



‘THE BATTLE OF MARAWI’

DEATH AND DESTRUCTION IN THE PHILIPPINES

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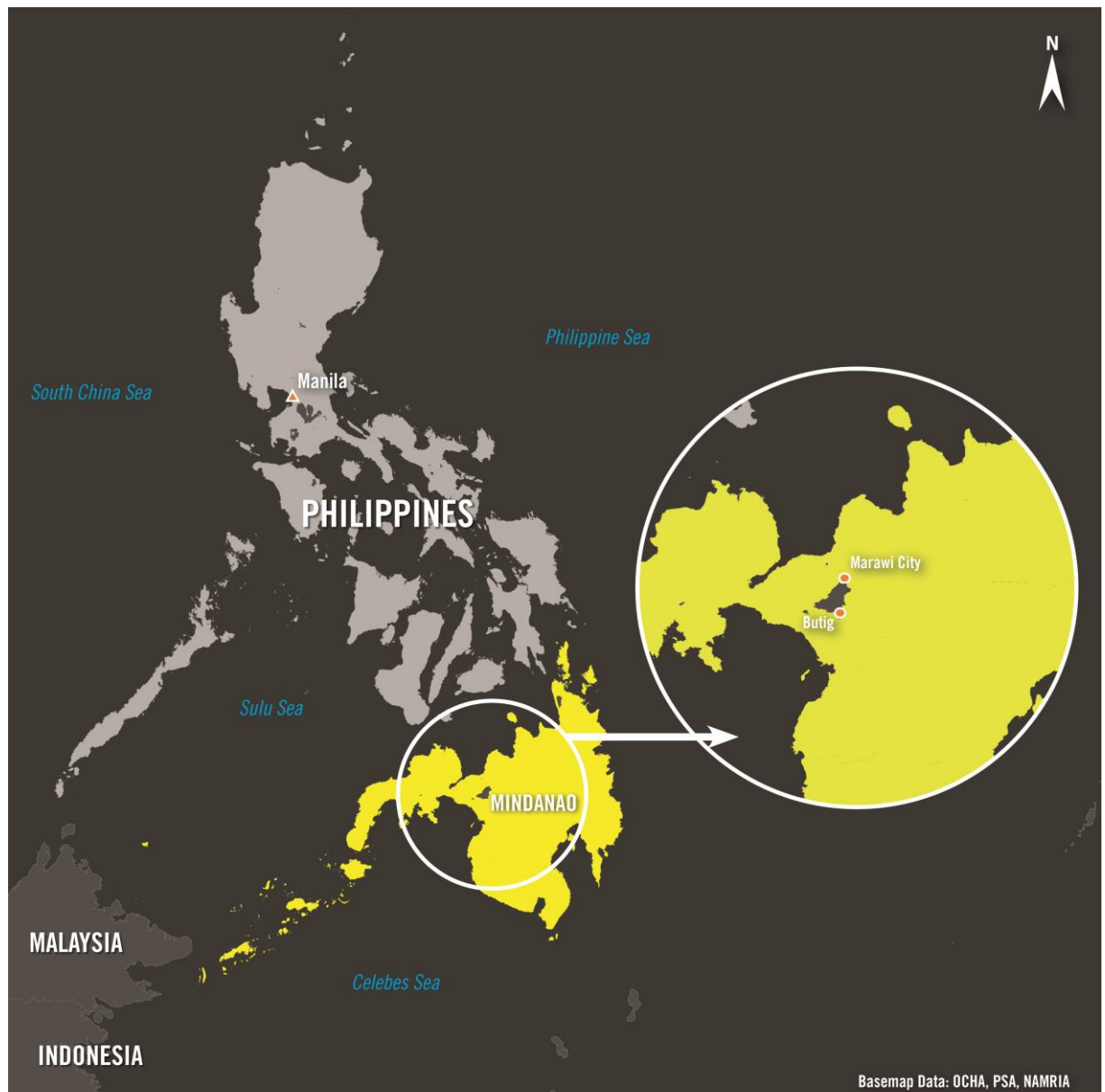
Cover photo: Military trucks drive past destroyed buildings and a mosque in what was the main battle area in Marawi, 25 October 2017, days after the government declared fighting over.

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MAP



1. INTRODUCTION

On 23 May, a firefight broke out between Philippine government forces and armed non-state actors in Marawi City – a city of 200,000 in the Autonomous Region in Muslim Mindanao, in the southern Philippines. The 'battle of Marawi' quickly spread throughout the city, with militants taking over large areas, including government buildings.¹ Later that evening, Philippine President Rodrigo Duterte announced that he was placing the entire island of Mindanao under martial law and suspending the writ of habeas corpus.²

The conflict lasted for five months, and resulted in the mass displacement of civilians, the widespread destruction of civilian infrastructure, and the loss of civilian lives.

The armed non-state actors – the militants – were comprised of members of five or six different insurgent groups, several of which had recently sworn allegiance to – and reportedly received support from – the armed group calling itself Islamic State (IS).³ These included the Maute group – led by the Maute brothers, Omar and Abdullah, and the Abu Sayyaf group – led by Isnilon Hapilon.⁴ Shortly before the government declared the end of fighting in October, the military announced that Omar Maute and Isnilon Hapilon were killed. Abdullah was reported killed in August, but according to media reports no body was found.⁵

The estimated number of militants varied widely, with reports ranging from fewer than one hundred to more than one thousand.⁶ The battle was the most significant foray into Southeast Asia by Islamic State-linked groups.⁷ A video of footage from the battle – released by IS – is being used as a recruiting tool.⁸ The video

¹ United Nations High Commissioner for Refugees, *IDP protection assessment report: Armed confrontations and displacement in Marawi (AFP Vs Maute)*, 14 July 2017, reliefweb.int/sites/reliefweb.int/files/resources/IDPPAR-Marawi-Displacement_Issue-03-July-14-2017.pdf.

² Republic of The Philippines, Official Gazette, "Proclamation 216: Declaring a State of Martial Law and Suspending the Writ of Habeas Corpus in the Whole of Mindanao," 23 May 2017, www.officialgazette.gov.ph/2017/05/23/proclamation-no-216-s-2017; Martial law was subsequently extended until 31 December 2017: Republic of the Philippines, House of Representatives, Press and Public Affairs Bureau, "Congress overwhelmingly approves Mindanao martial law extension," 23 July 2017, www.congress.gov.ph/press/details.php?pressid=10144&key=martial; For Amnesty International's position on martial see in Mindanao see Amnesty International, "Philippines: Martial law must not facilitate human rights violation," 24 May 2017, available at www.amnesty.org/en/documents/asa35/6344/2017/en/.

³ Institute for Policy Analysis of Conflict (IPAC), *Marawi, the "East Asia Wilayah" and Indonesia*, 21 July 2017, www.understandingconflict.org/en/conflict/read/61/Marawi-The-East-Asia-Wilayah-and-Indonesia.

⁴ For more information about the Maute group see Carmela Fonbuena, "Terror in Mindanao: The Mautes of Marawi," 26 June 2017, Rappler, www.rappler.com/newsbreak/in-depth/173697-terrorism-mindanao-maute-family-marawi-city; for more information on the Abu Sayyaf group see Institute for Policy Analysis of Conflict (IPAC), *Marawi, the "East Asia Wilayah" and Indonesia*, 21 July 2017, www.understandingconflict.org/en/conflict/read/61/Marawi-The-East-Asia-Wilayah-and-Indonesia.

⁵ Neil Morales and Manuel Mogato, "Philippines vows to crush pro-Islamic State groups after two leaders killed," Reuters, 15 October 2017, www.reuters.com/article/us-Philippines-militants/Philippines-vows-to-crush-pro-islamic-state-groups-after-two-leaders-killed-idUSKBN1CLO6I.

⁶ See, for example, Joseph Hincks, "The Battle for Marawi City: What the siege of a Philippine city reveals about ISIS' deadly new front in Asia," Time, 16 June 2017, time.com/marawi-Philippines-isis/.

⁷ See, for example, Tom Allard, "Seizing of Philippines city by Islamist militants a wake-up call for Southeast Asia," Reuters, 03 June 2017, www.reuters.com/article/us-Philippines-militants-battle-insight/seizing-of-Philippines-city-by-islamist-militants-a-wake-up-call-for-southeast-asia-idUSKBN18U0D0; Audrey Morallo, "Marawi siege 'most serious terror event' in Southeast Asia in past 15 years," The Philippine Star, 25 August 2017, www.philstar.com/headlines/2017/08/25/1732611/marawi-siege-most-serious-terror-event-southeast-asia-past-15-years.

⁸ Chris Tomson, "ISIS releases English-spoken video about Marawi, calls on foreign fighters to join battle," AMN, 21 August 2017, www.almasdarnews.com/article/isis-releases-english-spoken-video-marawi-calls-foreign-fighters-join-battle/.

shows masked militants placing black IS flags across the city, ransacking churches, burning homes and schools, and overrunning jails and freeing inmates.⁹

Twenty-two battalions of the Philippine Army, Air Force, and Navy were reportedly involved in the fighting,¹⁰ which has been described as the Philippine military's longest and bloodiest battle since World War II.¹¹ Government forces carried out artillery shelling and air strikes on a near-daily basis throughout the conflict;¹² huge swaths of the city were reduced to rubble by the aerial bombardment. The rehabilitation and reconstruction of the city will likely be a lengthy and expensive undertaking; the mayor has estimated that it will take three years, and the defense secretary has estimated that it will cost more than a billion dollars.¹³

Within a month, the conflict displaced 360,000 people, including all of the city's residents along with many from neighbouring municipalities.¹⁴ The majority of these internally displaced persons (IDPs) have taken shelter with family and friends; approximately 10% have sought refuge at 75 evacuation centres in Lanao del Sur, Lanao del Norte, and Misamis Oriental provinces of Mindanao.¹⁵

Access to basic resources in some of the evacuation centres is limited; conditions are especially difficult for people with disabilities.¹⁶ Moreover, humanitarian actors had considerable difficulty gaining access and providing assistance to approximately 77,000 people who were displaced east of Lake Lanao.¹⁷

On 17 October, the government announced that Marawi City had been 'liberated,' and on 23 October, the government declared an end to the fighting.¹⁸ According to official government statistics, at least 920 militants, 165 soldiers, and 47 civilians were killed during the battle, and 1,780 hostages were rescued.¹⁹ Research by Amnesty International, and by other human rights organizations and journalists, indicates that the total number of civilians killed – by militants and by government air strikes – is likely significantly higher than the official count.²⁰

Amnesty International documented a variety of serious violations of international humanitarian law (IHL) by all parties to the conflict, some of these violations amount to war crimes. The organization also documented

⁹ Ana P. Santos, "How two brothers took over a Filipino city for ISIS," *The Atlantic*, 12 August 2017, <https://www.theatlantic.com/international/archive/2017/08/Philippines-isis/536253/>; Euan McKirdy and Ivan Watson, "Bloodied and broken: Rising toll of Philippines' war with ISIS," *CNN*, 24 August 2017, <http://www.cnn.com/2017/06/25/asia/Philippines-marawi-isis/index.html>.

¹⁰ Jamie Laude, "Troops still clearing Marawi of bombs," *The Philippine Star*, 26 October 2017, www.philstar.com/headlines/2017/10/26/1752601/troops-still-clearing-marawi-bombs.

¹¹ Carmela Fonbuena, "Marawi: 153 days and more," *Rappler*, October 23 2017, www.rappler.com/newsbreak/in-depth/186075-marawi-series-rappler-timeline.

¹² See, for example, Alan Taylor, "Philippine troops fight to retake city overrun by ISIS militants," *The Atlantic*, 30 May 2017, www.theatlantic.com/photo/2017/05/Philippine-troops-fight-to-retake-city-overrun-by-isis-militants/528537/; "Bombing runs, artillery fire vs Maute continue," *The Philippine Daily Inquirer*, 19 August 2017, newsinfo.inquirer.net/923894/maute-group-terrorism-marawi-islamic-state-mindanao-conflict.

