

## Objectives

Leonardo Co, renowned Filipino conservationist and botanist, along with forester Sofronio Cortez and farmer Julius Borromeo was killed on November 15, 2010, allegedly by troops of the Philippine Army, while conducting research on tree biodiversity in the Manawan-Kananga Watershed in Leyte. At the day of his death, Co and four of his companions were pursuing research work for the Energy Development Corporation: surveying and collecting specimen seedlings of endangered trees for replanting.

The Army unit involved in the incident, the 19th Infantry Battalion, reported that Co was killed in a crossfire with the New People's Army. However, accounts from the survivors said that there was no firefight that happened.

The Samahan ng Nagtataguyod ng Agham at Teknolohiya para sa Sambayanan (AGHAM – Advocates of Science and Technology for the People), in coordination with friends and families of the victims, organized a fact finding mission to pursue the truth behind the circumstances of the killing of the three men to help forge closure on this tragic incident. As environmental advocates and former colleagues of Leonard Co, we see the significance of uncovering the facts for ourselves to provide a citizen-based account of what happened during the November 15 incident.<sup>1</sup>

The Fact Finding Mission on the Killings of Leonard Co, Sofrono Cortez and Julius Borromeo in Kananga, Leyte (FFM) had the following objectives:

- Establish facts and gather relevant information on the November 15, 2010 incident in Kananga, Leyte
  - Gather testimonies and observations from the people involved in the incident
  - Identify possible parties and individuals responsible for the incident
- Interact with the survivors and families of victims in Leyte and render moral and other possible support
- Recommend appropriate measures to find closure and justice for the victims of the tragedy

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<sup>1</sup> The fact finding mission was partly funded through a grant from the Foundation for the Philippine Environment. The opinions expressed in this report are solely of the authors and are not necessarily of the Foundation for the Philippine Environment.

