of the prosecutor or of the accused.

Section 35. Anti-Money Laundering Council Authority to Investigate, Inquire into and Examine Bank Deposits. - Upon the issuance by the court of a preliminary order of proscription or in case of designation under Section 25 of this Act, the AMLC, either upon its own initiative or at the request of the ATC, is hereby authorized to investigate: (a) any property or funds that are in any way related to financing of terrorism as defined and penalized under Republic Act No. 10168, or violation of Sections 4, 6, 7, 10, 11 or 12 of this Act: and (b) property or

funds of any person or persons in relation to whom there is probable cause to believe that such persons are committing or attempting or conspiring to commit, or participating in or facilitating the financing of the aforementioned sections of this Act.

The AMLC may also enlist the assistance of any branch, department, bureau, office, agency or instrumentality of the government, including government-owned and -controlled corporations in undertaking measures to counter the financing of terrorism, which may include the use of its personnel, facilities and resources.

For purposes of this section and notwithstanding the provisions of Republic Act no. 1405, otherwise known as the "Law on Secrecy of Bank Deposits", as amended; Republic Act No. 6426, otherwise known as the "Foreign Currency Deposit Act of the Philippines", as amended; Republic Act No. 8791, otherwise known as "The General Banking Law of 2000" and other laws, the AMLC is hereby authorized to inquire into or examine deposits and investments with any banking institution or non-bank financial institution and their subsidiaries and affiliates without a court order.

Section 36. Authority to Freeze. - Upon the issuance by the court of a preliminary order of proscription or in case of designation under Section 25 of this Act, the AMLC, either upon its own initiative or request of the ATC, is hereby authorized to issue an ex parte order to freeze without delay: (a) any property or funds that are in any way related to financing of terrorism as defined and penalized under Republic Act No. 101168, or any violation of Sections 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this Act ; and (b) property or funds of any person or persons in relation to whom there is probable cause to believe that such person or persons are committing or attempting or conspiring to commit, or participating in or facilitating the financing of the aforementioned sections of this Act.

The freeze order shall be effective for a period not exceeding twenty (20) days. Upon a petition filed by the AMLC before the expiration of the period, the effectivity of the freeze order may be extended up to a period not exceeding six (6) months upon order of the Court of Appeals: Provided, That, the twenty-day period shall be tolled upon filing of a petition to extend the effectivity of the freeze order.

Notwithstanding the preceding paragraphs, the AMLC, consistent with the Philippines international obligations, shall be authorized to issue a freeze order with respect to property or funds of a designated organization, association, group or any individual to comply with binding terrorism-related resolutions, including UNSCR No. 1373 pursuant to Article 41 of the charter of the UN. Said freeze order shall be effective until the basis for the issuance

thereof shall have been lifted. During the effectivity of the freeze order, an aggrieved party may, within twenty (20) days from issuance, file with the Court of Appeals a petition to determine the basis of the freeze order according to the principle of effective judicial protection: Provided, That the person whose property or funds have been frozen may withdraw such sums as the AMLC determines to be reasonably needed for monthly family needs and sustenance including the services of counsel and the family medical needs of such person.

However, if the property or funds subject of the freeze order under the immediately preceding paragraph are found to be in any way related to financing of terrorism as defined and penalized under Republic Act No. 10168, or any violation of Sections 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this Act committed within the jurisdiction of the Philippines, said property or funds shall be the subject of civil forfeiture proceedings as provided under Republic Act No. 10168.

Section 37. Malicious Examination of a Bank or a Financial Institution. - Any person who maliciously, or without authorization, examines deposits, placements, trust accounts, assets, or records in a bank or financial institution in relation to Section 36 hereof, shall suffer the penalty of four (4) years of imprisonment.

Section 38. Safe Harbor. - No administrative, criminal or civil proceedings shall lie against any person acting in good faith when implementing the targeted financial sanctions as provided under pertinent United Nations Security Resolutions.

