

BANTAY CEASEFIRE

**Mindanao Grassroots
Ceasefire Review and Assessment
January 6-12 & 18-19, 2003
Cotabato, Maguindanao, Lanao & Sultan Kudarat**

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CONVENORS:

Consortium of Bangsamoro Civil Society
Mindanao Peace Advocates Conference
Initiatives for International Dialogue
Mindanao Coalition of Development NGOs
Sumpay-Mindanao
Balay
Balik-Kalipay
Mindanao Peoples Peace Movement
LAFFCOD, Inc.
Muslim Multi-sectoral Movement for Peace
and Development
Maranao Peoples Development Center
United Youth of the Philippines
Pikit Parish
Freedom from Debt Coalition

FOR MORE INFORMATION:

Mindanao Peoples' Caucus (MPC) Secretariat

Telefax: (63) (82) 2992052

Tel: (63) (82) 2992574 to 75

E-mail: mpc@iidnet.org

INTRODUCTION

From January 6-12 & 18-19, 2003 the “Bantay Ceasefire” led an investigative mission into Maguindanao, Lanao, Sultan Kudarat and Cotabato. The mission was prompted by, first, the reported violations of the ceasefire in these areas; and second, the apparent failure of the GRP-MILF peace talks to develop an effective monitoring mechanism for the ceasefire.

The success of future peace talks rests largely on mutual confidence and trust between the two parties to observe previous agreements. Thus, a secure environment is a pre-requisite for the impending questions of development, ancestral domain and a politically negotiated settlement. A secure environment is also essential to the thousands that live, and the many businesses that operate, in the conflict areas.

The “Bantay Ceasefire” objectives were:

- (1) to assess the state of the ceasefire implementation between the GRP and the MILF;
- (2) to assess the status of the local monitoring teams (the monitoring instruments created through GRP-MILF negotiations);
- (3) to investigate skirmishes in the provinces of Maguindanao, Lanao, Sultan Kudarat, Cotabato and their effects on the safety of civilians; and,
- (4) to recommend mechanisms for effective ceasefire monitoring and implementation

Sixty (60) delegates composed of Lumad, Settlers and Bangsamoro grassroots leaders in Mindanao conducted the investigation and were accompanied by 10 international observers from Australia, Germany, Indonesia, East Timor, USA and Malaysia.

With the full cooperation and openness on the part of the Armed Forces of the Philippines and the Moro Islamic Liberation Front, as well as the endorsement of the Department of National Defense and the Office of the Presidential Adviser on the Peace Process (OPAPP), the investigators were able to carry out their mission, having conducted interviews with the field commanders, visited the actual zones of conflict and entered MILF territories.

Bantay Ceasefire is not going to supplant the functions of the Local Monitoring Teams as the mutually agreed ceasefire mechanism between the GRP and the MILF. It will however continue monitoring, investigating and reporting ceasefire violations – making the GRP and the MILF not only accountable with each other but to the greater civilian population in Mindanao.

The Convenors

KEY FINDINGS AND RECOMMENDATIONS

Final Assessment

The investigative mission notes that the ceasefire with the MILF is in a fragile state. In the last quarter of the year 2002 and the early part of January 2003, the investigation found that the agreement was violated with disquieting abandon. Fault cannot be laid categorically against either side, but both parties have done less than they could have, or probably should have, to ensure to success of the agreement.

While both parties insist that they have adhered unwaveringly to the ceasefire agreement, in reality each side has interpreted ambiguous areas of the ceasefire agreement to their advantage.

Analysis

1. AFP Operations against Terrorists and Criminals

The investigators note that in the vast majority of cases, military assaults were launched in pursuit of criminals (kidnappers, cattle-rustlers) or terrorists (members of the Abu Sayyaf or Pentagon gang). Attempts were made by the investigators to verify these claims, but no conclusion can be made at this point in time. What can be said though is that military operations said to have been launched against terrorists or criminals, have engaged in battle recognized MILF forces that were found by investigators to have no evident connection with either a terrorist group or a criminal syndicate.

The investigation notes that there has been an attempt to curb the apparent misuse the ceasefire provision (Article III, No. 9.3) which permitted the “hot pursuit of suspects by police and military personnel.” The May 6 Joint Communiqué brokered for the GRP by Sec. Noberto Gonzales (and not the Panel) agreed that:

The AFP / PNP shall convey an order of battle containing the names and identities of criminal elements... in MILF areas / communities. (Article 3)

The MILF and the GRP shall form an ad hoc joint action group against criminal elements. This group will operate in tandem with their respective coordinating committees on the cessation of hostilities. (Article 4)

However, neither of these articles has been implemented.

Members of the AFP stated very frankly that such an order of battle was the responsibility of the PNP, and that it was only in a position of supporting their law enforcement efforts. However, the investigation notes, again, that nearly all AFP operations conducted were launched in pursuit of criminals or as anti-terrorist operations. Indeed, the investigators know of no operation that has been conducted by the PNP in pursuit of criminals in MILF areas.

For this reason, we recommend that the Department of National Defense in coordination with the Philippine National Police produce and submit to the MILF the order of battle against criminal elements in MILF areas.

2) Lack of coordination between the coordinating committees on the cessation of hostilities (CCCHs) and the armed forces

The investigation notes that: on a number of occasions, prior consultation with the Coordinating Committee on the Cessation of Hostilities (CCCH) by the MILF could have prevented an encounter. The October 2002 encounter in Lanao and the January 2003 encounter in Sultan Kudarat occurred, in part, as a result of the movement of MILF forces that was not reported to the joint-CCCH.

The failure of the MILF to report the troop movement, and provide an adequate explanation to the joint-CCCH, gave cause to the military to consider this a “massive deployment and/or movement of MILF forces” that is listed in the August 2001 agreement as a *prohibited provocative act*.

The investigation also notes that in every situation there was a possibility for the AFP to coordinate with its own CCCH, with members of the LMT, and with the MILF prior to conducting a military operation. However, in no investigated incident, did this happen.

3) Distinguishing Terrorists from Legitimate Rebels

In a number of the reported cases more accurate delineation between true MILF forces and other armed groups such as the Abu Sayyaf and the Pentagon gang could have prevented the conflict. In this respect two things need to be done.

First, the legality of MILF fighters and commanders needs to be clarified by the PNP / AFP. This should be done in consultation with the respective CCCH and the Panel. For instance, in Lanao, the military claimed to be in pursuit of a Commander that the MILF regard as organic members of the MILF. Their legality can only be solved through coordination between the PNP / AFP and the two panels.

Second, the MILF needs to delineate their positions /communities / camps. The Implementing Guidelines on Security (Article 2, No. 4) reads:

Henceforth, should there be delineation of lines / positions agreed upon by both the Parties, any action that projects forces or fire beyond one party’s identified line / position shall be considered offensive military operations, which is prohibited under this agreement.

However, there has been no apparent attempt so far to begin delineating MILF ‘lines / positions’, or indeed MILF camps. The MILF argue that the camps and positions recognized in former agreements apply today. Indeed, in the current agreements there is a reference to past agreement, however it does not explicitly refer to the recognition of camps. However, the GRP has publicly said that those camps that were captured during the 2000 war, would not be returned, and that this item was non-negotiable

While the ceasefire agreement is not explicit on this question of camps both sides, it appears, will continue to make their own contrary interpretations. Unless resolved this is likely to be a continuing source of conflict.

4) No Effort to Demilitarize

Both MILF and GRP are currently recruiting and expanding their respective forces. The MILF has also acknowledged it is recruiting and training combatants. And in Maguindanao, for instance, the 37th Infantry Battalion also admitted that it was recruiting men to build a larger paramilitary force.

Although the enlargement of forces is not discussed under the ceasefire agreement, the current strategy of both the MILF and the GRP is certainly aggravating the situation. Nor, the investigators note, is this strategy conducive to stable negotiations, nor is it likely to be building confidence between the two parties.

5) Absence of any form of sanction

The Manual of Instruction (Article 3, No. 1, para (i.)) states that:

The GRP-MILF shall inform the GRP-MILF Peace Panels of any GRP-MILF forces or field commanders committing violations of the Implementing Guidelines on the Security Aspect of the agreement of Peace of 2001. It shall be the responsibility of the GRP-MILF Peace Panels to take immediate and necessary action to stop any violation and punish respective forces or military field commanders who violate the Implementing Guidelines on the Security Aspect of the agreement of Peace of 2001.

In the incidents investigated, neither panel took any such action. The probable reason for this, is that there has been no investigation carried out by the established monitoring mechanism, the local monitoring team, in any province except Lanao.

6) Lack of knowledge about the ceasefire

The investigators found that there was little knowledge about ceasefire among the local government units, the affected communities or the ground-level combatants.

5) Impact on Civilians

The investigation notes that the encounters between MILF and AFP/CAFGU directly led to numerous human rights violations. The most serious, verified, human rights violations include:

- Civilians were killed during a military operation
- Civilians displayed evidence of being physically abused

As a result of the encounter many civilians were forced to evacuate their homes, and leave for evacuee camps. A number of those that returned found that their:

- houses were destroyed or burnt
- livestock was stolen or killed
- household items were stolen, or destroyed
- food was burnt or stolen

Many civilians have not been able to return to their homes, because either they are prevented by the military, or their homes have been destroyed.

There has been inadequate assistance given to evacuees in all areas that were investigated. Often it has been found that a large quantity of food aid goes missing.

The investigation notes that the proper implementation of the June 2001 agreement on the rehabilitation aspect (Article B.3) is immediately required.

The Parties shall safely return evacuees to their places of origin: provide all the necessary financial / material and technical assistance to start a new life, as well as allow them to be awarded reparations for their properties lost or destroyed by reason of the conflict.

Monitoring the Ceasefire

The Local Monitoring Team (LMT)

The August 2001 agreement between MILF and Government agreed to create local monitoring teams. Each team is composed of five members (one from local government, one from the MILF, an NGO appointed by government, an NGO appointed by the MILF and a member of the religious sector). The negotiated agreement did not specify whether the LMTs would be established at a municipal or provincial level, but so far it has been implemented at a provincial level only.

Although the LMT appointments have been made, and five positions in each team have been ostensibly filled, the investigation's reports cast serious doubt upon their operability.

In *Lanao del Sur*, the LMT had conducted one investigation in July 2002, but failed to investigate the major MILF-government encounter in October of that year.

In *Maguindanao*, the LMT had conducted no operation until the mayor of Datu Piang, Saudi Ampatuan, was killed in a bomb blast.

In *Cotabato*, the LMT is non-operational. Members have not been convened, have no identification, and no apparent mandate.

