

Report on
**“Alleged Participation of American Troops
in the Mindanao Armed Conflict”**

US Troops Out Now! – Mindanao Coalition
September 25, 2008



US Troops Out Now! - Mindanao Coalition

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This report was presented to the Legislative Oversight Committee on the Visiting Forces Agreement (LOVFA) on September 25, 2008 at the invitation of Senator Miriam Defensor-Santiago, Chair of the Senate Panel. Bishop Felixberto Calang of the Iglesia Filipina Independiente presented the report on behalf of US Troops Out Now! - Mindanao Coalition of which he is a main convenor.

Madame Chairperson, Honorable Senators & Representatives –

US Troops Out Now! – Mindanao Coalition is a network of organizations and concerned individuals that gives voice to the patriotic sentiments of Filipinos with relation to US military intervention in Mindanao and the rest of the country.

We are a campaign network that focuses on public education, research and data gathering, and mass mobilizations at times of critical development of US intervention in the country. We have a small, part-time secretariat that relies on a network of volunteers for information and technical support.

Compiled Data

We have prepared for the Committee a compilation of incidents that have been reported to us either through our network, or culled from secondary sources such as media accounts.

The data in this report can be classified into three types—data obtained through primary sources of US Troops Out Now! – Mindanao Coalition network; admissions of government officials from either the Philippines or the United States as culled from media sources; and resident accounts as reported in the media and other sources.

The data has been organized by the following topics:

- a) involvement of US military personnel in combat operations undertaken by the Armed Forces of the Philippines;
- b) evidence of infrastructure within Philippine territory for the sole use of the US military; and
- c) human rights violations involving US military personnel and other incidents affecting the Filipino civilians.

a) Involvement of US military personnel in combat operations

The following is a reverse chronological listing of incidents in which the United States military and/or its personnel has played a role in actual combat related activities over the past six and a half years.

<i>Date of incident</i>	<i>Nature of incident</i>	<i>Location of incident</i>	<i>Source of Data</i>
Sept 11, 2008	Six (6) US soldiers were spotted in area where AFP offensives against the MILF are ongoing.	Munai, Lanao del Norte	Accounts of the residents as reported to a volunteers of US Troops Out Now - Lanao
Sept 9, 2008	US soldiers present in area where ongoing AFP offensives against the MILF are taking place and six civilians were killed in indiscriminate air strikes	Brgy. Tee, Datu Piang, Maguindanao	Residents' accounts as reported by Jeoffrey Maitem, Cotabato correspondent Philippine Daily Inquirer; Photographs of US military personnel with spy plane (property of PDI)
Sept 2008	Posters calling on citizens to report "terrorists" to the US Anti-Terror Rewards Hotline are posted in areas where there are ongoing offensives against the MILF	Lanao Provinces	US Troops Out Now! Coalition – Lanao Copy of poster
Aug 31, 2008	US soldier was reported among those with a Philippine military convoy that was attacked; later his presence in the ambush was denied by US officials US military helicopters were used to transport wounded Philippine soldiers	Patikul, Sulu	"Guam National Guard soldier safe, unharmed after rebel attack in Philippines," www.guampdn, August 31, 2008 Mindanao Examiner Julie Alipala & Ma. Cecilia Rodriguez, "US soldier safe in Abu attack in Sulu," Sept 2, 2008, Philippine Daily Inquirer
Aug 17, 2008	Four (4) US soldiers accompanied AFP on search for unexploded bombs	Baliki, Midsayap, North Cotabato	Carol Arguillas & team, "US troops join search for unexploded bombs in conflict area," Mindanews; Photographs of Mindanews team
Aug 12, 2008	US military-contracted helicopter went to evacuate Filipino soldiers in an encounter in Basilan	Basilan	Confirmed by AFP as reported by Nikko Dizon, Tarra Quismundo, "AFP to media: Allow our soldiers to die with dignity," <i>Philippine Daily Inquirer</i> , August 15, 2008
April 2008	Four (4) US soldiers seen providing technical assistance during AFP offensives against the NPA. "They were seen by ... in the tactical command post of the Scout Rangers and 1003rd Brigade-AFP in Sitio Spar Dos. Clearly providing technical intelligence to the AFP combat maneuvers, the American operatives used satellite discs, laptop computers, scanners and an unmanned aerial vehicle (UAV)."	Brgy. Ngan, Compostela, ComVal Province	Statement of Merardo Arce Command – New Peoples Army; 09 May 2008
Feb 4, 2008	U.S. military spy plane (US P-3 Orion) provided intelligence for an assault that led to the	Ipil, Maimbung, Sulu	Gen. Ruben Rafael, commander of Philippine troops in Sulu as reported by PIA, according to Paul Watson