Section 39. Bank Officials and Employees Defying a Court Authorization. - An employee, official, or a member of the board of directors of a bank or financial institution, who after being duly served with the written order of authorization from the Court of appeals, refuses to allow the examination of the deposits, placements, trust accounts, assets, and records of a terrorist or an outlawed group of persons, organization or association, in accordance with Section 25 and 26 hereof, shall suffer the penalty of imprisonment of four (4) years.

Section 40. Immunity and Protection of Government Witnesses. - The immunity and protection of government witnesses shall be governed by the provisions of Republic Act No. 6981, otherwise known as "The Witness Protection, Security and Benefits Act".

Section 41. Penalty for Unauthorized revelation of Classified Materials. - The penalty of imprisonment of ten (10) years shall be imposed upon any person, law enforcement agent or military personnel, judicial officer or civil servant who, not being authorized by the Court

of Appeals to do so, reveals in any manner or form any classified information under this Act. The penalty imposed herein is without prejudice and in addition to any corresponding administrative liability the offender may have incurred for such acts.

Section 42. Infidelity in the Custody of Detained Persons. - Any public officer who has direct custody of a detained person under the provisions of this Act and, who, by his deliberate act, misconduct or inexcusable negligence, causes or allows the escape of such detained person shall be guilty of an offense and shall suffer the penalty of ten (10) years of imprisonment.

Section 43. Penalty for Furnishing False Evidence, Forged Document, or Spurious Evidence. - The penalty of imprisonment of six (6) years shall be imposed upon any person who knowingly furnishes false testimony, forged document or spurious evidence in any investigation or hearing conducted in relation to any violations under this Act.

Section 44. Continuous Trial. - In cases involving crimes defined and penalized under the provisions of this Act, the judge concerned shall set the case for continuous trial on a daily basis from Monday to Thursday or other short-term trial calendar to ensure compliance with the accused's right to speedy trial.

Section 45. Anti-Terrorism Council. - An Anti-Terrorism Council (ATC) is hereby created. The members of the ATC are: (1) the Executive Secretary, who shall be its Chairperson; (2) the National Security Adviser who shall be its Vice Chairperson; and (3) the Secretary of Foreign Affairs; (4) the Secretary of National Defense; (5) the Secretary of the Interior and Local Government; (6) the Secretary of Finance; (7) the Secretary of Justice; (8) the Secretary of Information and Communications technology; and (9) the Executive Director of the Anti-Money Laundering Council (AMLC) Secretariat as its other members.

The ATC shall implement this Act and assume the responsibility for the proper and effective implementation of the policies of the country against terrorism. The ATC shall keep records of its proceedings and decisions. All records of the ATC shall be subject to such security classifications as the ATC may, in its judgment and discretion, decide to adopt to safeguard the safety of the people, the security of the Republic, and welfare of the nation.

The NICA shall be the Secretariat of the ATC. The ATC shall define the powers, duties, and functions of the NICA as Secretariat of the ATC. The Anti-Terrorism Council-Program Management Center (ATC-PMC) is hereby institutionalized as the main coordinating and program management arm of the ATC. The ATC shall define the powers, duties,

and functions of the ATC-PMC. The Department of Science and Technology (DOST), the Department of Transportation (DOTr), the Department of Labor and Employment (DOLE), the Department of Education (DepEd), the Department of Social Welfare and Development (DSWD), the Presidential Adviser for Peace, Reunification and Unity (PAPRU, formerly PAPP), the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), the National Bureau of Investigation (NBI), the BI, the Office of Civil Defense (OCD), the Intelligence Service of the Armed Forces of the Philippines (ISAFP), the Philippine Center on Transnational Crimes (PCTC), the Philippine National Police (PNP) intelligence and investigative elements, the Commission on Higher Education (CHED), and the National Commission on Muslim Filipinos (NCMF) shall serve as support agencies of the ATC.

