

Philippines: Storm surging for Peace in Mindanao - Part 2 - The findings of the Board of inquiry

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BOI's Result - Setting a Trend

As promised, the Board of inquiry (BOI) headed by General Benjamin Magalong had submitted yesterday the results of their inquiries and fact finding activities on the January 25, 2015 Mamasapano fiasco to Deputy Director General Leonardo Espina - the Acting Head of the Philippine National Police (PNP).

The 125-page Mamasapano Inquiry was also submitted to Manuel Roxas II - the Secretary of the Department of Interior and Local Government (DILG). From here copies have been distributed to the office of the President, to both Houses of Congress, to the Department of Justice, etc. Obviously, this time the proper flow of chain of command and responsibility (in reverse - down-up) has been carefully followed and implemented.

Given the limitations pointed out earlier by the BOI e.g. the President did not have time to have the interview and give affidavits, General Allan Purisima's not being interviewed and the MILF's refusal to let its commanders be interviewed.....it (BOI) has come up with credible and objective results of its inquiries.

The BOI's investigations have pointed out material evidences that the President as the commander-in-chief violated the chain of command in the execution of a very sensitive police mission. To let a suspended General Purisima had an active role in Oplan Exodus is simply illegal. His (President) actions tried to show that he was above the law because he tried to by-pass different levels of command. This presidential action has been aggravated because he should be the one whom everybody has been expecting to be a model and leading by example in the context of the observance of the rule of law.

The BOI's findings with regards to the role of the suspended General Allan Purisima have pointed out that he had violated his suspension status although he (Purisima) has been insisting that he only gave advises and not orders because he was fully aware of his suspended status, his being close to

the President and the actual power which emanated from such closeness affected the actual execution of the Oplan Exodus. The mere fact that the President had always passed (even through sms) through the suspended General Purisima rather than to the ground commander the latter had many explanations to do especially to the loved ones and relatives of the murdered 44 PNP-SAF.

The BOI has pointed out correctly in the role of the sacked SAF-PNP Commander Director Getulio Napeñas – that is, he blindly followed instructions from General Purisima knowing fully well that the latter was already suspended. He could have asserted to “help” general Purisima in following up and coordinating with General Gregorio Pio Catapang- the AFP Chief of Staff-and could have insisted in front of the President and his best friend to inform General Leonardo Espina and Secretary Manuel “Mar” Roxas his (Napeñas) two immediate superiors. Important and sensitive operations such as OPLAN EXODUS could not be based or be dependent on assumptions for the lives of the ground forces would be very dependent on the action or non actions of their superiors.

The BOI has pointed out clearly the role and the extent of the US involvement in the OPLAN EXODUS. It mentioned about the active presence of six (6) US service men in the Command Center of the PNP/SAF in the nearby municipality of Shariff Aguak closely monitoring the actual ground combat and the butchering of the greatly outnumbered and highly outmaneuvered PNP/SAF. The reasons of the US servicemen presence in the operation was not subjected in the BOI’s investigation. Facts were gathered that the same US servicemen had trained the 84th Seaborne SAF in Zamboanga before the execution of Oplan Exodus.

Although the BOI was not able to get the interviews with the key MILF commanders but the farthest it has gone and performed activities were physical and ocular visits to the place where the actual bloody encounter took place in Mamasapano. Based on the results of the interviews with people in the Coordinating Commission on the Cessation of Hostilities (CCCH) and the Ad Hoc Joint Action Group (ADJAG), facts were gathered that the January 25, 2015 botched police operation was a violation of the Ceasefire agreement of the peace talks between the GPH and the MILF.

The Unspoken Part of the Oplan Exodus

The administration of PNoy has defended his actions as a prerogative of being Commander in Chief which means he was not answerable to any lapses in matter of command’s responsibility. But it was more on the President’s reliance on his suspended friend to be actively involved and therefore should not be included in the line of command and responsibility in the execution of such sensitive operations. The President should be held accountable in this aspect.

But the most revealing aspects of such presidential action (with his best friend) were the real intention behind not including the two most senior officers in the OPLAN EXODUS. Secretary Manuel ‘Mar’ Roxas II’s exclusion in such major police operation involving almost 400 PNP/SAF elements under his administrative supervision is clearly delivering a clear message. Mar is supposed to be official Ruling Party Standard bearer in the 2016 elections. Could his exclusion in the sensitive police operation a clear sign that the President up to that date did not really trust him. It could also be the reason why the President up to this day does not give his clear endorsement of the DILG secretary as the LP and the ruling coalition official standard bearer for the presidency in 2016. This is worst because up to now Mar Roxas has failed (or pretend not to) to see or recognize such unfair treatment to him by the President. As for the exclusion of the Acting Director General of the PNP to the operation it would not be hard to see the reason of Purisima to make the OPLAN EXODUS as his triumphant coming back to his post as the head of the PNP after his suspension. But this is if the special police operation would be successful.

