

Philippines: Storm surging for Peace in Mindanao - Part 5 - MILF's Investigation: more Questions than Answers

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The result of the MILF's investigation on the Mamasapano bloody incident has been submitted to the Government Peace Panel (GPH) and to the Senate through the office of Senator Ferdinand R. Marcos, Jr. And it was out in the public. Its less than forty (40) pages result can be summarized in the following: The January 25, 2015 bloody incident would have been avoided if the PNP/SAF coordinated their mission to serve the warrant to Marwan *et al* with the MILF/BIAF through the existing coordination mechanism, there was a failure of intelligence on the part of BIAF because they were not able to detect the presence of international terrorists like Marwan and his group, the first shot did not come from the BIAF and in fact the first volley of fire came from the PNP/SAF hiding in the corn field and immediately killed two of the BIAF crossing the bamboo bridge, since then the BIAF had fired back to defend themselves, it was a mis-encounter and was never a massacre because both were armed (PNP/SAF and the BIAF), the excessive wounds inflicted on the PNP/SAF were caused by the heavy caliber weapons used by the BIAF and their (MILF) finding was that the PNP/SAF used the dead bodies of their comrades to shield themselves during the intense firing of the BIAF. Lastly, the lone survivor from the 55th SAF Company (Lalan) was the one who had violated human rights when he shot four BIAF sleeping in a makeshift mosque when the former made his escape.

The MILF has made mention that there were intelligence gaps on their part of not detecting earlier the arrival of the PNP/SAF in their base commands. They (MILF/BIAF) will have their own military proceedings to find out the guilty and punish them according to the MILF/BIAF rules and regulations. In short, they will never turn-over to the government or to the ceasefire mechanism those persons (BIAF) involved in the Mamasapano bloody encounter.

Definitely, the MILF/BIAF leadership could not have assumed that the people would believe the results of their investigation. For one, the non knowledge of the presence of the international terrorists like Marwan in the middle of the three (3) base commands was simply unbelievable. It was good that their (MILF/BIAF) investigation did not mention that they did not also know the presence of the BIFF in their areas. These were important facts because one should have understood why the Oplan Exodus was not coordinated with the MILF/BIAF through the existing mechanism.

But since, the government through its peace panel did not say something on this part of the MILF investigation, let us follow through with this argument. The non knowledge of the MILF/BIAF of the presence of the Marwan group and the BIFF (not mention in the MILF investigation) there should be serious question of influence and control by the MILF/BIAF in their claimed base commands. It should be remembered that the Mamasapano complex were under the control of Base Commands 105, 106 and 118 and that's the reason why they (MILF/BIAF) demanded coordination when the government will have to perform police operation like serving warrant of arrest to Marwan and his group. But it had clearly shown in the Mamasapano bloodlust that the MILF/BIAF had not effective influence and control of the one of their most consolidated base commands. This situation was

clearly shown when in the actual encounter between the PNP/SAF and the BIAF, BIFF and the private armed groups in the area were in progress, the MILF representative in the Coordinating Committee for the Cessation of Hostilities (CCCH) had contacted the MILF/BIAF in the early morning. The MILF/BIAF did not respond. That was why their (MILF) representative (out of frustration?) said that it was difficult to effect ceasefire in the heat of actual encounter. This reality could be true but the reason was that the three base commands of the BIAF in the area either would not want to obey the ceasefire because they were in the winning side or they (BIAF) did not have effective influence and control of the area and its people or it could be all of the above. In this case, the MILF/BIAF simply could not demand coordination with the PNP to do police operations in areas they do not have effective and full control.

This fact could not be found in the result of the MILF investigation and was not clarified by the GPH panel. It is logical then that MILF and GPH panels and the President Noy Aquino himself stuck to the idea that the Mamasapano blotched operation was a mis-encounter. That is the reason why in spite of the video which went viral in social media where dying PNP/SAF were finished off and the MILF said it was the BIFF who did it, the government did not raise anything against it. Because the MILF/BIAF as the peace partner of the government, they have obligations to stop the BIFF or the private armed groups in the desecration of the dead PNP/SAF in their controlled areas.

Another fact, mentioned in the MILF investigation was that the excessive wounds inflicted on the PNP/SAF was a result of the high caliber used by the MILF/BIAF and that the dead PNP/SAF were used by their still alive comrades as bodily protection against the intense BIAF firing should be compared to the testimonies of the survivors of the 84 SAF Seaborn company that their wounded guarded the dead and those who were not wounded guarded their wounded while they were under intense attack by the BIAF, BIFF and the private armed groups. This part was again not raised by government peace panel. Relieved SAF Director had raised against this part of the result but was not supported by the government so it just faded away. In Addition, it is a well known practice by SAF to take care and protect their wounded as well as their dead comrades.

