



Republic of the Philippines
Office of the President
BANGSAMORO TRANSITION COMMISSION
Elena V. Co Building, Don Rufino Alonzo Street,
Cotabato City, Philippines



23 March 2015

SEN. GRACE POE
Committee on Public Order and Dangerous Drugs
Senate of the Philippines
Roxas Boulevard, Pasay City
1300

Dear **Senator Poe**:

Greetings of Peace!

I respectfully submit herewith a copy of the full report of the Moro Islamic Liberation Front (MILF) investigation on the Mamasapano incident, in response to your request for said transmittal in your letter dated 09 March 2015.

Please note that the report was officially submitted to the Head of Mission of the International Monitoring Team in Cotabato City on 22 March 2015. A copy of the letter to the Head of Mission is attached.

We trust that this report is treated with fairness, and we hope that all the information provided therein will be helpful in your evaluation of the incident.

Very truly yours,

MOHAGHER IQBAL
Chairman



بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
MORO ISLAMIC LIBERATION FRONT
 Central Committee
 Office of the Chairman



22 مارچ 2015
 22 March 2015

His Excellency
Major General DATO' SHEIK MOKHSIN BIN SHEIK HASSAN
 Head of Mission, International Monitoring Team Mindanao Detach 10
 IMT Headquarters
 Gonzalo Javier Street, Corner Wang-wang Street
 Rosary Heights 7, Cotabato City
 Philippines

Dear Major General Dato' Sheik Mokhsin Bin Sheik Hassan:

Assalamu Alaikun Wa Rahmatullahi Wa Barakatuh


This is to officially endorse to your good office the report of the MILF Special Investigative Commission on the Mamasapano Incident for your reference and perusal in order to ferret out the truth.

With our utmost appreciation and highest regards.

Very truly yours,

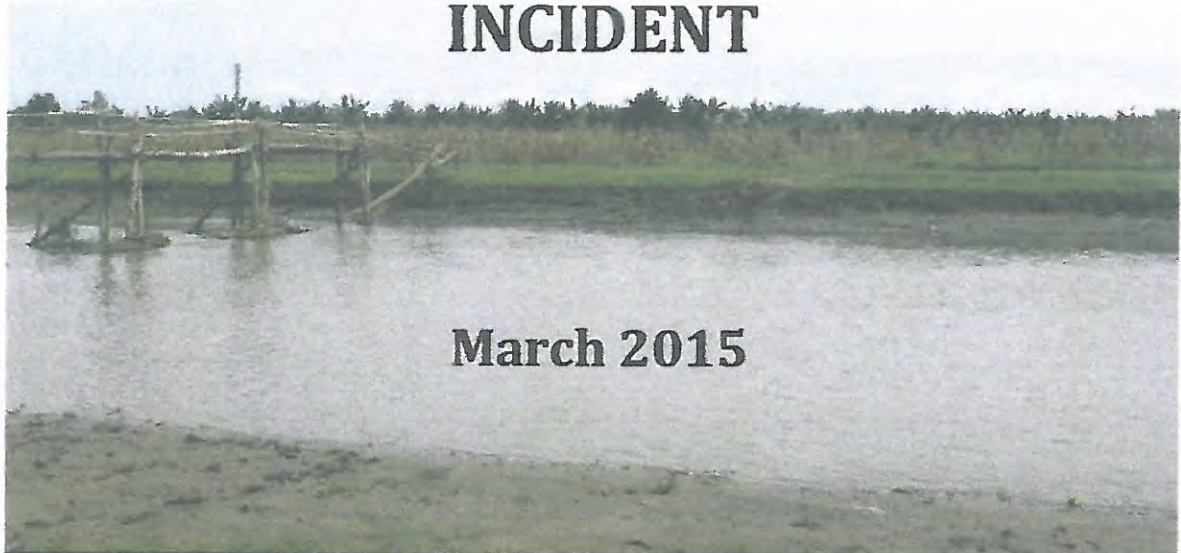

MUHAMMAD AMIEN
 Secretary

Received by Dy Hoda
 of IMT 10 on 22/3/15
 at 1640 hrs.


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MILF
SPECIAL INVESTIGATIVE COMMISSION (SIC)
REPORT ON THE MAMASAPANO
INCIDENT



March 2015



CONTENTS

I. BACKGROUND	1	<i>Amor</i>
II. ACTION TAKEN BY THE COMMISSION.....	1	
III. NARRATION OF FACTS	2	<i>M</i>
A. From Interviews with MILF Elements	2	
B. From Interviews with and the Report of the MILF-CCCH.....	7	<i>[Signature]</i>
C. MILF-BIAF Casualties	11	
D. Wounded BIAF Members	18	
E. Civilian Casualties	18	
F. Wounded Civilians	33	
IV. ISSUES	20	<i>[Signature]</i>
V. FINDINGS	20	<i>[Signature]</i>
VI. RECOMMENDATIONS	28	<i>[Signature]</i>
VII. ACTION POINTS FOR THE MILF LEADERSHIP	32	

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**REPORT OF THE SPECIAL INVESTIGATIVE COMMISSION
On the Incident in Mamasapano on January 25 and 26, 2015**

I. BACKGROUND

On January 26, 2015, the leadership of the Moro Islamic Liberation Front (MILF) organized the Special Investigative Commission (SIC) after a ferocious firefight occurred in Mamasapano, Maguindanao on January 25, 2015 where seventeen (17) combatants from the Moro Islamic Liberation Front's Bangsamoro Islamic Armed Forces (MILF-BIAF) died, together with forty-four (44) members of the Special Action Force of the Philippine National Police (PNP-SAF), and three (3) civilian casualties.

The objectives of the probe by the Special Investigative Commission were the following: (1) to shed light on what happened on January 25 and 26, 2015 in Mamasapano, Maguindanao; (2) to assess the conduct of members of the BIAF in relation to the Code of Conduct for BIAF, also known as General Order Number One (G.O. 1); and (3) to propose action points to the leadership of the MILF.

The following are the members of the Commission:

- | | |
|-------------------------------|------------|
| (1) Ustadz Said Abdulsalam | - Chairman |
| (2) Hussein "Sonny" Munoz | - Member |
| (3) Toks Ebrahim | - Member |
| (4) Von Al Haq, and | - Member |
| (5) Ustadz Abu Ubaidah Agkong | - Member |

Originally, the Chair of the MILF's Coordinating Committee on the Cessation of Hostilities (CCCH) and its Head of the Secretariat, Rasid Ladianan and Butch Malang, respectively, were included in the Commission. But since the action of the CCCH is also subject of the investigation, the two have been excluded from the Commission.

II. ACTION TAKEN BY THE COMMISSION

In the discharge of its mandate to investigate what transpired in Mamasapano on January 25 and 26, 2015, the Commission conducted the following activities:


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While the BIAF members were trekking towards Sitio Amilil at around 0430H, gunshots were again heard coming from the direction of Barangay Pembalkan further away, around 2 to 3 kilometers northeast. Upon reaching the wooden bridge, the MILF forces were fired upon, and two (2) of its men--Omar Dagadas and Ali Esmael--were hit and died. The remaining MILF forces immediately took position by retreating towards the cornfield they had just passed before crossing the bridge, and engaged the forces that had fired at them. Unknown to them, it was the blocking forces for "Operation Exodus", the 55th Special Action Company (55SAC) of the Philippine National Police-Special Action Force (PNP-SAF). It was still dark at this time of day, and the BIAF forces could not distinguish what group had fire at them. The 55SAC was positioned across the 15-meter wide river and was hiding in the cornfield in that part of Sitio Amilil. While the BIAF could not clearly see whom they were fighting against, they concluded that these were not friendly forces as they had initiated the first shots--shots that were fatal to two of their men. Firing ensued between the two groups. The BIAF members later on construed that the uniformed armed men who attacked them were soldiers of the Philippine Army.