¹³ Rosette Adel, "Mayor estimates Marawi rehabilitation to take 3 years," *The Philippine Star*, 19 October 2017, www.philstar.com/nation/2017/10/19/1750434/mayor-estimates-marawi-rehabilitation-take-3-years; www.bloomberg.com/news/articles/2017-09-06/terror-fight-rebuilding-marawi-to-cost-Philippines-1-1-billion.

¹⁴ United Nations Organization for the Coordination of Humanitarian Affairs (OCHA), *Humanitarian bulletin Philippines Issue 6*, July 2017, reliefweb.int/sites/reliefweb.int/files/resources/OCHAPhilippines_Humanitarian_Bulletin_No6_July_2017_FINAL.pdf; Department of Social Welfare and Development, *DSWD DROMIC Report #93 on the armed conflict in Marawi City*, 14 October 2017, reliefweb.int/sites/reliefweb.int/files/resources/DSWD%20DROMIC%20Report%20%2393%20on%20the%20Armed%20Conflict%20in%20Marawi%20City%20as%20of%2014%20October%202017%2C%2012AM.pdf; National Disaster Risk Reduction and Management council, *Response clusters situation report #18 (as of 21 July 2017, 4PM) Marawi siege*, reliefweb.int/sites/reliefweb.int/files/resources/Summary%20of%20Response%20Clusters%20SitRep%20%2318.pdf.

¹⁵ OCHA, *Humanitarian bulletin Philippines Issue 7*, August 2017

reliefweb.int/sites/reliefweb.int/files/resources/OCHAPhilippines_Humanitarian_Bulletin_No7_August_2017_FINAL.pdf.

¹⁶ OCHA, *Humanitarian bulletin Philippines Issue 7*, August 2017

reliefweb.int/sites/reliefweb.int/files/resources/OCHAPhilippines_Humanitarian_Bulletin_No7_August_2017_FINAL.pdf; Felipe Villamor, Mark Navales and Geoffrey Maitem, "Philippines: Marawi evacuees are safe but endure misery at camps," *BenarNews*, 04 September 2017, www.benarnews.org/english/news/Philippines/Marawi-IDPs-09022017131459.html.

¹⁷ OCHA, *Humanitarian bulletin Philippines Issue 7*, August 2017

reliefweb.int/sites/reliefweb.int/files/resources/OCHAPhilippines_Humanitarian_Bulletin_No7_August_2017_FINAL.pdf.

¹⁸ "Duerte: Marawi 'liberated from terrorists,'" *ABS-CBN News*, 17 October 2017, news.abs-cbn.com/news/10/17/17/duerte-marawi-liberated-from-terrorists; Roli Ng and Manuel Mogato, "Philippines declares battle with Islamist rebels over in Marawi city," *Reuters*, 23 October 2017, www.reuters.com/article/us-Philippines-militants/Philippines-declares-battle-with-islamist-rebels-over-in-marawi-city-idUSKBN1CS0F5.

¹⁹ Jim Gomez, "Philippines declares end to 5-month militant siege in Marawi," *Associated Press*, 23 October 2017, apnews.com/78d9ed99e45540fb9be359d828bf4881; *CNN Philippines Facebook Page*, "Breaking News: Joint Task Force Marawi holds a press briefing after the announcement of the end of combat operations in Marawi," www.facebook.com/CNNPhilippines/videos/2057484284491460/.

²⁰ See, for example, Frances Mangosing, "Lorenza on 2,000 civilian deaths in Marawi: Avoid sharing unverified data," *The Philippine Daily Inquirer*, 11 July 2017, newsinfo.inquirer.net/912785/lorenzana-on-2000-civilian-deaths-in-marawi-avoid-sharing-unverified-data; Al Jazeera English, "Philippines military: Death toll in Marawi tops 500," 11 July 2017, www.aljazeera.com/news/2017/07/Philippines-military-death-toll-marawi-tops-500-170711110745807.html; Kalinaw Mindanao, *National Interfaith Humanitarian Mission July 24-26, 2017/Marawi City, Lanao del Norte, Lanao del Sur, Iligan City documentation report*, On file with Amnesty International.

violations of international human rights law (IHRL) committed by Philippine government forces. Militants committed unlawful killings, pillage, hostage-taking, and mistreatment of prisoners. There were also allegations that militants used child soldiers.²¹ Philippine government forces violated the prohibition of torture and other ill-treatment of detainees, and allegedly committed the crime of pillage. Further investigation is required to assess if the massive destruction of Marawi City, as a result of artillery and aerial bombardment, was consistent with international humanitarian law principles of proportionality.

Local human rights groups documented cases of enforced disappearances and extrajudicial executions by government forces.²² Amnesty International spoke to one Marawi resident who said her relative disappeared after being taken into custody, but Amnesty researchers were not able to corroborate this account through witness testimony. Other cases documented by local groups and repeated to Amnesty International by several interviewees include at least two cases of alleged extrajudicial executions by security forces against two men who were seen being arrested in Marawi during the early days of the fighting, and whose bodies surfaced later in mysterious circumstances. Amnesty International was unable to conclude on the circumstances of their death; however, the state must initiate independent and effective investigations of these allegations.

Amnesty International is calling on the government of the Philippines to conduct a prompt, effective, and impartial investigation into the allegations of serious violations of international humanitarian law and other serious violations and abuses of human rights law, including those described in the report.²³ And to bring those suspected of criminal responsibility to justice in open, accessible civilian courts and in fair trials.

Amnesty International is also calling on the government to ensure that all individuals who have suffered violations or abuses of human rights are afforded an effective remedy and reparations, including restitution, compensation, rehabilitation, and guarantees of non-repetition.

On 6 November 2017, Amnesty International sent a summary of its complete findings to officials of the Philippine government seeking their input regarding the violations of international law documented in this report. At the time of publication, Amnesty had not received a response from the government of the Philippines.

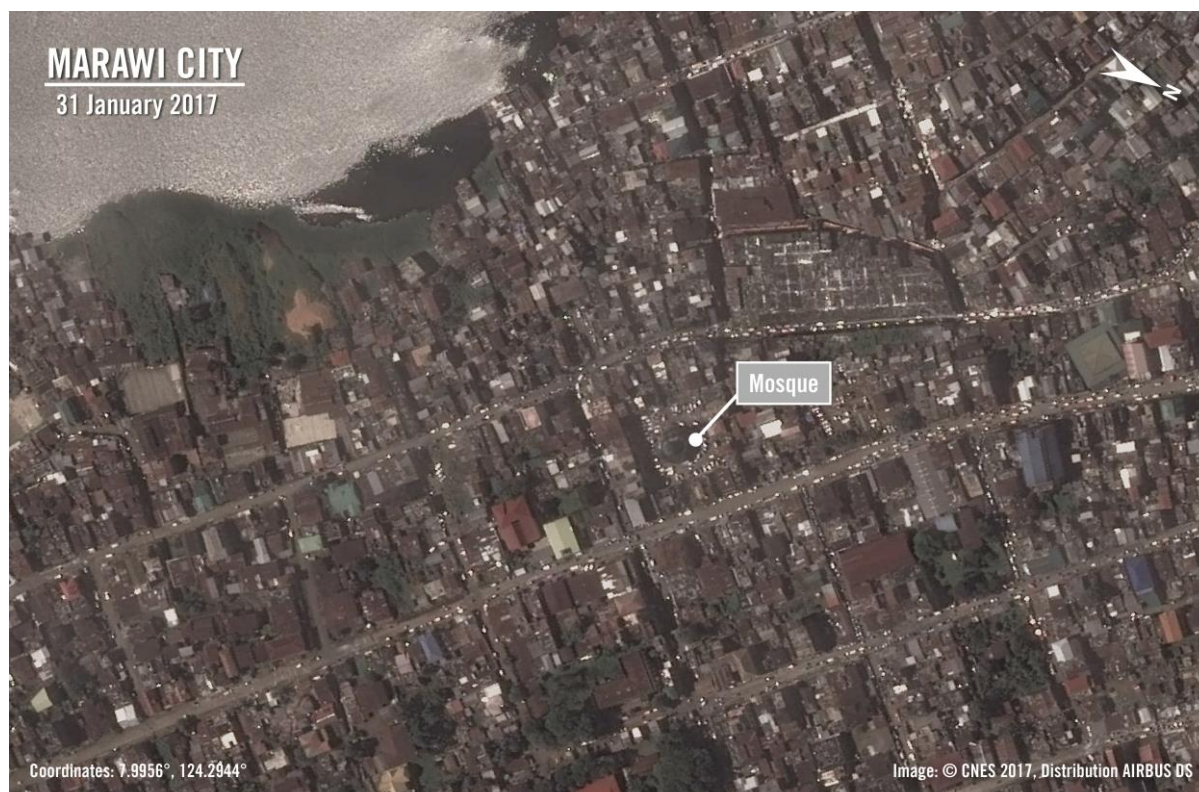
²¹ Amnesty International interview 6 September 2017; for more allegations of the use of child soldiers by militants see Jamila Alindogan, "Philippines: ISIL-linked Maute group using children as fighters," Al-Jazeera, 31 May 2017, www.aljazeera.com/video/news/2017/05/Philippines-maute-armed-group-child-soldiers-marawi-170530193625476.html; Maxine Betteridge-Moes, "What Happened in Marawi?," 29 October 2017, Al-Jazeera, www.aljazeera.com/indepth/features/2017/10/happened-marawi-171029085314348.html; "Marawi terrorists mount 'last stand', child warriors join battlefield: military, ABS-CBN News, 28 August 2017, news.abs-cbn.com/news/08/28/17/marawi-terrorists-mount-last-stand-child-warriors-join-battlefield-military; Carmela Fonbuena, "I met a former maute soldier. He's a child," Rappler, 14 June 2017, www.rappler.com/newsbreak/in-depth/172587-maute-child-soldiers-marawi.

²² See, for example, Letter presented to Philippine Congress by seven representatives quoting documentation by the National Interfaith Humanitarian Mission, 20 September 2017, www.congress.gov.ph/legisdocs/basic_17/HR01329.pdf.

²³ Other organizations are also calling for investigations. Dee Ayroso, "Mindanao martial law: Minors, students among civilians killed, missing in Marawi," Bulatlat, 13 September 2017, bulatlat.com/main/2017/09/13/mindanao-martial-law-minors-students-among-civilians-killed-missing-marawi/.



The lower satellite image from 1 October 2017 shows much of the east side of Marawi city destroyed along with parts of the west side, compared to what the city looked like in the upper image from 31 January 2017 before the fighting began.



A closer look at the main battle area in eastern Marawi as seen in the lower satellite image from 1 October 2017 shows the area almost completely destroyed, compared to what it looked like in the upper image from 31 January 2017 before the fighting began.

2. METHODOLOGY

The research for this briefing was conducted primarily in September 2017, in Lanao del Sur and Lanao del Norte provinces in Mindanao, in southern Philippines. Desk research, and a small number of follow-up interviews, were conducted remotely in October and November 2017. All research was conducted by two researchers from Amnesty International's Secretariat.

In September 2017, Amnesty International interviewed 48 survivors and witnesses to violence in Marawi City, including 36 men, 11 women, and 1 child. Amnesty International also interviewed community leaders, local and international humanitarian actors, as well as local journalists and human rights investigators and activists, many of whom were also witnesses.

Amnesty International interviewed most of the survivors and witnesses individually; a few requested to be interviewed in small groups. The interviews were conducted in English, Tagalog, Visayan, and Maranao.

Interviewees were informed about the nature and purpose of the research as well as how the information they provided would be used. Oral consent was obtained from each interviewee prior to the start of the interview. No incentives were provided to interviewees in exchange for their accounts.