## Location of the Incident: Map of Leyte and the Leyte Geothermal Plant Facility

### Map A

*Leyte Locator in the Philippines*



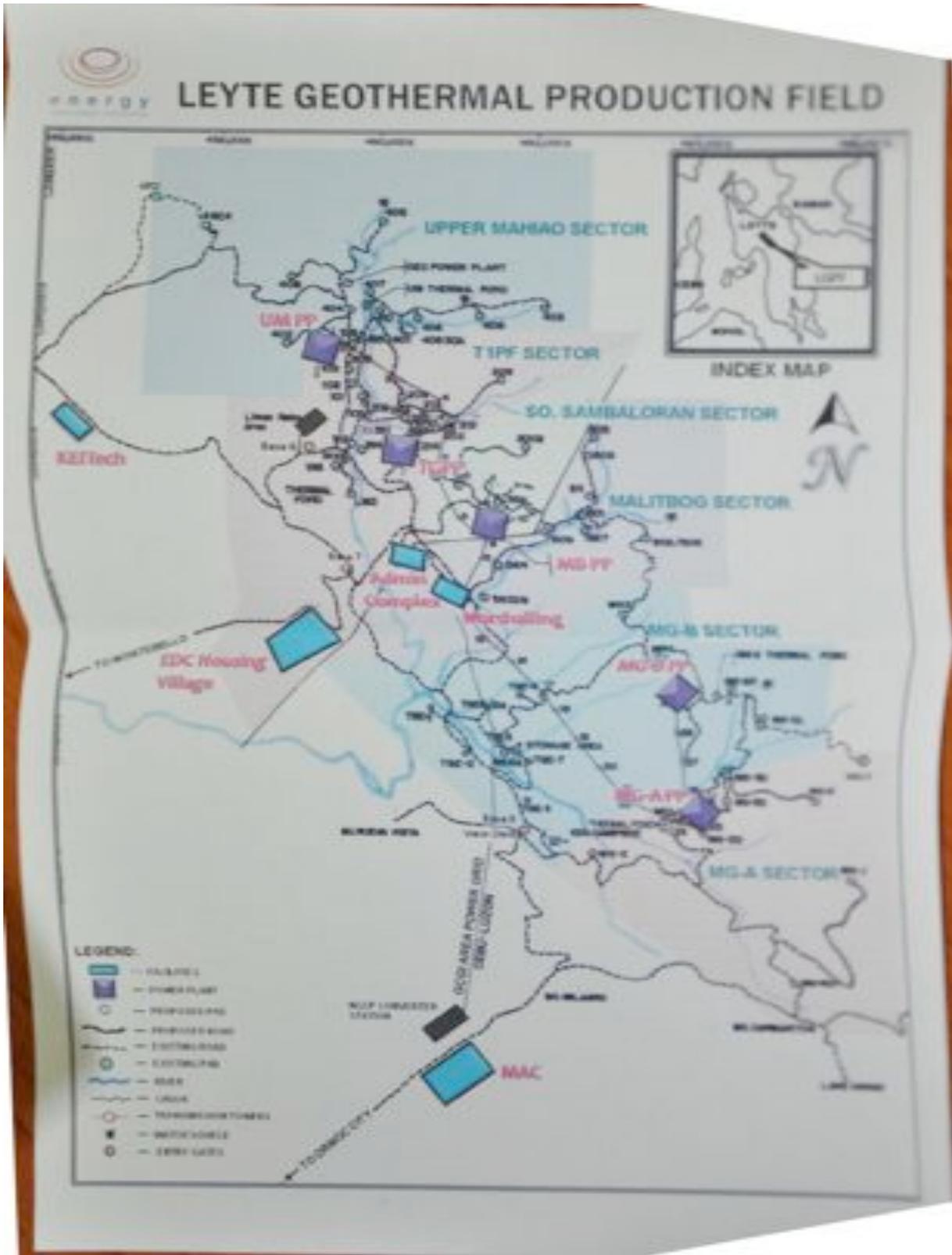
Map B  
*Leyte Island*



**Map C**  
*Kananga, Leyte*



**Map D**  
*Map of the Leyte Geothermal Plant Facility (LGPF)*



## Glossary of Terms and Abbreviations

<b>403</b>	LGPF pad #403
<b>411d</b>	LGPF pad #411d
<b>AFP</b>	Armed Forces of the Philippines
<b>AS</b>	Ali Sulla
<b>CPD</b>	Community Partnership Department
<b>DOJ</b>	Department of Justice
<b>EDC</b>	Energy Development Corporation (Energy)
<b>EMD</b>	Environmental Management Department of the EDC
<b>FFM</b>	Fact Finding Mission
<b>FT</b>	Lt. Col. Federico Tutaan
<b>IB</b>	Infantry Batallion
<b>JB</b>	Julius Borromeo
<b>LC</b>	Leonard Co
<b>LGPF</b>	Leyte Geothermal Plant Facility
<b>LPS</b>	“Nitnit”, Leonita P. Sabando
<b>NBI</b>	National Bureau of Investigation under the Department of Justice
<b>NPA</b>	New People's Army
<b>PB</b>	Policarpio Balute
<b>PNP</b>	Philippine National Police
<b>RG</b>	Ronino Gibe
<b>SC</b>	Sofronio Cortez

## **Summary and Key Recommendations**

The team observed the following from its interviews and incident site visit.

1. The direction of bullet marks on the trees originated from a vantage point on the ridge above Leonard Co (LC) and his team. The direction of the bullet marks on the trees was bearing downwards towards LC's team.
2. The direction of fire was mainly concentrated on the area where Leonard Co (LC), Ronino Gibe (RG), Sofronio Cortez (SC), Policarpio Balute (PB), Julius Borromeo (JB) were standing.
3. Tree No. 4 was hit three times and the large tree where RG hid had six bullet marks on it.
4. We did not observe any bullet marks on the trees from the ground looking up to the ridge nor from any other side except from the vantage position.

The only consistent explanation for these key observations would be that the military was positioned on top of the ridge and firing towards LC and company. There was no indication of any crossfire.

The failure of the military unit involved to provide immediate medical attention and hospital treatment to Julius Borromeo prolonged his agony and ultimately led to his death. The military waited at least one hour after they approached RG, et.al. before bringing down the bodies and the survivor despite repeated requests of RG and then-alive JB.

Supposing that the military indeed had intelligence information that there were NPA sightings on November 12 and that this was communicated to the EDC, what were the precautions taken to inform LC and his team who was already in the LGPF complex since November 9? Likewise, was the military informed of the team's activities prior to the day of the incident?