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Wooden footbridge in Barangay Tukanalipao, Mamasapano where 105BC men were first fired upon by the 55SAC at around 0430H of January 25, 2015

As the fighting went on, more BIAF members who are residents of Tukanalipao and of nearby areas came to reinforce the BIAF members that had been first engaged in the fighting. Most of the reinforcements came from the 105th Base Command (105BC), but there were a few who had also come from the 118th

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BC. A total of more or less 100 MILF men were eventually engaged on the fighting. As members of the MILF came to the site of the fighting spontaneously, there was no organized central command that was in charge of the whole engagement. The MILF reinforcements set themselves around the location where the 55SAC was positioned in the cornfield in Sitio Amilil near the wooden bridge. In the course of the fighting, some of the MILF men, mostly from the reinforcements, jumped into the river and stayed in the water. The intense fighting ensued from 0900H - 1300H. During the time, some of the men crossed the river into the cornfield where the 55SAC was positioned, and engaged the latter in close-range firefight.

In the ensuing intense fighting, some of the MILF fighters died. Sueb Kamod, Nasrudin Saptula, and Abdulrahman Abdullah were killed while fighting inside the cornfield where the 55SAC was positioned. Abid Esmail, who sustained a gunshot wound on his chest while fighting inside the said cornfield, was able to get out, but also eventually died from his gunshot wound later that day. Kaharodin Baluno and Mahmud Saga also died and were found near the cornfield where the 55SAC was positioned. Salahudin S. Camin's body was later found in the river.

The superior number of MILF forces, familiarity with the terrain, coupled with their high caliber firearms, gave the MILF forces advantage and they eventually subdued the 55SAC. When the firing from the 55SAC waned at around 1300H, some of the BIAF forces went inside the cornfield where the 55SAC were positioned purposely to retrieve the dead bodies of their comrades to comply with Islamic tradition to bury the dead within twenty-four (24) hours. While they were in the cornfield retrieving the dead bodies, they also took the opportunity to collect war booties. After about twenty minutes of retrieving the dead bodies of their fallen comrades and of collecting war booties, one of the MILF men was able to receive a call from 105BC Commander, Ustadz Zacaria Goma, informing him of the order for a ceasefire. In turn, Ustadz Zacaria Goma also ordered the MILF combatants to pull out from the area, pursuant to the ceasefire agreement and informed them that the team from the International Monitoring Team (IMT) and the CCCHs (of the Government and the MILF) were going inside the area. The recipient of the call relayed to his companions the order and they immediately organized a safe withdrawal. The MILF men saw that some of the 55SAC men's bodies were found underneath one another as if purposely piled. They noticed that the dead bodies sustained multiple gunshot wounds. They realized later from the position of the dead bodies and the number of wounds of some of the 55SAC that some of them had used the bodies of their dead comrades as shield during the intense fighting.

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While withdrawing, the BIAF members saw some other armed men moving into the encounter site in Sittio Amilil, and they recognized some of them as members of the Bangsamoro Islamic Freedom Fighters (BIFF).

Endrin

January 26, 2015

On January 26, 2015, four members of the 105BC accompanied their comrade named Melgar Sailila to visit his house in the vicinity of Sittio Amilil to verify if it has not been damaged by the firefight on the previous day. The house is beside a small mosque locally called a "langgal", not big enough for congregational prayers. It is made of light materials and does not have a minaret or dome.

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The Langgal (small mosque) where 4 members of 105BC were shot and killed by PO2 Christopher Lalan on January 26, 2015

The 5 men are the following:

1. Musib Kasim
2. Mamarisa Sandigan
3. Rasul Kamsa
4. Norhamid Angkay
5. Melgar Sailila

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At around 1100H, they prepared their lunch and ate together in the house of Melgar Sailila. At around 1200H, they prayed inside the langgal. Thereafter, they laid down on the floor of the langgal to take a nap.

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As narrated by Melgar Sailila, at around past 1300H, he was awakened by the sound of a gunshot. He saw a man, standing by one of the doors of the *langgal*. He had a pistol drawn and it was pointed at Musib Kasim, who appeared to have been shot while asleep. He then shot Rasul Kamsa and Norhamid Angkay, who both instantly died while asleep. Mamarisa Sandigan, at this point, was already awakened and tried to get up, but before he could do so, the armed man shot him. Melgar Sailila by then had already realized what was going on and had stood up and jumped out of the opening in the wall of the *langgal* to escape the gunman. As can be seen in the pictures, the wall of the *langgal* does not go all the way up to the ceiling, and the opening on the wall was wide enough for someone to get over it. Melgar Sailila ran away from the *langgal*, and the armed man pursued him. Melgar Sailila luckily escaped from the armed man. Melgar Sailila identified the armed man during the investigation based on the photographs shown him as PO2 Christopher Lalan.

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The interior of the Langgal showing dried blood on the floor with blood -stained pillow and a man shirt. This was where PO2 Lalan shot 4 105BC elements.

A little later, at around 1400H, a group of men were walking towards Sitio Amilil from the community in Tukanalipao. The group was composed of four(4) men, namely:

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1. Sheikh Abdullah M. Abad,
2. Kapitan Jainal,
3. Mataya Sangki, and
4. Mohammad Ambilang.

While they were near the wooden bridge, the men heard someone from across the bridge shout that they should be careful as "a SAF" was in the vicinity. They stopped walking and decided to wait out the possible danger. But a few minutes later, they saw a man who had no shirt on and who was holding an armalite, coming towards them. When he was about 50 meters away from Sheik Abdullah Abad and Mohammad Ambilang, who were standing ahead of Kapitan Jainal and Mataya Sangki, Sheik Abdullah Abad shouted, "*Civilian kami, wag ka magpapatok!*" ("We are civilians! Don't shoot!"). Sheik Abdullah Abad and Mohammad Ambilang raised their hands, to show that they were not armed and that they are not going to fight against the armed man. But the man raised the armalite he was carrying, and started aiming at Mohammad Ambilang. Mohammad Ambilang then turned around to run away. It was at this point that the man shot at Mohammad Ambilang. His companions ran away, but the armed man ran after them for several meters. When the men were sure that they had shaken off the armed man, it was only then that they stopped. They realized that Mohammad Ambilang was no longer with them. After a few minutes, they returned to the place where they had met the armed man. They saw a lifeless Mohammad Ambilang where he was last seen alive, already shot and dead.

Later, when the Special Investigative Commission showed the picture of PO2 Christopher Lalan to the companions of Ambilang, they confirmed that he is the same person whom they encountered in Sitio Amilil on January 26, 2015 and who shot their companion, Mohammad Ambilang.