Due to the risk reprisals from the militants and the government if identified as having spoken to Amnesty International, information that could identify interviewees has been removed for their security. *Pseudonyms have been used in all cases.*

As a result of the ongoing conflict, the martial law, and other serious access constraints, it was difficult to identify and contact potential witnesses; moreover, the conflict-affected population was generally terrified to speak about their experiences – on or off the record – as they feared reprisals from all parties to the conflict. Similar types of constraints have been experienced by other human rights monitoring organizations -- and local human rights groups often face much graver risks.

3. BACKGROUND

Mindanao is an island in the southern Philippines; it is the second largest island in the Philippine archipelago. Mindanao is also the name of a group of islands that includes the island of Mindanao along with a few smaller surrounding islands. The Mindanao island group has a population of approximately 22 million people and encompasses an area of roughly 100,000 km².²⁴

In the 14th century, Islam arrived in Mindanao and became the religion of the indigenous population.²⁵ A significant minority of the current population of Mindanao is Muslim.²⁶ The Muslim population in Mindanao – which is composed of a variety of ethnic groups – are collectively referred to as *Moro* or *Bangsamoro*.

In 1990, the Autonomous Region in Muslim Mindanao (ARMM) was established; the region consists of five predominately Muslim provinces in the western part of Mindanao.²⁷ Marawi City is the largest city in ARMM and the largest Muslim-majority city in the Philippines, with a population of approximately 200,000.²⁸

HISTORY OF CONFLICT IN MINDANAO

The Moro people have been engaged in armed resistance – to various degrees – since colonial Spanish Catholics arrived in Mindanao during the 16th century. Between 1901 and 1913, Muslim bands fought a series of campaigns against American troops known as the Moro Wars.²⁹

In the early 1970s, fighting commenced between Philippine government forces and the newly formed Moro National Liberation Front (MNLF) – an Islamic separatist movement.³⁰ In 1984, the MNLF fragmented, and the Moro Islamic Liberation Front (MILF) was established by ex-MNLF fighters.

²⁴ Republic of the Philippines, Philippines Statistics Authority, National Statistics Office, “Population and Annual Growth Rates for The Philippines and Its Regions, Provinces, and Highly Urbanized Cities Based on 1990, 2000, and 2010 Censuses 2010 Census and Housing Population,”

psa.gov.ph/sites/default/files/attachments/hsd/pressrelease/Population%20and%20Annual%20Growth%20Rates%20for%20The%20Philippines%20and%20Its%20Regions%20Provinces%20and%20Highly%20Urbanized%20Cities%20Based%20on%201990%202000%20and%202010%20Censuses.pdf.

²⁵ Republic of the Philippines, Office of the President, National Commission for Culture and the Arts, “The History of the Muslim in the Philippines,” 30 April 2015, ncca.gov.ph/subcommissions/subcommission-on-cultural-communities-and-traditional-arts-socata/central-cultural-communities/the-history-of-the-muslim-in-the-Philippines/.

²⁶ World Population Review, “Philippines Population 2017,” worldpopulationreview.com/countries/Philippines-population/.

²⁷ Republic of the Philippines, Congress of the Philippines, Republic Act No. 6734, “An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao,” 1 August 1989,” www.lawphil.net/statutes/repacts/ra1989/ra_6734_1989.html; the ARMM was expanded in 2001: Republic of the Philippines, Congress of the Philippines, Republic Act No. 9054, “An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao, Amending for the Purpose Republic Act No. 6734, Entitled “An Act Providing for the Autonomous Region in Muslim Mindanao, as Amended,” 31 March 2001, www.lawphil.net/statutes/repacts/ra2001/ra_9054_2001.html.

²⁸ Republic of the Philippines, Philippines Statistics Authority, Censuses of Population and Housing, “Population of the Autonomous Region in Muslim Mindanao (Based off the 2015, Census of Population),” 10 June 2016, psa.gov.ph/population-and-housing/title/Population%20of%20the%20Autonomous%20Region%20in%20Muslim%20Mindanao%20%28Based%20on%20the%202015%20Census%20of%20Population%29.

²⁹ In the aftermath of the Spanish-America war, sovereignty over the Philippines passed from Spain to the United States: Encyclopedia Britannica, “Moro Wars,” www.britannica.com/event/Moro-Wars#ref1080833.

³⁰ Conciliation Resources, “History: Mindanao conflict and the Moro Islamic Liberation Front,” www.c-r.org/where-we-work/southeast-asia/history-mindanao-conflict-and-moro-islamic-liberation-front; Stanford University, “Mapping Militant Organizations,” 14 August 2015, <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/379>.

In 1996, the MNLF signed a peace agreement with the government.³¹ The MILF signed their own agreement with the government in 2014,³² but subsequent legislation necessary to bring about greater autonomy and wealth sharing for the Moro people has stalled.

An estimated 120,000 people were killed during the conflict between the government and the MILF and MNLF.³³

PARTIES TO THE CONFLICT IN MARAWI

The conflict in Marawi was fought between Philippine government forces and an alliance of armed non-state actors – militants – that had declared allegiance to the Islamic State (IS). Analysts have argued that the militants received funding and took orders from IS “central” in the Middle East.³⁴ The two most prominent militant groups that took part in the battle in Marawi were the Maute group and the Abu Sayyaf group – both reportedly enlisting the help of foreign fighters.³⁵

The Maute group – led by the late Omar and Abdullah Maute – pledged allegiance to ISIS in 2015. Prior to the fighting in Marawi, the Maute group was linked to abductions and attacks throughout Mindanao.³⁶

The Abu Sayyaf group – a splinter faction from the MILF dedicated to the creation of an independent Muslim state in Mindanao – was led by the late Isnilon Hapilon. The group had previously carried out kidnappings and terrorist attacks throughout Mindanao.³⁷ In 2014, the group pledged allegiance to the armed group IS; several other militant groups pledged loyalty to IS under the leadership of Hapilon.³⁸

Between February 2016 and March 2017, the Maute group and the Abu Sayyaf fought sporadic battles against the Philippine army in the municipality of Butig – an area about a two hour drive south of Marawi, where the Maute family has deep roots.³⁹

On 23 May, Philippine government forces attempted to capture Isnilon Hapilon, who was reportedly inside Marawi at the time. The operation reportedly triggered the start of the battle for Marawi; however, some of the militants were reportedly already inside Marawi preparing for their takeover of the city, which was originally planned to begin a few days later, on the first day of the Muslim fasting month of Ramadan.⁴⁰

NOTE: Due to the nature of violence and the non-state groups that fought in Marawi, it was not possible for Amnesty International to determine the specific group that individual perpetrators of violence belonged to; all non-government fighters are referred to in this report as ‘militants’. In cases where an interviewee refers to a specific group, or to a member of a group (i.e. Maute, Abu Sayyaf, IS, Islamic State in Syria (ISIS), etc.), their quote has been included exactly as it was given.

³¹ “1996 Peace Agreement with the Moro National Liberation Front,” 2 September 1996, <http://www.incore.ulst.ac.uk/services/cds/agreements/pdf/phil16.pdf>.

³² “The Comprehensive Peace Agreement of the Bangsamoro, 27 March 2014,” <http://www.incore.ulst.ac.uk/services/cds/agreements/pdf/phil16.pdf>; Conciliation Resources, “Philippines sign landmark peace deal with MILF,” March 2017, <http://www.c-r.org/news-and-views/news/philippines-reach-landmark-peace-deal-milf>.

³³ GlobalSecurity.org, “Moro Islamic Liberation Front,” <https://www.globalsecurity.org/military/world/para/milf.htm>.

³⁴ According to the Indonesian think tank, the Institute for Policy Analysis of Conflict (IPAC) – the militants receive both orders and financing from ISIS. According to IPAC’s report, “[t]he Marawi operations received direct funding from ISIS central and reveal a chain of command that runs from Syria through the Philippines to Indonesia and the rest of Southeast Asia”; Institute for Policy Analysis of Conflict (IPAC), *Marawi, the “East Asia Wilayah” and Indonesia*, 21 July 2017, www.understandingconflict.org/en/conflict/read/61/Marawi-The-East-Asia-Wilayah-and-Indonesia.

³⁵ Other armed groups who were reportedly active during the fighting in Marawi included Bangsamoro Islamic Freedom Fighters, Ansar al-Khilafah Philippines (AKP), and Junud al-Khilafah: Institute for Policy Analysis of Conflict (IPAC), *Marawi, the “East Asia Wilayah” and Indonesia*, 21 July 2017, www.understandingconflict.org/en/conflict/read/61/Marawi-The-East-Asia-Wilayah-and-Indonesia.

³⁶ Institute for Policy Analysis of Conflict (IPAC), *Marawi, the “East Asia Wilayah” and Indonesia*, 21 July 2017, www.understandingconflict.org/en/conflict/read/61/Marawi-The-East-Asia-Wilayah-and-Indonesia; Security Reform Initiative, “Briefing: Maute Group and ISIS,” 19 June 2017, <http://www.securityreforminitiative.org/wp-content/uploads/2017/06/Maute-Group-and-ISIS-SRI-Briefer-1.pdf>; Rammel C. Banlaui, “The Maute group and the rise of the family of terrorism,” Rappler, 15 June 2017, <https://www.rappler.com/thought-leaders/173037-maute-group-rise-family-terrorism/>; John Unson, “How Maute group came to be,” PhilStar, 25 May 2017, <http://www.philstar.com/headlines/2017/05/25/1703502/how-maute-group-came-be>.

³⁷ “Timeline of the Abu Sayyaf in the Philippines,” Agence France-Presse, 9 April 2016, <http://news.abs-cbn.com/focus/04/09/16/timeline-of-the-abu-sayyaf-in-the-Philippines>.

³⁸ Institute for Policy Analysis of Conflict (IPAC), *Marawi, the “East Asia Wilayah” and Indonesia*, 21 July 2017, www.understandingconflict.org/en/conflict/read/61/Marawi-The-East-Asia-Wilayah-and-Indonesia.

³⁹ Froilan Gallardo, “Gov’t Soldiers take over Butig after 7 days of fighting,” Minda News 1 December 2016, <http://www.mindanews.com/top-stories/2016/12/govt-soldiers-take-over-butig-town-after-7-days-of-fighting/>; John Unson, “Butig clashes displace more than 2,400 families,” PhilStar, 29 November 2016, <http://www.philstar.com/nation/2016/11/29/1648619/butig-clashes-displace-more-2400-families>.

⁴⁰ International Crisis Group, “CrisisWatch: Philippines,” October 2017, https://www.crisisgroup.org/crisiswatch/database?location%5B%5D=46&date_range=last_6_months&from_month=01&from_year=2017&to_month=01&to_year=2017.

4. UNLAWFUL KILLINGS BY MILITANTS

During the conflict, militants regularly targeted civilians and carried out numerous extrajudicial executions. The civilian victims were nearly all Christians, and most – if not all – were targeted because they were not Muslim. Militants often gave civilians a *de facto* religious test prior to killing them; they were asked to recite the Shahada, which is an expression of Muslim faith, or to respond to Muslim greetings. Civilians who did not recite the Shahada or failed to respond appropriately were often summarily executed. In the few instances where militants attempted to provide a justification for the killings beyond the fact that the victims were not Muslim, they stated that the victims were government intelligence agents.

Amnesty International interviewed 11 individuals who witnessed 10 separate incidents where militants unlawfully killed one or more civilians. In total, witnesses provided Amnesty International with accounts of 25 civilian deaths. Unlawful killings by militants have also been reported in the media.⁴¹

Militants often executed Christians at *de facto* checkpoints, which the Christians were approaching in order to exit the city. Militants usually performed the killings with a pistol, a rifle, or by cutting the victim's throat. Journalists have reported cases where civilians were beheaded.⁴² Most victims were shot and killed immediately after being questioned by the military. Most victims were shot and killed while standing or kneeling on the ground; some were shot and killed while running away.

The instances of extrajudicial execution and other forms of direct targeting of civilians by militants documented in this report are clear violations of the cardinal rule of distinction in IHL and amount to war crimes.