Another aspect which can be gleamed from the results of the BOI's inquiry is the manner on how the President manages and governs the affairs of the country – that is, based on his personal relationships with his favoured ones. You are considered in his inner circle if you are his classmate, shooting and billiard buddies. If one belongs to this special club you will enjoy immense perks and privileges. This is the main explanation why he would protect to the max, even to the extent of making cover ups or lying to save his best friend even if this friend is suspended. In fact when his best friend (Purisima) had resigned as PNP Director General because of his role in Mamasapano debacle, the President gave more stress to his missing his friend and his sadness for accepting his resignation rather than considered such move as helping in finding and solving the reasons for the failed police operation.

The relatives and the loved ones of the 44 slain SAF/PNP could simply feel that the President did not have genuine sympathy with them and that even if the he (President) would explain to them several times about how he understood them during the period of their sorrows and mourning they (relatives) also felt these as hollow and mechanical and worst without real concerns (plastic). It should be remembered that during those long twelve perilous, agonizing and deadly 12 hours the SAF/PNP commandos had been communicating to their loved ones with the remaining breath of their lives and their cellular phones' batteries had allowed them to express their love and their last goodbyes and surely they had expressed how they were left to die by their superiors including the President. And worst, as the results of the fact finding mission, they were given false promise that the reinforcement was coming their way. They simply died following order as their duty but they died hoping against nothing from their superiors.

Again the President's men and women would try to put the blame to the sacked PNP/SAC chief who, according to them, had lied to the President and making the latter blind with the actual situation on the ground while in the results of the investigations including the BOI it was clear that the President was relating only to Purisima and not to the General Napeñas. The President has continued to stubbornly deny such obvious reality. He will surely lie again and again for the sake of his friend.

Ceasefire? Who Violated What?

With regards to the ceasefire violation on the Mamasapano's operations, it was very unfortunate that the BOI was not able to talk and have interviews with the MILF commanders- specifically the commanders of the 118th Base Command-Wahid Tundok, the 105th Base Command Zacaria Goma and the 106th Base Command Yahya Hassan because they could have known about the special operation against Marwan which a very selective top level of MILF had planned. Additional facts have been coming out that Marwan and his network in the Jemaah Islamiyah could be considered already by the top leadership of the MILF as a big liability at this current and critical stage of the peace process between the GPH and the MILF. In short he and his cohorts were ready for disposal after accomplishing his mission of training and implementing bombing missions. Another important consideration for the MILF was the price they would want to get (PhP 120 millions) from the total amount of 6 million USD prize of Marwan's head.

It was mentioned in the earlier document that an MILF senior cadre who served as human intelligence asset and who had personally joined the 84th PNP Seaborne company in identifying and assaulting Marwan's hut. It is included in the same facts that a very un-Islamic ritual had been introduced and which Marwan could not refuse by the MILF operatives on the night before the assault to make sure that Marwan would be in his hut in the early morning of the actual assault.

It was also very unfortunate that the BOI was not able to interview people in the Tukanalipao during

their ocular visit to the scene of the actual bloody encounter. It should be recalled that when the BOI arrived in the Mamasapano municipality for the visit, the huts where Marwan and his cohorts stayed were deliberately burned down which simply means that attempts were made to hide some evidences and cover up the stay of these international terrorists.

The abovementioned facts are simply saying that if international terrorists like Marwan were not cuddled by the MILF/BIFF in their respective areas or base commands then there could not be OPLAN EXODUS or their could not be the deaths of 67 people on January 25, 2015. In this case who violated what and to whom could the violations were inflicted? The Municipality of Mamasapano would still be unknown today.