B. From interviews with and the report of the MILF-CCCH

According to Rasid Ladiasan, Chair of the MILF Coordinating Committee on the Cessation of Hostilities, he got information at around 0545H about the firefight from Ustadz Zacaria Goma, the Commander of the 105th Base Command. Ladiasan made further verifications and also informed some of the leaders of the BIAF and the MILF. At 0638H, he sent an SMS to his counterpart in the government, BGen Carlito Galvez, and the head of the GPH CCCH Secretariat, Maj. Carlos Sol, to inform them about the reported firefight. The SMS read this way:

"Salam bro, firefight erupted between the AFP and the 105BC at Tukanalipao, Mamasapano. The AFP troops moved in

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without any coordination and this is difficult to control to avoid encounters between our forces where there is no coordination. This is clearly disregarding and violating the ceasefire. Now with that situation the only option is to ceasefire otherwise it will escalate further."

Another SMS was sent by Mr. Ladianan to Maj. Sol at around 0642H, again reiterating the message that both forces have to "cease fire", to wit:

"We have to ceasefire bro before its too late. Ano kaya bro kung puntahan natin sa area baka may staff kayo kasama at IMT bro ma invite mosila". [What do you think, bro, if we proceed to the area as you may have staff member(s) who can accompany us and you may also invite the IMT.]

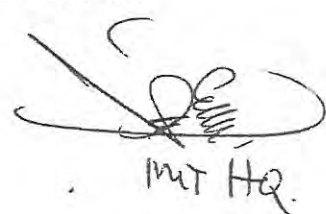
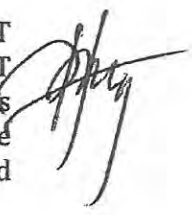
Maj. Carlos Sol suggested that the Joint CCCH and IMT assemble at the IMT Headquarters in Cotabato City. At around 0900H, the group assembled at IMT Hq and subsequently organized the Joint Ceasefire Crisis Team. This Crisis Team was composed of representatives of the GPH CCCH, the MILF CCCH, the Joint Ceasefire Monitoring Post (JCMP) in Kitango, Datu Saudi Ampatuan and the International Monitoring Team.

At around 0930H, the Crisis Team proceeded to Barangay Kuloy in Shariff Aguak, Maguindanao to meet with Ustadz Zacaria Goma, Commander of 105BC, and Ustadz Wahid Tundok, Commander of the 118BC. The team arrived in Barangay Kuloy at about 1130H. The meeting with the two (2) commanders started at around 1200H.

It was agreed that to effect a ceasefire and allow the passage of the PNP-SAF from the encounter site in Barangay Tukanalipao to the safer area of Barangay Tuka, Mamasapano, the Crisis Team had to go to the encounter site to talk to and separate the engaged forces and extricate casualties on both sides.

Thus, the Crisis Team divided into 2 groups. Ustadz Wahid Tundok and his men led the first group. Their mission was to go to the encounter site in Barangay Tukanalipao to inform the BIAF men of the call for ceasefire. Ladianan of MILF-CCCH headed the second group with Ronnie Arap and Dave Jungco of the GPH-CCCH Secretariat, and Butch Malang and Toks Upahm of the MILF-CCCH Secretariat. Suharto Elhad of JCMP-Kitango and Mr. William Hovland of the IMT also joined them. This group proceeded to Barangay Tuka, where a tactical command post had been established by the PNP and AFP. Ustadz Zacaria Goma stayed at his house in Barangay Kuloy.

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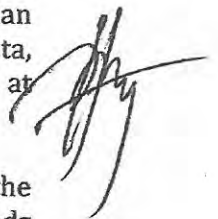
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Ladianan sent an SMS to Maj. Sol of the GPH-CCCH Secretariat at around 1230H, saying:

"Papuntana kami sa military sa 45IB sila Wahid mag pull-out tropang 105BC, kami naman with IMT sa military para tumulong ma extricate PNP SAF. Paalisna kami sa kuloy base ni Zacaria Goma. Paki inform lang wag ma alarm sa bahay ni Goma marami tropa security nya yon." [We are going to the military, the 45th IB together with the IMT to help extricate the PNP-SAF while Wahid Tundok will pull out the 105BC troops from the area. We are leaving Kuloy, the Base of Commander Goma and please inform everyone not to be alarmed by the presence of many troops, these are his security.]

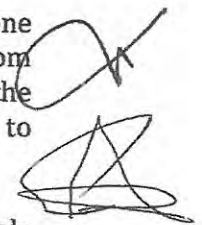


At 1255H, Ladianan's group arrived in Barangay Tuka at the position of the 45th IB of the Philippine Army. The group informed PSupt Henry Mangaldan and PSI Michael John Mangahis of the PNP-SAF and Lt. Col. Romeo Bautista, Commanding Officer of the 45th IB, that a ceasefire had been agreed upon at the meeting with the 2 BIAF Commanders in Barangay Kuloy, Shariff Aguak.



During this time, there was still sporadic gunfire that could be heard in the direction of Barangay Tukanalipao. The Crisis Team learned that Ustadz Wahid Tundok's group came under fire while moving towards the encounter site.

The PNP-SAF in Barangay Tuka disseminated the call for ceasefire by phone and radio to the troops on the ground. But gunshots were again heard from three different directions. Ladianan's group took cover at the roadside by the banana trees, and waited for the go signal from Ustadz Wahid Tundok to proceed to the encounter site in Barangay Tukanalipao.



At 1315H, Ladianan's group received a radio call from Ustadz Wahid Tundok. He advised the group to go to the encounter site to assess the situation and determine what other assistance can be given to help resolve the problem. He also reported that there were many casualties already. The group then proceeded first to the Office of the Municipal Mayor of Mamasapano, Mayor Benzhar Ampatuan, to discuss, assess the situation, and to request for assistance from the Mayor and from the Chairman of Barangay Tukanalipao.

At 1530H, the Crisis Team attempted to enter the encounter site in Tukanalipao but they retreated as they could not proceed further. They had monitored the movement of unidentified armed men and heard gunshots in the area.



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Members of the community reported to the MILF CCCH that there were thirty two dead bodies in the area. The information was forwarded to PC Supt. Napeñas of PNP-SAF and PS Supt. Armilla, OIC Regional Director of PNP PRO-ARMM, who was then at the Headquarters of the 1st Mechanized Infantry Brigade in Poblacion, Shariff Aguak, Maguindanao.

At 1600H, it was noticed that there was no longer any exchange of gunfire in Sitio Amilil. The Crisis Team entered the encounter site in Tukanalipao. They found dead bodies at Sitio Amilil and in the nearby river. They noticed a group of armed men in the immediate vicinity who were later identified as belonging to the BIFF under Commanders Bongos, Bisaya, and Indal.

The Crisis Group returned to the Municipal Hall of Mamasapano and informed the Mayor about the situation. They requested for equipment to retrieve the cadavers.

At 1720H, the Crisis Team requested the local and barangay officials to go back to the encounter site with two Kuliglig tractors and an ambulance. It was decided that the cadavers would be brought by the team to the highway where the PNP-SAF officers were waiting.

The 84SAC of the PNP-SAF

At around 1630H and while retrieving the cadavers, the Crisis Team monitored gunshots from the northeast direction, more or less two (2) kilometers from the encounter site. The Commission later found that the area where gunshots were heard is near the boundary between Barangays Pembalkan and Tukanalipao. The Crisis Team never knew of the presence of the 84 SAC in Barangay Pembalkan, Mamasapano until this time.