In *Sultan Kudarat*, the LMT is non-operational. Two members (religious and MILF political) have conducted their own independent investigation, but have not been officially convened. Members have no identification, and no apparent mandate.

After almost one and half years since the agreement to create them was signed, it is difficult to escape from the conclusion that the LMT has had little practical value. Generally, its ability to monitor the ceasefire has been, if not non-existent, then minimal. Why is this so?

1. Lack of Administrative and Political guidance

Perhaps the most salient reason this has been the lack of administrative and political guidance given to the LMTs.

In the ‘Manual of Instruction for CCCHs and LMTs’, LMTs were to “conduct fact-finding inquiries on matters referred to it by either CCCH, copy furnished to the other CCCH” (Article 2 (a)). This has meant that until a CCCH request it, the LMT has been incapable of carrying out its own investigation. In this sense, it has been incapable of deterring conflict.

In two of the four provinces there has been no coordination between the members of the LMT, because there is no head member, or no lead organisation to do this. Potentially this could be the role of a third party such as the OIC, but as yet the OIC have had a very minimal role in the monitoring of the GRP-MILF agreements.

2. The Efficacy of Provincial Level LMTs

There are serious doubts whether the local monitoring team can do its job adequately if it is expected to monitor whole provinces. This problem is compounded by the fact that many of its members are public officials that do not have the time to personally travel around Mindanao.

As the Governor of Nth Cotabato, Manny Pinol, himself remarked, municipal level LMTs would be far more practical and effective. Pinol is himself the appointed government representative in the LMT. However, the idea of municipal level LMTs has been resisted by the MILF.

3. Problematic selection of LMT members

It is unclear how the architects of the **Cotabato** LMT expected Gov. Manny Pinol to conduct investigations himself. Aside from the obvious, and serious, security concerns the Governor may have in entering MILF areas, he is also attending to other needs of his province. Other members, particularly those appointed as local government representatives, are in a similar position. Likewise, it is not clear how Bishop Valles, the religious appointee of the same LMT, who is an astute but old man, could endure the physical rigors of investigation. The travel time is often long, and the roads, if there are any, are often impassible for four wheel vehicles.

In **Sultan Kudarat** the religious appointee has expressed some reservations about being a member of the LMT because he is an Italian priest.

The Manual of Instructions, states that the LMTs would have the power to “Employ the expertise of certain impartial persons or organizations in the performance of its assigned tasks” (Article II, No. 2, para (e)). The irony, and the concern, is that in some areas it is the LMT member himself, who should be considered too fiercely partisan to adequately conduct an investigation into a violation of the ceasefire. This is of particular concern in **Maguindanao**.

Rather than a collegial team composed members of the MILF and Government who are equally interested in seeing a working ceasefire, in some provinces it appears to have been filled with politicians or political appointees incapable of working with each other.

This criticism extends to the appointment of the two NGO members. These individuals appear to have been appointed without any consultation with civil society groups. In no instance, the investigation found, were people directly affected by armed conflict involved in the process of monitoring the ceasefire.

4. Practical Difficulties

Currently there is no agreement between the MILF and GRP for the safe passage of LMT members. It has thus been difficult for MILF members to coordinate with military, and conversely, for GRP members to coordinate with MILF commanders and leaders.

LMT members in some provinces have no identification.

Several LMT members have also bemoaned the lack of logistical support. So while LMT members have been expected to fulfil their duties voluntarily, they are currently not refunded for transport, communications or administrative costs.

A Third Party

The Implementing Guidelines on the Security Aspect of the GRP-MILF Tripoli Agreement of Peace of 2001 observed the need for the participation of a third party. Article 3

6. The Parties hereby invite representatives from the Organisation of Islamic Conference (OIC), in particular Indonesia, Libya and Malaysia, and other interested OIC member States to observe and monitor the implementation of all GRP-MILF Agreements.
- 6.1 The OIC Monitoring Team shall formulate its guidelines, procedures and ground rules upon its constitution.
- 6.2 The Parties shall, upon request, provide the OIC Monitoring team appropriate Technical and Administrative support, and security escorts in the performance of its functions.

However it is unclear whether the OIC has constituted its Monitoring Team. And it appears that the OIC has no apparent role in the monitoring of any GRP-MILF ceasefire agreement. Indeed, Libya has noted that its role in the negotiation between MILF and Government has been one of facilitation and not investigation.

Given the current inadequacy of the local monitoring teams to conduct investigations into violations of the ceasefire, the absence of a third party, whether OIC or not, of some concern.

It is recommended that a third party take the lead in monitoring the ceasefire, and be given the capacity to organize and lead LMT investigations. It is also strongly recommended that the stakeholders from the affected communities themselves be involved in the process of monitoring the peace. Their visibility, and the unique knowledge they have of the community, should be considered indispensable.

COTABATO

Composition of Team

1. Mats Mustapha - Balay-Central Mindanao Region office, Cotabato City
2. Mike Mamento- Mindanao Peoples Caucus Member, Carmen, Cotabato
3. Butch Gilman- Mindanao Peoples Caucus Member, ICP-Pikit, Cotabato
4. Sangki M. Ampatuan - Mindanao Peoples Caucus Member, Pres. Roxas, Cotabato
5. Jose Akmad - Mindanao Peoples Caucus Co-Chair, Arakan, Cotabato
6. Fr. Roberto Layson, OMI- Immaculate Conception Parish, Pikit, Cotabato
7. Benjamin Baniaga - Mennonite Central Committee-Philippines
8. Rick Flores - Mindanao Coalition of Development NGO Networks (Mincode), Davao City
9. Esmael P. Luay - ICP-Pikit, Cotabato
10. Uman L. Maongko - IMAN-UPIF, Pagalungan
11. Dr. Ernest Guevarra - Balik-Kalipay, Pikit, Cotabato
12. Oscar Casaysay - Initiatives for International Dialogue (IID), Davao City
13. Mario Dalisay - Balik-Kalipay, Pikit, Cotabato
14. Pinky Pancho - Balay, Pikit, Cotabato

International Observers

15. Elizabeth Wong - SUARAM, Malaysia
16. Jon Rudy - Mennonites Central Committee, USA
17. Delsy Ronnie - Aceh Institute for Social Political Studies, Aceh

Documentor

18. Diomedes Francis Eviota, Jr. - Initiatives for International Dialogue, Davao City

Sources

Brgy. Kudal, Pagalungan, Maguindanao

1. Mohammad Andoy - Pres., Association of Barangay Captains (ABC), Pagalungan town
2. Said Nur - Barangay Captain, Brgy. Kudal
3. S/SGT. Leo Tutana - Detachment Commander, Kudal detachment, 40th Infantry Battalion
4. Aisa Lagiab, 40s- Kudal evacuee living at Pagalungan Central Pilot Elementary School since year 2000
5. Fatimah Musa, 22, Kudal evacuee
6. Abuhilil Abdullah, 14- Kudal evacuee, nephew of Aisa

Brgy. Bulod/Bulol, Pkit, Cotabato

1. Idris Mudali- Barangay Captain, Bulod
2. Mamatal Gongon
3. Musib Guiaman, 45
4. Dausing, Barangay Captain, Bulol

Brgy. Bualan, Pikit, Cotabato

1. Mohamad Duga, 55
2. Guinonday Mangilay, 50s
3. Abdulkahar Mangilay, 30
4. Muhamad Mangilay, 19
5. Nasrudin Amirudin, 18
6. Saguira Mangilay, 27

Brgy. Maligaya, Malamote, Kabacan, Cotabato

1. Arnel Asuncion - CAFGU Member
2. Boyet Nietes - CVO Member

Other Sources

1. Lt. Col. Onesimo Bañaga - Commander, 40th Infantry Battalion of the Phil. Army based in Pikit, Cotabato
2. Rosario P. Diaz - Former Cotabato Governor (3 terms); Member, Cotabato Provincial Local Monitoring Team (LMT) (as NGO Sector Nominee of GRP)
3. Six (6) MILF Commanders - MILF 105th Base Command based in Brgy. Bago Eingid, Pikit, Cotabato (all requested anonymity)
4. Gov. Emmanuel Piñol - Governor, Cotabato; Member, Cotabato Provincial LMT (as LGU Rep)
5. Maj. Gen. Generoso Senga - Commander, 6th Infantry Division of the Phil. Army based in Camp Siongco, Awang, Cotabato City
6. Ghazzali Jaafar - MILF Central Committee Member, Vice-Chair for Political Affairs
7. Jun Mantawil - Chair, MILF Peace Panel Secretariat
8. Atty. Mutalib S. Tagtagan - Chair, MILF CCCH (Coordinating Committee for the Cessation of Hostilities)

BRGY. BUALAN, PIKIT COTABATO

Violations: Murder, Strafing of Houses and Mosque, Abuse of Civilians

Account:

On 6 June 2002, at around 5 a.m. while the residents of Brgy. Bualan were saying their dawn prayers in the mosque or inside their houses, a group of about 60-70 armed men arrived in the community. They split into smaller groups and then without warning fired on the houses. Some residents who went out of their houses to seek safety in the woods nearby were shot at; some of them were hit and died on the spot. The firing lasted for around an hour. At the height of firing, some 20 people were forced at gunpoint to stay inside a house for at least an hour. The mosque was also shot at although none inside were hit. The fatalities were five civilians including a 6-year old boy; they were buried in the area. Wounded were three civilians, among them a 2-year old boy.

Fatalities:

1. Onotan Mangilay, 50s
2. Tahir Mangilay, 29- son of Onotan
3. Tocan Midtimbang
4. Daculiman Duga (tagged by army as “Kumander Big Boy”)
5. Tata Duga, 6 - son of Daculiman

Wounded:

1. Muhamad Mangilay- hit on right lower leg, near the foot
2. Nasrudin Amirudin- hit on right upper back
3. Laisie Mangilay, 2 - grandson of Onotan, hit near right buttock

Discussion:

As it was still dark then, none of the attackers could be identified. They were not in uniform and had no identifying tags or badges and used M-16 Armalite rifles, M-60s and M-79 grenade launchers. The attackers left the scene immediately after the firing, taking nothing with them.

However, the civilian survivors interviewed in Bualan were unanimous in saying their attackers were soldiers, and judging from the retreat route and direction were from the 38th Infantry Battalion based in nearby Aleosan town.

A Lieutenant of the 40th IB based in Pikit, later interviewed on 8 January 2003 in Bualan because they were in Bualan to probe intelligence reports of armed men in the area, claimed the 40th IB had lodged a complaint before division headquarters against the 38th IB for alleged trespassing of AOR (area of responsibility).