	<p>killing of eight (8) civilians.</p> <p>Four (4) US military personnel seen aboard military ship where victims' bodies were taken after the incident.</p>		<p>Sandrawina Wahid, one of the victim's wife, as reported by Paul Watson, "US role in Philippine Raid Questioned," <i>Los Angeles Times</i>, March 9, 2008</p>
Dec 17, 2007	<p>Dynacorp (defense contractor) helicopter carrying supplies for US troops was attacked in towns near the location of a camp of the Moro Islamic Liberation Camp, and the site of a Philippine military offensive against the Abu Sayyaf.</p>	<p>Bohe Suyak and Silangkom villages in Unkaya Pukan and Tipo-Tipo, Basilan</p>	<p>"US helicopter fired on while flying over Basilan; one injured," Manila Times, December 19, 2007.</p>
Nov. 27, 2007	<p>Two US soldiers accompanied PNP personnel through an inspection of fertilizer suspected of being material used in the manufacture of a bomb which had exploded earlier in said place</p>	<p>Nuangan, Kidapawan, North Cotabato</p>	<p>Affidavit of Brgy. Kagawad Melencio Lambac</p>
Aug 2007	<p>US military presence in AFP convoy going to Basilan during AFP offensives in Basilan and Sulu after the death of 14 Marines in an ambush</p>	<p>Basilan & Indanan, Sulu</p>	<p>Agence France Presse & Herbert Docena, "US troops order to shut down hospital revives unanswered questions," Wednesday, 02 January 2008, MindaNews; Photographs (Agence France Presse)</p>
February 10, 2006	<p>A US unmanned aerial vehicle was found by a farmer near the camp of the MNLF.</p>	<p>Brgy. Marang, Indanan, Sulu</p>	<p>Kawagib Moro Human Rights Organization</p>
November 23-25, 2005	<p>US soldiers stationed in an area where hostilities between the MNLF and AFP were ongoing. Residents noted "kite-looking airplanes" being flown by the US troops.</p> <p>"On November 24, evacuees temporarily settled at Bato-Bato Elementary School on the coastal side of Indanan, just below Sitio Sindang, saw four American soldiers get down from a military helicopter that landed in the school ground. They were dressed in seven colors (camouflage) and were armed with a 'double body' (M203 armalite).</p> <p>"They were later seen riding a military tank accompanying almost a hundred Filipino soldiers marching towards Sitio Sindang."</p> <p>Another account: They were spotted together with Filipino soldiers aboard trucks and Hummers or</p>	<p>Various sitios of Indanan, Sulu</p>	<p>Accounts of residents to Timogen Tulawie, Municipal Councilor, as reported by Suara Bangsamoro</p> <p>&</p> <p>Herbert Docena, "US troops order to shut down hospital revives unanswered questions," Wednesday, 02 January 2008, MindaNews.</p> <p>Note: Gen. Nehemias Pajarito, then commander of Filipino troops involved in the operation, corroborated the witnesses' statements but claims that the Americans were only repairing water pipes as the fighting raged</p>