On 23 May – shortly after the conflict erupted – Adam, in his forties, was in the parking lot of the Amai Pakpak Medical Hospital when he saw militants hijack the hospital's ambulance and execute the driver.⁴³ Adam told Amnesty International that he was standing about 10 metres away from the ambulance, which was about to leave the hospital, when three militants dressed all in black approached and blocked the vehicle. "I saw them stop the ambulance," he said. "They asked [the driver] to say the Shahada, but the driver was not able to answer so they shot him. ... Then they came to me and asked me to recite the Shahada [and I did], and they let me live."⁴⁴

The media reported that an ambulance driver was killed outside Amai Pakpak Medical Hospital.⁴⁵

⁴¹ See, for example, Tom Allard, "Muslims protect Christians under attack from Isis-linked group as they flee Marawi," *The Independent*, 3 June 2017, www.independent.co.uk/news/world/asia/muslims-christians-Philippines-marawi-isis-flee-seige-a7771126.html.

⁴² Kanupriya Kapoor, "Philippines says beheaded civilians found in rebel-held town," *Reuters*, 28 June 2017, news.trust.org/item/20170628072733-5rnfo/; Bobby Lagsa, "A family's tale of terror, hope, faith during the Marawi siege," *Rappler*, 19 October 2017, www.rappler.com/nation/185751-family-tale-terror-hope-faith-marawi-siege.

⁴³ The media did report that an ambulance driver was found killed outside Amai Pakpak Medical Hospital. See, for example, ABS-CBN, "Marawi death toll rises as govt grapples with terrorist rumors," 25 May 2017, www.news.abs-cbn.com/news/05/25/17/marawi-death-toll-rises-as-govt-grapples-with-terrorist-rumors.

⁴⁴ Amnesty International interview 8 September 2017.

⁴⁵ Ron Galagac, "At least 2 civilians dead in Marawi attack," *ABS-CBN News*, 224 May 2017, www.news.abs-cbn.com/news/05/24/17/at-least-2-civilians-dead-in-marawi-attack.

On 24 May, Hassan, a driver and shop-owner in his thirties, witnessed militants kill six people by cutting their throats. He did not know the victims, but he was told that they were Christian carpenters. "On the 24th of May I was in Banggolo market [making a delivery], when I saw six men lying face down on the ground," he told Amnesty international. "It was very awful. [The militants] stepped on their heads and they grabbed their hair and then they shot them. ... After they shot them, [the militants] started shooting in the air." Hassan, told Amnesty International that there were seven fighters standing around the bodies, and that three of the fighters had killed the six men.⁴⁶

On 23 May, John, a Christian construction worker in his thirties, from Iligan City, was working on a house in Marawi, in the neighbourhood of Basak Malutlut. In the early afternoon, his co-worker walked outside to buy cigarettes at a neighbouring store. From the balcony where he was standing, John noticed armed men, dressed all in black, approach his colleague. The armed men asked if he was Muslim or Christian and he answered Christian. Immediately afterwards, one of the men shot him with a rifle and killed him. "He shot him in the head. He was shot suddenly," John told Amnesty international. "We could see them and hear them clearly."

After his co-worker was executed, John rushed inside and hid with his other colleagues. Then they called their boss, who instructed them to remain hidden inside the house. John was trapped in Marawi for four days before being rescued by his boss who re-entered Marawi and then smuggled John and his remaining colleagues out of town in a small dump truck. "We don't know what happened to the body [of our friend]," he said.⁴⁷

During the first few days of the conflict, when the vast majority of the civilian population evacuated from Marawi, several Christians were targeted by militants and killed while trying to evacuate. The intentions of the militants – who appeared to be monitoring the exodus to single out non-Muslims to capture or kill – quickly became known to residents and visiting workers. Many Muslim residents helped Christians to evacuate by escorting them out of the city in their vehicles, disguising them in traditional Muslim clothing, or persuading militants that the Christians were Muslim.⁴⁸ A former resident told Amnesty International she hid two Christians who worked for her in a box in her car while fleeing the city.⁴⁹

On 25 May, Hafiz, a Muslim religious leader and merchant from Marawi, was standing in the plaza in Banggolo, in a large chaotic line of people and cars trying to evacuate from the city, when militants shot and killed an unarmed civilian. Hafiz told Amnesty International that the man was shot because he could not recite the Shahada. "There was one car [near us], and the terrorist asked [the passengers] to recite the Shahada, and there was one passenger who was not able to recite it, so they shot him and left his body in the plaza. I estimate that the [victim] was 30 years old," he said.⁵⁰

Hafiz was able to help two Christians who worked at his store escape the city. "[Two workers from my store] ran to me and said 'save us, [the militants] will kill us'. So I brought them with me [in my car]. ... When we crossed the Mapandi Bridge, we passed the ISIS [fighters] and [one of the militants] asked who these people were. I told [the militant] that these were my children. They let us pass."

On 24 May, Ameera, in her forties, was attempting to evacuate from Marawi City with a group of about 20 people when militants shot one member of their group. Ameera told Amnesty International that a militant approached the group and singled out a man in his twenties and asked him if he was Maranao. The man responded that he was a Balik Islam – a convert to Islam. The militant asked the man to recite the Shahada, and the man was unable to say it. The militant then asked him to bow down and then shot the man with his pistol twice in the head and killed him. "I was just standing there staring [when he was shot]," Ameera said. "And then [the militant] got a box and covered the body. ... My son [who was standing with me] asked [the militant] why he killed the man, and [the militant] answered that the man was 'intelligence'. ... Then we left because I was afraid."⁵¹

Aden, in his twenties with four children, witnessed militants summarily execute eight civilians because they were Christian. Aden told Amnesty International that on 23 May he evacuated his children from Marawi city and then returned to his neighbourhood to try to secure his family's belongings. When he got back to his

⁴⁶ Amnesty International interview 7 September 2017.

⁴⁷ Amnesty International interview 11 September 2017.

⁴⁸ For journalist accounts of Muslims helping Christians to evacuate see Eleanor Ross, "Christians are given hijabs by Muslims in Marawi to escape ISIS militants," *Newsweek*, 15 July 2017, <http://www.newsweek.com/christians-fleeing-isis-are-given-hijabs-muslims-marawi-help-them-escape-625953>; Tom Allard, "Muslim protected Christians under attack from ISIS-linked group as they flee Marawi," *Independent*, 3 June 2017, <http://www.independent.co.uk/news/world/asia/muslims-christians-Philippines-marawi-isis-flee-seige-a7771126.html>; John Unson, "Muslims help Christians hide and head out of Marawi," *Phil Star*, 29 May 2017, <http://www.philstar.com/nation/2017/05/29/1704467/muslims-help-christians-hide-and-head-out-marawi>.

⁴⁹ Amnesty International interview 5 September 2017.

⁵⁰ Amnesty international interview 5 September 2017.

⁵¹ Amnesty international interview 6 September 2017.

neighbourhood, his friend, who owned a local bakery, asked him to help evacuate eight Christian workers from his bakery shop. He told Amnesty International that on 24 May he left for Iligan City with his friend and the eight workers:

"I have a friend who owns a bake shop. He said please come with me to save these Christians... [We all got in a car and started driving to Iligan] ... when we got to [neighbourhood] Emie, the ISIS stopped the car and made the Christians line up... and shot them. I saw it. They killed them one by one. ... They were killed on a street with lots of grass near the AFP checkpoint [in neighbourhood Emie Punud] ... Before getting out of the car they were asked by the ISIS [fighters] to say Takbeer [Allahu Akbar], and the Christians could not recite it... Then [the fighters] said [to me and my friend], 'how can you save these Christians, you are Muslims', then [the fighters] took the car and told us to go back [to Marawi City]."

Aden told Amnesty International that all the men were forced to crouch down with their hands on their head, and then they were shot in the head. All eight were killed by the same fighter, who was using an Armalite rifle.

Aden provided Amnesty with the partial names of four of the eight victims. He said that all eight of the victims worked in the shop and some lived in the bake shop floor.⁵²

The incident involving eight executed bakery workers in neighbourhood Emie Punud was also reported in the press.⁵³

Some Christian workers elected not to risk attempting to evacuate during the first few days of the siege. They decided to remain hidden – 'trapped' – in houses and buildings in Marawi rather than risk being killed or captured by militants. Many of these trapped Christians were ultimately able to escape; however, others were killed by militants while attempting to flee (for more information on 'trapped' civilians see section on trapped civilians below).

James and Daniel – painters who were working on a house in Marawi in the neighbourhood of Basak Malutlut at the time of the siege -- both told Amnesty International how militants killed three of their friends and colleagues while they were trying to escape. On 28 May, after hiding in their employer's house for five days, James, Daniel, and four of their co-workers attempted to escape. They were chased and fired at by militants, which forced them to take cover in a canal. From the canal they made their way to the lake, and then started to swim to the other side of Marawi. James told Amnesty:

"When I was about to [swim across] the lake I saw ISIS [fighters] near the lake... we were six that were supposed to cross the lake but three of our friends were shot. We saw them get shot. ... They were shot in the water... we saw the person shooting, he was [dressed] all in black with long hair and a beard."

James and Daniel managed to get out of the water. They were chased and shot at again, but managed to evade the militants and take refuge in a different house. They hid in the house for 18 days before they managed to escape. After they escaped, members of the Philippine armed forces detained them, accused them of being members of IS, and physically abused them (for more information about their abuse in detention see section on ill-treatment by government forces below).⁵⁴

Many people also saw bodies of dead or dying civilians while walking through the streets. Ibrahim, a Maranao religious leader, was in Marawi, trying to orchestrate the evacuation of civilians when he saw a person, who had been shot, but was still breathing, lying in the street. He asked a militant why they had tried to kill that man. "They said he was intelligence." He also said that he saw three dead civilian Christians while walking through the streets.⁵⁵ Ryan, in his forties, told Amnesty International that on 25 May, before he evacuated from Marawi City, he saw a dead body in a drainage ditch next to a gas station in Moncado neighbourhood. "The man was lying in a drainage ditch that was full with blood. The man had a cut neck. The knife was still in his neck."⁵⁶ Ryan said he did not know how the man was killed.

⁵² Amnesty International interview 10 September 2017.

⁵³ See, for example, Gerg Cahiles, "Eight bodies found in Iligan-Marawi border, CNN Philippines, 29 May 2017, cnnphilippines.com/incoming/2017/05/28/Eight-bodies-found-in-Iligan-Marawi-border.html; Jeffrey Maitem, "8 missing bakery workers found dead near Marawi City," The Philippine Daily Inquirer, 28 May 2017, newsinfo.inquirer.net/900262/8-bakery-workers-killed-while-fleeing-marawi-city.

⁵⁴ Amnesty International interview 11 September 2017.

⁵⁵ Amnesty International interview 3 September 2017.

⁵⁶ Amnesty International interview 7 September 2017.

5. HOSTAGE-TAKING BY MILITANTS

Militants captured numerous civilians and held them hostage.

Many – likely most – of the hostages were captured during the first few days of the battle. The vast majority of those held hostage by militants were Christians; although both media and witnesses reported that Muslim residents were also held hostage.⁵⁷

Hostages were physically abused by militants, made to do forced labour, and reportedly served as human shields⁵⁸; in at least one instance a hostage was summarily executed.⁵⁹ The government and journalists have reported that hostages were also forced to make improvised bombs, fight and loot, and were used as sex slaves.⁶⁰ Hostages were also killed by government air strikes, according to witness accounts;⁶¹ the government has not clarified if its official civilian casualty toll includes such casualties.

Some of the hostages managed to escape; others were rescued by the military.⁶² The government has reported that its forces rescued 1,780 hostages.⁶³ The instances of hostage-taking documented in this report, and the instances documented by journalists and other human rights organizations, are violations of the norm of customary international law prohibiting hostage-taking in non-international armed conflict.⁶⁴ Hostage-taking is also prohibited by Common Article 3 to the Geneva Conventions.⁶⁵

⁵⁷ “CBCP confirms Maute abduction of priest, other parish staffers,” CNN Philippines, 24 May 2017, <http://cnnPhilippines.com/news/2017/05/24/cbcp-maute-priest-hostage.html>; Carmela Fonbuena, “Over a dozen Marawi hostages rescued,” Rappler, 4 October 2017, <https://www.rappler.com/nation/184223-marawi-hostages-rescued>.