At about the same time, Maj. Sol received a phone call from BGen Galvez informing him that there remained another group of PNP-SAF being fired upon by an armed group nearby. Subsequent events revealed that the firefight was between the BIFF and the withdrawing 84SAC, which is the "strike team" of Oplan Exodus. BGen Galvez also called Ladiasan, who assured him that no more MILF-BIAF troops remained in the area and that the PNP-SAF were likely engaging the BIFF and other armed group.

At 1740H, the Crisis Team went back to the tactical command post in Barangay Tuka. There, Lt. Col. Romeo Bautista explained to the MILF-CCCH the situation and the need to facilitate the rescue of the surviving PNP-SAF about two (2) kilometers north-east of Tukanalipao. The elements of the 6th ID's Reconnaissance Company (DRC) were assigned to assist in extricating the said

PNP-SAF from the area. Ladiasan agreed and advised the MILF CCCH personnel to contact all possible BIAF commanders in the area and to relay to their men the agreement and not to hamper the movement of the 6th ID's Reconnaissance Company who was tasked to rescue the surviving members of the 84SAC.

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The Crisis Team suspended the retrieval operation in Sitio Amililat around 1830H due to the darkness and security concerns occasioned by the presence of BIFF in the area. However, the Crisis Team advised the local officials to facilitate the transport of cadavers to the Municipal Hall of Mamasapano. At 2130H, the local officials of Mamasapano informed the Crisis Team that five (5) cadavers of PNP-SAF had been turned over to the PNP-SAF.

January 26, 2015

At 0530H, the local government of Mamasapano resumed the retrieval operation. At around 0730H, the MILF CCCH left Cotabato City to go back to Mamasapano. They first stopped at the camp of the 1st Mechanized Brigade in Shariff Aguak at around 0830H. It was agreed therein that civilians will do the retrieval of the bodies in Tukanalipao, and that there will only be 3 people from the MILF CCCH and GPH CCCH who will be allowed to join the retrieval. Mr. Toks Upahm and Ustadz Muin Rinabor of MILF CCCH and Dave Jungco of GPH CCCH were given this task. Shortly before 1400H and after retrieving all the cadavers, the GPH-MILF CCCH left Tukanalipao and returned to the Headquarters of the 1st Mechanized Brigade to account and consolidate all the cadavers retrieved from the encounter site. A total of forty-four (44) cadavers of the SAF were accounted for.

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At 1800H, the Crisis Team immediately deactivated and the members returned to the CCCH and IMT offices in Cotabato City.

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C. The Casualties from the MILF

The Special Investigative Commission conducted interviews of field commanders involved in the incident, relatives of alleged victims, and field verification to establish the identity of the casualties from the BIAFas well as the civilian victims. The Special Investigative Commission confirms here under the names of the seventeen (17) BIAF members who died during the January 25 and 26, 2015 incidents in Mamasapano:¹

¹ Some of those killed do not have photographs as their families did not want them photographed.

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1. Salahudin S. Camin
 - 21 years old
 - Body was found in the river
 - Gunshot wound in the head
 - Buried in Barangay Lapok, Sharif Aguak, Maguindanao



Salahudin
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2. Sueb Kemod
 - 34 years old
 - Body was found inside the 55SAC area
 - Gunshot in the mouth
 - Buried in Barangay Pagatin, DatuSalibo, Maguindanao



Sueb Kemod
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3. Nasrodin Guiabal Saptula

- 25 years old
- Body was found inside the 55SAC area
- Gunshot in the torso
- Buried in Barangay Pagatin, DatuSalibo, Maguindanao



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4. Kaharodin Baluno

- 35 years old
- Body was found on the ground near the 55SAC area
- Gunshot in the head
- Buried in Sitio Takulangan, Barangay Lintang, Mamasapano



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5. Mahmud Saga

- 25 years old
- Body was found near Kaharodin's, i.e., near the 55SAC area
- Gunshot in the chest
- Buried in Barangay Lapok, Shariff Aguak



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Handwritten signature in black ink, appearing to read "Mahmud Saga".

6. Abdulrahim Abdullah

- 24 years old
- Body was found inside 55SAC area
- Gunshots in the arm and right side of the torso
- Buried in Barangay Libutan, Mamasapano



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7. Esmail Abid

- 23 years old
- Shot while inside the 55SAC area, but was able to withdraw while wounded; but also died within the day
- Gunshot in the chest area
- Buried in Sitio Kuta, Barangay Lapok, Shariff Aguak



Esmail

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8. Ali Esmail

- 30 years old
- Shot while traversing the wooden bridge
- Gunshot in the chest
- Buried in Barangay Tukanalipao, Mamasapano



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9. Norhamid Angkay

- 29 years old
- Shot inside the *langgal*
- Gunshot in the torso
- Buried in Barangay Pindsandawan, Mamasapano



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10. Mamarisa Sandigan

- 33 years old
- Shot inside the *langgal*
- Gunshot in the torso (right side)
- Buried in Barangay Tukanalipao, Mamasapano



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11. Rasul Kamsa

- 23 years old
- Shot inside the masjid
- Gunshot in the torso (side)
- Buried in Barangay Liab, Mamasapano

12. Musib Kasim

- Age not determined
- Shot inside the masjid
- Gunshot in the torso
- Buried in Barangay Tukanalipao, Mamasapano



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13. Omar Dagadas

- Age not determined
- Shot while traversing the wooden bridge
- Gunshot in the chest
- Buried in Barangay Tukanalipao, Mamasapano

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14. Paglas A. Kamidon

- 43 years old
- Buried by his family in Ligawasan, Pagalungan

15. Tanto A. Bulao


- 37 years old
- Buried by his family in Ligawasan, Pagalungan

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16. Rahman Duma
- 30 years old
 - Buried by his family in Ligawasan, Pagalungan

17. Samsudin Guiapar

- 34 years old
- Buried by his family in Tukanalipao, Mamasapano



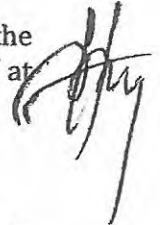
D. Wounded BIAF members

The Special Investigative Commission also verified that there were twenty-five (25) members of the BIAF who were wounded as a result of the fighting between the PNP-SAF and the BIAF in Barangay Tukanalipao on January 25, 2015.²



E. Civilian Casualties

The tragic incident in Mamasapano on January 25 and 26 killed not only the combatants from the BIAF and the PNP-SAF, but likewise took the lives of at least three (3) civilians.



1. Badrudin Langalen

Badrudin was a 21-year-old farmer from Tukanalipao. In the early morning of January 25, 2015, he left his house and told his wife, Sarah, that he was going to the market of Tukanalipao to charge his cellphone, as there was a power interruption the night before. He never got to return home, but was later found dead, with his hands tied behind his back, and with multiple gunshots, including in the head. On the way to the market, he must have stumbled across the men of 55SAC, who must have tied him up and brought him with them. His body was found in the site encounter, together with the bodies of the 55SAC.