	aboard rubber boats, mounting heavy artillery, operating military equipment, and removing landmines.		
June 2005	US troops joined Filipino soldiers in their operations against alleged Abu Sayyaf	Maguindanao	Local residents as reported by Herbert Docena, "US troops order to shut down hospital revives unanswered questions," <i>Wednesday, 02 January 2008, MindaNews</i>
April 2005	US military intelligence guided the Philippine army to bomb Butilan Marsh, killing unknown number of civilians and MILF fighters	Butilan Marsh, Maguindanao	Astrid S. Tuminez; "The Past is Always Present: The Moros of Mindanao and the Quest for Peace," May 2008
April 2005	US UAV crashed and put under "protective custody" of US military officials	Palimbang, Sultan Kudarat	Report from Luwaran.net—the website of the MILF; interviews with residents by Out Now! – SOCKSARGEN corroborated the data
April 15, 2005	US UAV spotted flying at night by residents prior to fighting between MILF fighters and the AFP. Among the reported casualties were 2 US soldiers who were brought to the hospital in General Santos after the fighting ceased.	Talayan, Maguindanao	Report from Lawaran.net—the website of the MILF
Jan 2005	US military intelligence guided the Philippine army to bomb Butilan Marsh, killing unknown number of civilians and MILF fighters	Butilan Marsh, Maguindanao	Astrid S. Tuminez; "The Past is Always Present: The Moros of Mindanao and the Quest for Peace," May 2008
Nov. 2004	US military intelligence guided the Philippine army to bomb Butilan Marsh, killing unknown number of civilians and MILF fighters	Butilan Marsh, Maguindanao	Astrid S. Tuminez; "The Past is Always Present: The Moros of Mindanao and the Quest for Peace," May 2008
May 2004	Raid on a suspected Abu Sayyaf hideout by local military and police forces, accompanied by four (4) US soldiers, which resulted in the death of three civilians.	Brgy. Sipangkot, Umapoy island, Tawi-Tawi	Bayan Muna Partylist
July 25 or 27, 2002	US soldier Reggie Lane accompanies AFP troops in raiding the house of Buyang buyang Isnijal, shooting him in the leg. Isnijal was arrested and accused of being an Abu Sayyaf member	Brgy. Kanas, Tuburan, Sulu	Juraida, victim's wife as initially reported by the International Solidarity Mission 2002 (ISM) and subsequent other sources
June 2002	US troops exchanged gunfire with alleged Abu Sayyaf members who fired at the Philippine Marines and Army that were guarding them while working on roads and bridges	Basilan, near Isabela	Navy Lt. Cmdr. Jeff Davis, a Pentagon spokesman as paraphrased by John Hendren, "Rebels Shoot at US Troops in the Philippines, <i>Los Angeles Times</i> , June 18, 2002 <i>Army Magazine</i> , "News Call," August 1, 2002

While US and RP military officials continue to state in media reports that US soldiers are not engaged in “combat operations,” it is clear from the above compiled list that the US military has played a crucial role in the execution of direct combat missions by the Armed Forces of the Philippines. Ten (10) of twenty-one incidents collated above involved US military personnel gathering critical intelligence for use in AFP operations.

Last September 6, in a report from the Philippine Information Agency, Lt. Col Agane Adriatico of the Philippine Army admitted that US troops have been providing technical support in operations against the Moro Islamic Liberation Front. He said that the US provides maps and aerial pictures to the Philippine military for use in their operations.

Intelligence is an essential part of any combat operation and without it, any operation would be impossible to execute. The AFP is acting on intelligence gathered by the US military, and therefore, US military personnel are directly engaging in combat operations through the provision of intelligence support and information. In two recent incidents, US military personnel also provided combat assistance by transporting wounded Philippine soldiers. These kinds of roles are defined in military terminology as “combat support,” or “combat service support.”¹

US soldiers are carrying out this work in conflict zones, and integrating with AFP personnel engaged in direct combat. The common explanation by authorities is that US military personnel were present in an area because of infrastructure projects, medical missions, and other humanitarian assistance. Such activities fall under “civil-military operations” which are defined as “*The activities of a commander that establish, maintain, influence, or exploit relations between military forces, governmental and nongovernmental civilian organizations and authorities, and the civilian populace in a friendly, neutral, or hostile operational area in order to facilitate military operations, to consolidate and achieve operational US objectives.*”² These so-called humanitarian missions serve larger US military objectives.

b) Evidence of infrastructure within Philippine territory for the sole use of the US military

The following data regarding the existence of US military infrastructure in the Philippines has been culled from both primary and secondary sources.