⁵⁸ “Maute using children, women as human shields: official,” ABS-CBN 1 June 2017, <http://news.abs-cbn.com/news/06/01/17/maute-using-children-women-as-human-shields-official>; “CHR condemns extremists’ use of ‘human shields’ in Marawi,” ABS-CBN News, 14 June 2017, <http://news.abs-cbn.com/news/06/14/17/chr-condemns-extremists-use-of-human-shields-in-marawi>.

⁵⁹ Bobby Lagsa, “A family’s tale of terror, hope, faith during the Marawi siege,” Rappler, 19 October 2017, www.rappler.com/nation/185751-family-tale-terror-hope-faith-marawi-siege.

⁶⁰ Reuters, “Hostages in Philippine town forced to fight, loot, become sex slaves – army,” 27 June 2017, news.trust.org/item/20170627093038-yk3k/; Steve Chao & Liz Gooch, “Mama, I want to go home’: ISIL’s assault on Marawi,” Al-Jazeera, 27 October 2017, <http://www.aljazeera.com/news/asia-pacific/2017/10/home-isil-assault-marawi-171026141200966.html>

⁶¹ Amnesty International interview 3 September 2017.

⁶² See, for example, Froilan Gallardo and Geoffrey Maitem, “Philippine troops rescue 17 hostages in Marawi,” BenarNews, 04 October 2017, reliefweb.int/report/Philippines/Philippine-troops-rescue-17-hostages-marawi.

⁶³ Jim Gomez, “Philippines declares end to 5-month militant siege in Marawi,” Associated Press, 23 October 2017, apnews.com/78d9ed99e45540fb9be359d828bf4881; CNN Philippines Facebook Page, “Breaking News: Joint Task Force Marawi holds a press briefing after the announcement of the end of combat operations in Marawi,” www.facebook.com/CNNPhilippines/videos/2057484284491460/; Claire Jiao and Lara Tan, “Fighting in Marawi City is over,” CNN, 24 October 2017, cnn.ph/2yCm6BT.

⁶⁴ International Committee of the Red Cross (ICRC), *Customary International Law*, 2005, Volume I; Rules, rule, Rule 96, www.icrc.org/eng/assets/files/other/customary-international-humanitarian-law-ii-icrc-eng.pdf; International Committee of the Red Cross (ICRC), *Customary International Law*, 2005, Volume I; Rules, rule, Rule 97, www.icrc.org/eng/assets/files/other/customary-international-humanitarian-law-ii-icrc-eng.pdf.

⁶⁵ International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Common Article 3), 12 August 1949.

Amnesty International interviewed one individual who was held hostage by militants. Amnesty International also spoke with three individuals who witnessed abducted civilians with militants.⁶⁶

Patrick, a construction worker in his twenties, was held hostage by militants for several weeks. He told Amnesty International that he was in hiding – trapped – for nine or 10 days before being captured by the militants. He was initially held with 42 other people – all Christians – all of whom had been working with him on a construction project, including a child of one of the workers who was four or five years old. Patrick was forced to do hard labour, including digging graves and foxholes, and he was also physically abused:

“[After they captured us] they brought us to a mansion where they kept us hostage. ... In the mansion we were used as slaves, following their orders. We cooked, prepared food. ... If [we] didn’t follow their commands, they would hit us. Once they fired [a bullet] near my head. ... I used to be hit in the face a lot. ... And many times I had to dig graves for Maute soldiers. ... And I had to dig a foxhole near the mosque.”⁶⁷

Patrick told Amnesty International that he was held hostage in the mansion for about a week. He was then transferred to a large building where he joined more than 100 other civilians. While he was being held in the building, bombs fell nearby and killed some of the hostages. Patrick told Amnesty International that 10 civilians were killed in that strike, and that other hostages were killed during other air strikes.

After spending one day in the building, Patrick and the other hostages were transferred to the Bato mosque. Patrick told Amnesty International that when he and the other hostages arrived at the mosque they found more hostages, including a priest named Father Chito.

According to media reports, the militants had kidnapped Marawi’s vicar-general Father Teresito “Chito” Soganub alongside other parishioners on the first day of the fighting, when they ransacked a local cathedral. He was rescued reportedly in a military operation in mid-September.⁶⁸

Patrick was subsequently transferred to another part of the mosque, where he met some other men who were planning to escape. He ultimately escaped with them.⁶⁹ After he escaped he was handcuffed and blindfolded by soldiers who kept him at military base for six to seven days before being released.⁷⁰ According to Patrick, the vast majority of the hostages he saw were Christian, and there were a small number of Muslims.

Hostage-taking by militants was also reported by journalists. One hostage, who gave a detailed account to the Philippine news website Rappler, described how he was separated from his family by a group of militants on 27 May as they tried to escape Marawi.⁷¹ A local human rights group that had interviewed him before he spoke to the media confirmed his account to Amnesty International.⁷²

Stopped at a checkpoint on Mapandi Bridge where the militants were separating Christians from Muslims, he was taken alongside other men while his family was allowed to go through.

More egregiously, he told Rappler and a local human rights group that the captors forced them to watch as they beheaded another hostage who had tried to break free from his handcuffs to escape. He told Rappler that three other hostages were ordered to bury the body.

On 29 May, as military air strikes hit the area where they were held, he and other hostages decided to use the noise as cover to escape. They made a run for it after realizing the door of the room where they were kept was not properly locked. Eleven hostages jumped into the water, one drowned and 10 of them reached the other shore.

⁶⁶ Amnesty International interview 3 September 2017; Amnesty International interview 9 September 2017; Amnesty International interview 6 September 2017.

⁶⁷ Amnesty International interview 3 September 2017.

⁶⁸ “Priest rescued as Philippine troops retake Marawi militant stronghold,” Reuters, 18 September 2017, www.reuters.com/article/us-Philippines-militants/priest-rescued-as-Philippine-troops-retake-marawi-militant-stronghold-idUSKCN1BTOPF.

⁶⁹ Amnesty International interview, 3 September 2017.

⁷⁰ Amnesty International interview, 3 September 2017.

⁷¹ Bobby Lagsa, “A family’s tale of terror, hope, faith during the Marawi siege,” Rappler, 19 October 2017, <https://www.rappler.com/nation/185751-family-tale-terror-hope-faith-marawi-siege>

⁷² Amnesty International interview, 9 September 2017.

6. ILL-TREATMENT BY GOVERNMENT FORCES

Philippine government forces violated the prohibition of torture and other ill-treatment of people in their custody. These violations were often carried out against civilians who were escaping from Marawi City and were seeking the protection of the military.

Members of the armed forces detained numerous people and accused them, without evidence, of being militants. Detainees were allegedly then subjected to various forms of ill-treatment including sustained beatings and threats of execution.

Amnesty International interviewed eight victims who described being subjected ill-treatment by Philippine government forces. Seven of the eight victims were Christian construction workers, who, prior to their detention, had been trapped in Marawi City because they feared being captured or killed by militants if they tried to escape.

Torture and other ill-treatment have also been reported by human rights monitoring groups in Mindanao.⁷³

The instances of ill-treatment documented in this report are violations of the norm of customary international law prohibiting torture or cruel or inhumane treatment.⁷⁴ They also violate all three of the international treaties that prohibit torture, to which the Philippines is a party: Common Article 3 to the Geneva Conventions, the Convention Against Torture (CAT), and the International Covenant on Civil and Political Rights (ICCPR).⁷⁵

On 23 May, Justin, a Christian construction worker in his forties, was working in Marawi City. He was trapped at the construction site with six of his co-workers for approximately one week. After becoming increasingly afraid that planes were going to bomb the building where he was hiding, he and his colleagues decided to try to escape.

Their first attempt failed, and may have resulted in the deaths of three of his colleagues. After they left their building and made their way to the lake, the group came across a militant who fired at them. The gunshots prevented Justin from reaching the water. Justin told Amnesty International that three of his colleagues were already in the water when the sniper fired at them; he has not seen or heard from them since and does not know whether they survived.

⁷³ Kalinaw Mindanao, *National interfaith humanitarian mission July 24-26, 2017/Marawi City, Lanao del Norte, Lanao del Sur, Iligan City documentation report*, On file with Amnesty International. Also, Mark Saludes, "Military accused of killing, torturing Marawi refugees," UCA News, 4 August 2017, www.ucanews.com/news/military-accused-of-killing-torturing-marawi-refugees/79924

⁷⁴ International Committee of the Red Cross (ICRC), *Customary International Law*, 2005, Volume I; Rules, rule, Rule 90, www.icrc.org/eng/assets/files/other/customary-international-humanitarian-law-ii-icrc-eng.pdf.

⁷⁵ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966; International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Common Article 3), 12 August 1949; UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984.

After being shot at, Justin and two of his colleagues returned to the building they had been hiding in. On 9 June, they tried again to escape. They exited their building and headed for Raya Madaya Bridge. They were all wearing white clothes, which is what they had heard the military was asking people to wear to distinguish them from militants.

Justin told Amnesty International that when he and his companions arrived at the bridge they were confronted by Philippine Marines. The marines were initially welcoming, but they subsequently accused them of being militants and physically abused them during interrogations:

“When we got to the bridge, we didn’t realize there was a military checkpoint. [When we got closer] the military cocked their guns and we all dropped down and then they searched us. ... Then they gave us biscuits and we thought that we were safe. But then the master sergeant arrived. Then they told us that we were ISIS. ... They beat us. ... I was punched and kicked... My companion showed his ID, but the military said he was a sniper for ISIS... I was beaten with an Armalite [rifle]. ... They tied our hands and feet with electrical wire. I was crying and they would not listen. ... The military was very angry because 13 of their men were killed.”⁷⁶

Later that day, the marines handed Justin over to the police’s Criminal Investigation and Detection Group (CIDG) who interviewed him again and then turned him over to another municipality. Two days later he was released. Justin said that the police and CIDG treated him well.⁷⁷

James and Daniel, were trapped in Marawi City for 18 days, and witnessed three of their friends get shot and killed by militants while trying to escape (for details see section on unlawful killing above). Once they finally managed to escape, they sought refuge with a group of marines, who detained them and abused them during an interrogation. James and Daniel were interrogated separately – but within earshot of each other – at a military outpost in the city.

James told Amnesty International how the marines accused him, without evidence, of being a militant and then proceeded to beat him:

“When we reached the bridge we saw the marines. I lifted up my hand and said ‘we are Christians’. ... It was the bridge closest to the lake. ... The marines gave us food, and they asked us why we got out [of the city] so late. I told them that we couldn’t get out [any earlier] because of ISIS. ... Then they began to check our bodies to see if we were holding any firearms. Then they tied our legs, and tied our arms behind our backs. Then we were tortured. ... One [Marine] kicked me in the chest, and one punched me. ... They asked me if I had an ID, and I showed it to them. They threw it away.”⁷⁸

Daniel was similarly abused during his interrogation:

“[A Marine] told me to drop to the ground. Then [the marine] said to stand up. Then he put his flashlight in my face and said ‘I saw you on YouTube, you are an ISIS sniper.’ ... Then he told me to drop to the ground [again]. Then he said get up. Then he pushed me. ... I kept saying ‘No, sir, I’m not an ISIS, I’m a [construction] painter,’ but they were not listening. ... I was struck with an Armilite (rifle).”⁷⁹

James and Daniel both told Amnesty International that they were beaten by numerous Marines, and that the names and ranks of the soldiers were covered with tape. After the interrogations, they were handed over to CIDG. Their cell phones were taken by the police and never returned. They told CIDG that the marines beat them and the CIDG official apologized and told them to understand that Marines were angry because their colleagues had been killed. James said the official told him, “At least you are alive, don’t complain.”