²The verified list of wounded BIAF: 1. Zainudin Lampak 2. Zumaidi Untong 3. Jomar Zailun 4. Hamsa Lampak 5. Nanang Ebrahim 6. Patayan Abdulrahman 7. Yasser Ulama 8. Alinader Dicolano 9. Said Sanggutin 10. Norhak Iskak 11. Mahmud Lumbatan 12. Mustapha Kindi 13. Abdulmaguid Kindi 14. Alizandro Sandigan 15. Mahdi Abdulmutalib 16. Abdulrahman Abdulkahar 17. Budzal Abdulrahman 18. Mega Binito 19. Haron Ali 20. Abdulgani Ramos 21. Salahudin Kunakon 22. Joel Naser 23. Boy Daladap 24. Zukarno Ahmad 25. Hamid Ali





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He left not only his wife Sarah, but two (2) young children as well.

2. Sarah Tot (or Sarah Pananggulon)

In the early morning of January 25, 2015, eight-year-old Sarah was sleeping at their house in Sitio Inug-og, Barangay Pembalkan, Mamasapano when they were roused from their sleep by sudden bursts of gunfire. Together with her parents--Tot and Samira Sampulna, and 5-year-old brother Saidin, they crouched low and quickly moved out of the house. Tot brought the family towards a banca in the nearby river in order to escape and to find safer grounds. Unfortunately, Sarah's young body was hit by bullets. Tot was likewise shot on the upper right portion of his back, while Samira was hit on her face. While her parents survived, albeit wounded, Sarah died.

3. Mohammad Ambilang

On January 26, 2015, 33-year-old Mohammad Ambilang was asked by an aunt to accompany her to get some of her belongings from her house in Tukanlipao after she had evacuated therefrom to Mohammad's house in Barangay Libutan, Mamasapano. He readily obliged, foregoing with the income that he could have earned driving his motorcycle for a fee. But when he accidentally crossed paths with PO2 Christopher Lalan, he was shot and killed by the latter. He left a wife and two young children.

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IV. Issues

The investigation was guided by the following questions, to which answers were sought:

1. On the armed encounter on January 25, 2015 between MILF BIAF and PNP SAF
 - a. What led to the armed clashes between the BIAF forces and the PNP SAF in the early morning of January 25, 2015 in Mamasapano?
 - b. Were there lapses on the ground in heeding the call for ceasefire?
 - c. Did the BIAF members violate the Code of Conduct Governing BIAF Affairs, also known as General Order No. 1 Did the BIAF members use unnecessary force in fighting the PNP-SAF? Did they engage in mutilation? Did they desecrate the dead? Did the BIAF members commit other violations of human rights and international humanitarian law?
 - d. Did BIAF members take the firearms and personal effects of the dead SAF? If yes, is this justified?
2. On the actions taken by the MILF-AHJAG and MILF-CCCH after it was known that there was an encounter
 - a. Were there lapses in the handling of the situation by the MILF-AHJAG and MILF-CCCH?
 - b. Did the Crisis Team do everything it could to immediately stop the firefight?
3. On the allegations that the MILF is coddling Marwan.
 - a. Did the MILF coddle Basit Usman and Marwan?

V. FINDINGS

1. As to the armed encounter

- a. *What led to the armed clashes between the PNP-SAF and the BIAF forces in the early morning of January 25, 2015?*

The operation of the PNP-SAF in Mamasapano on January 25, 2015 caught the BIAF forces by surprise. The BIAF forces, mostly from the 105BC, are residents of Mamasapano, mostly from Barangay Tukanalipao. The action of some of the men of 105BC in going to

Sitio Amilil, as was their usual practice whenever there are clashes or impending clashes, was justified, as the main purpose was to ensure that the clashes do not happen in the populated areas. As there was no coordination between the government and the MILF through the AHJAG and CCCH mechanisms, the BIAF cannot be faulted for concluding that the PNP-SAF forces that they chanced upon in Sitio Amilil were enemies, especially after they were fired upon, and after two (2) of their men were shot and killed by the PNP-SAF.

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The assertion of the 105BC that it was the 55SAC who made first shots is supported by the circumstances obtaining at that time. The 55SAC was already in the cornfield, and it was the 105BC that was moving in when the first gunshots were fired. Besides, there was very little illumination at that time (0430H), negating the possibility of the moving BIAF to spot the already positioned 55SAC in the cornfield while the latter had the advantage of having night vision goggles.

The action of the MILF-CCCH in informing the GPH-CCCH about the reported encounter in Mamasapano at 0638H shows that the MILF was concerned about preventing or stopping any armed clash between the parties. It was also MILF-CCCH's Chair Rasid Ladianan who suggested to the GPH-CCCH that they needed to go to Mamasapano so that they could effectively enforce a ceasefire.

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Clearly, there was violation of the implementing guidelines of the ceasefire agreement between the GPH and the MILF. Article II of the Implementing Operational Guidelines of the GRP-MILF Agreement on the General Cessation of Hostilities (signed on November 14, 1997) reads this way:

Police and military actions and administrative/logistic activities shall continue to be undertaken by the GRP throughout Mindanao and the entire country. In the pursuit thereof, confrontational situations between the GRP and MILF forces shall be avoided by prior coordination with the latter. These actions include, but are not limited to, the following:

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1. Peacekeeping and police actions such as preventive patrols, investigations, arrest, searches and seizures undertaken by the Government against

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criminality, especially against piracy, robbery, kidnapping, cattle rustling, murder and other criminal acts. [*Underscoring supplied*]


In the Revised Joint AFP/PNP AHJAG Operational Guidelines for the Ad Hoc Joint Action Group (AHJAG) signed by the Armed Forces of the Philippines, the Philippine National Police and the Chair of the GPH Negotiating Panel on July 23, 2013, it is also clear that there should be coordination between the government and the MILF. The pertinent provision of said Guidelines is found hereunder, appearing on page 7 of said document:



f. Except for operations against high priority targets, a list of which shall be provided by the GPH Panel to the MILF Panel, the AHJAG shall inform the GPH and MILF CCCH at least 24 hours prior to the conduct of AFP/PNP operation in order to allow sufficient time for the evacuation of civilians and to avoid armed confrontation between the GPH and MILF forces.



This provision, read with the rest of the document and in consonance with the main purpose of the creation of the AHJAG, reiterates the need for coordination with the MILF through its CCCH, at least 24 hours before the conduct of the operations against wanted personalities. However, there is an exception, and the exception is with regard to high priority targets, in which case the coordination can be done for less than the minimum 24 hours. The exception pertains only to the number of hours within which to coordinate and not to the requirement for coordination.

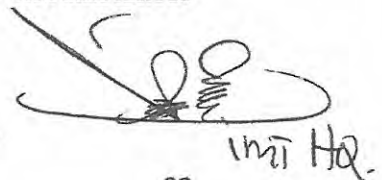


It is interesting also to note that one of the signatories to this document, representing the Philippine National Police as Chief PNP, is Police Director General Alan Purisima, who had admitted "advising" PNP-SAF Chief Getulio Napanas not to coordinate with the AFP and the Acting PNP Chief, as he himself (Purisima) would take care of such coordination.



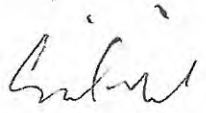
b. Were there lapses on the ground in heeding the call for ceasefire?

The MILF CCCH, upon learning of the January 25, 2015 encounter, immediately undertook steps to effect a ceasefire and prevent bloodshed. But there were so many circumstances obtaining in the encounter site that hampered its efforts. These circumstances



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included the difficulty in communications as cellular phones of the BIAF members were rendered inutile because of the intermittent and weak signal in the encounter site, or were drained of power due to the power outage the night before. The fierce fighting that was already on-going when the CCCHs and the IMT intervened. It was happening in an open field and had evolved into a battle of survival for the combatants. The ceasefire mechanisms were not coordinated through the protocols under the ceasefire agreement.



