

# **Philippines: Storm surging for Peace in Mindanao - Part 8 - “The timeline which the Aquino administration and the MILF have set seems to be unattainable by the day”**

Monday 1 June 2015, by [DE SILVA Raymund](#) (Date first published: 14 May 2015).

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## **Confidence Building and the Killing of Basit Usman**

At around 10:30 in the morning of May 3, 2015, Basit Usman, the Filipino assistant of international terrorist and bomb maker expert Zulkifli bin Hir alias Marwan was killed in sitio Takeneken, Barangay Muti in the municipality of Guindulungan - a highway municipality in the province of Maguindanao. The supposedly death of Usman was backed up by his picture taken from an angle opposite his head. Immediately the AFP through its Chief of Staff General Gregorio “Pio” Catapang himself announced Usman’s death and it was done to the effect that it was the AFP asset or deep penetration agent (DPA) in the MILF or BIFF who did it. And the general even mentioned “mission accomplished” in the same press conference, the day after the supposedly killing.

Not to be undone, Gadzali Jaafar, the Vice-Chair of the MILF’s Political Affairs also made an announcement that it was their people in 118 Base Command who did it because Basit Usman had fought it out with the MILF when they were on the way to meet representatives of MILF’s Central Committee. Jaafar mentioned that Usman had sensed something wrong with the people of the 118 Base Command and he, together with his bodyguards had tried to fight it out with the MILF - killing him in the process.

Jaafar’s statement was in the context of trying to restore confidence with the people in the country, after the January 25, 2015 tragic Mamasapano bloody incident where the MILF are involved, together with the BIFF and the private armed groups (PAGs). Both houses of Congress have been deliberating the content of the Bangsamoro Basic Law (BBL) and promised to finish the Law by the end of June 2015. The House will vote on their proposed version of the BBL in the 3<sup>rd</sup> week of May 2015.

Actually, there seemed to be non-contradiction with the AFP’s claimed that it was their asset within the MILF and the BIFF that did the killing. If there would be question, it could be that whose mission was accomplished? Was it the government through its AFP or the MILF assets or both? If it would be the latter, there would be complication because the peace agreement between the government and the MILF was not fully consummated (as claimed by the MILF) so since the Constitution of the

Philippines says that there should only be one Armed Forces and one Police in the country, the MILF could not do the arrest or the police operation, unless it was in self defense. That is why, it should be explained (by Jaafar) that it had happened on the way going to Central Committee. This simply means that the people of 118 Base Command did in the process of citizen's arrest.

There are big gaps with both statement and claims of the AFP and the MILF. Both their claims could hardly be verified now because they could not find the dead body of Usman. Allegedly, the bodyguards of Usman was able to secure the body of their boss and immediately buried him. This would lead to another question, who took the picture of the dead Usman? It seemed that the MILF took the picture and submitted it to the AFP and obviously to the media. This means that the BIFF (bodyguards of Usman) allowed the MILF to get some pictures first before taking over to bring his body and buried him based on the Muslim tradition - that the dead should be buried within 24 hours of his/her death.

Anyway, whoever did this plan was counting on the fact that the day of killing Usman was the day that everybody was pre-occupied with watching the Pacquiao-Mayweather fight. So, they (planners) did not consider that people would take notice of this news. They thought that it would be enough that people would be happy that Usman - the secondary target of Oplan Exodus - was killed. The framework which was considered here is that Manny Pacquiao would win because it would be days and weeks that the whole country would celebrate, forgetting everything for awhile.

But another important point to be considered here is that it has been known to not a few people that the MILF or BIFF have been deeply infiltrated by the AFP assets. This explained the "mission accomplished" statement excitedly proclaimed by the AFP Chief of Staff. For the MILF, the "killing of Usman" is very important to restore or at least lessen the lost of trust of the people and the Congress (especially for the Lower House of Congress) which are about to pass the BBL and this possibly the reason behind and the excitement of Jaafar and later on by Iqbal himself to announce the death of Usman and it was them (118 Base Command), who did it. And it was not surprising that the AFP did not argue against the statement of the MILF as of this writing.