The 40th IB commander also confirmed the 38th IB was responsible in that incident but that they had asked his clearance to enter Pikit and pursue the gang. He said the 38th IB were in hot pursuit of an alleged cattle rustling gang led by a “Kumander Big Boy” when the gang of about 20 members reportedly entered Bualan. He claimed the MILF were engaging in cattle rustling activity.

News reports quoted the army division spokesman as saying that the cattle rustlers took cover inside the houses, that the group fired on the soldiers triggering a firefight, and that three of the adults killed were MILF guerrillas, including “Kumander Big Boy”.

The MILF field commanders interviewed admitted that “Kumander Big Boy” was an active MILF company commander but denied they were stealing cattle. They said there was no exchange of gunfire, the incident was a “slaughter” and accused the army of violating the ceasefire.

There were no reports— even in media— of cattle recovered from the scene. The survivors interviewed in Bualan were relatives of the victims; they denied there were cattle rustlers in the area or that there was an exchange of gunfire.

BRGYS. BULOD AND BULOL, PIKIT, COTABATO

Violations: Offensive military actions such as unjustified massing of troops, artillery shelling and aircraft bombing; aggressive action such as attacks; massive deployment and movement of forces which are not normal administrative functions and activities; abuse of civilians

Account:

On 16 November 2001, the first day of the Ramadhan, government troops aboard 2 Simba armored tanks, at least 7 jeepneys, and a hauling truck of the Natl. Irrigation Administration (NIA) arrived in Brgy. Bulod at around 1 p.m. They numbered around 200 with members coming from the 38th IB, 39th IB and 40th IB. The composite team told residents they were in pursuit of the Pentagon kidnap group led by Tahir Alonto which had kidnapped a Filipino-Chinese boy on November 12 and which had retreated and sought refuge in the barangay. The soldiers searched houses in Bulod including that of the barangay captain's; residents were reportedly advised to leave the area. The troops stayed that night at the Bulod meeting hall. The following day (17 Nov), the troops moved to nearby Brgy. Bulol which was reportedly an MILF-controlled area. A firefight between the soldiers and MILF guerrillas occurred at around 7:50 a.m that morning. Also reported were "clearing operations" by the army that lasted ten days, air assaults by OV-10 bombers and artillery shelling from Fort Pikit. At least one case of manhandling of a civilian by soldiers was reported. An army detachment was set up in Bulod. At least ten houses were also reported burned, but it was not determined by whom. The military actions resulted in the evacuation of up to 24,000 civilians (citing DSWD sources) from at least 12 barangays mostly around the Liguasan marsh. Around 70 children died in the evacuation centers in Pikit poblacion.

Discussion:

Newspaper reports quoted the army spokesman saying at least ten members of the Pentagon kidnap group were killed since troops arrived in Bulod/Bulol on November 16. However, the MILF claimed the soldiers had clashed with MILF guerrillas. The army spokesman said the military had not targeted the MILF but that the MILF had acted as "back-up" for the Pentagon kidnap group. The 40th IB commander meanwhile said the troop movement had started as a "legitimate anti-crime operation" against the kidnap group, but that the engagements had started and the military operations were ongoing when the kidnapped boy was released (on the 20th November). The soldiers had no recourse but to follow through, he said. The MILF spokesman denied any involvement with the Pentagon. He said the boy was in fact turned over to his parents by emissaries of the MILF, which he said had helped negotiate for the boy's release.

BRGY. KUDAL, PAGALUNGAN, MAGUINDANAO

Violation: Artillery shelling

Account:

On 1 November 2002, artillery shells from 105 mm. howitzer cannons were fired in the direction of Brgy. Kudal in Pagalungan. Evacuees staying at the Pagalungan Central Pilot Elementary School since year 2000 heard 6-7 loud firings at around 8:30 p.m. They said the sound came from the direction of Fort Pikit where the army's 40th IB has its artillery battery unit. A direct result of the shellings was that some of the evacuee families (who had themselves experienced artillery shellings when they abandoned

Brgy. Kudal during the 2000 “all-out war”) decide to leave their homes in haste and spend the night at the Pikit municipal hall; they only returned the next day when no more shelling was heard.

Discussion:

The detachment commander in Kudal said at around 7:30 p.m that night, his detachment was shot at by an MILF group; but he denied there were shellings that followed the “harassment”. It should be noted that he was the only respondent who denied the shellings; he was in the detachment that night but was farthest from Port Pikit where the shelling originated . The 40th IB commander meanwhile said artillery backup was requested by the detachment but that only one round was fired as a warning shot. The other civilian respondent, the parish priest of Pikit, testified that he heard artillery shelling from Fort Pikit that night; his parish is only about 1,000 meters from Fort Pikit. The two barangay captains also said they heard loud explosions that night. Lastly, only an extraordinary event — such as a nearby artillery shelling- would have compelled evacuees like the ones the team interviewed to leave their homes temporarily.

BRGY. MALIGAYA, MALAMOTE, KABACAN, COTABATO

Violation: Reported “harassment” of army detachment

Account:

On 6 January 2003, the detachment in Brgy. Maligaya was reportedly strafed by a group of suspected 15 MILF men. There was a 30-minute exchange of gunfire but the MILF retreated when reinforcements arrived. There were no casualties on either side.

Discussion:

The team made an ocular visit to the area and discovered that the reported skirmish site was actually some 300 meters away from the detachment. The members of the CAFGU and CVO manning the detachment were tenants of a Christian landlord and were in fact cleaning the ricefield canal when fired on. The team also found out that there was an ongoing land conflict in the area between the original Moro inhabitants and the Christian settlers. The 40th IB commander meanwhile said the Kabacan mayor had created a task force which investigated the incident and concluded that 2 families were involved in a land conflict in the area. The team therefore was inclined to agree with conclusions that the incident stemmed from a private land conflict and was not a clash between the GRP-MILF which would qualify as a ceasefire violation.

FINDINGS ON THE CEASEFIRE AGREEMENTS AND ITS IMPLEMENTATION

1. In Cotabato province, there were two instances when the Armed Forces of the Philippines (AFP) entered areas with MILF presence reportedly in “hot pursuit” of criminal elements. In Brgy. Bualan, it was against a cattle rustling gang; in Brgy. Bulol/Bulod, it was against the Pentagon kidnap gang. But in Bulod/Bulol their entry into MILF territory or area forced the MILF to start perimeter defense action, hence resulting in firefights or encounters.

2. If entering MILF areas, AFP should coordinate with the MILF prior. But what is MILF territory or areas? According to the implementing administrative guidelines of the GRP-MILF Agreement on the Cessation of Hostilities signed on 12 Sept. 1997, “the location of MILF camps/positions shall be verified and determined jointly and agreed upon by both CCCH”. At present there is great difficulty in defining actual MILF territory.
3. It should be pointed out to both armed groups the complexity of the situation on the ground (who are the criminals, who are the legitimate MILF fighters, who are the non-combatant civilians) and the imperative need to coordinate each other’s military actions especially when thought to be encroaching on the other’s territory.
4. The rules of engagement in the conduct of military operations are not always followed, such as warnings to civilians to keep out of the way or, in the case of the Bualan incident, the wearing of uniforms and other identifying tags by the AFP.
5. The team takes note of the unnecessary deaths and injuries of civilians in the Bualan incident. The civilians interviewed maintain that there was no exchange of gunfire, despite the army’s claim that the deaths resulted in a crossfire. They said if indeed a cattle rustling gang was the target, there were no confiscation of cattle or apprehension of other suspects made after the shooting.
6. The impact of the armed encounters almost always results in massive civilian evacuations. This is illustrated in the massive evacuation of up to 41,000 civilians to the Pikit poblacion during the 2000 “all-out war” against the MILF; also in the evacuation of up to 24,000 civilians from at least 12 barangays after the armed encounters in Bulol in November 2001.
7. The army claims criminal elements entered MILF areas and the MILF provided them sanctuary. The MILF denies assistance or any ties with criminals, yet it has failed to keep out reported criminals from their claimed areas, as in the Bualan and Bulod/Bulol incidents.

RECOMMENDATIONS ON THE CEASEFIRE AGREEMENTS AND ITS IMPLEMENTATION

1. Common recommendations of civilians in Kudal and Bulod/Bulol was for the pullout of army detachments because they reportedly attract the MILF and the likelihood of armed encounters prevent the evacuees from returning to their homes in the area. Brgy. Kudal has been abandoned since the 2000 war and the evacuees remain at the fringes of the Pagalungan Central Pilot Elementary School at present.
2. For both armies (AFP and BIAF) to implement closer coordination especially when initiating military action in areas where the other army is present or believed to be present.
3. For the GRP and MILF to start wider information dissemination of the ceasefire agreement and its violative actions among their respective ranks. Both camps claim wide dissemination and awareness among their ranks. Yet army field commanders seem to have received their copies of the agreement only in the December 2002 meeting of LMTs called by the OPAMIN at the Estosan Hotel in Cotabato City.

FINDINGS ON THE LOCAL MONITORING TEAMS (LMTs)

1. The Cotabato provincial LMT is not operational; it has not met yet and some of the members interviewed don't know their fellow members; the NGO representative says she does not have an identification card yet.
2. In Cotabato, the LMT only operates at the municipal level since it (LMT) is considered by the Cotabato governor as the concern of the municipal mayors.
3. There is confusion over who will convene the provincial LMT and where the funding will come from. It is also unclear who oversees the operations of the LMT- OPAMIN? DND? Malacanang?
4. The provincial governor is unclear who is the agency tasked to disseminate information on the ceasefire agreement and where to report violations.
5. LMTs have no direct contact yet with AFP field commanders, and likely with the MILF counterpart. This contact is important to promote the LMT's active role in helping prevent the escalation of conflicts.

RECOMMENDATIONS FOR THE LMTs

1. LMTs should have contact/open communication lines with the ground commanders of the AFP and the Bangsamoro Islamic Armed Forces (BIAF).
2. An AFP officer recommended an information campaign for officers down to the enlisted men and even the CAFGU; the campaign can be handled by NGOs because civil society groups are believed more effective as a third party.
3. Political independence of the LMTs (LMTs are likely to be headed by politicians/LGUs since the local executives have the most influence and resource and network).
4. Continue confidence building between the two groups
5. Stress the pro-active function of LMTs in preventing the escalation of conflicts
6. More skills training for the LMT members (gathering information, preparing evidence, making sketches, making reports)
7. The provincial governor, a member of the provincial LMT, recommends civil society groups to set venues for stakeholders meetings or convene monthly reporting between the LGUs, LMTs, MILF representatives and AFP officers on recent events/violations.