Joshua, in his twenties, Jerome, in his thirties, Adrian, a minor in his teens, and Mark, in his twenties, were all working together on a construction project in Marawi City at the start of the battle. They were told by their boss to remain in the building they were working on because it was too dangerous to attempt to evacuate; they remained trapped in the Marawi City for 13 days, with little food, before they attempted to escape. On the thirteenth day, they ran out of food and they spoke with a colonel in the Philippine army, who reportedly told their boss to allow them to leave the construction site.

The three men and the boy left together, along with 13 other construction workers. When they arrived near the bridge, they phoned the colonel they had spoken with previously and informed him that they were at the river holding a white flag. Despite the flag, they were shot at by the military. “I tried to be seen, but my companion told me to come back under cover,” said Joshua. “After I backed up, one of the AFP [soldiers] shot at me because they thought I was ISIS.”

⁷⁶ On 9 June 2017, 13 marines were killed in fierce clashes in Marawi City in what was described in the media as “bloody Friday.” See, for example, Carmela Fonbuena, “13 marines killed in Marawi’s bloody Friday,” Rappler, 10 June 2017, www.rappler.com/nation/172533-marines-bloody-friday

⁷⁷ Amnesty International interview 9 September 2017.

⁷⁸ Amnesty International interview 11 September 2017.

⁷⁹ Amnesty International interview 11 September 2017.

After being shot at, they called the military again, and they were instructed to jump into the river and swim to safety. They then jumped into the river, swam to the bridge, and ran across the bridge. During this time, there was a firefight between the marines on the bridge and the militants. When the group arrived at the bridge they encountered marines who treated them harshly from the start:

“[When we reached the marines] they told us to get down. ... Then they put us in a car and transferred us to an outpost... They blindfolded us and handcuffed us behind our back. ... During the interrogation we were still handcuffed and blindfolded.”⁸⁰

Jerome told Amnesty International:

“We were all told to drop to the ground and then we were beaten, we were kicked. ... We were interviewed about being Maute, and about being Christian. ... The army accused us of being liars, of being ISIS. ... When the media arrived, the soldiers had to hide us. ... Then we were transferred to the police, who asked us about our work and why it took so long to come out. And we said we couldn't come out because of [the] rebels.”⁸¹

During the interrogations, the three men and the boy were interrogated separately. They each experienced similar types of treatment in violation of the prohibition against torture and other ill-treatment.

Joshua told Amnesty International:

“They told us we are Maute. They kept insisting and asking who was a sniper. They told us that they would shoot us if we didn't tell the truth ... I was slapped and punched in the back, chest, and head. ... I could hear my companions crying.”

Jerome told Amnesty International:

“I was sitting on a chair with my hands cuffed at the back. They asked me if I was a Christian.... I was beaten on the back of my neck. The beatings lasted for two hours. ... I was accused of being a sniper. I kept insisting I was not. ... I heard my companion saying 'it's hurting please stop'. ... The beatings stopped when the media arrived... I couldn't see, I just heard... they also put cotton on our hands and tested it [to determine if we had handled weapons].”⁸²

Adrian told Amnesty International:

“I was loaded into a car again and brought to a second outpost... and questioned again. ... I was beaten and I heard my companion crying... They punched me in the stomach. ... Then I was received by the police and they removed the blindfold... then they gave us food.”⁸³

Mark told Amnesty International:

“When we crossed the bridge we were received by marines and told to lie down. ... During the interrogation [my companions and I] were asked if we had weapons, and I said no... one marine said that they were going to kill him... I said 'please have mercy' ... I told them the names of the military official I knew. ... They punched us. ... They loaded us into the truck and brought us to a police station... We were told to go to the third floor, and they removed our ties, and blindfolds. ... Two policemen interviewed me, asked if I was Christian or a Muslim... The police told us to be thankful that we got out.... At one point I fainted.”⁸⁴

Ahmed, in his twenties, was at home in Marawi City when the battle began. On 26 May, after hearing gunfire and explosions, he decided to try to leave the city. He proceeded to the river and then swam across. When he got out of the water he was apprehended by members of the military who blindfolded him and took him to another location where he was interrogated and abused. He was repeatedly accused of being a militant. “They kept saying ‘you are ISIS’. I was confused because there is a school named ISIS [in Marawi],” he told Amnesty International.

Ahmed was beaten severely all over his body; he had the butt of a rifle smashed on his hands and on his back. Hot liquid was poured all over his body. The pain eventually caused him to pass out. At some point later – he does not remember when – he was handed over to the Red Cross.⁸⁵

⁸⁰ Amnesty International interview 10 September 2017.

⁸¹ Amnesty International interview 10 September 2017.

⁸² Amnesty International interview 10 September 2017.

⁸³ Amnesty International interview 10 September 2017.

⁸⁴ Amnesty International interview 10 September 2017.

⁸⁵ Amnesty International interview 10 September 2017.

7. 'TRAPPED' CIVILIANS

Within a week, the fighting in Marawi displaced the vast majority of the city's residents. The only exceptions – other than militants and the hostages they kept – were civilians who were trapped by the violence, or by the threat of being captured or killed by militants. Many of these 'trapped' civilians ultimately managed to escape, or to evacuate through 'peace corridors' negotiated between the military, the militants, and civil-society groups.⁸⁶

Many civilians – at least hundreds, perhaps thousands -- were unable to evacuate through the peace corridors and remained trapped in Marawi City for weeks. On 29 May, the UN reported that 2,300 people remained in the city; by the end of August, this number had fallen to fewer than 300.⁸⁷ Those trapped for several weeks or more were threatened with starvation.⁸⁸

Many of the civilians who were trapped for extended periods were Christian workers who were afraid to evacuate because they believed that they might be captured or killed if they were identified by militants. Some trapped civilians managed to escape and were subsequently apprehended and abused by government forces, who were reportedly suspicious of why the civilians had remained inside Marawi for so long (see section on ill-treatment by government forces above).

Amnesty International interviewed numerous individuals who were trapped during the fighting. Many of them had to survive for weeks with little food, no clean water, and no electricity. They were living in a state of fear, at risk of being found by militants and hit by bombs or bullets.

An unknown number of trapped civilians are alleged to have been killed by the government's shelling and aerial bombardment (see section on the government's air and ground attacks below).

Joseph, Anthony, Christopher, and Paul are Christian construction workers who were working inside Marawi at the time of the siege. They told Amnesty International how they survived trapped in a building for approximately seven weeks. "When the crisis in Marawi started I was working construction in the city," Anthony told Amnesty International. "[My co-workers and I were] not allowed to escape because our boss told us that we were Christians and that we might be killed [if we left the building we were working in]."⁸⁹

The four men decided to remain in hiding in their building even as they observed a large number of civilians fleeing the city. They believed that it was not safe for them to leave. Joseph told Amnesty international that during the first few days after the siege:

⁸⁶ United Nations High Commission for Refugees, IDP Protection Assessment Report, "Armed Confrontations and Displacement in Maraw (AFP vs Maute)," 14 July 2017, reliefweb.int/sites/reliefweb.int/files/resources/IDPPAR-Marawi-Displacement_Issue-03-July-14-2017.pdf; Pia Gutierrez, "Duterte, MILF create 'peace corridor' in Marawi," ABS-CBN News, 31 May 2017, news.abs-cbn.com/news/05/31/17/duterte-milf-create-peace-corridor-in-marawi; Philip C. Tubeza, "2 Kinds of peace corridors being set up in Marawi," Philippine Daily Inquirer, 9 June 2017, newsinfo.inquirer.net/903944/2-kinds-of-peace-corridors-being-set-up-in-marawi-city.

⁸⁷ OCHA, *Humanitarian bulletin Philippines Issue 5*, June 2017 reliefweb.int/sites/reliefweb.int/files/resources/OCHAPhilippines_Humanitarian_Bulletin_No5_June_2017_FINAL.pdf; United Nations High Commission for Refugees, IDP Protection Assessment Report, "Armed Confrontations and Displacement in Maraw (AFP vs Pro-ISIS)," 22 August 2017, reliefweb.int/sites/reliefweb.int/files/resources/IDPPAR-Marawi-Displacement_Issue-04.pdf; Dharel Placido, "About 200 civilians remain unaccounted for in Marawi," 25 August 2017, news.abs-cbn.com/news/08/25/17/about-200-civilians-remain-unaccounted-for-in-marawi.

⁸⁸ Dennis Jay Santos, "Starvation threatens hundreds trapped by fighting in Philippine city," IRIN, 19 June 2017, www.irinnews.org/news/2017/06/19/starvation-threatens-hundreds-trapped-fighting-Philippine-city.

⁸⁹ Amnesty International interview 3 September 2017.

“The Imams [clerics] were making the announcements [on megaphones], [the Imams] were not part of the militants. ... The announcement was for all civilians [to leave the city], but we did not feel that we would be protected. That is when we didn’t go outside. ... Other Christians were being used as shields by militant groups. ... When we were hiding we could see abducted Christians with the Maute group [driving by our building in a vehicle].”⁹⁰

All four men drank rain water and ate very little food for seven weeks. Joseph told Amnesty International how the group sustained themselves, mitigated the risk of air strikes, and ultimately managed to escape:

“We stayed [in the building] for 45 days. When our food ran out, we stole food from the [nearby] grocery store, which had already been ransacked. ... We were able to survive for a month because we stole food. ... We put a white flag on top of our building [which we were instructed to do by the military] so that we would not become the victims of air strikes. During air strikes we hid in the bathroom. ... We were afraid of the planes because whenever there were air strikes, buildings near us would be blown up. ... We were not able to sleep because of the constant air strikes. ... We could not communicate because there was no electricity. But when we stole water we found a power bank for phones and then we could call our relatives and tell them that we were still alive. ... We were also able to call the Philippine Army. They told us to escape by running to the [Banggolo] bridge after the air strikes were over.... When we tried to run to the bridge [we encountered] Maute [fighters] and we were separated... [a few hours later] when I thought the Maute were gone I tried to escape again... I found a small tunnel and made it to the bridge. ... The soldiers searched me [for weapons].”⁹¹

Joseph escaped first. When he reached the military, he informed them about his three colleagues. The other three men remained trapped for another two weeks. On 5 July, after 45 days trapped inside their building, Anthony, Christopher, and Paul escaped the building and made it to Banggolo Bridge, where they were received by the military.⁹²

Carlo and Maria, a Christian married couple from Iligan, were both working in Marawi when the fighting started, and remained trapped in the city for more than five weeks. They told Amnesty international they had great difficulty obtaining food and water, and that they lived in constant fear of being hit during air strikes:

“We were not able to sleep because of the air strikes and gunfire. ... For 38 days we drank rain water. ... I tried to escape but bombs were falling near our building. ... When we did finally leave [as we were walking to bridge], we saw dead bodies decaying in the street. ... When we arrived at the bridge one of the Philippine [army] snipers waved at us to come faster. Then we were rescued by the military. Then we were turned over to the police.”⁹³



Soldiers on board armoured personnel carriers move past damaged buildings in the Mapandi area of Marawi, 30 August 2017, as fighting between government forces and militants entered its 100th day. © Ferdinandh Cabrera/AFP/Getty Images

⁹⁰ Amnesty International interview 3 September 2017.

⁹¹ Amnesty International interview 3 September 2017.

⁹² Amnesty International interview 3 September 2017.

⁹³ Amnesty International interview 9 September 2017.