Given these circumstances, the MILF CCCH immediately suggested to its counterpart that they go to the encounter site in order to talk to the commanders and inter-position themselves in the midst of the encounter. When Ustadz Wahid Tundok went to the encounter site in Sitio Amilil, his purpose was precisely to talk to the men in the field. And despite the heavy fighting, he was able to finally arrive at the encounter site to talk to some of the men to cease firing before 1330H.




From this account, it is clear that the 105BC, upon receipt of the order to stop firing, immediately ceased shooting at the 55SAC. There were no lapses in heeding the call for a ceasefire. Unfortunately, it was already too late as most of the SAF's 55 SAC had already been killed in the course of the intense fighting even before the order for a ceasefire was received on the ground.



The Special Investigation Commission found the following undisputed facts:

1. The PNP SAF did not coordinate their entry and operation in Tukanalipao, Mamasapano with the existing coordination mechanisms such as the AHJAG and the CCCH of the Peace Panels.
2. The BIAF forces residing in Mamasapano were not informed of the PNP SAF operation conducted on January 25, 2015.
3. The MILF CCCH was the first to inform their counterparts in government of the unfortunate encounter in Mamasapano on the said date.
4. The MILF CCCH was the first to suggest to their counterparts in government to immediately proceed to the encounter site to find ways to effect a ceasefire and disengage the fighting forces.



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c. Did the BIAF members use unnecessary force in fighting the PNP-SAF? Did they engage in mutilation? Did they desecrate the dead?

After the initial advantage of surprise on the part of the PNP-SAF, the BIAF got the upper hand in the fighting. Their strong points included familiarity with the terrain, their location vis-a-vis their adversaries, their superior number, and the use of the "Barrett".

Exhibit

During the battle, the PNP-SAF stayed in the cornfield while the BIAF forces were able to cover themselves in the river banks, and coconut trees surrounding the cornfield. The fighting also became so intense that at one point, the men were shooting at each other with only 3-4 meters between them.

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Despite the advantages, the BIAF did not use unnecessary force or employ any method of warfare that violated International Humanitarian Law. Rather, they faced their adversaries employing the weapons that were available to them, and using their advantages to the fullest.

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Reports about mutilation, beheading, and willful killing are unfounded. The viral video of an armed man shooting at close range a man apparently from the PNP-SAF 55 SAC while the latter was lying down on the ground and already wounded, does not clearly show that it was BIAF's 105BC which is responsible for this. It is a known fact that there are other armed groups in the area, including the Bangsamoro Islamic Freedom Fights (BIFF), and private armed groups (PAGs). Any of these groups could have entered the encounter site after the MILF pulled out of the area after a ceasefire was effected, as was in fact witnessed by the withdrawing 105BC men. This is also consistent with the narrative of the Crisis Team that when they entered the area at around 1530H, they sensed the presence of armed men therein.

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The Special Investigative Commission also looked into the question of whether BIAF elements desecrated the dead bodies of the slain 55SAC members, as some of the bodies of the latter were found in the far end of the river banks when they were located by the retrieval teams organized by Crisis Team with participation of the local officials. But the 105BC members say that they did not move the dead bodies of the 55SAC, except when it was necessary in order to get their firearms. It must be noted that in this narrative, it

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was not the 105BC that was the last group to be at the encounter site. There was the BIFF and other people who had come in just as the 105BC was leaving. Also, many of the other bodies were retrieved only the next day. In the meantime, the municipal government had mobilized people (civilians) to help in the retrieval. The Barangay officials of Tukanalipao, Dasikil and Libutan provided the necessary assistance. The Officials had also mobilized their own people for the retrieval operations. Hence, there were a lot of civilians who had entered the encounter site. Many of them brought the dead bodies near the river, as the bodies were to be brought across the river in order to be transported to the highway of Mamasapano. Given the above circumstances, some of the personal belongings of the SAF who were killed in the encounter may have been taken by other armed groups and civilians who participated in the retrieval operations. Some of the pictures taken during the retrieval operations are attached hereto, one showing civilians pulling on a rope that had been tied to the foot of a cadaver, dragging it out of its original position. The next picture shows how the bodies were taken out of the encounter site across the river, as part of the retrieval operations.

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Civilians mobilized by the Municipal and Barangay Officials to retrieve cadavers of slain 55SAC members are shown dragging bodies for their eventual transport to the highway

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- d. Did BIAF members take the firearms and personal effects of the dead SAF? If yes, is this justified?

The members of the BIAF, in the course of fighting and after it had waned, took steps to retrieve the bodies of their fallen comrades and used this opportunity to take war booties when it was apparent that the enemies had already died.

This is nothing extraordinary. In fact, this is the usual action taken by rebel groups. It is also recognized as an acceptable behavior of armed non-state actors under Rule 49 of Customary International Humanitarian Law based on a study conducted by the International Committee of the Red Cross. The said rule provides that "The parties to the conflict may seize military equipment belonging to an adverse party as war booty." This customary law had already been set forth in the Lieber Code (or the instruction signed by President Abraham Lincoln to the Union Forces of the United States during the American Civil War).

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Still, in the interest of peace, these firearms have been returned to the government on February 18, 2015. The MILF leadership took the initiative of asking their men to return the firearms.

As to the personal effects of the slain PNP SAF, the Commission finds the assertion of the 105BC elements that they had taken the firearms primarily, as these are certainly of greater value to them. Especially considering that there was an order to retreat from the encounter site, the 105BC had to pull out within a limited period of time. It is also noteworthy that when requested by Mayor Ampatuan, some civilians did return some personal effects and equipment belonging to the slain PNP SAF, thereby showing that civilian also had access to them.

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e. Did the MILF coddle Basit Usman and Marwan?

The MILF and the civilian residents in Mamasapano did not know that Basit Usman and Marwan were in their community. The house in which Marwan was found and killed belonged to Ustadz Baguindali, who had died in 2008. The MILF did not know that Marwan and Usman had moved into Barangay Pembalkan, Mamasapano. When Marwan was killed, he was with the group of Basit Usman, in the vicinity where the BIFF and the break-away group of Mohammad Ali Tambako are based. The house is found in Barangay Pembalkan, Mamasapano, which is more than 3 kilometers away from where the MILF combatants were living in Barangay Tukanalipao. It is not at area where the MILF has presence or control. Note that the site where the encounter between the BIAF and the 55SAC took place is not in Pembalkan but about 2 kilometers away in Sitio Amilil in Tukanalipao.

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Photograph of the huts where Marwan and Basit Usman were found

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It should be noted that as early as 2005, Marwan, and other individuals with "terrorist" tags have been ordered to leave MILF camps and communities. This policy of cleaning its ranks of terrorists has not changed and is the very reason why the government has continued negotiating peace with the MILF. It is also the policy that underlies the creation of the Ad Hoc Joint Action Group (AHJAG), where the MILF is to coordinate and cooperate with the AFP and PNP in the interdiction of criminal elements in MILF communities.