## **THE RESULTS of DOJ's Investigation and its Implication of Getting Justice to the January 25, 2015 Bloody Incident**

It should be important to recall that more than two (2) weeks before Usman was killed or April 16, 2015 to be exact, the Department of Justice (DOJ) submitted its 225 pages report on the results of the investigation conducted jointly by the National Bureau of Investigation (NBI), National Prosecution Services (NPS) and the Special Investigation Team (SIT).

Through its reliable informant/s, the DOJ strongly suggested the filing of charges against ninety (90) individuals from the MILF, BIFF and Private Armed Groups (PAGs). The charges are: Direct Assault complex with murder or complex crime of Direct Assault with murder.

According to Sec. de Lima of the DOJ, a crime is a crime irregardless of the ongoing peace talks between the GPH and the MILF. In the case of January 25, 2015 Mamasapano tragic incident, ceasefire agreement between the two abovementioned parties cannot be used to cover up the guilt of those who did the criminal act against the 44 Special Action Force (SAF) of the Philippine National Police (PNP).

There are strong recommendations from the DOJ of the Executive Department to be immediately acted upon but as of this writing nobody from the concerned agencies took the initiative to arrest the suspects.

The House of Representatives through its Chair of the AdHoc Committee on the BBL, promised that they would not push through with the deliberations of the BBL until the MILF leadership surrender those individuals, who were responsible for the murder of the 44 SAF/PNP.

### **THE OIC and the PEACE Process**

But it should also be recalled that four (4) days after the DOJ submission of their report, the Secretary General of the Organization of Islamic Cooperation, Iyad Ameen Modani of Saudi Arabia talked with the leadership of Congress on April 20, 2015 and later with the President himself with the message that the OIC wants the BBL to be approved by Congress and the President. Before the meeting in Malacanang, the OIC Secretary General went to Mindanao (for the first time of a Secretary General of an OIC) to meet the representatives of the MILF and the MNLF at first separately and later jointly. These meetings have resulted to the activation of the Bangsamoro Coordinating Forum (BCF) which was organized several years ago and the promised of the OIC to help in the approval of the BBL. With this kind of intervention by this second biggest international organization composed of 57 states - second only to the United Nations, one can expect the MNLF's 1996 Peace Agreement which the OIC have actively and directly participated would be considered in the final version of the BBL. This means that the proposed BBL by the GPH and MILF will be expanded with regards to the MNLF's concerns.

The non-mentioned of the 1996 Peace Agreement of the GPH and the MNLF as a failed political experiment in the talks between the OIC and the MNLF and MILF and with the President and the leadership of Congress is a sign that a political compromise is brewing which will soon be manifested in the approved BBL.

The two abovementioned events (DOJ's result of the Jan 25, 2015 investigation and the OIC's intervention) have greatly influenced the process in the deliberations of the BBL in both houses of Congress. The Ad Hoc Committee on the BBL and its Chair do not anymore make the surrender of the 90 suspects from the MILF, BIFF and the PAGs as condition for the continuation of the deliberations of the BBL. For them, it should suffice that an executive body (DOJ) will take charge of the arrest and the prosecution of these suspects.

One could surmise that the OIC's intervention has also impacted to the Lower House continuation of the BBL deliberations.

Surely, the Senate's deliberations have been considering the OIC's recommendations about the content of the BBL which should include the MNLF and the 1996 Peace Agreement. The Committee of Local Government headed by Senator Ferdinand "Bongbong" Marcos, Jr. had just finished with the consultations with people in Jolo and Zamboanga included the MNLF (Misuari group). In fact, the results of these consultations have been revealing with the Sultanates of Sulu already expressing their not in conformity with the proposed BBL. The constituents of Zamboanga City have reiterated their demand not to be included in the Bangsamoro territory and government. Similar sentiments have been expressed by people in Isabelia in Basilan. Earlier on the Sangguniang Panglungsod of Cotabato City (currently the political center of ARMM) has passed a resolution of their preference to be excluded in the Bangsamoro.

### **GAPS with the BBL**

There must be many people and territories who and which do not want to be part of the Bangsamoro

based on different reasons. There is a big gap in helping people to understand the BBL. There are no connection established between the ARMM and the proposed BBL aside from the former is a failure (negating the MNLF's role in the peace process) but also showing the Administration's double standard with its own people manning the present ARMM and pouring in billions of pesos to prop it up in spite of being a political failure and while talking with the MILF.

