

NURTURING MONSTERS – LEGAL AND POLITICAL CONFRONTATION WITH THE MAGUINDANAO MASSACRE



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Three years after the massacre in the southern Philippine province of Maguindanao where 58 people were killed, including 32 media representatives, the legal proceedings against those responsible seem to lead nowhere – adding to the bitterness of the victims' families.

Whoever came to the Philippines as a visitor at the beginning of the 1970s was struck with surprise to see signboards in front of restaurants and night clubs saying 'unescorted ladies and firearms are not allowed'. It was the high season of private armies, employed by wealthy businessmen and politicians with the perspective of a successful career in order to protect their families and themselves from malevolence – and if need be dispose of rivals on their own. It was a typical attribute of the high society and a proof of the level of wealth to be able to afford such a luxury and present it publicly. Then-president Ferdinand E. Marcos used exactly the argument of wanting to prevent these private armies as well as 'communist subversion' and 'moro secessionism' 40 years ago to declare martial law on September 21, 1972. In order to whitewash this state of exception, sly Marcos, by profession lawyer, would henceforth only speak of 'constitutional authoritarianism'.

The country was in rage. Strikes and manifestations were organized against a regime that was deeply involved in the Viet-

nam War and supported the United States by hosting the biggest US military bases outside the US: the Subic Naval Base and the Clark Air Field served as logistic bridgeheads of the war of aggression the US led in Southeast Asia. It was also at that time that the New People's Army (NPA) became known as guerrilla of the Communist Party (CPP) and the long existing conflicts on land on the Southern island of Mindanao escalated due to military involvement. Based on martial law, the Marcos regime militarized national politics and the military increasingly overtook political functions – a heritage that is still present, more than a quarter century after Marcos' overthrow in February 1986. Especially in Mindanao.

Butterflies and 'three Gs'

It was also in Mindanao that I first heard this saying in 1970: 'In times of elections, the dead vote once and the living more than twice. And even butterflies vote in Mindanao'. Election fraud, bloody election campaigns and buying votes in large numbers

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are remarkable constants of national politics. The reason for that – and its consequences disturbingly continue up to today – is the unhindered power of the triade ‘guns, goons, and gold’. One who does not possess of this trinity in the predominantly catholic country should seriously consider if one really wants to try accessing the political arena. On the other hand, whoever possesses many of the above-mentioned items holds many aces. These ensure to live like in paradise already during one’s lifetime, (ab)use power, incomes, carefully established networks and if need be also laws to constantly increase the wealth of one’s own family and relatives. This is the essence of what is called ‘malakas’ in the Philippines – politics of power. Only the powerful enjoy respect, are being fawn over and, if they have halfway decent manners, serve as role models to whom one can look up.

Orchestrated murder

The filthiest demonstration of ‘malakas’ took place on November 23, 2009. This day will enter the annals of Philippine history as Black Monday. 58 persons¹ became victims of a massacre which in its bestiality and coldblooded execution presented a novum and deeply shook the nation. Worried members of the media, universities, churches and NGOs agreed that one can speak of a ‘failed state’.

On said Monday, a convoy of supporters of politician and vice-mayor of Buluan, Esmael Mangudadatu, started in the southern Philippine province of Maguindanao to make its way to the province capital of Shariff Aguak. The objective was to hand in the necessary documents for Mangudadatu’s candi-

dature as governor to the state’s election commission (Comelec). Elections were to be held in May 2010. Since the son of the Mangudadatu clan knew that the rival Ampatuan clan had reclaimed Shariff Aguak and its environment as exclusive political, military and economic domain almost a decade ago, he had decided not to appear personally. His wife and other female relatives and friends, accompanied by several journalists and two human rights advocates, were to make the journey instead and deposit the documents. However, on the way to their destination, their convoy was blocked by more than 100 armed persons; they were drawn out of the vehicles, mutilated and finally shot from short distance.

Esmael Mangudadatu and his close advisers assumed that the opposite party would not touch women and that they would respect the numerous media representatives who came along. A fatal misjudgment. Before the convoy set off, Esmael Mangudadatu had desperately tried to convince the officers in charge of the police (PNP) and the military (AFP) to grant them personal security – in vain. The officers in charge as well as supporting paramilitary groups such as the Citizens’ Armed Force Geographical Units (Cafgu) and the Civilian Volunteers Organizations (CVO) felt exclusively loyal towards one single person: Datu Andal Ampatuan Sr. – Provincial Governor, patriarch and clan chief combined in one person, with an extensive influence far beyond the region.

A large number of witnesses can testify that the massacre had been planned long in advance. The perpetrators even arranged a plan to escape the crime scene as quickly as possible and to destroy any evi-

dence. Huge ditches had been dug with the sole purpose of letting the whole convoy – people as well as their means of transport – disappear. The plan succeeded only partly as the perpetrators had to flee earlier than expected. Survivors and



 The Philippine Online Chronicles | The victims were cut into pieces.

eye witnesses were calling for help. From one day to another, the Philippines suddenly championed the list of the most dangerous countries for journalists.

