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25 June 2018

Hon. Rozzano Rufino B. Biazon

Chairperson, Joint Technical Working Group

Committees on Public Order and Safety & National Defense
and Security

17th Congress

House of Representatives

Constitution Hill, Quezon City

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**Re: Proposed amendments to Republic Act 9372 or
the "Human Security Act of 2007"**

Dear Representative Biazon:

The International Commission of Jurists (ICJ) presents the attached submission to the joint Technical Working Group (TWG) of the Committees of National Defense and Security and Public Order and Safety.

The ICJ is a global organization composed of 60 distinguished judges and lawyers from all legal traditions and regions of the world. It was established in 1952 and is active today in five continents. The ICJ works to advance the understanding of the respect for the rule of law and the legal protection of human rights throughout the world.

The ICJ submission is intended to assist the TWG in its discussions during its meetings on the **Draft Substitute Bill to House Bills Numbered 7141 and 5507 entitled: An Act Amending Republic Act No. 9372** entitled "*An Act to Secure the Sate and Protect our People from Terrorism,*" otherwise known as the "*Human Security Act of 2007.*"

In 2015, the ICJ released an assessment of Philippine criminal laws related to national security vis-à-vis its compliance with international human rights law and standards.¹ The ICJ considered in that assessment the Human Security Act of 2007 (HSA) is not consistent with international human rights law and standards.

In this submission, the ICJ outlines provisions in the Draft Substitute Bill to House Bills Numbered 7141 and 5507 (hereinafter called 'the Bill'), which we view are inconsistent with the Philippines' obligations under international human rights law and standards. These proposed provisions are:

- **Section 4** on the definition of 'terrorism';
- **Section 5(B)** on 'inciting to terrorism';
- **Section 5(F)** on 'glorification of terrorism';
- The removal of the guarantees to access to remedy, the right to information, and the right to privacy of persons subject to surveillance under **Sections 8, 9, 10, 11, and 12.**
- **Section 17** on the 'proscription of individual terrorist, terrorist organizations, association, or group of persons';
- Granting the military the responsibility for countering terrorism in the performance of a policing function under **Sections 8, 9, 10, 11, 12, 13, 18, 19, and 24.**
- **Section 18** – on the period of detention without judicial warrant of arrest; and
- **Section 19** – on the period of detention in the event of an actual or imminent terrorist attack.

We strongly urge the joint Technical Working Group to rethink these proposed amendments and to allow more time for consideration and debate on revisions of the law.

The ICJ is ready to provide any information or clarifications that may assist the joint Technical Working Group on this matter.

Yours sincerely,



Emerlynne Gil
Senior International Legal Adviser
International Commission of Jurists

¹ See International Commission of Jurists, "Counter-Terrorism Laws of the Philippines: The Human Security Act (HSA) and the Terrorism Financing Prevention and Suppression Act (TFPSA)" in *Righting Wrongs: Criminal Law Provisions in the Philippines related to National Security and their Impact on Human Rights Defenders*, pp. 31-40, available at <https://www.icj.org/wp-content/uploads/2015/03/Philippines-Criminal-Law-Provisions-Publications-Report-2015-ENG.pdf>