It should be noted that considerable parts of the R.A. 9054 creating the expanded ARMM have been adapted in the proposed BBL. The most glaring reason for many people not accepting the BBL is how the GPH and the MILF have been implementing the education and information drives for the BBL, hence, blocking the contributions of other stakeholders, who are not agreeable with their version for the broadening of the BBL and making it inclusive.

The MILF and the GPH through their peace panels do not have positive attitude for those people who do not have the same views with them. They are quick to label the people who have disagreed with them. They did this through condemning these people publicly in rallies as anti-Moro and anti-Peace. A case in point here is the permanently putting up the names and pictures of Senators in big streamers and tarpaulins, who have been questioning the content of the BBL. This is delivering a message of warning people of what will happen to them if they disagree with the MILF. One can just picture the political bullying of people during the plebiscite.

This kind of attitude is again showing its ugly head in the current situation when the MILF applied formally to the Commission on Election (COMELEC), the registration of its electoral party - United Bangsamoro Justice Party (UBJP). When this Electoral Party is approved in time for May 2016 elections, the MILF has its own advantage - that is, it will be participating in 2016 elections with its Bangsamoro Islamic Armed Forces (BIAF) not yet decommissioned and can greatly influence the results of the elections in the ARMM areas.

Everybody knows that all the officials of the UBJP are also members and officials of Central Committee of the MILF with the MILF's Chair as President of UBJP and its former Chief of Staff of the BIAF as the Secretary General.

With the attitude they (MILF) have manifested with the acceptance of the BBL, one can just feel the fear of competing with the UBJP in the 2016 elections. But worst is that the GPH or its peace panel does not do something to correct or level-off the playing field in these coming activities (plebiscite and elections).

Meanwhile, the Lower House in Congress has been deliberating the BBL in lieu of approving it this month, everyone has been surprised because it planned to put into votes last May 11, 2015 but it was moved to May 18, 2015 or 3 days from now. Strong signs can be observed that the allies of the Administration through the Liberal Party have been trying to railroad the whole process and influence its content by using millions if not billions of pesos. There is even jokes spreading around that just to be present in the deliberations, members of Congress can have several hundreds of thousands of pesos, and millions more if they will vote according the likings of the Aquino Administration. Everyone should be vigilant during these days especially that the effects of the January 25, 2015 have been fading away from the national media. One has just to remember what happened in 2009 Maguindanao massacre and the murders during the period of 2008 MOA AD when the passage of time will be taken advantage by those who will benefit the sidelining of these crimes in the name of moving on even as justice would be sidelined. It will be business as usual.

With these developments, the National Citizen's Peace council headed by former Chief Justice of the Supreme Court Hilario Davide had submitted the results of their own consultations to the President. The composition of the Council was handpicked by the President. The former Chief Justice is the

father of the current Governor of Cebu and an official of the President's Liberal Party. All the other members are coming from the elite like the Ayalas. The summary of the results of their consultations is that the proposed BBL is Constitutionally sound and legally defensible except for the few articles like it crushed out the "opt in" portion where the Bangsamoro can perpetually expand its territory through voting to be included in a particular period..

## Conclusion

After the January 25, 2015 bloodlust incident, deep intricacies and complexities have surfaced with the peace process between the GPH and the MILF. It has directly affected the deliberations and approval of the BBL which will be the legal foundation of the new Bangsamoro Political Entity. The incident affected the credibility of the peace process and heavily affected the credibility of the President. Since then, the trust rating of the President and its administration has nosedived and will take time to recover. The timeline which the Aquino administration and the MILF have set seems to be unattainable by the day. The binding up of the peace process with the term of Aquino's presidency is obviously showing the short-sightedness of the latter.

In the last few weeks, the Aquino government and the MILF have tried to launch coordinated activities to win back the confidence and trust of the people both within and outside the ARMM. But, they cannot turn back the political clock of having the 2016 elections. The Congress has direct hand of approving and disapproving the proposed BBL. And they have their eyes already on next year's elections and the people's sentiments on the January 25, 2015 bloody incident and its impact on the peace process and the BBL. It is becoming clear that getting justice to the 44 SAF/PNP has been closely linked to the trust and confidence of the people and the Congress and the eventual approval of the BBL which is not necessarily the version proposed by both the GPH and the MILF.

**Raymund da Silva**, May 14, 2015

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