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2. Actions taken by the MILF CCCH

As pointed out earlier, it was the MILF CCCH Chair who called the attention of the GPH CCCH about the encounter in Mamasapano at 0637H of January 25, 2015. It was also the MILF CCCH Chair who proposed for the physical presence of the respective CCCHs and the International Monitoring Team (IMT) in Mamasapano in order to effectively implement a ceasefire, as the fighting had already started and communications through cellular phones were not working because of weak signal. Thereafter, the joint CCCHs and the IMT created a Crisis Team and proceeded in a convoy of vehicles to Mamasapano.

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It was around 1130H when the CCCHs and the IMT arrived in Mamasapano.

While in Mamasapano, it was the CCCHs and the IMT, constituted as a Crisis Team, that sought ways to reach the commanders on the ground. They were able to talk to Commanders Zacaria Goma and Wahid Tundok of the MILF BIAF. It was also the Crisis Team that coordinated with the AFP and the PNP SAF for the rescue of the surviving 84SAC.

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All said, the MILF CCCH in cooperation with the GPH CCCH did everything it could, and despite all difficulties, to stop the fighting and to save the surviving PNP-SAF after the ceasefire was effected.

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VI. FINDINGS AND RECOMMENDATIONS

1. As to the liability of MILF men who took part in the clash

The BIAF members were justified in fighting back after it was fired upon by the PNP-SAF 55 SAC in Tukanalipao. Without prior coordination, the BIAF did not know that the forces in Sitio Amilil were government forces

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with whom there is a holding ceasefire agreement. When they were fired upon in the wooden bridge of Tukanalipao, the BIAF could not have done anything else but to fire back, as two (2) of their men were instantly killed in the assault of the PNP-SAF men.

Granting, without admitting, that there is any liability on the part of the 105BC for the violation of the ceasefire, the disciplinary action should be carried out by the MILF. This is in accordance with the Implementing Operational Guidelines on the General Cessation of Hostilities. Article II, (4)(b) of said Guidelines provides:

- c. The CCCH shall inform immediately the commanders of GRP and MILF forces whose units or members are alleged to be violating this Implementing Guidelines and Ground Rules. It shall be the responsibility of the GRP and MILF to take immediate and necessary actions to stop any violation and punish respective forces who violate this Implementing Guidelines and Ground Rules.

Item 5 of the same Article III of the Guidelines is also relevant:

- 5. Disposition of violations of cessation of hostilities.

The GRP and the MILF will take appropriate actions on their respective forces who violate this Implementing Guidelines and Ground Rules.

Surely, this case is covered by the Implementing Operational Guidelines, as it pertains to the engagement in hostilities by forces of the MILF and the GPH. It is not an ordinary crime that may have been directed at civilians, but direct armed confrontation between the parties that have signed a ceasefire agreement.

As to the matter of liability for commission of acts that are violative of international humanitarian law, there is no evidence that would show this. In fact, the evidence shows the contrary—that is, it was not the BIAF which was responsible for these acts. A scrutiny of the viral video showing the killing of Joseph Sagonoy, a member of the 55SAC, does not clearly identify the killer as one of the members of the BIAF. Even the allegation that the firearm of Sagonoy is one of the 16 firearms that were returned by the BIAF to the government does not prove that the killer of Sagonoy was a BIAF member. The taking of the firearms is different from the act of killing. And as stated by the BIAF members, they took the

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firearms of the dead 55SAC and those who had been immobilized, but there was at least one other group that had come into the encounter site after the BIAF left it at around 1400H. And it was not until 1600H that the Crisis Team was successful in entering the encounter site. There was a good two (2) hours when the other armed group, i.e., the BIFF, was able to get into the encounter site and may have committed the despicable act.

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2. *As to the liability of PNP-SAF*

The MILF should file a protest regarding the violation of the ceasefire by the PNP SAF. The coordination that is required under the Operational Guidelines was not undertaken by the GPH. Without the coordination, the gun battle was inevitable when the two armed groups crossed paths, especially after the BIAF was fired upon by the PNP-SAF.

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Furthermore, there should be investigation to determine the liability of PO2 Christopher Lalan of the PNP-SAF 55SAC, who killed four (4) combatants of the MILF while the latter were sleeping inside a makeshift mosque in Barangay Tukanalipao, Mamasapano at past 1300H on January 26, 2015. Under international law, the MILF men would be considered *hors de combat* as they were not in a position to make an assault on PO2 Lalan. Protocol Additional to the Geneva Conventions of 12 August 1944, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, provides:

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Article 4. Safeguard of an enemy *hors de combat*

1. A person who is recognized or who, in the circumstances, should be recognized to be 'hors de combat' shall not be made the object of attack.
2. A person is 'hors de combat' if:
 - (a) he is in the power of an adverse Party;
 - (b) he clearly expresses an intention to surrender; or
 - (c) he has been rendered unconscious or is otherwise incapacitated by wounds or sickness, and therefore is incapable of defending himself;

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provided that in any of these cases he abstains from any hostile act and does not attempt to escape. *[Underscoring supplied]*

In addition, PO2 Lalan killed a civilian, Mohammad Ambilang, who was unarmed and who had said so and put up his hands in the air to show such fact. Despite this, he was shot and killed by PO2 Lalan, an unjustified act that would put this in the ambit of violation of International Humanitarian Law.

3. As to the weapons and personal effects of PNP-SAF who were killed in encounter

While the taking of war booties is justified in international law, in the interest of peace, these were returned to the Government of the Philippines. It should also be noted that other armed groups and ordinary civilians also took the firearms and other personal effects of the killed SAF. Hence, the MILF can only return those that were taken by its combatants.

4. As to the issues and violations to the GPH - MILF Ceasefire Agreement and the Implementing Guidelines of the Ad Hoc Joint Action Group (AHJAG)

The PNP SAF violated the GPH - MILF Ceasefire Agreement and the Implementing Guidelines of AHJAG as it did not coordinate the operations through the established protocols of the ceasefire mechanisms. If only the ceasefire mechanisms were accorded the necessary coordination in this operation, this unfortunate and tragic encounter could not have happened and the primacy of the peace process between the GPH and MILF safeguarded.

The BIAF - MILF forces were categorized as enemy forces by the PNP SAF despite the fact that there is an existing ceasefire agreement and the signing of the GPH - MILF Comprehensive Agreement on the Bangsamoro (CAB).

5. As to IHL and human rights violations, committed by the PNP-SAF

The PNP-SAF committed Human Rights violations. PO2 Christopher Lalan committed human rights violation when he killed the four (4) MILF men when they were asleep inside the *langgal* who were in no position to defend themselves. He should likewise be held accountable for killing

Mohammad Ambilang, a civilian who has clearly shown no aggression as he in fact raised his hands and made known that he is a civilian. The injury sustained by Ambilang in the back indicated that the killing was attended by qualifying circumstances that aggravated the actions of PO2 Lalan.

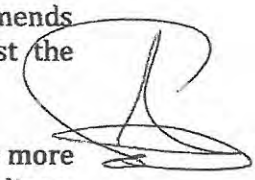
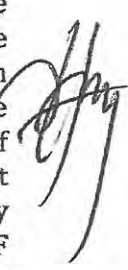
The PNP-SAF must also be held accountable for the death of Badrudin Langalen whose dead body was found inside the position of the 55SAC blocking force in Sitio Amilil, Tukanalipao, Mamasapano. The same accountability must be sought for the 8-year-old Sarah Tot.