There are still various points that should be raised by responsible bodies of the government with regards to the results of MILF's investigation but it was simply not done which clearly shown that either the government is afraid to rock the boat of the peace process or just afraid with the MILF/BIAF and in effect just tolerated it or again it can be all of the above.

PEOPLE Have Failed to Understand the President or The President NEVER LISTENED TO HIS BOSSES - The PEOPLE

This government's actuation is simply missing the point when eight (8) of the ten (10) Filipinos would not believe the President's explanation. He (Pres. Aquino) has faced and talked to the nation 4 times already (including in the PNPA graduation speech) but nobody would believe him except his own people. This situation remains as long as the President and his peace panel would not touch on the nature of the Oplan Exodus. Was it mis-encounter? Was it US operation against international terrorism? Answers to these questions could lead to getting justice to the 44 PNP/SAF lives. This could not be treated like the 2008 MOA-AD massacre done by the MILF/BIAF in Lanao and Maguindanao provinces. More than 100 hundred lives were lost during that period but up to the present no just justice has been given to the victims. Commander Bravo of BIAF in Lanao del Norte, who led the 2008 massacre of the Christians in several municipalities in the province was not held responsible by the MILF. In fact, he was promoted. Ombra Kato of the 105 MILF Base Command who led the massacre of civilians in Maguindanao and North Cotabato provinces were not held responsible either and formed the BIFF and stayed in the area where his armed 105 Base Command had its headquarters enjoying the security of ceasefire between the MILF and the government.

In the March 26, 2015 speech of President Aquino during the Philippine National Police Academy (PNPA) graduation, he made mentioned that it would be his last statement with regards to the Mamasapano bloody incident. He was stressing that what had happened on that January 25, 2015 was his responsibility which he would carry to his deathbed but he never mentioned his accountability. So, again the President has missed the point. The issue will never die unless justice is served to the death of the 44 PNP/SAF and those accountable could face the consequence of their crime, including the MILF/BIAF. The hard lessons of the massacre of the 2008 MOA-AD should be seriously considered. In fact, if the 2008 massacre had been given serious attention and those involved (in the MILF/BIAF) were brought to justice, there should also be a possibility that the January 25, 2015 could have been prevented.

The military operations by the Armed Forces of the Philippines (AFP) against the BIFF could have been avoided because these operations were directed against the group formed by Ombra Kato. In fact, these armed operations have simply shown or made to appear that the perpetrators of the January 25, 2015 bloodlust was just the BIFF, in effect absolving the MILF/BIAF and the private armed groups.

And just like the 2008 MOA-AD and the consequent operations which resulted to the more than half a million IDPs in the provinces of Maguindanao, North Cotabato and Lanao, the military operations against the BIFF (started in February 25, 2015 and ended in the last week of March 2015) resulted to the more than 125,000 IDPs.

It would always be the civilians who became the collateral damage in the government blunders. And President Noy Aquino has missed such reality. He has refused to go out of his own make believe world or comfort zone. He and his administration would just want to hear words which they themselves speak and always want to hear.

Obviously, these events of the Oplan Exodus and the military operations against the BIFF (total war) have dislocated hundreds of people and affected the schools (graduation) of schoolchildren because their classrooms were used by the IDPs. The ARMM government has announced that they have been spending more than two million per day to help the IDPs. Surely, politicians are having their heyday during this unfortunate events affecting the people and their properties and livelihood. It was directly done through the ARMM because the Mamasapano and the nearby municipalities were not under the sphere of influence of the Governor Toto Mangundadatu. The areas are still under the control of the Ampatuans. Again, this situation has shown another reality - that is, the Maguindanao massacre in 2009 and its perpetrators are simply free (the elders are physically in jail) in fact by next year's elections everybody believes that they (Ampatuans) will be finally back in power. The failure to serve justice to the 57 victims (including the 32 media practitioners) made possible the participation of Nazzer Ampatuan in the Mamasapano bloodlust. He (Nazzer) is one of the suspects of 2009 Maguindanao massacre. He is the grandson of former governor Andal Ampatuan, Sr. and the brother of Mamasapano mayor - Benzar Ampatuan. If this person (Nazzer) was brought to justice after the 2009 Maguindanao massacre then maybe the lives of some of the 44 PNP/SAF could have been saved.

After the March 26, 2015 PNPA speech of President Noy Aquino, it was as if a go signal for the whole machineries of the government to go all-out peace offensives. The peace panels of both the government and the MILF have gone all-out against those who showed sign of not supporting the immediate approval of the Bangsamoro Basic Law and the peace process.

They have expressed that we should move on and forget about the Mamasapano failed PNP operation and stop wasting time for the achievement of peace with the MILF.