The ATC shall formulate and adopt comprehensive, adequate, efficient, and effective plans, programs, or measures to prevent, counter, suppress, or eradicate the commission of terrorism in the country and to protect the people from such acts. In pursuit of said mandate, the ATC shall create such focus programs to prevent and counter terrorism as necessary, to ensure the counter terrorism operational awareness of concerned agencies, to conduct legal action and to pursue legal and legislative initiatives to counter terrorism, prevent and stem terrorist financing, and to ensure compliance with international commitments to counter terrorism-related protocols and bilateral and/or multilateral agreements, and identify the lead agency for each program, such as:

(a) Preventing and countering violent extremism program- The program shall address the conditions conducive to the spread of terrorism which include, among others: ethnic, national, and religious discrimination; socio-economic disgruntlement; political exclusion; dehumanization of victims of terrorism; lack of good governance; and prolonged unresolved conflicts by winning the hearts and minds of the people to prevent them from engaging in violent extremism. It shall identify, integrate, and synchronize all government and non-government initiatives and resources to prevent radicalization and violent extremism, thus reinforce and expand an after-care program;

(b) Preventing and combating terrorism program- The program shall focus on denying terrorist groups access to the means to carry out attacks to their targets and formulate response to its desired impact through decisive engagements. The program shall focus on operational activities to disrupt and combat terrorism activities and attacks such as curtailing, recruitment, propaganda, finance and ,logistics, the protection of potential targets, the exchange of intelligence with foreign countries, and the arrest of suspected terrorists;

(c) International affairs and capacity building program- The program shall endeavor to build the state's capacity to prevent and combat terrorism by strengthening the collaborative mechanisms between and among ATC members and support agencies and facilitate cooperation among relevant stakeholders, both local and international, in the battle against terrorism; and

(d) Legal affairs program- The program shall ensure respect for human rights and adherence to the rule of law as the fundamental bases of the fight against terrorism. It shall guarantee compliance with the same as well as with international commitments to counter terrorism-related protocols and bilateral and/or multilateral agreements.

Nothing herein shall be interpreted to empower the ATC to exercise any judicial or quasi-judicial power or authority.

Section 46. Functions of the Council. - In pursuit of its mandate in the previous Section, the ATC shall have the following functions with due regard for the rights of the people as mandated by the Constitution and pertinent laws:

(a) Formulate and adopt plans, programs, and preventive and counter-measures against terrorist and terrorism in the country;

(b) Coordinate all national efforts to suppress and eradicate terrorism in the country and mobilize the entire nation against terrorism prescribed in this Act;

(c) Direct the speedy investigation and prosecution of all persons detained or accused for any crime defined and penalized under this Act;

(d) Monitor the progress of the investigation and prosecution of all persons accused and/or detained for any crime defined and penalized under the provisions of this Act;

(e) Establish and maintain comprehensive database information systems on terrorism, terrorist activities, and counter terrorism operations;

(f) Enlist the assistance of and file the appropriate action with the AMLC to freeze and forfeit the funds, bank deposits, placements, trust accounts, assets and property of whatever kind and nature belonging (i) to a person suspected of or charged with alleged violation of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, (ii) between members of a judicially declared and outlawed terrorist organization or

association as provided in Section 26 of this Act; (ii) to designated persons defined under Section 3(e) of R.A. No. 10168; (iv) to an individual member of such designated persons; or (v) any individual, organization, association or group of persons proscribed under Section 26 hereof;

(g) Grant monetary rewards and other incentives to informers who give vital information leading to the apprehension, arrest, detention, prosecution, and conviction of person or persons found guilty for violation of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act: Provided, That, no monetary reward shall be granted to informants unless the accused's demurrer to evidence has been denied or the prosecution has rested its case without such demurrer having been filed;

(h) Establish and maintain coordination with and the cooperation and assistance of other states, jurisdictions, international entities and organizations in preventing and combating international terrorism;

(i) Take action on relevant resolutions issued by the UN Security Council acting under Chapter VII of the UN Charter; and consistent with the national interest, take action on foreign requests to designate terrorist individuals, associations, organizations or group of persons;

(j) Take measures to prevent the acquisition and proliferation by terrorists of weapons of mass destruction;

(k) Lead in the formulation and implementation of a national strategic plan to prevent and combat terrorism;

(l) Request the Supreme Court to designate specific divisions of the Court of Appeals or Regional Trial Courts to handle all cases involving the crimes defined and penalized under this Act;

(m) Require other government agencies, offices and entities and officers and employees and non-government organizations, private entities and individuals to render assistance to the ATC in the performance of its mandate; and

(n) Investigate motu proprio or upon complaint any report of abuse, malicious application or improper implementation by any person of the provisions of this Act.