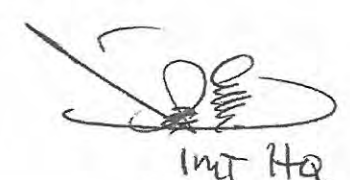
VII. ACTION POINTS FOR THE MILF LEADERSHIP

1. Failure of intelligence in the 105BC and 118BC areas of responsibility.

Operationally, the 105BC and the 118BC cover, among others, the municipality of Mamasapano. As regular base commands, these structures include appropriate intelligence units designed to gather and classify information. Information gathering is vital to the operation of the Base Commands and the BIAF, as a whole. Further, information is vital in the operations of the force, whether in times of peace or war. The Commission notes with concern the glaring failure of intelligence on the two Base Commands both in their failure to intercept and monitor the entry of Marwan and Usman in the area near the communities of the MILF. While it is true that the houses occupied by Marwan and Usman are in Barangay Pembalkan, Mamasapano, some three (3) kilometers away from the MILF communities, a good intelligence operation should have enabled these Base Commands to detect and report the presence of Usman and Marwan to the BIAF Command. The laxity exhibited by the two Base Commands, perhaps influenced by the over confidence in the relative peace obtaining in their communities brought about by the ceasefire agreement with the government and the signing of the CAB, should not go unnoticed. This attitude should not be tolerated. The Commission therefore recommends that the leadership imposes appropriate disciplinary action against the erring officials of the 105 BC and the 118 BC.



The same failure of intelligence is true with respect to the entry of the more or less 300 PNP-SAF into the MILF Community in Barangay Tukanalipao. Ideally, every movement of government forces and other armed groups in MILF communities must be monitored and correspondingly reported. The failure of intelligence in the case of the January 25, 2015 incident in Mamasapano resulted in the deaths of 17 MILF combatants and three (3)



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civilians, the injury of the 25 MILF combatants as well as the injury of four (4) civilians.³Appropriate sanction is recommended.

2. On the need to transition the relationship of the BIAF and the AFP/PNP from prevention of hostilities to greater partnership and cooperation.

The CCCH and the AHJAG are mechanisms created by the Parties during the course of the peace negotiations but prior to the signing of the Comprehensive Agreement on the Bangsamoro (CAB). The CCCH was established through the "Implementing Administrative Guidelines of the GRP-MILF Agreement on the General Cessation of Hostilities" signed on 12 September 1997 to enforce the agreement of the parties on the cessation of hostilities and to prevent the occurrence of violence between the armed forces of the parties. The AHJAG was created through the Joint Communiqué Between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front signed on May 6, 2002 in Cyberjaya, Malaysia. The AHJAG is designed to work in tandem with the CCCH for the isolation and interdiction of criminals operating in MILF areas. The AHJAG required the parties to undertake joint actions. Under the CAB and the Annex on Normalization, new mechanisms meant to redefine the new relationship of the parties were created. Post-CAB and under the Annex on Normalization, the following mechanisms were envisioned to effect greater cooperation in addressing security challenges, such as the Joint Normalization Committee (JNC), Joint Peace and Security Committee (JPSC) and the Joint Peace and Security Teams (JPSTs). Post CAB, note that the mechanisms, not just the actions, are joint. A new level of partnership on security is sought to be established by the operationalization of these mechanisms.

In view of the foregoing, the Commission recommends to the leadership that measures be immediately undertaken so that the new security mechanisms be immediately put in place. The MILF leadership must direct its Peace Panels and its representatives in the JNC to convene with their respective counterparts from government to take immediate steps to operationalize the Joint Peace and Security Teams so that it may properly perform its functions and thereby establish a new relationship between the BIAF and the Security Forces of the GPH.

3. The case of Marwan and Basit Usman

The hut where Marwan was found and killed on January 25, 2015 is situated in Barangay Pembalkan, Mamasapano. It is around three (3)

³Tot Pananggulon, Samira Sampulna (wife of Tot), Bai Mao Talob, and 15-year-old Saad Saya

kilometers from Barangay Tukanalipao where the MILF combatants are based and where the BIAF encountered the 55SAC. The hut is made of light materials and its floor area measures 8x12 feet. This kind of house is referred to by the locals as "dal'san" - a place for temporary stay used by farmers as temporary resting place for the day while they are working on their farm lots. This hut used to be the *dal'san* of Ustadz Baguindali, a member of the BIAF who died in 2008. The hut where Basit Usman stayed is located some 119 meters from the hut where Marwan was found and killed. The two huts are surrounded by corn farms and banana trees and isolated from the other houses in Pembalkan. Barangay Pembalkan is not an MILF controlled area and in fact, the area is frequented by elements of the BIFF and the forces of Mohammad Ali Tambako, a breakaway group of the BIFF. Also, during the wet season, this area is often inaccessible as the Liguasan Marsh expands and inundates this area. Farming is conducive only during the dry season.

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Photograph of the hut where Marwan was found and killed

According to the civilian-residents interviewed by the Commission, the person living in the hut where Marwan was found and killed introduced himself as "Madz." The residents of this Sitio never knew the person living in the hut was Marwan.

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During the ocular inspection, the Commission found that there were very few bullet holes on the wall of the hut where Marwan was found and killed. The trajectory of the bullets also indicate that the fatal shot did not come from the shots fired outside the house as the bullet holes are roughly 18 inches above the floor. If the shots were fired while Marwan was lying down, he could not have been hit while if he was standing and engaged the

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elements of the SAF in a firefight, the injuries sustained should have been at his lower body and not on the chest. There are also no bullet holes on the floor of the hut. In all likelihood, the fatal shot must have been fired at close range and while Marwan was lying on the floor.


In the immediate vicinity of the hut, there are no indications of bomb explosion as there are no craters on the ground around the hut. Neither is there indication of an intense firefight in or around the hut.


The sparse provision inside the hut and the thick vegetation growth (weeds) in the immediate surroundings of the hut indicate the occupants have just recently occupied the hut.

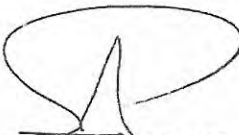
The 84SAF encountered the BIFF on their withdrawal and intense fighting occurred in an area in about 927 meters from the hut where Marwan was found and killed. Informations indicate that Marwan was buried by the forces of Mohammad Ali Tambako around the areas of Barangays Pembalkan and Dasikil, known lairs of the BIFF and the forces of Mohammad Ali Tambako.

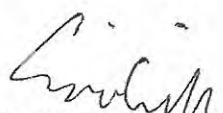
The MILF in 2005, pursued with renewed vigor the policy of cleansing its camps and communities of individuals with terrorist tag. The policy remains until today. Measures, however such as spot checks by the leadership must continue to be undertaken to ensure that none in the rank and file of the BIAF liaise with terrorist. It is recommended to the leadership that the General Staff of the BIAF put in place additional measures to ensure that the policy laid down in 2005 in regard to terrorist are vigorously carried out in all their camps and communities.

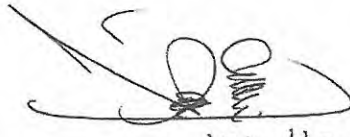

HUSSEIN "SONNY" MUNOZ
Member


TOKS EBRAHIM
Member


VON AL HAO
Member


USTADZ ABU UBAlDAH AGKONG
Member


USTADZ SAID ABDULSALAM
Chairman


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