LANAO DEL SUR AND LANA O DEL NORTE

Composition of the team

1. Mashor Mamolawan - Muslim-Christian Agency for Rural Development, Inc. Balindong, Lanao del Sur
2. Alexis Plariza - Lanao Aquatic and Marine Fisheries Center for Community Development (LAFCCOD) Maranding, Lala, Lanao del Norte
3. Jan Lozano - Initiatives for International Dialogue, Davao City
4. Magdalena Pontongan - Mindanao Peoples Caucus Co-Chair; Cotabato Council of Elders; Malupa Arakan, North Cotabato
5. Rexall Kaalim - IQRAA, Islam Foundation, Tagum City
6. Hassan Lucman - Pilandok Marawi City
7. Omar Faisal - Ranao Integrated Assistance Program-Mucard (RIAP-Mucard), Marawi City
8. Salic Ibrahim - Maranao People's Development Center Inc. (Maradeca), Marawi City
9. Yanes Gandamasin - Vice Mayor, Pualas, Lanao del Sur
10. Atty. Mary Ann Arnado - Initiatives for International Dialogue, Davao City
11. Dodong Garduque - Balay Inc., Manila
12. Jun Aparece - Technical Assistance Center for the Development of Rural and Urban Poor (TACDRUP), Davao City
13. Philip Anghag - Mindanao Peace Advocates Conference, Davao City
14. Melchor Alquizola - LAFCCOD, Lanao del Norte
15. Hassan Ibrahim - Citizen Crime Watch-Lanao Chapter, Marawi City
16. Al Mojib Disomimba - Maranao People's Development Center Inc. (Maradeca), Marawi City
17. Baileng Mantawil - Consortium of Bangsamoro Society, Cotabato City

International Observers

18. Maike Grabowski - Philippinenburo, Asienhaus, Germany
19. Adam Rudkin - Australian Volunteers International, Australia
20. Andrea Beck - Mennonites Central Committee, U.S.A.

Documentors

21. Vanessa Almeda- MindaNews, Cagayan de Oro City
22. Teng Mangansakan - MindaNews, Davao City
23. Tarhata Sambutan - Headliner, Cotabato City

Objective

The team was tasked to investigate reported violations of the GRP-MILF ceasefire agreement in the provinces of Lanao del Sur and Lanao del Norte. In particular, the team was to investigate military *Operation Thunderstorm* which was launched by the 401st Brigade under the 4th Infantry Division of the Philippine Army under General Dagudag from October 12-29, 2002.

Sources

Interviews

1. Col. Ernesto Boac, Brigade Commander, Philippine Army, 401st Infantry Brigade, Marawi City
2. Major. Francis Balabat, Commanding Officer, Philippine Army, 67th Infantry Battalion, Matling, Malabang, Lanao del Sur
3. Abu Ashraf Balindong, MILF 26th Unit Brigade Commander, 102nd Base Command
4. Alfonso “Bob” Anton, Barangay Maladeg, Sultan Gumander
5. Taco Cumilao, evacuee, Malabang, Lanao del Sur
6. Nora Maruhom, evacuee, Malabang, Lanao del Sur
7. Junaira Lanto Marohom, evacuee, Pualas, Lanao Norte
8. Husna Dipatuan, evacuee, Maladeg, Sultan Gumander
9. Samsodin Ambil, evacuee, Malabang, Lanao del Sur
10. Olama Alon, evacuee, Malabang, Lanao del Sur
11. Ulad Maning, evacuee, Malabang, Lanao del Sur
12. Monale Macalangan, evacuee, Brgy. Dimangon, Sultan Gumander, Lanao del Sur
- 13.. Maulama Maamor, Barangay Captain of Linuk, Pualas
14. Tutin Sangkupan, Brgy. chairperson, Calanogas
15. Corrine Tabua, Provincial Social Welfare Officer, DSWD Provincial office based in Malabang, Lanao del Sur
16. Gasanaran Lacongan, Barangay Maladeg, Sultan Gumander
17. Diko Limano, Kabugatan sa Calanogas
18. Jun Mantawil, Secretariat Head of the MILF Peace Panel
19. Ghazali Jaafar, Vice-Chair Political Affairs, MILF
20. Rudy P. Radiamuda, Chairman, Western Lanao del Sur Regional Command, MILF
21. Monale Macalangan, Brgy Dimangon, Sultan Gumander

OPERATION THUNDERSTORM

The investigation was prompted by (a) reports that between 600 and 700 MILF and Abu Sayyaf troops were massing in the tri-boundaries of Sultan Gumander, Calanogas and Pualas, Lanao provinces (b) the military operation, code named *Operation Thunderstorm*, which was launched on October 12, 2002, with the mission of preventing the Abu Sayyaf Group from expanding into Central Mindanao.

Operation Thunderstorm, described as a ‘preemptive strike’ by the military, was conducted around Mt. Palao, Lanao del Sur. The military claim that it was launched on October 12 as a reaction to intelligence reports that 640 armed men were massing near Mt. Palao (which lies at the border of Sultan Gumander, Pualas, and Calanugas). According to this report, this group was composed of members of the Moro Islamic Liberation Front (MILF), the New People’s Army (NPA) and the Abu Sayyaf Group (ASG). Pointing to both its size and constitution, Col. Boac called this a “clear manifestation of a violations of the ceasefire”.

The MILF combatants claim that the military operation began on October 5 and lasted till October 29. On October 7, a MILF source notes, OV-10 bombers were used to drop 500 pound bombs on MILF positions within Sultan Gumander.

On October 9, the MILF combatants claim, four helicopters were used to attack reported MILF communities and positions. Ground assaults within MILF communities also began on this day, however actual confrontation between MILF and AFP forces did not occur until October 15. This encounter lasted three days. According to the MILF Unit Commander it left 4 dead soldiers, 2 soldiers wounded, and two MILF wounded.

There was a second encounter between MILF and AFP forces from October 24 to October 25 in two Barangays, Bobong nga Ranaw and Barak. This left 4 soldiers dead and 1 MILF combatant wounded.

Between October 28 and 29 the AFP withdrew. There are reports and photo evidence that suggest that several houses were burnt and destroyed at this time, and a claim that three civilians were killed.

The AFP offensive was carried out by the combined forces of the 58th, 29th, 67th and 30th Infantry Battalions under the 401st Infantry Brigade of the Philippine Army based in Marawi City.

According to the military, the offensive was brought about by the presence of an estimated 640 armed elements who were massing around Mt. Palao (at the border of Sultan Gumander, Pualas, and Calanugas), and who were said to be members of the Moro Islamic Liberation Front (MILF), the New People's Army (NPA) and the Abu Sayyaf Group (ASG).

The offensive resulted in the displacement of a large number of civilians, affecting Sultan Gumander, Pualas, Nunungan and a portion of Calanogas town. And there have been persistent reports that civilian houses were torched, personal belongings, cattle and horses were stolen.

What prompted the 'preemptive strike'?

Col. Boac claimed that a 'preemptive strike' was necessary because of the amassing of MILF, NPA and ASG troops around Mt. Palao for the purpose of establishing a Camp Abubakar 2. At the time of the military offensive he claimed there were a total of 640 armed men there. Around 250 of these men, he said, had come from Maguindanao. Another 200 came from Basilan, Jolo and Zamboanga del Sur.

MILF Commander of the 26th Unit Command, Abu Ashraf Balindong, confirmed the presence of Kumander Aloy and his forces in Sultan Gumander. He claimed that after the bombing offensive began, these men withdrew to the municipality of Nunungan, thus when the AFP ground offensive started, it was actually directed against his unit, which he says is composed of around 63 armed men.

Col. Boac said further that those that arrived from Zamboanga del Sur were led by Kumander Aloy. Commander Ashraf did not dispute this. Both Commander Ashraf and Chairman Rudy P. Radiamuda, agreed that MILF forces had moved from areas in Zamboanga to avoid the continuing military operations being conducted there. The decision to move Kumander Aloy was, according to these sources, made in consultation with the MILF Command. Radiamuda however, disputed the number of 600-700 troops under Kumander Aloy. He claimed that Kumander Aloy would have come with an armed escort of around 15 to 20 men.

Kumander Ashraf concurred that the armed escort would have been about this size, but that the total MILF forces were, as Col. Buac claimed, around 640. This number was also supported by the community leader, Bob Anton, and some other residents of Maladeg, Sultan Gumander.

Anton alleged that these armed men spent P20,000 a day, and consumed an average of 4 sacks a day. Two vendors in Barangay Maladeg confirmed that there were unusually large purchases of rice in the town.

Anton, who lives on the shoreline in the peace zone of Maladeg, also claimed that on September 8, 2002, armed men began arriving travelling on three motorized tri-engine *bancas* (small boats). These *bancas* were subsequently seized and are now impounded in his residence. The investigators were able to inspect the impounded bancas and noted that each banca can only carry at the most 10-12 persons. The combined capacity of these three boats is estimated to be no more than 36 individuals, and likely to be less than this.

It is conceivable that these boats were used to ferry troops to Sultan Gumander (Lanao del Sur), and then returned to Zamboanga del Sur (or more improbably to Basilan or Jolo) to collect more MILF troops. However it is unlikely that this would have passed unnoticed, or that large numbers of MILF troops could have moved by land through Pualas, Calanogas and Nunungan without attracting notice of residents and officials within the area.

It is also unclear how such a large contingent of rebels were able to withdraw without being noticed. When asked by the investigators where the MILF forces had moved to after the operation, Major Balabat said that “they just disappeared”.

It is also unclear how the stated 640 armed men could avoid an actual encounter with the military.

Presence of Abu Sayyaf group

Col. Boac, Maj. Balabat and Bob Anton all concurred that those that arrived in Sultan Gumander in October came from a number of areas, and included Tausugs, Maguindanaons, Iranon, and Maranaos.

However Col. Boac and Maj. Balabat claimed further that these troops and Kumander Aloy were associated with the Abu Sayyaf group. Boac said that the ASG is in Mt. Palao, allegedly to escape ongoing military operations in Basilan province.

Balabat claimed that there were confirmed sightings of the ASG leader Isnilon Hapilon in Marawi City. Bob Anton claimed some residents in the Maladeg peace zone confirmed the presence of Hapilon when military soldiers showed them photos of the bandit leader. Isnilon, according to Anton, was seen by residents twice in the area.

These claims are denied by Kumander Ashraf and other senior MILF sources. The MILF Central Committee recognize and acknowledge Kumander Aloy as a member of the MILF. Nor did any of the civilians that were interviewed, aside from Bob Anton, see, or know of, any Abu Sayyaf members within the group that arrived in October, or that Kumander Aloy associated with the ASG.

However, some residents did confirm the presence of an MILF camp in the area. Gasanaran Lacongan, a resident in Maladeg, said that this MILF camp is led by a certain Ustadz Saydale, a.k.a. Abu Sawaf, a.k.a. Bin Ali. The camp is known to him as Darul Intisar, and is one of the recognized camps of the MILF.