The team is concerned with the safety of the survivors and their families. During the wake of JB, the victim's family was visited by men asking rudely for the whereabouts of PB. There were also motorcycle-riding men who tailed some of the team members who visited the communities where the families of the victims and survivors lived.

### **Key Recommendations**

1. Those who were connected at any and all levels of the military command with regards to the shooting of LC and his companions should be investigated and appropriate charges filed against them.
2. The 19<sup>th</sup> IB should release the names of the members of the squad and platoon, including their commanding officers, involved in the shooting of LC and company. The firearms of these officers and enlisted men should be secured and surrendered to the proper authorities.
3. The liability of the military personnel who failed to give JB immediate medical attention and evacuate him to a hospital should also be fully investigated and appropriate charges filed against them.

4. The EDC should clarify the protocols for their communications and coordination with the military especially since there are still other activities [similar to what LC's team was doing] which the EDC continues to conduct.
5. The EDC should also clarify the extent of their work area and where they would be responsible for the security of their own personnel.
6. The EDC, the 19<sup>th</sup> IB and the PNP should make accessible all documents that would further shed light on the incident.
7. We call on groups and institutions to make available and provide sanctuary for the survivors and their families.

## **Methodology**

The Manila-based team held a briefing on November 25 in Quezon City. They arrived in Tacloban on the evening of November 26 where they were joined by members of the Tacloban-based team. The team discussed the mission's objectives and methodology prior to retiring in the evening.

The main tools of the fact-finding mission (FFM) were the photo and video documentation taken and recorded during the key informant interviews. The FFM gave a courtesy call to the Mayor of Kananga town and conducted meetings with the Philippine National Police (PNP), the 19<sup>th</sup> IB, the EDC staff and the families and neighbors of the survivors and victims. Other documents obtained during and after the FFM was also used to complete the report.

The FFM was divided into three groups. Team 1 interviewed the EDC personnel and primarily conducted the ocular visit of the site to gather more information, establish facts and gather possible evidence. Team 1 marked the locations with GPS units for proper geotagging. It also tried to interview PB through the EDC. However with due consideration to his state of well being, Team 1 members opted instead to ask a copy of PB's affidavit to the NBI and the EDC.

Team 2 paid the courtesy call to the mayor and visited the communities where the families of the victims and survivors were. They also visited the family of Cortez in Baybay, Leyte.

Team 3 visited the local PNP and was able to talk to Chief of Police Sr. Insp. Camacho and informed them of the plans to visit the site. They also visited the 19<sup>th</sup> IB headquarters and met with Lt. Col. Federico Tutaan (LCT) at the gate.

The three teams finished their initial tasks shortly before 2pm and jointly proceeded to pad 403 where they conducted an ocular inspection of the site with EDC personnel guiding the team. The FFM concluded their business at around 3:30pm and proceeded to Visayas State University for initial data collation and reporting.

The final report will be sent to the family, concerned organizations and government institutions such as the CHR and the Department of Justice. Copies will also be provided to other local and international institutions which show interest to pursue justice for the victims of this incident.

## Reconstruction of Events

### *What happened before the killings*

Timeline<sup>2</sup>

*November 9 (Tuesday)*

LC arrived at the EDC on November 9. He had a briefing with EDC officials, went to the Environmental Management Division (EMD) and slept there. SC was fetched from his house and stayed in EDC starting from this date.<sup>3</sup>

*November 10 (Wednesday)*

LC and his guides went to the MGF pad

*November 11 (Thursday)*

LC and his guides went to the MN2 pad

*November 12 (Friday)*

LC and his guides went to the 300b pad. RG joined the team as the assistant of LC

The military said that they had intelligence information that there were NPA sightings on this day and subsequently informed the EDC about this.<sup>4</sup>

*November 13 (Saturday)*

LC and his guides went to the 405 pad. SC went home to watch the Pacquiao fight at the end of the day.<sup>5</sup>

*November 14 (Sunday)*

LC did not go to the field since there was no guide available<sup>6</sup>. The military supposedly started to do some operations in the vicinity at 12 mn of this day.<sup>7</sup>

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<sup>2</sup> FFM interviews of EDC staff

<sup>3</sup> FFM interview of SC's family. During this time, JB's family recount that the EDC hired 30 people from Basey, Samar to harvest rattan. They were making furniture and slept in the TOFA office and bought eggs, noodles and rice from the community.