Section 47. Commission on Human Rights (CHR). - The CHR shall give the highest priority to the investigation and prosecution of violations of civil and political rights of persons in relation to the implementation of this Act.

Section 48. Ban on Extraordinary Rendition .- No person suspected or convicted of any of the crimes defined and penalized under the provisions of Sections 4, 5, 6, 7, 8, 8, 10, 11 or 12 of this Act shall be subjected to extraordinary rendition to any country.

Section 49. Extraterritorial Application. - Subject to the provision of any treaty of which the Philippines is a signatory and to any contrary provision of any law of preferential application, the provisions of this Act shall apply:

(a) To a Filipino citizen or national who commits any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act outside the territorial jurisdiction of the Philippines;

(b) To individual persons who, although physically outside the territorial limits of the Philippines, commit any of the crimes mentioned in Paragraph (a) hereof inside the territorial limits of the Philippines;

(c) To individual persons who, although physically outside the territorial limits of the Philippines, commit any of the said crimes mentioned in Paragraph (a) hereof on board Philippine ship or Philippine airship;

(d) To individual persons who commit any of said crimes mentioned in Paragraph (a) hereof within any embassy, consulate, or diplomatic premises belonging to or occupied by the Philippine government in an official capacity;

(e) To individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes mentioned in Paragraph (a) hereof against Philippine citizens or persons of Philippine descent, where their citizenship or ethnicity was a factor in the commission of the crime; and

(f) To individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes directly against the Philippine government.¹avvphi1

In case of an individual who is neither a citizen or a national of the Philippines who commits any of the crimes mentioned in Paragraph (a) hereof outside the territorial limits of the

Philippines, the Philippines shall exercise jurisdiction only when such individual enters or is inside the territory of the Philippines: Provided, That, in the absence of any request for extradition from the state where the crime was committed or the state where the individual is a citizen or national, or the denial thereof, the ATC shall refer the case to the BI for deportation or to the DOJ for prosecution in the same manner as if the act constituting the offense had been committed in the Philippines.

Section 50. Joint Oversight Committee. - Upon the effectivity of this Act, a Joint Congressional Oversight Committee is hereby constituted. The Committee shall be composed of twelve (12) members with the chairperson of the Committee on Public Order of the Senate and the House of Representatives as members and five (5) additional members from each House to be designated by the Senate President and the Speaker of the House of Representatives, respectively. The minority shall be entitled to a pro-ratas representation but shall have at least two (2) representatives in the Committee.

In the exercise of its oversight functions, the Joint Congressional Oversight Committee shall have the authority to summon law enforcement or military officers and the members of the ATC to appear before it, and require them to answer questions and submit written reports of the acts they have done in the implementation of this Act and render an annual report to both Houses of Congress as to its status and implementation.

Section 51. Protection of Most Vulnerable Groups. - There shall be due regard for the welfare of any suspects who are elderly, pregnant, persons with disability, women and children while they are under investigation, interrogation or detention.

Section 52. Management of Persons Charged Under this Act. - The Bureau of Jail Management and Penology (BJMP) and the Bureau of Corrections (BuCoR) shall establish a system of assessment and classification for persons charged for committing terrorism and preparatory acts punishable under this Act. Said system shall cover the proper management, handling, and interventions for said persons detained.

Persons charged under this Act shall be detained in existing facilities of the BJMP and the BuCoR.

Section 53. Trial of Persons Charged Under this Act. - Any person charged for violations of Sections 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this Act shall be tried in special courts created for this purpose. In this regard, the Supreme Court shall designate certain branches of the Regional Trial Courts as anti-terror courts whose jurisdiction is exclusively limited to try violations of

the above mentioned provisions of this Act.