Tactical alliance between the ASG, MILF & NPAs;

Maj. Balabat claimed that a tactical alliance exists between the ASG, MILF and NPA in this area. He declined to elaborate. Ashraf noted no official tactical alliance, and that he had no knowledge of any NPA or Abu Sayyaf in his area of command. The only report he had heard of was of a unit of the Revolutionary People's Army in 1999, located near the boundary of Lanao del Norte.

The investigators note that the MILF has established a general “defensive tactical alliance” with the National Democratic Front (NDF), and it acknowledges that this alliance is still in effect. The NDF, itself, explained that the tactical alliance would be observed in specific areas where communist and Moro guerrillas operate in Mindanao. The alliance covers exchange of information, training and logistics among their forces in the field.

Camp Abubakar 2 (Did camps already exist?)

During operation AFP claimed to have discovered six new camps, the most significant of these was at the foot of Mt. Palao. The AFP claimed that these camps could not be seen from the air, because they used camouflaged galvanized iron.

During the operation the AFP claimed to have seized two of these camps, one from the MILF 305th and another from the 304th Brigades.

Maj. Balabat said that they believe a second ‘Camp Abubakar’ was being built. Col. Boac claimed that they have pictures to prove the existence of the camp. However these were not shown to the investigators, and there was no reply to a second request for evidence of the camps.

Commander Abu Ashraf disputed Boac’s claim, saying that members of his MILF unit are now operating as guerrillas, holding certain ‘positions’ but not building camps. He acknowledged though that there were MILF camps outside Sultan Gumander recognized and established prior to the ceasefire agreement. He cited, as an example, Camp Ansar in Nonongan.

The Vice-Chair of political affairs, Ghazali Jaafar, and the Central Committee member, Jun Mantawil acknowledged that there are a number of MILF ‘positions’ in Lanao del Sur and Lanao del Norte. They noted further that the ceasefire agreement was silent on the question of (a) training combatants; and, (b) the erection of new camps. Indeed two members of the Central Committee argued that those camps that had been recognized in former agreements (prior to the war in 2000) were still recognized by the current negotiations.

Coordination with the Coordinating Committee on the Cessation of Hostilities (CCCH) and the provincial LMT

The investigators found that there was no coordination between military and CCCH prior to the military offensive in October 2002. Indeed, Col. Buac stated categorically that the military would never coordinate or notify other organisations of an attack.

Asked whether the MILF had informed the joint-CCCH of the movement of MILF forces from Zamboanga del Sur to Sultan Gumander (Lanao del Sur), they stated that this was not done at a joint-CCCH level, but that

it may have been done at the level of the ‘provincial CCCH’ (meaning the LMT). However, investigators found that no LMT member in Lanao del Sur had conducted any investigation into the October offensive, and that they had had no consultation either with the military or with the MILF provincial commanders.

Was there an investigation conducted by the LMT?

Indeed, it was found that there had been only one investigation conducted by the local monitoring teams (LMTs) in Lanao del Sur. This was conducted in Poona Bayabao after members of the MILF were killed by the AFP in July 2002.

LMT members, both MILF and Government affiliated complained that there were no funds allocated to them to conduct an investigation. Government members expressed concern about their safety and the absence of any agreement that would give them access to MILF territories. Some members also believed that their ability to investigate violations of the ceasefire was hindered because they found themselves waiting for the CCCH to ask them to investigate.

Impact on the Civilians

No Notice to Civilians

Col. Boac did not categorically reply to the question whether civilians were informed of the impending aerial bombing thus giving them time to vacate their homes but merely said that the people were not surprised when 640 armed men arrived in the area. They were not surprised “because they are sympathetic with those people (armed groups)”. Then he added that there were others who “were threatened” by the armed group.

On his part, Anton said the residents were informed a month before the attack “so they will be able to evacuate, in case an encounter will happen, and bring their properties to safer grounds.” However, civilians that were interviewed in Malabang, Sultan Naga Dimaporo and Calanogas reported that they were not informed at all of the military operation.

Inadequate Relief Assistance to Evacuees

In Maladeg, only 98 sacks of rice reached the area out of the 900 sacks that were released to the DSWD.

DSWD officials on the other hand said they are still awaiting the release of the relief assistance coming from the province.

In Malabang, the Office of Governor Mike Adiong and Maradeca, an NGO based in Marawi City, were able to distribute relief goods in October 2002.

According to some evacuees interviewed in Malabang, walls of their houses were ripped-off when they returned. They also discovered that sleeping mattresses were burned, and household items such as cooking utensils, plates and glasses were either destroyed or stolen.

Ulama Alon, a resident of Calanogas, reported that his cow was stolen by military troops. He also said that during the first week of Ramadhan, soldiers arrived in Barangay Anas at about 4 p.m. and fired upon a

mosque full of people. The soldiers claimed that the people praying inside were MILF (See Annex 2, Alon interview).

An evacuee in Brgy. Banday said a mosque was desecrated when innards of cows were left inside. Another said that soldiers took their chicken and ducks, and either took their other farm animals or killed them and left them in the fields.

Residents in Brgy. Dapao, Pualas claimed that the amplifier and microphone inside their prayer house was stolen.

Residents from Barak, Calanogas, claim that 8 horses were taken by the elements of the 67th IB. At least two horses were shot by the military when they could not bring it with them.

Col. Boac admitted there were farm animals that were in the hands of the military but he said that these animals (7 heads of cattle) were “abandoned” and suspected to belong to the armed groups. He added that the herd of cattle were taken into custody by the 29th IB but added these were already turned-over to residents.

Boac and Balabat disputed reports that houses were burned during the military operation in October. Boac admitted though that MILF encampments and bunkers built by the armed men were torched or destroyed.

Residents from Maladeg, on the other hand, said more than a hundred houses had been burnt in Barangays Turugan, Lugisan and Mangun. Diko Limano said five houses were destroyed by government troops in Sitio Inatungan, Uban-uban while several sacks of *palay* (unmilled rice) were set on fire in Brgy. Mangun.

Human Rights

In an interview with Abdulwahab Igalo in Calanogas, he said three persons were arrested and six were held hostage by soldiers of the 67th IB at Brgy. Bitara, Sultan Gumander. Igalo said those arrested were tortured by the soldiers. Lala Igalo, one of those arrested, vomited blood as a result of torture. While Paulo and Malol Ampuan two residents were beaten.

Another evacuee, Ulad Maning narrated that the military dropped an estimated 105 bombs in his Barangay forcing them to evacuate. A few weeks later when they decided to return home, a group of government soldiers fired shots at them resulting in the injury of one of his companions.

In his response, Col. Boac neither confirmed nor denied the statements, but said that if there are complaints from residents, they should be file a formal complaint before his office.

FINDINGS AND CONCLUSIONS

1. “Operation Thunderstorm” as publicly announced by the Commanding Officer of the 4th Infantry Division was launched supposedly to prevent the expansion of the Abu Sayyaf Group in Central Mindanao. However, it is clear from the investigation that the military troops were able to engage known MILF combatants under Abu Asraf Balindog, 26th Unit Command, 102nd Base Command of the MILF operating in the areas of Pualas, Calanogas, Upper Malabang & Sultan Gumander. The encounter between

these troops is clearly an offensive military action considered as a prohibited hostile act under the ceasefire agreement.

In this instance, the military operations conducted against the 102nd Base Command under Kumander Abu Ashraf Balindong were without justification, and in violation of the ceasefire agreement.

2. There was a movement of MILF forces into Sultan Gumander (Lanao del Sur) from Zamboanga del Sur. MILF confirmed the transfer of Kumander Aloy along with 15-20 escorts disputing military's claim that there were around 600-700 joint forces of the ASG, MILF and NPA.
3. From interviews gathered from evacuees and residents of Maladeg, it is established that there was no actual ground encounter between the military and the alleged 600-700 joint MILF-NPA-ASG forces. Ground assault was directed against the MILF forces led by Kumander Asraf.
4. The presence of the 600-700 armed groups cannot be verified. It is probable that this number is just bloated to justify such a big military operation. The presence of the 3 *bancas* would suggest these could not possibly ferry back and forth these 600-700 men unnoticed by residents. It is probable that there was no actual ground encounter because this huge group does not exist at all. As explained by Kumander Asraf, the 15-20 men of Kumander Aloy simply retreated to Nonongan when the bombings and shelling started.

The MILF Command might have averted the encounter if it had notified the joint-CCCH of the movement of its troops.

2. The 401st Infantry Battalion failed to report its concerns over the movement of troops to the GRP-CCCH. The 401st Infantry Battalion conducted a military operation without coordinating with Government's own CCCH. Col. Boac categorically announced to the team that he will never announced his operations and will not coordinate it with anyone. It's a standard operating procedure in the military, he said.
3. There was great harm done to the civilian populations. It is highly probable that members of the 401st Brigade were responsible for:
 - the torching of civilian houses in Barangays Torogan, Lugisan and Mangun in Sultan Gumander.
 - Looting (kitchen utensils, chickens, horses)
 - manhandling
 - Illegal search and arrest
 - Damage to properties and crops (reports on burning of harvested palays).
4. The military noted the significance of a Kuwait sponsored road project that will link Kapatagan in Lanao del Norte to Malabang in Lanao del Sur. MILF claims that if this is a development project to be implemented in conflict –affected areas, it should pass through the Bangsamoro Development Agency for proper coordination with the MILF.

MAGUINDANAO

Composition of the team

1. Lovella Benito – Secretariat, Mindanao Peoples Peace Movement
2. Jamil Buday- Maguindanao Spokesperson, United Youth of the Philippines, district 2
3. Rahib Nando - Maguindanao Chairman, United Youth of the Philippines-Maguindanao, district 2
4. Tony Dalimbang - Vice-Chairman, United Youth of the Philippines-Maguindanao, district 2
5. Mahdie Amella - Secretary General, United Youth of the Philippines-Maguindanao, district 2
6. Conrad Datuyan – Member, Organization of Tiduray and Lambangian Conference Inc.
7. Haron Mantawil - Youth Leader, Task Force Kalilintad
8. Moslemin Abas – Representative, Consortium of Bangsamoro Civil Society
9. Noraisa Madali – Secretary, Moro Women Humanitarian Association
10. Baina Samayatin - Chief, Committee on Education, United Youth of the Philippines
11. Rahib Kudto – President, United Youth of the Philippines
12. Datu Al Saliling - Co-chairman, Mindanao Peoples Caucus
13. Taya Andik – Volunteer, BALAY Rehabilitation Center
14. Eli Salazar - Regional Coordinator, BALAY Rehabilitation Center
15. Ma. Carmen Lauzon-Gatmaytan – Initiatives for International Dialogue, Davao City
16. Ma. Teresa Cabasares – Initiatives for International Dialogue, Davao City
17. Atty. R. Charisma Torrefranca – Initiatives for International Dialogue, Davao City
18. Charlene Hilot – Initiatives for International Dialogue, Davao City

International Observers

19. Dr. Kamarulzaman Askandar - Regional Coordinator, Southeast Asian Conflict Studies Network; Coordinator, Research and Education for Peace University Sains, Malaysia
20. Greg Hutchison – Writer, Foreign Correspondents for ABC Australia
21. Mariquita Soarez - East Timor

Documentor

22. Froilan Gallardo - Mindanews

Objective

The team was tasked to investigate reported violations of the GRP-MILF ceasefire agreement signed on March 2001 in the towns of Datu Piang, Sultan sa Baronguis, Talayan and SK Pendatun in Maguindanao province.