Furthermore, the actual assaults and the subsequent "cleaned up" of guns and ammunitions and the personal belongings of the SAF/PNP were done with great coordination and not only in Pentakasi style which other people would like to impart. Pintakasi is more of a spontaneous and simultaneous attack of victims usually not belonging to the areas and unknown to the peoples in the communities. The assaults on the 84th SAF/PNP Seaborne and the 55th SAF/PNP on Mamasapano was a planned one albeit hastily developed after Marwan was neutralized. It could be seen that the MILF/BIAF attacked from a fixed sector and location while the BIFF in another location with the private armed groups on another location. It was almost perfect set up and there could never be a chance for the 55thSAF and the 84th Seaborne Companies to safely escape the trap. This situation is logical with the case of the MILF's move to return the firearms of the SAF/PNP. Even the "cleaning of arms" there seemed to be an agreement between the MILF/BIAF and the BIFF. The former got all the M4 Bushmasters while the latter got all the M14s. Several pieces of 90 RRs are still missing; one could just wonder who could have them. The MILF had returned the M4 Bushmasters with all the serial numbers tampered.

US Direct Involvement on Oplan Exodus from Day One - Slap on Philippine Sovereignty

With regards to the US involvement, it could be very helpful if the BOI had looked deeper into this aspect. Concretely it could simply trace the road taken up by the US servicemen in going to Sharriff Aguak to directly participate and look into the actual development (real time) of the unfolding bloody encounter in Tukanalipao. Definitely they (US) had arrived to the actual tactical command center on their own logistical means. But aside from the six (6) US servicemen who were in the command center, there were three (3) others who went directly to the vicinity of Tukanalipao to actually manage and handle the drones operations so that the President and his men and women could observe in real time (ala Obama during the Osama bin Ladin operation) the Mamasapano police operation and its development from far away Zamboanga. The facts are saying that the President had been monitoring the Oplan Exodus from the beginning because of the real time action transmitted by the unmanned drones.

These three US servicemen were never been heard again. They used an international humanitarian utility vehicle in going to the area (interior) and they were dropped in a Christian Chapel near the Tukanalipao complex. The last time something had been heard from the three was that they were accosted by the MILF and BIFF operatives in the area.

It could be very helpful if the BOI included the findings of the reasons of the US direct involvement in these internal affairs of the country. Do the Visiting Forces Agreement (VFA) and the Enhanced Defence Comprehensive Agreement (CEDCA) have something to do with these activities. Obviously the vital question of the country's sovereignty is at stake here. With the deepening silence of the

Department of Foreign Affairs (DFA) with regards to this matter, it is surely not assuring.

The BOI has done the inquiries and fact finding mission on what really had happened in Mamasapano on the fateful day of January 25, 2015. But this is not for the purpose of prosecution. It had submitted these results to other investigating bodies like the Department of Justice (DOJ) hopefully for the prosecution of those who committed the violations and will be facing justice. The sooner the better on this quest for justice for the loved ones and relatives of those who died in the Oplan Exodus. They do not deserve less than this treatment.

Accordingly the Senate will incorporate the BOI's results of its investigations to its own findings. This will be used to help them (senators) in legislating laws relevant to the Mamasapano fiasco.

Hopefully the results of all these findings will greatly help Congress in comprehensively doing the review and conduct profound study on the proposed Bangsamoro Basic Law (BBL). The Mamasapano very unfortunate event has given more time and the needed space to dig deeper into the establishment of the legal foundation of the Bangsamoro political entity.

Conclusion

Results of the investigation and fact finding missions have come out. In the next few days the Senate will present their own finding. Definitely, they would all point out to the obvious – the role and the accountability of the President no less. All faults of the subordinates would follow. The longer and the more stubborn the President would accept responsibility and accountability; the subordinates cannot be expected to do otherwise. But most especially the nation and the relatives of the slain 44 SAF-PNP cannot wait any longer.

If the President is genuinely concerned about the postponement of the peace process and the delayed approval of the Bangsamoro Basic Law (BBL) he only has to look deeper into himself. If he is able to transcend and go beyond his personal pride and be humble enough to accept and own his weaknesses then it would be easy for the nation to pick up pieces of peace initiatives and start all over again. Time is running out but there will be time enough to start anew. We urgently need to renew the energized efforts of Storm Surging Peace in Mindanao before those hawks who are advocating and implementing “all out war” can finally cast a shadow on and stifle the voices of clamouring for an “all out peace” in Mindanao. The healing process will be simultaneously felt with our renewed vigor and strengthened faith to build an inclusive peace.

Let the Mamasapano's debacle helps us put our peace building in proper perspective. Let the widespread interest it (Mamasapano incident) has generated for peace in Mindanao be transformed into much energized empowerment for the broader ownership of the peace we are all hoping in the Bangsamoro, in Mindanao and the whole country.

Raymund de Silva, March 14, 2015