¹ **combat service support** — The essential capabilities, functions, activities, and tasks necessary to sustain all elements of operating forces in theater at all levels of war. Within the national and theater logistic systems, it includes but is not limited to that support rendered by service forces in ensuring the aspects of supply, maintenance, transportation, health services, and other services required by aviation and ground combat troops to permit those units to accomplish their missions in combat. Combat service support encompasses those activities at all levels of war that produce sustainment to all operating forces on the battlefield. *US Department of Defense Dictionary of Military and Associated Terms*

² *ibid.*

<i>Location of Infrastructure</i>	<i>Type of infrastructure</i>	<i>Source</i>
Camp Navarro, Upper Calarian, Zamboanga City	Headquarters of the JSOTF-P, which is for the sole and exclusive use of US military personnel under the JSOTF-P; Philippine military personnel are prohibited from entering, unless by invitation. The area is enclosed by walls, concertina wire, and sandbags. Satellite dishes, antenna, and other communications equipment are visible from the outside.	Interviews with residents living inside Camp Navarro conducted by Kawagib Moro Human Rights Organization. Corroborated by Sgt. Maj. Rogelio Bumanglag, Philippine Marines, in an informal conversation with Out Now volunteer.
Camp Malagutay, Gate 2, Upper Calarian, Zamboanga City	Pier and communications tower as well as building which reportedly serves as a communications outpost. Regional Special Action Forces serve as security for the area. The pier and tower was reportedly constructed by the US military for their exclusive use. Photographs (see pics. 1 & 2)	Interviews with residents near and security guards of La Vista del Mar Resort by Kawagib Moro Human Rights Organization. Corroborated by Sgt. Maj. Rogelio Bumanglag, Philippine Marines, in an informal conversation with Out Now volunteer.
	Forward Operating Base 11	According to research conducted by Herbert Docena
Jolo	Advanced Operating Base 920	US Overseas Basing Commission Stars and Stripes (online US military publication)
Jolo, Tawi-Tawi, Maguindanao Provinces	On June 6, 2007, US Naval Facilities Engineering Command (NAVFAC) awarded a six-month, \$14.4-million contract to “Global Contingency Services LLC” of Irving, Texas, for “operations support” for the Joint Special Operations Task Force-Philippines (JSOTF-P). The NAVFAC is the unit responsible for providing the US Navy with “operating, support and training bases.” It “manages the planning, design, and construction and provides public works support for US Naval shore installations around the world,” as quoted from their website.	As reported by Al Jacinto, Manila Times, “US ‘base’ contract in South – report,” Monday, August 27, 2007; And researched by Herbert Docena, Focus on the Global South.

The Constitution prohibits the presence of foreign military personnel, bases, and facilities on Philippine soil except where authorized by a treaty. The reports reaching US Troops Out Now! – Mindanao indicate that despite constitutional restrictions on foreign military infrastructure, the US military has established certain areas as off limits to Philippine military personnel, and constructed intelligence infrastructure such as communications equipment.

The United States Military itself considers its facilities on Jolo as “Advanced Operating Base - 920,” counter to claims that the United States no longer has military bases in the Philippines. While we are holding fast to the technicalities of our agreements with the United States, in practice, the US operates out of its own bases on Philippine soil.

Pic. 1

A pier reportedly built by the US military in Camp Malagutay near La Vista Mar Resort owned by the Lobregat family in Upper Calarian, Zamboanga City. *Picture taken December 11, 2007.*



Pic. 2

Communications tower built by the US military in Camp Malagutay near La Vista Mar Resort owned by the Lobregat family in Upper Calarian, Zamboanga City. A building reportedly built by the US military for their exclusive use is barely visible in the photograph. The building is said to be a communications outpost.