Persons charged under the provisions of this Act and witnesses shall be allowed to remotely appear and provide testimonies through the use of video-conferencing and such other technology now known or may hereafter be known to science as approved by the Supreme Court.

Section 54. Implementing Rules and Regulations.- The ATC and the DOJ, with the active participation of police and military institutions, shall promulgate the rules and regulations for the effective implementation of this Act within ninety (90) days after its effectivity. They shall also ensure the full dissemination of such rules and regulations to both Houses of Congress, and all officers and members of various law enforcement agencies.

Section 55. Separability Clause.- If for any reason any part or provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected shall remain and continue to be in full force and effect.

Section 56. Repealing Clause.- Republic Act No. 9372, otherwise known as the "Human Security Act of 2007", is hereby repealed. All laws, decrees, executive orders, rules or regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Section 57. Saving Clause.- All judicial decisions and orders issued, as well as pending actions relative to the implementation of Republic Act No. 9372, otherwise known as the "Human Security Act of 2007", prior to its repeal shall remain valid and effective.

Section 58. Effectivity.- This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,

(SGD.) ALAN PETER S. CAYETANO
Speaker of the House of Representatives (SGD.)

VICENTE C. SOTTO III
President of the Senate

This Act was passed by the Senate of the Philippines as Senate Bill No. 1083 on February 26, 2020, and adopted by the House of Representatives as an amendment to House Bill No. 6875 on June 5, 2020, respectively.

(SGD.) JOSE LUIS G. MONTALES
Secretary General House of Representatives

(SGD.) MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: JUL 03 2020

(SGD.) RODRIGO ROA DUTERTE
President of the Philippines

Biography of Module Writers

Mr. Ahmed Harris Pangcoga is an experienced international development professional with a demonstrated history in program management, evaluation/research project management, and organizational/community capacity development. He has accumulated 20 years of experience in development work specializing in peacebuilding and conflict transformation, humanitarian protection and response, preventing and transforming violent extremism, child protection, human rights and justice, participatory governance, and disaster risk reduction. Incapability building, he has served as trainer and facilitator in at least 160 training activities since 2002. He has also developed and packaged 20 peace-based training modules for the Grassroots Peace Learning Course (GPLC) program of the Catholic Relief Services and three training modules on peace, human rights, and good governance for the Consortium of Bangsamoro Civil Society (CBCS).

Miguel Acosta Peñaloza has been a staunch human rights worker for being full-time personnel of the Commission on Human Rights (CHR) since March 1991. He started as a human rights investigator at the CHR Region XI. In 2014, he transferred to CHR Region XII, where he was promoted as human rights special investigator and the chief of the investigation division.

He attended numerous training sessions on various aspects of human rights and related fields in his work. Likewise, he held other essential assignments and responsibilities in the office and several inter-agency activities. To name some, he was a representative to the Social Development Committee (SDC) & Development Administration Committee (DAC) in the Regional Development Council for Region XI; Regional Sub-Committee for the Welfare of Children- Technical Working Group- XI (RCSWC-TWG-XI), Regional Child Labor Program Committee-XI (RCLPC-XI), Sagip Batang Manggagawa Quick Reaction Team-XI (SBMQRT-XI), Regional Technical Working Group (RTWG) on the Juvenile Justice and Welfare Council XI (JJWC XI). He was also an Instructor – Philippine National Police, Philippine Public Safety College, Regional Training Schools in Region XI, Region XII, and the ARMM. He was co-author of the Training Manual on Crafting a Local Children's Welfare Code, published by the RSCWC-TWG-XI, thru the auspices of UNICEF.

Moreover, he was the representative of the CHR-12 to the Protection, and Education clusters, Gender-Based Violence Sub-Cluster, Mindanao Humanitarian Team (MHT).

He is also the Focal Person on Internally Displaced Persons (IDP) Concerns and Resource Person/Member of the National Training Pool of the AECID-CHR and UNHCR – CHR Training on Human Rights-Based Approach (HRBA) to Disaster Management.