The investigation was limited to incidents subsequent to September 2002 for evidentiary and logistical reasons.

SULTAN SA BARONGUIS

In Barangay Bulod, the team found several evacuees living in the *poblacion* (the town center). An evacuee, Ay Kutin Mamadali, 40, said 300 residents of Sitio Lagao, Barangay Langgapanan, fled their homes when fighting broke out between soldiers and the MILF on Dec. 6. The residents said the village was having a *Kanduli* (a Muslim thanksgiving festival), when, at around 10am, some 100 soldiers arrived. A second group of soldiers arrived from a different direction.

The team found several coconut trees near the village that had been destroyed by shelling, allegedly by the AFP. Residents said soldiers burned at least 11 houses. 1 civilian was wounded. Two residents died in the evacuation center, each had prior medical complaints. Residents also complained of looting, allegedly committed by the soldiers.

At the evacuation center, the team was informed by the evacuees that they want a stop to the conflict that always cause their displacement and disruption of their livelihood. They also want to be allowed to return to their original village immediately. They claim that the military ordered them not to return until clearing operations are conducted.

Several team members tried to interview members of the military contingent stationed near the village, but their officers declined to comment. A soldier who asked not to be identified said the attack on Dec. 6 was prompted by the presence of members of the Pentagon gang, a kidnap-for-ransom group which has been tagged by the US government as a terrorist group. The same soldier said the members of the MILF, joined the fighting, in aid of the terrorists.

However, the MILF fighters interviewed by team members, denied the presence of terrorists in their area. The rebels said they pulled back from Sitio Lagao and fired only in self-defense. The MILF claimed the military did not coordinate with them in the pursuit of alleged presence of Pentagon gang members

There was no investigation conducted by the Local Monitoring Team (LMT) or other government agencies.

TALAYAN

The team left for the municipality of Talayan on Jan. 8. Two of its villages, Barangays Katibpuan and Muti, were the scenes of recent fighting between the GRP and MILF. The team found 70 families (about 350 persons) living in a school building in the nearby Barangay Muslim. From the evacuees, the team learned that the fighting occurred on Dec. 7, 2002 when Army soldiers picked up a barangay *kagawad* (councilor) from his house in Barangay Muslim. The dead body of Kagawad Mike Kaun was found in the nearby village of Balabag in the afternoon of the 7th. They claim they have no idea why they did this to him. They said he did not have any enemies. But the barangay captain said he was an enemy of Datu Piang Mayor Saudi Ampatuan's men.

The residents also claimed that the municipal mayor of Datu Piang, Saudi Ampatuan, who was later killed in a bomb blast on Dec. 24, was with the soldiers who picked up Kaun. During the evening of Dec.7, more Army soldiers entered the village and an ensuing clash with the MILF occurred.

More residents evacuated after two 6x6 Army trucks came to the village on Dec. 30. The soldiers reportedly suspected that Ampatuan's killers were hiding in the village. The ground assault was supported by an array of OV10 bombers, which bombed some areas in Barangay Katibpuan.

One of the residents said that during the operation, the military looted the mosque and stole the cement and steel that were supposed to be used for building their barangay center. There were also some reports from the other residents that the military stole the farmers' pesticides and about 40 sacks of palay.

On Jan. 6, 2003, the military launched an additional military operation in Talayan municipality, this time in South Binangga. The 37th IB raided the house of Hadja Paumpin Hadj Hamsa, a barangay councilor of Barangay South Binangga. The military suspected that Hadja Paumpin was in possession of a cache of MILF firearms. The military raiding team then proceeded to Barangay Makasampan where they also raided several houses. Resident said the atmosphere in the town was tense.

Badrocin Silongan, Battalion Commander of the 9th Brigade MILF National Guard, who was interviewed by the team in Barangay Muslim (an the adjoining claimed they did not violate any provision of the ceasefire agreement of March 2001. Ustadz Hashim Zacaria, the MILF Municipal Chairman of Talayan, and Mantawil Saguia, the MILF Barangay Muslim Chairman of Talayan, also claimed that the evacuees were not given any assistance by government aid agencies.

Garcia M. Ental, who had been appointed a municipal LMT member of Talayan (note that although trained municipal LMT are not official), confirmed there was shelling and skirmishes in Barangay Katibpuan on Dec. 30. He also confirmed houses were burned and that the residents were forced to evacuate for their own safety. The LMT member said they did not conduct any official investigation into the incident, as they feared for their own safety. However, he said they submitted a recommendation to local government officials to investigate the incident. There was no response.

Lt. Col. Lopito Aceres, commanding officer of the Army 37th Infantry Battalion, made no mention of the incident in Barangay Katibpuan when he was interviewed by the team. Aceres, however, admitted they conducted a military operation in the Liguasan marsh area on Dec. 30 to look for Ampatuan's killers.

He then accused the MILF of harassing Army and Civilian Armed Forces Geographical Unit (CAFGU) detachments along the highway. He said this was a clear violation of the ceasefire agreement. Aceres claimed that there was an agreement that government troops would limit their deployment to highways and roads, and MILF forces would stay five kilometers from the highways and roads.

Aceres said the AFP were training and arming an additional 200 militiamen in Datu Piang town. The 37th IB has a force of more than 400 regular soldiers and 1,000 militiamen deployed in Datu Piang. Aceres also recommended that LMTs should be provided with adequate logistical support to carry out their tasks. He urged the LMTs to step into the investigation of the death of Ampatuan.

SALIPADA K PENDATUN

The team went to the town of SK Pendatun on Jan. 9 to investigate the fighting in the village of Mebpandakan. The fighting was part of the Dec. 6 fighting that erupted in Sultan sa Baronguis. All together, the fighting between the GRP and MILF covered the villages of Langgapanan and Angkayamat in Sultan sa Baronguis; and Midpandacan in SK Pendatun.

Midpandacan Barangay officials provided the team with affidavits signed by residents who complained that members of the AFP had destroyed or stolen personal property during the military operation.

The residents also signed affidavits attesting that members of the AFP Special Forces had killed a barangay official, Kagawad Ulama A. Zacaria and two other civilians during the military operation. Furthermore, according to the mayor of SK Pendatun, Bai Sakina Pendatun-Bernan, a teenage boy, Jamilon Musaid, was allegedly picked up from Sultan sa Barungis and tortured by these soldiers. The Commission on Human Rights had noted the affidavits.

The team also found in an abandoned school building an announcement on the blackboard presumably written by MILF members, warning the military, CVO and CAFGUs that there will be a retaliation on the death of the three people.

Mayor Bai Sakina Pendatun-Bernan also told the team that the military launched an operation in the three villages, including Midpandacan, in pursuit of the Pentagon kidnap-for-ransom gang. But she denied that there was a base of the Pentagon gang in the area. She also claimed that the military did not consult with her, or the local government officials.

The residents also accused the soldiers before the Commission on Human Rights of burning seven houses, worth more than P465,000. They said that the military operation had destroyed ten hectares of rice and corn amounting to P301,000.

Mayor Bernan complained there had been no investigation into the incident. She urged the military to coordinate with town officials when conducting operations to prevent civilian deaths and unnecessary destruction of property. Mayor Bernan deplored the continuing patrols by Army Special Forces in their villages. She claimed that the residents were living in fear. She also recommended the forging of agreement between AFP and MILF to ensure safety of civilians.

The team interviewed the MILF in their camp, which lies at the municipal boundary of SK Pendatun, Tulunan and Sultan sa Barungis.

The local MILF commander Yusoph K. Husain of 617 Unit Command, told the team that they are willing to abide with the ceasefire agreement, but that they believed the ceasefire would fail because the government is insincere. They vehemently denied the presence of kidnapers in their area of operation.

DATU PIANG

On Jan. 8 the team traveled to the Datu Piang to investigate the presence of evacuees in Barangay Dapiawan.

The team learned that the evacuees had come from Barangay Pamalian, Sharif Aguak municipality during September. At the time, Army soldiers were searching for members of the MILF that were reportedly sighted in the village. Anticipating an armed encounter, the villagers fled. They claimed they could not return to their barangay because soldiers had burned their houses. Around 30 houses they claimed.

In Datu Piang, the team also interviewed members of the Maguindanao LMT. SP Puti M. Ampatuan, the local government representative in the LMT, told the team that they were conducting an investigation into the death of Mayor Saudi Ampatuan. He said that this had become the responsibility of the LMT because a police report suspected pointed to the MILF as suspects. The investigation, he said, is the first to be undertaken by the provincial LMT since it was organized in June 2002.

However, Ulama Akad, a Government appointed NGO member of the LMT member, claimed that the Datu Piang LMT had not been able to function since the death of Mayor Ampatuan.

Akad said the MILF has forces in five barangays in Datu Piang. He accused them of harassing residents and ambushing military patrols. Ampatuan and Akad also accused the MILF of having a hand in the killing of Mayor Ampatuan.

Emran Mohammad, the MILF appointed NGO representative of the LMT, told the investigative team they would conduct an impartial investigation and would submit their findings to the Coordinating Committees on the Cessation of Hostilities (CCCH). Ampatuan said that if there is a dispute in their findings, each LMT member would submit their individual reports. The CCCH have given the LMT until Jan. 15 to submit their findings on the Ampatuan killing.