Picture taken December 11, 2007.



US military boats with US military personnel onboard docked inside Camp Navarro, Upper Calarian, Zamboanga City.

Picture taken December 11,



c) Human Rights Violations and other incidents affecting civilians involving US military personnel

<i>Date of Incident</i>	<i>Nature of incident</i>	<i>Location of Incident</i>	<i>Source</i>
February 4, 2008	Four (4) US soldiers were involved in the assault operation of the Philippine Navy and Army that killed eight civilians, including a pregnant woman and two children.	Brgy. Ipil, Maimbung, Sulu	See sources in section a).
January 24, 2008	Dante Clemente, a resident of Sta. Maria Village in Zamboanga City was hit by a vehicle driven by US soldiers as they were coming out of the gate of Edwin Andrews Airbase. Clemente was riding a motorcycle. The soldiers simply left him with a calling card of the Joint Special Operations Task Force – Philippines.	Zamboanga City	Reports in the Philippine Daily Inquirer
December 2007	Zamboanga City residents complained of having their tricycle hit by a vehicle driven by US troops, who intimidated them by handing them a calling card of the Joint Operations Task Force while carrying high-powered weapons.	Zamboanga City	Philippine Daily Inquirer
November 2007	US Master Sgt. Ron Berg ordered the staff of the municipal hospital to shut down operations after sundown, threatening to shoot them if they did not follow his orders.	Panamao, Sulu	Philippine Daily Inquirer
June 9, 2007	A picture of Ustadz Yahiya ‘Tuan Yang’ Sarahadil Abulla of Sulu, an official of the Ulama Council for Peace and Development, was included in the US-prepared booklet ‘Rewards for Justice Handbook’ identifying supposed leaders of the Abu Sayyaf and Jemayah Islamiya.	Talipao, Sulu	Kawagib Moro Human Rights Organization
Sept. 4, 2006	50-year old Bizmah Juhan was wounded by shrapnel of an M203 bomb which was accidentally shot out of range by a US soldier while training Filipino troops. Bu Bizma was in her house washing clothes when the incident happened. She was made to sign a waiver by the US soldiers. (see pics 4 & 5)	Tagbak Indanan, Sulu,	Kawagib Moro Human Rights Organization
August 2004	53-year old Saldia Abu Calderon died of an aggravated heart ailment due to fright over the arrival of 2 US military helicopters in the area. The landing of the planes also caused damage to corn crops and fear among other residents who thought a war was starting again.	Manarapan, Carmen, North Cotabato	Report by Jowel Canuday & Malu Manar of MindaNews, 4 Aug 2004

July 25 or 27, 2002	Shooting of Buyongbuyong Isnijal by US Sgt. Reggie Lane	Tuburan, Basilan	Initial report of International Solidarity Mission 2002 and various subsequent other sources
June 2004	Accidental shooting of Arshad Baharun during a marksmanship training between US and RP troops. He is said to have waived his right to pursue damages against the US.	Zamboanga City	Kawagib Moro Human Rights Organization



Pic. 4

Buh Juhan Bizma shows the scars from the shrapnel wounds obtained from an M203 which was shot out of range by US troops in September 2006.

SETTLEMENT AGREEMENT

I, BISMA JUHAN, NOW ALL PEOPLE BY THESE PRESENTS, that the undersigned hereby agrees to accept the sum of PHP 750,000 in full satisfaction and settlement of any and all claims I now have or may have in the future against the UNITED STATES OF AMERICA, or any of its agents or employees, arising out of the M203 range incident on 04 September 2006 in Tagbak, Indanan, Sulu.

I agree that upon receipt of the aforesaid sum, the UNITED STATES OF AMERICA, and its agents and employees, shall be forever discharged from any and all claims, demands, actions, causes of action, or suits of any nature or kind whatsoever arising out of the M203 range incident on 04 September 2006.

