



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
Bangsamoro Transition Authority
BARMM Compound, Cotabato City

Office of the Minority Leader-BTA

MP Atty. Laisa Alamia

RELEASED

Date: By:

SECOND REGULAR SESSION

Resolution No. 239

**Introduced by: Members of Parliament Mohagher Iqbal,
Atty. Laisa MasuhudAlamia, Atty. Rasol Mitmug Jr., Engr. BaintanAdil-Ampatuan,
Rasul Ismael,
Engr. Don Mustapha Loong, AmilbaharMawallil, MusliminJakilan, Eddie Alih,
AbdulraofMacacua, Abdulmuhmin Mujahid, and Jamel Macaraya**

**RESOLUTION EXPRESSING THE GRAVE CONCERN OF THE BANGSAMORO
TRANSITION AUTHORITY OVER THE PASSAGE OF SENATE BILL NO. 1083 AND
HOUSE BILL NO. 6875, AS ITS COUNTERPART BILL IN THE HOUSE OF
REPRESENTATIVES, AS "ANTI-TERRORISM ACT OF 2020"**

WHEREAS, Article II, Section 4 of the Constitution of the Republic of the Philippines states that: "The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy";

WHEREAS, there is a need to implement effective measures to prevent and counter terrorism, in all its forms, as such acts pose threats to human rights, democracy, and the rule of law;

WHEREAS, on February 29, 2020, the Senate of the Philippines approved Senate Bill No. 1038 otherwise known as the "Anti-Terrorism Bill of 2019", seeking to revise the country's anti-terrorism rules and to repeal Republic Act No. 9372, or the "Human Security Act of 2007";

WHEREAS, the counterpart bill in the House of Representatives, House Bill No. 6875 adopted the Senate's version, and was approved on third and final reading on June 3, 2020;

WHEREAS, the Bangsamoro Transition Authority supports the National Government's initiative to strengthen the legal regime for preventing, prohibiting, countering, and penalizing terrorism in the name of national security and the general welfare of the public;

WHEREAS, the Bangsamoro Transition Authority submits that an effective counter-terrorism penal law must be evidence-based and intended to respond to the actual evil sought to be prevented or penalized with provisions that do not encroach on fundamental freedoms enshrined in the Constitution, and clearly distinguish conduct that is lawful from unlawful to avert any misinterpretation and arbitrary, and discriminatory enforcement in its implementation, giving individuals adequate notice of their legal obligations so that they can govern their behavior accordingly;



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WHEREAS, the legislation passed by Congress not only contains provisions that could easily be questioned for constitutionality, overbreadth and vagueness, but also lacks adequate measures to ensure its insusceptibility to abuse and/or human rights violations. These provisions include: (a) sanctioning warrantless arrests outside of the limitations allowed by the Rules of Court; (b) allowing wire-tapping of private conversations/communications upon ex parte application before the Court of Appeals and without an opportunity for the "suspect" to present counter-veiling evidence at any stage of the proceedings; (c) detention of suspects for fourteen to twenty-four (14-24) days without a valid commitment order from the courts; and (d) unilateral designation of persons or groups as "terrorists" by the Anti-Terrorism Council, consisting of members appointed by the executive, and lack of remedies to question such designation before the courts. Such provisions, once enacted, could be counterproductive as it could instill fear or compound resentment among our people;

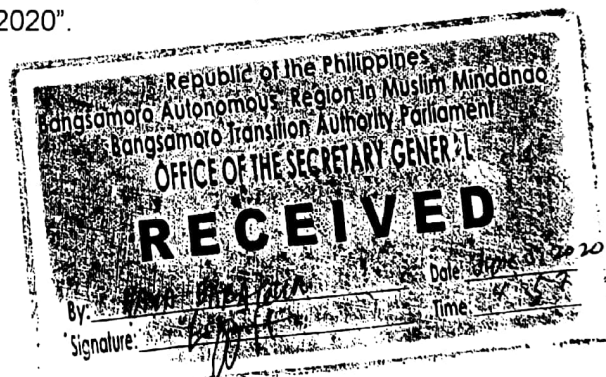
WHEREAS, the stories and experiences of the Bangsamoro People, particularly on their decades-long struggle for peace, provide evidence that counter-terrorism strategies with no or limited regard for human rights cannot win the ideological battle against terrorism, nor can it suppress violent extremism;

WHEREAS, the Bangsamoro Transition Authority, as the interim government of the Bangsamoro Autonomous Region in Muslim Mindanao, represents the concerns of the Moros, especially the conflict-affected population, who have fallen victim to terrorist attacks and human rights violations;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to express the grave concern of the Bangsamoro Transition Authority over the passage of Senate Bill No. 1083 and House Bill No. 6875, as its counterpart bill in the House of Representatives, as "Anti-Terrorism Act of 2020".

Adopted,


Atty. Laisa Masuhud Alamia
Mohagher Iqbal,
Atty. Rasol Mitmug Jr.
Engr. Baintan Adil-Ampatuan
Rasul Ismael
Engr. Don Mustapha Loong



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