

Editorial

Maguindanao: Proof of murder

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IN ITS ATTEMPT TO JUSTIFY THE IMPOSITION OF martial law in Maguindanao, through the constitutionally mandated report it submitted to both Houses of Congress last Sunday, the Arroyo administration only succeeded in proving . . . a gruesome mass murder. Not an ongoing rebellion or a public uprising, but only the fact that the Nov. 23 massacre in Ampatuan, Maguindanao, was unspeakably brutal—and that as a result Maguindanao is in a state of high tension.

The 20-page report, submitted on behalf of President Macapagal-Arroyo by Executive Secretary Eduardo Ermita, includes 12 photographs, the first six of which illustrate the brutality of the hundred-odd mass murderers led allegedly by Datu Unsay Mayor Andal Ampatuan Jr. The first half of the report summed up the initial findings about the massacre: how many bodies were found, how many graves were dug, who the unfortunate victims were, what some of the “appalling revelations” of mutilation included.

No one with a conscience, reading this part of the report, can fail to be moved by the suffering of the victims, innocents all, or be outraged by the monstrous inhumanity of the perpetrators.

But mass murder does not justify the imposition of martial law.

The second half of the report tries to marshal a case for rebellion, one of only two conditions provided in the Constitution to justify a declaration of military rule. (The other is invasion.) And it fails.

The center of gravity in the report’s second half rests in the following paragraph: “The capture of identified leader Mayor Andal Ampatuan Jr. would have resulted in the expeditious apprehension and prosecution of all others involved in the gruesome massacre, but the situation proved the contrary. The Ampatuan group backed by a formidable group of armed followers has since used their strength and political position to deprive the Chief Executive of her power to enforce the law and to maintain public order and safety. More importantly, a separatist group based in Maguindanao has joined forces with the Ampatuans for this purpose.”

This is a disingenuous, even deceitful, summation of the case. Considering that, from the start, questions about the involvement in the massacre of the senior members of the Ampatuan dynasty were already being asked, it is dishonest to assert that the first arrest “would have resulted in the expeditious apprehension and prosecution” of others implicated. And while the “Ampatuan group” is certainly backed by a formidable armed following (a following, we must point out, made possible by the President’s own counter-insurgency policy and her executive order effectively legalizing private armies), the national government’s action in the days following the massacre, including the declaration of a state of emergency in two provinces and a city and the designation of Interior Secretary Ronaldo Puno as overseer of Maguindanao, did not allow the Ampatuans to “deprive the Chief Executive of her power to enforce the law.” Not least, the Moro Islamic Liberation Front bogey raised in the last sentence of this key paragraph, the point the administration deemed “more important,” was deleted from a supplement to the report that Ermita submitted to Congress on

Tuesday. In other words, after straining to rationalize the meaning of “a separatist group based in Maguindanao” as referring to the context of the Ampatuan massacre, Ermita deleted the reference altogether.

There follows an enumeration of what obviously the administration considers elements of a rebellion, including the information that 2,413 armed combatants from nine municipalities in the province had been consolidated; the assertion that separatist rebels numbering “around 800 with about 2,000 firearms” were concentrated in their “political stronghold”; and the seizure of a large cache of weapons, ammunition and vehicles. None of this rises to the level of an armed uprising. The best that Justice Secretary Agnes Devanadera could do was assert that a rebellion was “in the offing.”

If the mass killings are absorbed in the alleged crime of rebellion (as they are in the report); and if there is in fact no rebellion, but only armed, disgruntled supporters, what happens when the rebellion charges are thrown out by the courts? We shudder to think that martial law will allow the perpetrators to walk free.

P.S.

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