IN WITNESS WHEREOF, the undersigned has signed these presents the 28th day of January 2007.

BISMA JUHAN
BISMA JUHAN

DARWISA K. JAKRAM
WITNESS'S PRINTED NAME
[Signature]
WITNESS'S SIGNATURE

BORATO S. JUHAN
WITNESS'S PRINTED NAME
[Signature]
WITNESS'S SIGNATURE

DATE 1-28-2007

Pic. 5

The waiver Buh Bisma signed absolving the United States of America from any responsibility for the said incident in exchange for P750,000.

Article VI of the Visiting Forces Agreement provides for the waiver of any and all claims for damage, death or injury, loss or destruction of property arising from activities to which the agreement applies.

The VFA's treatment of damages, loss, personal injury or death caused by acts or omission of US personnel undermines the rights of victims to pursue justice as they chose. By allowing the US to merely pay compensation to the victims, the incidents are swept under the rug and are forgotten about, while larger related issues of public health and safety remain unresolved.

Conclusion

“This will be a no holds-barred effort. This is not an exercise,” were the words of a U.S. Pentagon official during a February 21, 2003 interview with CNN on US military deployment in the Philippines.

Activities of US military personnel in the country, particularly the integration with Philippine military personnel in combat operations against the MILF, MNLF, and NPA, are consistent with this claim of the afore-cited anonymous Pentagon official. Evidence suggesting the establishment of permanent, or long-term use facilities of US military personnel that are recognized even by the Overseas Basing Commission as operating bases of the US military, further indicates that US military presence in the country is not short-term and not for the sake of simple training exercises.

Further, the existence of the Joint Special Operations Task Force – Philippines, a unit under the United States Pacific Command and based in Camp Navarro in Zamboanga City since 2002 to date should be a ground for serious investigation by this Committee, this being a clear departure from the framework of the VFA which only provides for the “time to time” visits of US military personnel.

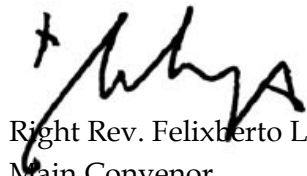
While US Troops Out Now! – Mindanao Coalition believes that the VFA is in contradiction with the Constitution, the data presented in this paper indicate that the VFA itself is being violated through the continuous presence of US military personnel in the country. As the VFA continues to be invoked as the justification and basis for US military intervention in the Philippines without the governing terms of reference, the said agreement should be abrogated immediately.

Recommendations

US Troops Out Now! Mindanao Coalition submits the following recommendations to the Committee:

- 1) Pursue the abrogation of the Visiting Forces Agreement, Mutual Logistics Support Agreement and the Mutual Defense Treaty, and the eventual pull out of all US military personnel from the Philippine territory;
- 2) In the meantime, require full disclosure to the public of the Terms of Reference governing every form of US military presence in the country, past and ongoing, such as the USS Vandegrift tours of duty, the participation of US military “experts” in the investigation of bombings incidents, the intelligence gathering activities of US military personnel and their presence in conflict areas;
- 3) Conduct onsite visits and inspection of facilities, with accompanying civil society organizations, where US military personnel and/or their equipment and infrastructure are established, requiring the US government to open said facilities for inspection;
- 4) Conduct onsite public hearings and investigations regarding the presence of US military personnel in the country so as to determine the scope, involvement and intervention of the US government in the Philippines affairs
- 5) Establish a mechanism to involve civil society organizations’ participation in the LOVFA, and provide political and material support to said organizations engaged in the monitoring and advocacy for national sovereignty, and opposed to all forms of foreign intervention.

Respectfully submitted on 25 September 2008 to the Legislative Oversight Committee on the VFA-Senate Panel, through Hon. Senator Miriam Defensor-Santiago, Philippine Senate, Manila.



Right Rev. Felixberto L. Calang, IFI
Main Convenor

US Troops Out Now! - Mindanao Coalition