SUMMARY OF FINDINGS

A. Sultan Sa Barungis

1. There are conflicting versions as to whether the fighting in Sultan Sa Barungis was between AFP and MILF, or AFP and the Pentagon Kidnap for Ransom group. Local residents and MILF sources claim that there were no known Pentagon Group members in their area, and that the operation had been conducted against the MILF.
2. The civilians were severely affected by the recent fighting, and many were evacuated.
 - 11 houses were burnt.
 - A buffalo was stolen
 - 1 civilian was wounded (Sharifa Gampong)
 - Farm crops were destroyed
 - 2 already sick civilians died in the evacuation center.
 - Detention and torture of a minor (Jamilon Musaid) by the military.
3. The evacuees demand an end to the conflict that caused their displacement and request to be allowed to return to their original village immediately.
4. The military are preventing evacuees from returning to their village until clearing operations are conducted.

B. Talayan

1. Fighting between AFP and MILF resulted in the displacement of residents in Barangay Muti.
2. 70 families had evacuated from Barangay Katibpuan to Barangay Muslim as a result of encounters between AFP and MILF.
3. The barangay councilor of Barangay Muslim, Mike Kaun, was killed by elements of 37th IB.
4. Members of 37th IB conducted raids, or warrantless searches on January 6 in Barangay South Binangga and Barangay Makasampan, Talayan.

5. Military operation on Dec. 30 resulted in the burning of at least 1 house, and damaged 1 pumpboat. Construction materials, farm implements and farm products in Barangay Katibpuan were also stolen during the military operation.

C. Datu - Piang

1. LT. Col Lopito Aceres of 37th IB confirmed that military operations conducted on Dec. 30 within a MILF training Camp, were in pursuit of Mayor Saudi Ampatuan's killers
2. Military claim that the MILF harassed AFP detachments.
3. Military allege that the MILF has been coddling members of the Pentagon Kidnap for Ransom Group.
4. Evacuees in Barangay Dapiawan, Datu Piang have not been able to return to their villages in Barangay Pamalian, Sharif Aguak since September 2002 as their houses have been burned.
5. The LMT only began functioning on January 9, as a response to the killing of Mayor Saudi Ampatuan, also a member of the LMT.

D. Salipada K. Pendatun

1. The AFP special forces did not coordinate with either the LGU or the PNP, when conducting military operations against the Pentagon Group in Midpandacan. The operation subsequently resulted in the encounter between the AFP and MILF forces.
2. Property was destroyed during the military operation e.g burning of house and farm products
3. Killing of Barangay Kagawad (Ulama A Zacaria) and 2 other civilians.
4. MILF threat to the military, CVO and CAFGUs to take revenge for the death of the 3 persons.
5. MILF Unit Commander Yusoph K. Husain, claimed the military violated the Ceasefire Agreement by conducting operations in the area and denied the presence of Pentagon Group in the area.
6. LGU official recommends the forging of agreement between AFP and MILF to ensure safety of civilians and urge AFP to coordinate with LGU before any military operation.

SULTAN KUDARAT

Composition of team

1. Rexal Kaalim, IQRAA Islam Foundation, Tagum City
2. Lovelia Benito- Mindanao Peoples Peace Movement
3. Jamil Budai - UNYPHIL Spokesperson, Cotabato City
4. Butch Gilman - Mindanao Peoples Caucus, Pikit Cotabato
5. Ronnie Delsie - Aceh Institute for Social Political Studies, Aceh

Objective

The team was tasked to investigate reported violations of the GRP-MILF ceasefire agreement in the province of Sultan Kudarat, in particular, the clashes in Brgy. Marang, Columbio town which started January 9, 2003.

Sources

Interviews

1. Fr. Peter Geremiah - Parish Priest, Columbio, Sultan Kudarat; Provincial LMT member (religious)
2. Jury Berres - Staff, Tribal Filipino Apostolate, Columbio
3. Mayor Edwin Bermudez - Columbio
4. 2Lt. Roel Tabas - 39th IB, Brgy. Mayo detachment commander
5. Romeo Madidis - Barangay Capatain, Upper Bunawan, Columbio
6. Noraisa Taubiner- Resident, Barangay Polomolok
7. Olay Hasan - Resident, Barangay Polomolok
8. Kinsa Adam - Barangay Kagawad, Polomolok
9. Jamadil Kadalim- Resident, Barangay Polomolok
10. Kutin Adta – former Barangay Captain, Polomolok
11. Esmael Tawalang - Barangay Heath Worker, Barangay Napok, Datu Paglas, Maguindanao
12. Michael Pungpong — Battalion Commander, Internal Security Force, Bangsamoro Islamic Armed Forces, MILF
13. Kagi Bayan — Deputy Division Commander, Guerrilla Operations, 1st ID Bangsamoro Islamic Armed Forces

FINDINGS

1. The Mayor of Columbio had received reports as early as December last year of the presence of armed men in the Brgy. Marang/brgy. Polomolok area, reportedly members of the Pentagon kidnap group.
2. On January 1, 2003, there were reports of armed men movements in Datu Paglas; a day after, civilians reported the presence of armed men in the Marang area. On 5 January, a 39th IB team went to the area to investigate but withdrew after being warned by civilians that a big band of armed men were in the

area. The civilian evacuations started on 8 January with an estimated 1,100 families fleeing seven barangays; they were Muslim and B'laan families. From 9 to 13 January, the army shelled the area, also employing airstrikes. There were skirmishes at Brgy. Marang starting 9 January and lasting three days.

3. An MILF battalion commander confirmed 1,000 MILF members were in Barangay Polomolok on 1 January, 2003, with about 700 of them armed. They were sent there to survey Datal Pitak, a mountain, for the establishment of a division headquarters as ordered by the Jihad Executive Council. But as early as December 2000, an MILF advance party had already been sent to Datal Pitak. Kagi Bayan, an MILF deputy division commander, disclosed to the interviewers that the MILF formerly had a camp in Datal Pitak called "Camp Bin Haris" but abandoned it in 2000 during the "all-out" war. Kagi Bayan was the camp commander.
4. On 14 January, there was another AFP-MILF encounter at Brgy. Marang but after a short firefight of about 30 minutes, the MILF withdrew from the area. An MILF officer said while going down the mountain, they passed by AFP positions in plain sight but without incident. They rode three dump trucks in Brgy. Lower Bunawan towards Datu Paglas, Maguindanao.
5. The AFP claims more than 30 MILF and Pentagon members were killed in the Columbio fighting; the MILF had reportedly backed up the Pentagon gang led by Tahir Alonto. The MILF claims only two casualties and 3 wounded. The AFP operation was a composite team from the 301st and the 602nd Infantry Brigades reportedly under a "Task Force Fireball". Elements of two AFP divisions - the 3rd ID and 6th ID- were involved.
6. The army detachment commander claims that in January 2003, there were two incidents of hold-ups occurring in the same site some 200 meters away from the detachment. The hold-up men ran in the direction of Brgy. Polomolok and Bunawan. He said there was MILF presence in those areas and he was aware it was MILF they were attacking.
7. Interviewed in his Cotabato City headquarters on 11 January 2003, the commander of the 6th Infantry division said the MILF went to Columbio in "very large groups" and drove away the local people, thus the army had to act and send in troops. He said the MILF was not there before.
8. Interviewees who denied the presence of the Pentagon gang in the Columbio skirmishes in January 2003 included the MILF commander ("Tahir Alonto is in the foothills of Mt. Matutum"); the Bunawan barangay captain; the Polomolok barangay kagawad; the Columbio parish priest; and some residents interviewed. The barangay official said there was an incident involving the Pentagon and their victim in sitio Bialong but it happened in 2002 (month undetermined).
9. There were no civilian deaths reported by barangay officials and residents; this was owing to the early evacuation of residents who were alarmed by the presence of many armed men and their fear of being caught in a crossfire.
10. There were however documented cases of house burnings (a total of nine houses in Brgy. Polomolok and Marang); the breaking into and destruction of houses especially the walls; and the loss of food supplies, household items and small livestock (chickens) that were left behind by the evacuees. However, it appeared to the interviewers that the houses were not torched intentionally but burned down as a result of the airstrikes from OV-10 Broncos or from the 105 mm. Howitzer shellings. The identities of the looters were not determined; residents of upper Bunawan said they had left the area

since 8 January and the soldiers had occupied the village up to the 17th January, when the soldiers were reportedly pulled out and some of the residents had returned.

CONCLUSIONS

1. No confirmed sighting of Pentagon in the Marang or Polomolok area at the time of the skirmishes. This despite the government claim that troops had pursued a band of kidnappers (the Pentagon gang led by Tahir Alonto) who reportedly joined forces with MILF rebels in barangay Polomolok.
2. MILF presence in the area prior to the fighting. The MILF had admitted they were in Datal Pitak since December 2002 to establish a new camp there near their old camp site. News items said troops had discovered an abandoned MILF training camp complete with obstacle course, trenches, food and medical supplies.
3. Troop movement by the MILF. As many as a thousand MILF members had been sent to Datal Pitak where they massed up to survey a new camp site. Some residents said they saw some of the armed men carried picks and shovels.
4. AFP commanders did not coordinate with the LMT before conducting military operations in the area. This despite AFP prior knowledge of MILF presence in the area. The Pentagon Gang, while implicated in at least 30 cases of kidnapping in South Central Mindanao, arguably cannot number in the hundreds. The MILF's connections or support of the Pentagon has been consistently denied by MILF leadership.

FINDINGS ON THE LOCAL MONITORING TEAM (LMT)

1. The provincial LMT is non-operational. Fr. Geremiah, the religious representative, said there were only two LMT members who attended an LMT training called by the Office of the Presidential Assistant for Mindanao (OPAMIN) in Marbel, South Cotabato last October/November 2002.
2. Fr. Geremiah has expressed reservations on his membership saying he is an Italian priest whose previous work was confined largely to the Columbio area.
3. There is uncertainty over the LMT's mandate and authority and source of logistical support. There is expressed need for proper authorization, safe conduct passes or detailed work instructions from the OPAMIN.

RECOMMENDATIONS ON THE LMT

1. For the OPAMIN to give further briefings on mandate, work and functions of the LMTs.

LOBBY MISSION IN MANILA

RATIONALE

The lobby mission, held January 27-31, 2003, aimed at presenting the findings and recommendations of the “Bantay Ceasefire” mission to top government officials, the Department of Defense and other departments concerned, to Manila-based peace groups, to the diplomatic community in Manila and to the media. It intended to elicit official reaction to the report and gather support for strengthening ceasefire mechanisms.