Jovar Gallaza Pantao is a Maguindanaon-Ilonggo peace advocate in Mindanao. He brings the years of teaching administrative experiences in basic and higher education and community development into his works. He was part of the research on Respect Education Program with the University of Groningen, The Netherlands, and one of the researchers from ASEAN countries who endeavored a research work funded by UNESCO/UNODC on the situational study on the perception of PCVE and the role of education in the Asia-Pacific region.

As a Bangsamoro, he has led several major academic and development works in Mindanao funded by government and international donor agencies, particularly in the Bangsamoro Autonomous Region in Muslim Mindanao and Region XII. He serves as a consultant of Local Government Units, International Non-Government Organizations, and Public Safety Officers in developing modules, research, policy briefs, and best practice manual. Among his recent engagements is a curriculum development consultancy with the Department of Education Region 12 and BARMM Ministry of Basic Higher and Technical Education, and a Technical Consultancy with Asia Foundation to develop the Provincial Action Plan on Preventing and Transforming Violent Extremism.

He is a product of Mindanao State University-General Santos, having finished his Bachelor of Elementary Education in 2003, Master of Science Teaching in 2010, and Doctor of Philosophy in Education. In 2012, he was a fellow of the Congressional Internship Program for Young Mindanao Leaders at the House of Representatives and University of the Philippines National College of Public Administration and Governance. In 2018, he also served as a Mentor of the Future Bridging Leaders' Program 2 of the Asian Institute of Management.

Java is a multi-awarded young man. He was conferred with the United Nations Association of Philippines' Outstanding Youth Leadership Award in 2009. He was recognized as one of the UNESCO's Outstanding Educators of the Philippines in 2017.

Currently, he works at the Mindanao State University-General Santos as a faculty of the College of Education. He serves as the Acting Director of the Institute for Peace and Development in Mindanao.

About IAG

The Institute for Autonomy and Governance (IAG) is an independent institution devoted to research, training, and technical assistance to evolve genuine autonomy and good governance to support peace and development in the southern Philippines. IAG sees the promotion of autonomy in the southern Philippines as strategic. It provides platforms for the country's minority Muslims and Indigenous Peoples to create self-governance structures for meaningful self-determination, sustainable growth, and lasting peace.

IAG began in 2001 as an independent institute for research, training, and technical assistance to support peace and development in Mindanao through genuine autonomy and good governance. It has supported the peace process and autonomy through capacity-building programs for regional and local governments, political parties, and civil society organizations. It is recognized for its role in inclusion and social cohesion, especially in light of the interreligious and intercultural challenges that define the landscape in the Bangsamoro region.

It convenes the Kusog Mindanaw conference annually, fostering dialogue among sectoral leaders on peace, security, governance, and development issues. It works with Indigenous Peoples by empowering them to articulate their problems and priorities as inputs to regional policies and programs. Most notably, it was instrumental in helping Indigenous Peoples lobby for provisions in the Bangsamoro Organic Law (BOL) about their communities' rights.

IAG has recently engaged the Indigenous Peoples, women, CSOs, political parties, and members of the Bangsamoro Parliament in various activities such as dialogues, training, RTDs, and conferences/ forums to discuss governance and policy issues relevant to the newly established BARMM.

IAG's research on youth vulnerability, traditional madaris, and the baseline studies on violent extremism (VE) in the Philippines are driving P/CVE policies and programs. Its pre-Marawi siege research on youth's knowledge of and attitude towards VE investigated the vulnerability of Muslim youth in the Autonomous Region in Muslim Mindanao (ARMM) to radicalization and recruitment by VE groups. Until the publication of this research, there has been little data available that policymakers can use as a basis for interventions to respond effectively to the threat of VE.

After the Marawi siege, IAG undertook research on youth and VE, with respondents from four areas across Mindanao. The data from this research formed part of the assessment report on the local drivers of VE in the Philippines.

Meanwhile, the madaris research has established IAG's working relations with 1,473 traditional madaris in the Bangsamoro and adjacent regions in Mindanao. It identified the issues and challenges confronting these institutions and provided policy and program recommendations on how to enhance the traditional madaris so they can contribute to the development of peaceful and prosperous communities.



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