The Executive department led by the President with the aid of the MILF peace panel have attacked the Congress (especially the Senate) for daring to question the constitutionality of the BBL.

Strangely, the office of the Presidential Adviser on Peace Process (OPAPP) and the GPH panel, have never commented on the consistent statement of the MILF that they would never accept the watered down version of the BBL. This is very alarming because if they (MILF) could make that statement to Congress while it is deliberating the BBL as their legislative mandate, one could just imagine the bullying of the ARMM constituents to do what the MILF/BIAF as supported by the government, want to approve or disapprove when the plebiscites will take place. This is simply a formula for war and not for peace. A much bigger and worst collateral damage could be once again inflicted on the people in Mindanao, if the government and its representatives will remain in their position of standing by with the MILF and hitting the Congress and the people in Mindanao as anti-BBL and therefore anti-Peace. The government (Executive) should never blink an eye on the reality that majority of Mindanao (62%) do not support the BBL.

Creating the National Peace Council for Mindanao without the Mindanaoans

During the first anniversary of the signing of the Comprehensive Agreement on the Bangsamoro (CAB) last March 27, 2015, the President has announced the formation of the Peace Council. He said that this Council will discuss objectively and profoundly the Bangsamoro Basic Law (BBL). The results of such discussion will be brought and further discuss on the April 6, 2015 in a National Peace Summit (NPS) which will be called on this purpose.

Initially, the President has named five (5) respected community leaders namely; Cardinal Luis Antonio Tagle - Archbishop of Manila, former Chief Justice Hilario Davide, Jr., Businessman Jaime Augusto Zobel de Ayala, former Ambassador Howard Dee and youth leader Rohaniza Sumندان-Usman. Accordingly, these personalities will lead in the discussion and deliberation of the BBL in order to make the people understand its concept and help in its approval in Congress.

The composition of the so-called respected community leaders has been revealing. The BBL should be the legal basis of the formation of the Bangsamoro Juridical Entity replacing the current ARMM. Basic things to be done should be to consult directly the people in whose names the BBL is proposed but their representations are nowhere to be found in the latest Presidential moves in calling of the NPS.

Again, the three peoples in Mindanao have not been included in the scheme of things of the President including those which should be participating in the national Peace Summit.

It will help very much if the original purpose of the MILF in negotiating with the government in 1996 - that is to solve the Bangsamoro problem should be put in the agenda. The mere fact that the MNLF had just signed the Final Peace Agreement with the government of the Republic of the Philippines and should also be solving the Bangsamoro problem in their struggle for Self-Determination, the MILF's move to further talk with the government since 17 years ago meant the MNLF's agreement was not inclusive (MILF's view).

This framework will help everybody to understand that the peace agreement between the government and the MILF, which will be implemented with the BBL can never claim inclusivity. The people and the government should be prepared to face other stakeholders within and without the Bangsamoro. The approval of the BBL and signing of the peace agreement between the MILF and the government can only be limited to a portion of the province of Maguindanao (BIFF and the MNLF control big portion of the province as well). Cotabato City through Sangguniang Panglunsod Resolution had decided to be excluded in the Bangsamoro territory, the same situation in the

different provinces in Lanao and Zamboanga and most of the island provinces. The MILF historically as well as in the current situation could not claim effective influence and control of most of the areas they claim to be part of the Bangsamoro.

At this stage, it should be cleared, so that the NPS when it convenes and decides on the BBL so that they know from where they are coming from. The President and his administration should have had known about this reality so as not to create a fantasy world with the MILF/BIAF.

Conclusion

The President and his administration (Executive) have been terribly missing the basic points of having the inclusive Bangsamoro Basic Law. In fact, they (President and his women and men) cannot make direct connection between deliberating the BBL and the attainment of justice to the 44 PNP/SAF butchered in Mamasapano. In fact, people cannot understand why the government peace panel has been avoiding issues that the MILF/BIAF should answer so as to continue with building durable and sustainable peace in Bangsamoro, Mindanao and the whole country.

Let us not wait to a time in the future when we will say once again that the peace agreement in the form of the Bangsamoro would be considered failed political experiment.

Right now, we could avoid such political failure if only we will be interested to know the reasons of the GRP-MNLF failures of the peace agreement. Surely, we will learn from these lessons. We should also be opened to know why majority of Mindanaoans do not like the agreed version of the GPH and MILF peace panels. So that those not acceptable gaps can be replaced and filled-up. Let us encourage listening to voices and ideas not necessarily coming from our friends and allies. Voices and ideas coming from all the stakeholders could be if not more valuable than the one coming from our ranks. Storm surgers for peace should work harder in attaining the just and inclusive peace in Mindanao and the country.

Raymund de Silva, March 31, 2015

P.S.

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