Warlordism, supported by the State

The Ampatuan clan used to boast about having origins in the Arab world and became more and more influential under Datu Mamasapano Ampatuan. In the 1930s, he was a political adviser under the US administration. In the 1990s, Andal Ampatuan Sr. was Vice governor and mayor and he eventually won the election for governor of the southern province Maguindanao in 2001 – with the help of the Mangudadatu. Mayor of Datu Unsay and main suspect in the massacre is Datu Andal Ampatuan Jr., whereas another third of the whole province of Maguindanao is ruled by members of the Ampatuan clan. Datu Michael Mastura, former Congress man of Maguindanao, said long before the massacre that ‘he [Andal Ampatu-

1) The mortal remains of the 58th victim were never found.

an Sr.] is like a pharaoh – and people call him like that. Those who act against his will should think long and hard about it.’ Meanwhile the Mangudadatu clan started its political career when President Corazon C. Aquino nominated Datu Pua Mangudadatu as Mayor of Buluan, Maguindanao in 1986. At that time both clans were still on friendly terms with each other.

During the presidential elections in 2004, Maguindanao’s Governor Andal Ampatuan Sr. proved to be the most reliable regional ally of President Gloria Macapagal-Arroyo who won the much contested elections not least because of the countless votes from Andal’s province Maguindanao. Ampatuan made sure that the challenger of Arroyo – the po-

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pular former actor Fernando Poe Jr. – did not stand a chance. Similar proceedings were noticed during the elections for senator in summer 2007, when the senators closest to Arroyo were able to clearly defeat the opposition. The Ampatuan clan eventually became one of the most important pillars of Arroyo’s party (coalition between Lakas-Kampi-CMD/Christian Muslim Democrats) in Mindanao.

Impunity – a virtue of the state?

‘What kind of animals are these killers? We are so shocked and enraged. This is beyond words. It is most despicable. This is the work of someone who is not human. It is a bestial act of the highest order. I have never seen anything like it. It’s brutal ruthlessness all in the name of power. It’s an affront to all forms of civility.’

This was the first reaction after the massacre, pronounced by then-chairperson of the national Commission on Human Rights (CHR)² and current Minister of Justice, Leila de Lima. She has long been a courageous advocate for human rights and had frequently criticized political clans for having private armies as well as the impunity under the Arroyo administration.

From the moment Arroyo took office in January 2001 until the massacre in Maguindanao, more than 1,000 persons lost their lives through extra-judicial killings and more than 200 persons disappeared without a trace – all were victims of the so-called ‘Oplan Bantay Laya’, a nationwide strategy to combat ‘terrorists’. Many activists had been labelled communists or terrorists by national security forces and were killed as a result. As of now, no one has been brought to justice for these crimes.

The first reactions from the government were surprising – to put it in very decent terms. The massacre was condemned as being barbarian, but the spokesperson of the AFP, Romeo Brawner, and the spokesperson of Arroyo, Cerge Remonde, merely spoke of an ‘incident’. The vice-spokesperson of Arroyo, Lorelei Fajardo, quoted her with the words: ‘This is an incident between two families in Mindanao. It does not concern us.’ As a matter of fact, the Arroyo administration later on tried to play these statements down and promptly declared on November 26 a national day of mourning. The president assured that ‘the obligation to respect human rights and human dignity will eventually prevail in the Philippines.’

This statement was followed by several initiatives: Arroyo sent her adviser for the peace process in Mindanao, Jesus Dureza, to Maguindanao in order to make the Ampatuans collaborate in the investigation of the massacre. Witnesses of this meeting describe it as a rather convivial tea party. Dureza then accompanied Andal Ampatuan Jr., the main suspect, to Manila for him to be handed over to the National Bureau of Investigation. Arroyo finally imposed martial law in the provinces of Maguindanao and

2) The CHR has only a consultative function, no executive powers; it can only conduct investigations and make recommendations.



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Sultan Kudarat, and Cotabato City, residence of the ARMM³ government and asked the Minister of Internal Affairs, Ronaldo Puno, to temporarily take over the ARMM administration. The Provincial Director of the Police, Jesus Verzosa, suspended a few high-ranking police officers of Shariff Aguak, who had allegedly been involved in the massacre. Gilbert Teodoro, former Minister of defence and protégé of Arroyo, immediately invited the Mangudadatus in the coalition of parties in power and simultaneously excluded three members of the Ampatuan clan.

Gangsterism based on reciprocity

These reactions fanned the flames. More and more people asked for Arroyo’s resignation. She was involved in several corruption scandals and was the least popular president after Marcos.

Inspired by George W. Bush, Arroyo took a number of measures in order to criminalize opposition and critics and to bring them in line with ‘terrorists’. One of these measures was the Executive order 546 that allowed local officials and politicians to employ private armed forces to support the national combat against ‘terrorism’. The real reason for this measure was a failed attempt on Andal Ampatuan Sr.’s life – Arroyo’s most important asset in Mindanao.

Indeed, the Ampatuans and Arroyo’s clientele demonstrate political cooperation and equal ranking par excellence. One would not exist without the other. (cf.: FFF; NUJP; MindaNews; PCIJ; CenPEG 2009) Only under the Arroyo administration was the Ampatuan clan able to rise to such political importance. It is not surprising that numerous critics of ex-President Arroyo and the families of her victims are still unsatisfied with the current human

rights situation under President Benigno S. Aquino III. They want that everyone responsible for the Maguindanao massacre is brought to justice and that the witness protection programme works effectively. As of now, the main suspects have privileged conditions of detention, 94 suspects are still at large and 6 witnesses have been murdered so far. (cf.: BBC News Asia; Der Standard; Olea 2012) Maybe those who believe that the crimes of the November 23, 2009 will not be condemned unless ex-President Arroyo is brought to justice herself are right. Vestigia terrent – the footprints are frightening.■

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3) The ARMM, with its headquarters in Cotabato City, was established in 1989 and currently embraces the provinces of Lanao del Sur, Maguindanao, Basilan (without the capital city Isabela City), Sulu and Tawi-Tawi.