8. LOOTING BY ALL PARTIES TO THE CONFLICT

There have been serious allegations of widespread looting during the crisis, by all parties to the conflict. Government officials have accused militants of looting large amounts of cash and jewellery.⁹⁴ Civilians and civil-society groups in Mindanao – including the Lanao del Sur chapter of the Integrated Bar of the Philippines – have accused government soldiers of widespread looting, citing what they said was video and photographic evidence posted on social media.⁹⁵ The government has denied the accusations;⁹⁶ however, military officials have acknowledged that a few individual soldiers have been caught looting,⁹⁷ and later said that one army officer and five enlisted personnel were charged.⁹⁸

The defense secretary told reporters the government will apply “the full force of the law” on soldiers who are found guilty of looting, and that authorities are willing to compensate victims.⁹⁹ After the end of fighting was declared, Joint Task Force Marawi also held a press conference during which they displayed items, including jewellery, cash, and electrical appliances, which the military said were looted belongings recovered from militants who were captured or who had surrendered.¹⁰⁰

Amnesty International spoke with several people who said that they witnessed militants looting stores and houses, particularly for weapons, jewellery and money. Amnesty International also spoke with several individuals who allege that Philippine government forces looted civilian property.

⁹⁴ Philip C. Tubeza, “IS terrorists guarding P1.4-B loot in Marawi,” *The Philippine Daily Inquirer*, 22 July 2017, newsinfo.inquirer.net/915973/is-terrorists-guarding-p1-4-b-loot-in-marawi.

⁹⁵ Edu Punay, “Cops, soldiers accused of illegal search, looting in Marawi,” *The Philippine Star*, 23 June 2017, www.philstar.com/headlines/2017/06/23/1712799/cops-soldiers-accused-illegal-search-looting-marawi; Carmela Fonbuena, “Marawi: 153 days and more,” *Rappler*, October 23 2017, www.rappler.com/newsbreak/in-depth/186075-marawi-series-rappler-timeline.

⁹⁶ GMA News Online, “TF Marawi on alleged looting: ‘Please stop spreading misinformation,’” 27 June 2017, www.gmanetwork.com/news/news/regions/616047/tf-marawi-on-alleged-looting-please-stop-spreading-misinformation/story/; Rita Salonga, “PNP challenges local IBP chapter amid accusations of looting, robbery in Marawi City,” *DZRH News*, 22 June 2017, dzhnews.com.ph/pnp-challenges-local-ibp-chapter-amid-accusations-looting-robbery-marawi-city/.

⁹⁷ Bonita L. Ermac, “Military reminds soldiers to preserve – not loot – Marawi properties,” *Manila Bulletin*, 4 October 2017, <https://news.mb.com.ph/2017/10/04/military-reminds-soldiers-to-preserve-not-loot-marawi-properties/>.

⁹⁸ *Rappler*, “6 soldiers charged for looting in Marawi,” 1 November 2017, <https://www.rappler.com/nation/187023-marawi-soldiers-charged-looting>.

⁹⁹ Mick Basa, “Gov’t to ‘apply full force of law’ on soldiers guilty of looting in Marawi,” *Rappler*, 01 November 2017, <https://www.rappler.com/nation/187043-military-reparation-marawi-looting>.

¹⁰⁰ YouTube, ABS-CBN News, *The World Tonight*: Several soldiers, cops probed for alleged looting in Marawi, 31 October 2017, <https://www.youtube.com/watch?v=uaqHutrPZqU>.

The instances and allegations of looting documented in this report are potentially violations of the rules prohibiting pillage in non-international armed conflict, under customary international law, international criminal law, and Philippine military regulations.¹⁰¹

Amal, a woman in her twenties who worked in the market in the neighbourhood of Bansalan, told Amnesty International that she observed militants looting shops in the market, especially for jewellery. “ISIS was stealing anything they could use,” she said.¹⁰²

Abdul, a religious leader, told Amnesty International that he evacuated his children at the start of the conflict but decided to remain in the city for a couple extra days to protect his property. “I stayed [until Friday 26 May] because I needed to secure my house, because [the militants] were entering peoples’ houses... and going into the pharmacy... I asked them why they were opening a shop that was closed by the owner. [The militants responded] that they were getting medicine for their wounded. ... They were also entering houses to get soft drinks and rice.”

Abdul, also told Amnesty International that he observed members of the military transporting looted civilian property from Marawi. “[The military trucks] were full of television sets and antiques, and computers. ... I saw them passing through Rorog Agus neighbourhood.”¹⁰³

Bassam told Amnesty International that his house was looted during what was ostensibly a search. “I know it was the military because they took a TV and a refrigerator, I don’t think ISIS could have done this before they left the area. ... My house was in a cleared area. ... One of the soldiers left their boots in my house [and my boots were stolen]. I have a picture of the boots.”¹⁰⁴ Some people who spoke with Amnesty International also said that their property had been looted, but they were not sure who had taken it. Faras, in his fifties, told Amnesty International that he returned to his house in Basak Malutlut after it was designated as a cleared area by the government, and found that it had been looted. “A lot of things were taken. They took jewellery and cash,” he said. “I don’t know exactly how much. ... It could have been ISIS or the military.”¹⁰⁵

¹⁰¹ ICRC, *Customary IHL Study*, Rule 52, www.icrc.org/eng/assets/files/other/customary-international-humanitarian-law-ii-icrc-eng.pdf.

¹⁰² Amnesty International interview 10 September 2013.

¹⁰³ Amnesty International interview 5 September 2017.

¹⁰⁴ Amnesty International interview 6 September 2017.

¹⁰⁵ Amnesty International interview 9 September 2017.

9. LARGESCALE DESTRUCTION FOLLOWING GOVERNMENT AIR AND GROUND ATTACKS



Mangled structures are seen in the main battle area in Marawi city, shown to the media during a tour by the military, 25 October 2017. © Jeffrey Maitem/Anadolu Agency/Getty Images

Five months of artillery and air strikes ravaged Marawi's infrastructure, and terrorized civilians trapped – or held-hostage – in the city. Huge swathes of the city were reduced to rubble.¹⁰⁶ While the extent of the

¹⁰⁶ Euan McKirdy, "Satellite imagery shows devastation of ISIS-held Marawi in the Philippines," CNN, 5 July 2017, www.cnn.com/2017/07/05/asia/marawi-Philippines-isis-satellite-imagery/index.html; "Visualizing the Fierce Battle for Marawi City," Strafor, 5 July 2017, worldview.stratfor.com/article/visualizing-fierce-battle-marawi-city; Divina M. Suson, "IN PHOTOS: Marawi after it's 'liberation'," Davao Today, 20 October 2017, davaotoday.com/main/politics/in-photos-marawi-after-its-liberation/.

physical damage is visible, the number of casualties remains unclear. Casualty figures released by the government are unlikely to be comprehensive given the difficulties of searching for bodies amongst the rubble. One former hostage told Amnesty International that he witnessed 10 people get killed by an air strike.¹⁰⁷ Several other people stated that they believed that many people had been killed by air strikes but their families were too scared to come forward because they believed that their deceased relatives would be accused of being militants. Many bodies have not been identified and have been buried in mass graves.¹⁰⁸

Due to security concerns and access restrictions, neither Amnesty International nor any other independent human rights organization has been able to conduct an assessment of whether the harm caused by the artillery and air strikes – the loss of civilian life and the infrastructure damage – was militarily necessary and proportional to the threat posed by the militants. Such an investigation is essential to determine whether the Philippine armed forces operated in accordance with their obligations under IHL and, in turn, whether civilians were unlawfully killed and infrastructure was unlawfully destroyed. Under the laws of war, parties to a conflict may only direct attacks at military targets and must take all feasible precautions to minimize harm to civilians. While civilian casualties do not necessarily mean there has been a violation of the laws of war, governments are obligated to investigate allegations of serious violations and compensate victims of unlawful attacks.

Images and video footage circulated in the media – along with satellite imagery obtained by Amnesty International and other organizations – show the significant damage the city sustained, including many half-standing buildings pockmarked with bullets and shrapnel, streets covered in rubble, and damaged mosques.¹⁰⁹



A general view of the damage in the eastern part of Marawi city where the fighting was mostly concentrated, 17 October 2017. © Jeoffrey Maitem/Anadolu Agency/Getty Images

¹⁰⁷ Amnesty International interview 3 September 2017.

¹⁰⁸ “150 war dead share Marawi mass grave: official,” ABS-CBN News, 29 October 2017, news.abs-cbn.com/news/10/29/17/150-war-dead-share-marawi-mass-grave-official.

¹⁰⁹ Witnesses who spoke with Amnesty International and media reports said the militants used mosques and other Islamic centers as hideouts. Officials said the militants were deliberately trying to provoke the military to bomb mosques to further inflame Muslims against the government and its actions. See, for example, John Unson, “Terrorists hiding in Marawi mosques,” The Philippine Star, 16 June 2017, www.philstar.com/headlines/2017/06/16/1710480/terrorists-hiding-marawi-mosques.



Damaged houses and a mosque are seen in Marawi city, 25 October 2017. © Romeo Ranoco/Reuters

The extensive damage to the city, particularly the fact that large areas continued to be destroyed after the military had publicly stated that only a few militants remained alive,¹¹⁰ underscore the importance of investigating whether the use of air and ground operations was consistent with the principle of proportionality under IHL. Amnesty International has analysed satellite imagery showing that between 3 September and 1 October entire neighbourhoods of Marawi went from having severe damage to what appears to be complete destruction, as a result of government strikes (see images below). This destruction all occurred weeks after the government had stated that fewer than 40 militants remained in the city.¹¹¹

The military, whose capability to fight in an urban setting has come into question,¹¹² defended its actions over the months saying that militants were constantly changing their places of hiding. But local officials and community leaders had repeatedly urged the government during the five-month operation to reconsider the use of air strikes, which had resulted in fatalities, including members of the armed forces during instances of “friendly-fire”.¹¹³

¹¹⁰ Audrey Morallo, “Military: Only 20-40 Maute fighters remain in Marawi,” PhilStar, 14 August 2017, <http://www.philstar.com/headlines/2017/08/14/1729058/afp-maute-fighters-remain-marawi>.

¹¹¹ Michael Punongbayan and Edu Punay, “Maute fighters in Marawi down to 40, says AFP,” The Philippine Star, 15 August 2017, www.philstar.com/headlines/2017/08/15/1729349/maute-fighters-marawi-down-40-says-afp.

¹¹² Carmela Fonbuena, “Marawi battle zone: Urban warfare challenges PH military,” Rappler, 19 June 2017, <https://www.rappler.com/newsbreak/in-depth/173050-battle-zone-marawi-urban-warfare>; Florian Neuhoof, “Battle for Marawi proves struggle for Philippines’ seasoned troops,” The National, 17 September 2017, <https://www.thenational.ae/world/asia/battle-for-marawi-proves-struggle-for-Philippines-seasoned-troops-1.629356>; The Philippine army has reportedly received training in urban warfare from the United States and Australian militaries and is scheduled to receive more training from the Australian military: Audrey Morallo, “As Marawi siege rages, US troops train Filipinos in urban warfare,” PhilStar, 30 June 2017, www.philstar.com/headlines/2017/06/30/1715052/marawi-siege-rages-us-troops-train-filipinos-urban-warfare; Myles Morgan, “Australia to send ‘urban warfare’ troops to Philippines in fight against IS,” SBS, 24 October 2017, www.sbs.com.au/news/article/2017/10/24/australian-military-send-urban-warfare-troops-Philippines-fight-against.

¹¹³ AFP, “11 Philippine govt soldiers killed in military air strike on Marawi militants,” 22 June 2017, www.straitstimes.com/asia/se-asia/10-Philippine-govt-soldiers-killed-in-military-air-strike-on-marawi-militants-minister; Jaymee T. Gamil, “CHR urges govt to stop airstrikes in Marawi,” The Philippine Daily Inquirer, 10 June 2017, newsinfo.inquirer.net/904294/chr-urges-govt-to-stop-airstrikes-in-marawi.



Between 3 September and 1 October 2017, entire parts in the battle area in eastern Marawi went from severe damage to being completely razed.

At the time of publication, the government was reporting at least 920 militants, 165 soldiers, and 47 civilians were killed during the battle, and 1,780 hostages were rescued.¹¹⁴ The government has not publicly disclosed how it arrived at this number, nor has it disclosed if this number refers to civilians killed by all parties to the conflict, or whether it only refers to civilians killed by the military, or only to civilians killed by the militants.

