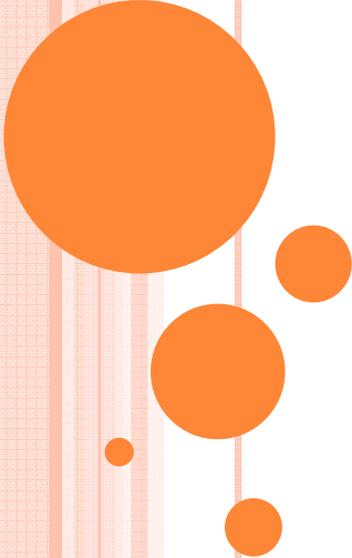


THE AMPATUAN MASSACRE: A CASE STUDY ON IMPUNITY IN THE PHILIPPINES



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○ Cast of Characters:

Ampatuans of Maguindanao

Mangundadatus of Sultan Kudarat

Gloria Macapagal-Arroyo

Everyone else



- Background: Political Power comes from Economic Power
- On-going insurgency in Maguindanao against the MILF. Province is the stronghold of the insurgent group
- Private Army of the Ampatuans: CVO's and CAFGU's legitimized by GMA through EO. 546 as "force multipliers". P Noy refused to repeal this EO"



- Decision to file Certificate of candidacy

Witness Lackmudin: Family decided over dinner that killing all those who will file certificate of candidacy was only means to safeguard the family's name

- At one point, Ampatuan Sr ordered to spare media practitioners. He was prevailed upon by Unsay Jr. as there was a need, according to the latter, to do away with witnesses

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- Witness Jessie, himself killed: About 200 of them stopped the convoy, led them to the top of the hill. 8 shooters using high-powered firearms. First to be killed was Mrs. Mangundadatu and six of her companions. The rest were ordered out of their vehicles. No one complied. Unsay then shouted: fight. This was a signal to fire upon everyone while they were still in their vehicles.

On site was a backhoe that had already dug three holes. Intention was to bury the corpses and even the vehicles.

- Separate clean up crew came but could not finish the task because they were sighted by a helicopter.
- Killers then went by foot and proceeded to a nearby sitio where they washed up and burned collected cell phones and laptops.



WHY IMPUNITY:

1. Political alliance

- a) Jessie: GMA referred to Andal Sr as “ama”; while Unsay called her “ina”
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- b) 0 votes for FPJ in 2004 and in 2007, all 12 opposition senatoriales lost in 2007.. Their connection with the palace made them think they can get away with it.
- c) Ampatuans were allies of the GRP in the fight against the MILF. Government provided guns and bullets used to kill the victims. This was also why national government turned a blind eye to corruption perpetrated by the Ampatuans. This was also why the Ampatuans were allowed to build a private army disguised as auxiliary police and CVO's. Witness Jessie: recruited as a child and made to live with the Ampatuans.
- d) No documentation prepared by PNP and AFP for their joint military operations. Hence, no chain of custody for real evidence seized, including two guns that were used during the massacre



2. Corruption:

- Witness Lack: Ampatuans released 400M @10 M US to cover up massacre.
- 10 M given to the President's personal representative to Maguindanao in the aftermath of the massacre, Sec. Jess Dureza;
- 30 M given to compel two witnesses to recant their testimonies;
- 20 M given to the NBI



3. Weak legal system:

- Police in the area did not investigate. Those who did were either negligent or intentionally destroyed integrity of physical evidence: no post operations report; Centerlaw gathered 45 more spent shrapnel's in the sight, plus dentures, and identification cards.
- Reliance on testimonial testimony: Jessie was murdered, one witness has recanted, relatives of other witnesses being harassed and intimidated;
- Co-opted Justice officials: Secretary Agra dismissed case vs. 2 Ampatuans. Reconsidered only as a result of public outcry



- Information engineered to fail? 196 accused for 58 counts of murder= 11,368 cases x 5 years = 56,540 yrs to finish.
- After 10 months, one witness who required 3 settings. 500 witnesses x 3=1500 settings.
- $1500/3= 500$ months/ $12= 41.6$ years



4. International responsibility:

- All of the accused are state organs;
- State acquiesced as it allowed private army to operate: EO 546
- Failure to prevent and failure to investigate, prosecute and punish
- Failure to provide compensation.



- Consequences: Marcellana and Pestano (HRC):
Duty to provide remedies under domestic law and compensation. Until today under a new administration, not forthcoming
- Motion to Compel Government to Provide
Psycho-social support (reparation) : petition for contempt
- P Noy: No money for compensation
- Hearings: average of 3 witnesses per week.
35/500 presented.