TEAM MEMBERS

1. Butch Gilman - MPC Member, ICP-Pikit, Cotabato
2. Jose Akmad - MPC Co-Chair, Arakan, Cotabato
3. Fr. Roberto Layson, OMI- Immaculate Conception Parish, Pikit, Cotabato; Co-chair, MPC
4. Jamil Buday - United Youth of the Philippines (UNYPHIL), Maguindanao
5. Rahib Kudto - President, UNYPHIL, Maguindanao
6. Datu Al Saliling - Task Force Kalilintad, Carmen, Cotabato
7. Mashor Mamolawan - Muslim-Christian Agency for Rural Development, Inc. (MUCARD), Lanao
8. Magdalena Pontongan AGDALENA PONTONGAN- Chair, MPC; Cotabato Council of Elders
9. Rexall Kaalim - IQRAA, Islam Foundation, Davao del Norte
10. Manuel Garduque - Balay Inc., Quezon City
11. Candido Aparece, Jr. - Technical Assistance Center for the Development of Rural and Urban Poor (TACDRUP), Davao City
12. Liza Ugay - Balay Inc., Quezon City
13. Augusto Micalat, Jr. - Executive Director, Initiatives for International Dialogue (IID)
14. Atty. Mary Ann Arnado - Mindanao Program Coordinator, IID
15. Ma. Mercedes Ferrer - Manila Deputy Director, IID
16. Ma. Carmen Lauzon - Internships Program Coordinator, IID
17. Diomedes Francis Eviota, Jr. - East Timor Program Coordinator
18. Adam Rudkin - Volunteer, Australian Volunteer International (AVI)

International Observers

1. Delsy Ronnie - Institute for Social Political Studies, Indonesia
2. Mariquita Soares - GFFTL, East Timor
3. Daisy Fee - Center for Security and Peace Studies, Indonesia

MEETINGS AND HIGHLIGHTS

On 28 January, the team met with members of the diplomatic community in Manila at the RCBC Tower in Makati City. The meeting was arranged by the Canadian Embassy to facilitate face-to-face meetings with the Mindanao grassroots people and diplomats whose countries may have strategic interest or ongoing programs in Mindanao.

Diplomats in attendance were:

1. Ms. Heather Forton- Canada
2. Robert Burley- Canada
3. Terry Baker- Ambassador, New Zealand
4. Ms. Atsuko Ebihara- Attache, Japan
5. Teodor Proffe- Germany
6. Bastian van der Loo- Netherlands
7. Justin Hayhurst- Australia
8. Yudhisiranto Sungadi- Ambassador, Indonesia
9. Walter Chia- Singapore
10. Ms. Martine Vasseur- France
11. Ms. Katy Parker- Britain
12. Luc Vandebon- European Union
13. Ms. Trine Joranli- Norway
14. Miles Armitage- Australia
15. Dan Larsen- United States

The team made a presentation of their findings and recommendations on the implementation of the ceasefire agreement and the local monitoring teams (LMTs), after which there was a question-and-answer period.

Copies of the report were handed to the embassies. The diplomats asked about future plans for the “Bantay Ceasefire” [monitoring to continue, one field investigators to handle each province, a small communication center to link the communities with the CCCH (coordinating committee on the cessation of hostilities, both GRP and MILF)]. “Bantay Ceasefire” is also envisioned to be more pro-active and deterrent, citing a recent intervention when MPC was alerted by its members to the presence of the Pentagon kidnap gang and the resulting troop build-up and the evacuation of civilians. The MPC drafted a statement which asked the MILF to keep the Pentagon out of their claimed area to prevent clashes with pursuing troops; the appeal was aired over local radio and given out to print media. The intervention resulted in MILF also airing an official statement to pursue or conduct operations against members of the Pentagon gang entering their areas.

The diplomats also asked about the “Bantay Ceasefire” public relations strategy, possible sanctions to GRP/MILF committing violations, who lobbies the interests of the communities, and the role of a third party mediator or “referee”.

In the ceasefire joint communique, both GRP and MILF invited OIC countries especially Malaysia, Libya and Indonesia to monitor the ceasefire as independent third party; the OIC members, however, only have present mandate over the 1996 Final Peace Agreement between the GRP-MNLF, not extending yet over the GRP-MILF talks.

The MPC through Gus Miclat recommended the following roles for the embassies:

1. in continuing official development aid to be channeled through NGOs;
2. in continuing livelihood and socio-economic programs in the conflict-affected areas of Mindanao;
3. in accompanying the peace process as independent third party; in assisting “back-channeling” (back-door diplomacy) to spur the GRP-MILF peace talks;
4. in assisting the Mindanao peacebuilding project

That evening, the team met with Datu Michael Mastura, a member of the MILF Peace Panel, and Atty. Musib Buat, head of the MILF peace panel’s technical working group. Although qualifying that they came as individuals, the two said the MILF signed the ceasefire agreement to show sincerity to peace and development “so that at the end of the day, skirmishes would be minimized, less people killed, less homes burned.” Copies of the report were given to the two.

On 29 January 2003, the team talked to Atty. Dominador Calamba II of the Commission on Human Rights (CHR) at the CHR national office in Quezon City. Calamba was the former regional director for Southern Mindanao and is currently the CHR Commissioner for Mindanao. Calamba disclosed that the CHR has talks underway with Atty. Jesus Dureza, the Presidential Assistant for Mindanao and GRP peace panel chair, for the CHR to be an observer in the GRP-MILF peace talks. Regarding the human rights violations documented by the team, Calamba said he will write Defense Secretary Angelo Reyes and Undersecretary Gen. Batenga about the complaints and demand soonest action from them. He promised to make calls on the Southern Command, the division commanders and even the brigade and battalion commanders to make sure that they will be appraised of the ceasefire agreement contents. He also offered CHR investigators to help probe the abuses and to make sworn statements/affidavits of witnesses in the field; MPC was asked to assist CHR in seeking out the witnesses.

He advised complainants can file cases against the AFP before the CHR, the AFP Inspector General, the PNP or other appropriate agencies. The CHR can also file complaint against members of the MILF, which signed an ICRC instrument observing humanitarian law.

In the afternoon, the team split into two and one went to the Senate. They were able to give copies of the report to the office of Sen. Aquilino Pimentel (through Edgar T. Salvosa, officer-in-charge); Sen. Francis Pangilinan (through Atty. Rusier Nolasco, legal staff); and Sen. Robert Z. Barbers, who co-chairs the Mindanao legislators caucus. Atty. Nolasco said the office of Sen. Pangilinan, who chairs the committee on justice and human rights, will draft a resolution calling for a formal Senate investigation on the reported human rights abuses and violations of the ceasefire agreement.

The other team met with representatives of the Armed Forces of the Philippines at AFP headquarters in Camp Aguinaldo, Quezon City. They met:

1. Lt. Gen. Rodolfo C. Garcia- acting Chief of Staff
2. Maj. Gen. Christolito P. Baloing- Deputy chief of Staff (J9)
4. Representative of Brig. Gen. Samuel Bagasin- Operations (J3)
5. Col. Manuel Ybañez- Judge Advocate General’s Office (JAGO)
6. Col. Ernesto D. Baylon - J7
7. Maj. Wilson M. Leyva- J2

The AFP representatives commended the effort of the mission to present a well-balanced report. The officials said they will conduct investigations of the reported ceasefire violations and the human rights

abuses. They said the AFP has administrative and disciplinary bodies (such as the JAGO and the AFP Inspector General) which can handle cases of abuses by AFP officers and men.

That evening, the ‘Bantay Ceasefire’ team presented their report during a dialogue meeting between Manila peace advocates and the Department of National Defense (DND). The dialogue-meeting was hosted by the Department of Social Welfare and Development (DSWD) and was the second such DND-peace advocates meeting held since its start in December 2002. The “Bantay Ceasefire” report provided the input for updates on the GRP-MILF peace talks. Present were Defense Secretary Angelo Reyes, Sec. Corazon Juliano-Soliman of the DSWD, Sec. Teresita Quintos-Deles of the National Anti-Poverty Commission (NAPC), Undersecretary Wencelito Andanar, Jr. of the Department of Interior and Local Governments (DILG), and AFP acting chief of staff Gen. Rodolfo C. Garcia. Also present were top officers of the AFP and the Phil. National Police (PNP), the DSWD and NAPC. The peace advocates included two members of the GRP peace panel in talks with the National Democratic Front (NDF), Ms. Risa Hontiveros-Baraquel and Mr. Luis Chito Gascon; and officers of the Gaston Z. Ortigas Peace Institute (GZOI), the Coalition for Peace, among others.

Points for action included:

1. for the joint working group (DND-peace advocates) to follow-up/monitor the AFP responses/reactions and report this in the next meeting
2. for MPC to follow through MILF responses and report this in the next meeting
3. for MPC to focus on the resolution of the ancestral domain/self-determination issue and if possible give recommendations

On 30 January, the team gave a press conference at the Fersal Apartelle function room in Quezon City. Copies of the report and the ceasefire agreement were given to media present which included ABC-5, IBC-13, Net 25, the Asahi Shimbun and UCAN.

That afternoon, the team presented their report in a public session organized by GZOPI (Gaston Z. Ortigas Peace Institute) at the Ateneo de Manila University in Quezon City. There were several recommendations on coordination between Manila and Mindanao-based peace advocates:

1. to include in the agenda during the monthly meetings, an update on the GRP-MILF peace process, to be provided by MPC
2. to brainstorm the holding of a similar DND-peace advocates dialogue in the region (such as Mindanao)
3. possible joint research: “Are the wars in Mindanao a stepping stone of AFP officers to promotions?”
4. reproduction of the ceasefire report and other documents
5. to seek a future audience with GMA, or the Cabinet oversight committee; or for Mindanao reps to sit in the monthly NAPC *en banc* meetings
6. for MPC to sustain reporting of future violations of the ceasefire and conflicts in Mindanao and update Manila
7. for Manila to supply hotlines to Malacañang, the Cabinet, DND, etc. to help lobby efforts
8. to brainstorm third-party mediation in the peace talks
9. for MPC/a Mindanao group to participate in the joint working group of DND-peace advocates
10. to build up “peace constituencies”
11. to also report abuses by “undisciplined troops” of the AFP or MILF “Lost Commands”

The MPC group expressed a need for peace groups to be vigilant on the DND-initiated dialogues, which could lead to possible cooptation of the participating peace groups.

| LOBBY MISSION IN MANILA |

On 31 January, the team met with officers of CIDA (Canada International Development Agency) at CIDA headquarters in Makati. They talked to Ms. Anne Germain, First Secretary; Ms. Penny Morton, deputy head of aid; and Ms. Cris Pineda, Project Officer.

Later that day, the team met Mr. Nes Jardin, President of the Cultural Center of the Philippines (CCP) and Mr. Nanding Josef, CCP Vice-President and Artistic Director, at the CCP Boardroom in Roxas Boulevard. The CCP program in the Year 2004 will focus on Mindanao and the CCP is consulting Mindanao grassroots groups for cultural events and activities in 2004. The group brainstormed a cultural presentation that will be an advocacy tool mirroring the realities on the ground in Mindanao.■