According to the government's statistics, 97 percent of all non-military personnel killed during the conflict were militants. There is, however, reason to believe that the current figure is not a complete representation of the number of civilians killed, further highlighting the need for an investigation and more transparency from the government.¹¹⁵ At the time of publication, many residents of Marawi were still searching for missing family members and friends, who the residents claim are not militants, and bodies, including babies, were still being recovered.¹¹⁶ Given the extent of the damage, a full analysis and clean-up operation will likely take months; figures are unlikely to be complete and accurate until the displaced have returned, the missing are accounted for, and the rubble has been cleared.

Through 12 interviews Amnesty International documented 25 unlawful deaths by militants and 10 by aerial bombardment, for a total of 35 deaths. Amnesty International also received secondary accounts of other civilian deaths, and journalists and other human rights organizations have documented many more. Considering that Amnesty International was only able to conduct interviews with a small proportion of the population, it is likely that the total number of civilian deaths is significantly higher.

The government needs to publicly clarify how targeting decisions were made, and what role the presence of civilians and civilian infrastructure in the targeted areas played in the decision. The government should also clarify how it determined the number of civilian deaths, and how these deaths occurred. The government should also explain how it determined whether people killed by air or ground attacks were civilians or militants.

Civilians have questioned the necessity of the extent of the damage to the city¹¹⁷, and civil society organizations are planning to file a class action suit against the government for its role in the destruction of property and deaths of civilians.¹¹⁸ President Duterte has stated that he would welcome such a suit, and that he takes full responsibility for what has taken place in Marawi.¹¹⁹

The government should cooperate with the suit, and with all investigations into alleged attacks against civilians and civilian infrastructure. If it is the case that civilians were killed by government attacks, then the government must explain how the loss of life was legally justified in pursuit of its military objectives. The population of Marawi deserves, in the very least, to know the truth about whether and how their family members, friends, and neighbours were killed.

¹¹⁴ Jim Gomez, "Philippines declares end to 5-month militant siege in Marawi, Associated Press, 23 October 2017, apnews.com/78d9ed99e45540fb9be359d828bf4881; CNN Philippines Facebook Page, "Breaking News: Joint Task Force Marawi holds a press briefing after the announcement of the end of combat operations in Marawi, www.facebook.com/CNNPhilippines/videos/2057484284491460/.

¹¹⁵ See, for example, Frances Mangosing, "Lorenza on 2,000 civilian deaths in Marawi: Avoid sharing unverified data," *The Philippine Daily Inquirer*, 11 July 2017, newsinfo.inquirer.net/912785/lorenzana-on-2000-civilian-deaths-in-marawi-avoid-sharing-unverified-data; Al Jazeera English, "Philippines military: Death toll in Marawi tops 500," 11 July 2017, www.aljazeera.com/news/2017/07/Philippines-military-death-toll-marawi-tops-500-170711110745807.html; Kalinaw Mindanao, *National interfaith humanitarian mission July 24-26, 2017/Marawi City, Lanao del Norte, Lanao del Sur, Iligan City documentation report*, On file with Amnesty International.

¹¹⁶ Rachel Umel, "37 more bodies recovered in Marawi," *The Inquirer*, 10 November 2017, newsinfo.inquirer.net/944368/37-more-bodies-recovered-in-marawi.

¹¹⁷ JC Gotinga, "Overkill? Some locals questioning Marawi shelling," *Al Jazeera*, 29 October 2017, <http://www.aljazeera.com/news/2017/10/overkill-locals-question-marawi-shelling-171029074135753.html>.

¹¹⁸ Jigger J. Jerusalem, "Marawi residents plan on filing class suit against government, *Davao Today*, 20 October 2017, davaotoday.com/main/politics/marawi-residents-plan-on-filing-class-suit-against-government/; Ana P. Santos, "Marawi residents report military abuses during jihadists siege," *Deutsch Welle*, 30 October 2017, www.dw.com/en/marawi-residents-report-military-abuses-during-jihadist-siege/a-41169661.

¹¹⁹ "President Duterte ready to face threatened class suit from Marawi City," *Eagle News*, 30 October 2017, <http://www.eaglenews.ph/president-duterte-ready-to-face-threatened-class-suit-from-marawi-city/>; David Santos, "Duterte take full responsibility for Marawi devastation," *CNN Philippines*, 30 October 2017, <http://cnnphilippines.com/news/2017/10/30/Duterte-Marawi-devastation-rehabilitation.html>.

10. LEGAL FRAMEWORK AND ANALYSIS

The parties to the conflict in Marawi City between 23 May and 22 October 2017 committed violations of international humanitarian law (IHL) and international human rights law (IHRL). Militants committed unlawful killings, pillage, hostage-taking, and mistreatment of prisoners. Amnesty International has concluded that the instances of extrajudicial execution and other forms of direct targeting of civilians by militants documented in this report are clear violations of the cardinal rule of distinction in IHL and amount to war crimes.

Philippine government forces violated the prohibition against torture and other ill-treatment of detainees, and likely committed pillage. Government forces may also have carried out disproportionate air and ground attacks.

The conflict in Marawi City between Philippine government forces and armed non-State actors is classified as a non-international armed conflict (NIAC) under international law.¹²⁰ Parties to NIACs are bound by treaty-based and customary IHL. In particular, they are required to observe both Article 3 of the Geneva Conventions and Additional Protocol II to the Geneva Conventions. Article 3 Prohibits the inhumane treatment of “[p]ersons taking no active part in the hostilities, including members of armed forces who have laid down their arms,” including violence to life and person, in particular murder of all kinds, mutilation, cruel treatment, and torture.”¹²¹ Additional Protocol II provides more details on protection of civilians not directly participating in hostilities and civilian objects indispensable to the survival of the civilian population, including requirements that “[t]he civilian population as such, as well as individual civilian, shall not be the object of attack.”¹²² Many of the specific rules included in these and other treaties form part of customary international humanitarian law and are thus binding on all parties to the conflict.

Serious violations of IHL are war crimes. The rules of IHL aim to minimize human suffering and ensure protection of civilians who are not directly participating in hostilities. The principle of distinction, a cardinal rule of IHL, requires that parties at all times distinguish between combatants and legitimate military objects on the one hand, and civilian and civilian objects on the other hand, and ensure they direct attacks only at the former. Intentionally directing attacks against civilians who are not directly participating in hostilities and civilian objects is prohibited under IHL and is a war crime. Harm to the civilian population is permitted only if it is a military necessity and the expected gain of attack is proportionate to the harm caused.¹²³

¹²⁰ ICRC, “Philippines: No let-up in fighting in Marawi city,” 23 June 2017, www.icrc.org/en/document/Philippines-humanitarian-needs-remain-fighting-continues-marawi-city.

¹²¹ Philippines became a party to the First Geneva Convention of 1949 in 1951 and to the Second, Third, and Fourth in 1952 and a party to Protocol II in 1986.

¹²² Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of Victims of Non-international Armed Conflicts (Protocol II), available at www.refworld.org/docid/3ae6b37f40.html.

¹²³ For an overview of the principle of military necessity see G.D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War*, Second Edition, Cambridge University Press, New York, 2016, chapter 13.

IHL prohibits the destruction or seizure of the property of an adversary or of a civilian, unless required by imperative military necessity.¹²⁴ Violating the prohibition constitutes a war crime.¹²⁵

IHL prohibits the taking of hostages during non-international armed conflict.¹²⁶

Customary and treaty-based IHL prohibits torture and cruel and unusual punishment.¹²⁷ The Philippines is a party to three treaties that explicitly prohibit torture: Common Article 3 to the Geneva Conventions, the Convention against Torture (CAT), and the International Covenant on Civil and Political Rights (ICCPR).¹²⁸

The loss of human life and the scale of the destruction of the civilian infrastructure in Marawi City is immense and raises serious questions about whether the government's air and ground attacks were disproportionate to the threat posed by the militants that require further investigation.

The Philippines is required under international law to conduct prompt, independent and effective investigations into serious allegation of violations and abuses of IHRL and IHL such as those acts described in this briefing. Individuals who commit or order war crimes bear individual criminal responsibility. Those suspected of criminal responsibility must be prosecuted in proceeding that meet international fair trial standards. The Philippines must also provide fair and adequate reparation to victims.

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

Moreover, the writ of habeas corpus requires a person to be brought before a judge or court to determine if their detention is lawful. This right is an essential safeguard against arbitrary deprivation of liberty, which under international human rights law is non-derogable, that is, it cannot be denied even in times of emergency.¹²⁹

¹²⁴ International Committee of the Red Cross (ICRC), *Customary International Law*, 2005, Volume I; Rules, rule 50, available at www.refworld.org/docid/5305e3de4.html.

¹²⁵ Rome Statute of the International Criminal Court, Article 8(2)(e)(xii).

¹²⁶ International Committee of the Red Cross (ICRC), *Customary International Law*, 2005, Volume I; Rules, rule 96, available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule96.

¹²⁷ International Committee of the Red Cross (ICRC), *Customary International Law*, 2005, Volume I; Rules, rule 90, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule90

¹²⁸ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966; International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Common Article 3), 12 August 1949; UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984.

¹²⁹ Human Rights Committee, General comment no. 29: States of emergency (article 4), UN Doc. CCPR/C/21/Rev.1/Add.11, 31 August 2001, para. 16.

11. RECOMMENDATIONS

TO THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES

- Ensure investigations into allegations of violations of international humanitarian law and other serious violations and abuses of human rights law committed during the crisis, including extrajudicial executions, enforced disappearances, and ill-treatment of detainees. Bring those suspected of criminal responsibility to justice in open, accessible civilian courts and in trials which meet international fair trial standards.
- Initiate a prompt, effective, and impartial investigation into the campaign of air and ground attacks by the military to determine the proportionality of the force used and the resulting destruction of civilian infrastructure and loss of civilian life.
- Work with civil society groups and community leaders to come up with a credible list of casualties and determine the fate of the missing.
- Reveal the legal proceedings taken against all those who have been arrested for suspicion of belonging to the armed groups and allow them legal representation and access to their families and human rights groups.
- Ensure that all individuals who have suffered violations of international humanitarian law or serious violations and abuses of human rights law are afforded an effective remedy and reparations, including restitution, compensation, rehabilitation, and guarantees of non-repetition.
- Undertake immediate and effective reconstruction and rehabilitation plans in Marawi and ensure the safe and voluntary return of internally displaced persons as soon as possible.
- Continue providing support for internally displaced persons whether in evacuation centres or those residing with relatives to ensure that they are ensured an adequate standard of living, and offer rehabilitation for cases of trauma resulting from the fighting and displacement.
- Consider the immediate end to the state of martial law declared by the government, and especially consider refraining from extending it beyond the end-of-year period mandated by Congress.
- Immediately repeal the suspension of the writ of habeas corpus.

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'THE BATTLE OF MARAWI'

DEATH AND DESTRUCTION IN THE PHILIPPINES

On 23 May, a firefight broke out between Philippine government forces and armed non-state actors in Marawi City – a city of 200,000 in the southern Philippines. The 'battle of Marawi' quickly spread throughout the city, with militants taking over large areas.

The conflict lasted for five months, and resulted in the mass displacement of civilians, the widespread destruction of civilian infrastructure, and the loss of civilian lives.

Amnesty International documented a variety of serious violations of international humanitarian law by all parties to the conflict, some of these violations amount to war crimes. Militants committed unlawful killings, pillage, hostage-taking, and mistreatment of prisoners. Philippine government forces violated the prohibition of torture and other ill-treatment of detainees, and allegedly committed the crime of pillage. Further investigation is required to assess if the massive destruction as a result of aerial bombardment of Marawi city was consistent with international humanitarian law principles of proportionality.

Amnesty International is calling on the government of the Philippines to conduct a prompt, effective, and impartial investigation into the allegations of serious violations of international humanitarian law and other serious violations and abuses of human rights law.