<sup>4</sup> FFM interview of LCT

<sup>5</sup> FFM interviews of SCfamily

<sup>6</sup> Gibe's Affidavit

<sup>7</sup> FFM interview of LCT

## *What happened during the day of the incident*

*November 15 (Monday)*

7:00 am

*Sofronio Cortez (SC)* left his home wearing a long-sleeved shirt and an EDC ID. He also brought a backpack with him.<sup>8</sup> *Julius Borromeo (JB)* [who was wearing a brown t-shirt<sup>9</sup> and yellow raincoat<sup>10</sup>] and *Policarpio Balute (PB)* were fetched by a driver from EDC before breakfast at around 7:00 am. Borromeo brought a sack with him (where the food and collected samples are placed). This was his first day for this job order.<sup>11</sup>

*Leonard Co (LC)* and *Ronino Gibe (RG)* had breakfast at the canteen of the LGPF staff house.<sup>12</sup>

8:00 am<sup>13</sup>

LC and RG were fetched by a brown pick-up service vehicle and brought to the EMD office where they talked to *Leonita P. Sabando (LPS)*. LC notified LPS of the plan to go to the 403 pad. 403 is a good forest site for collecting samples, according to the forest guards. RG went to CPD and asked about ilang-ilang seedlings at CPD and informed *Ali Sulla (AS)* about the trip to 403.

8:30am<sup>14</sup>

LC, RG, SC visited the nursery at the LGPF from the EMD site. They were joined here by PB and JB. Around this time, the EDC said that they informed the military through various channels about the team going to pad 403.<sup>15</sup>

9:00 am<sup>16</sup>

The team left the LGPF nursery and went to the 403 pad using their vehicle service.

Around 9:15 am<sup>17</sup>

The team went to 411d from 403 since LC was not sure that this was the site he earlier visited.

Around 9:30 am

LC and team went back to 403 upon checking the map of RG.

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<sup>8</sup> FFM interview with SC's wife.

<sup>9</sup> FFM interview with JB's wife.

<sup>10</sup> RG's affidavit

<sup>11</sup> FFM interview with JB's family. FFM interview with PB's family. According to JB's family, this was JB's first day for this job order for which he was paid 200/day. He had other jobs like “ang pagri-riprap (pakyawan—pangkain lang).”

<sup>12</sup> RG, op.cit.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> FFM Interview with EDC staff

<sup>16</sup> RG, op. cit.

<sup>17</sup> These approximate times are based on the elapsed times of the FFM's movement around the LGP facility

Around 9:50 am<sup>18</sup>

The team reached Tree 5-01: “Mayapis”, recorded its location and marked the tree with orange paint as 5-01.



Picture 1: "Mayapis" tree, tree 5-01

Three meters away was Tree 5-02 (*Syzigium spp.*) and PB marked it with 502.



Picture 2: Tree 5-02, *Syzigium spp.*



Picture 3: Relative position of Tree 5-01 and 5-02

Around 59 meters away, the team found Tree 5-03, walked around 5-03 (Tanguile).

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<sup>18</sup> RG, op. cit.



*Picture 4: Tree 5-03 (Tanguile), around 59 meters away from 5-02 [according to RG]*

*Around 11:00 am*

It rained hard and LC decided to stop the survey. They then planned to go back to LGPF nursery. SC then texted the driver to fetch them back.

*Around 11:15 am*

SC receives an SMS from the driver informing them that he is already at pad 403. However, the rain abated and LC suggested that they continue to measure and survey the trees.

PB was the one measuring the diameter of the trees, RG was the one recording the data, and JB was in-charge of bringing their food and other implements, SC and LC were examining the trees and leaves, and identifying the tree species.<sup>19</sup>

*Around 11:30 am- a few minutes to 12 nn*

The team walked a few meters to Tree No. 4 and were in the process of deciding on the species of the tree by looking up at the leaves. The team had just finished recording the statistics of Tree No. 4. PB noticed that there were fruit seeds on the ground. He also sensed that there were other people in the area but continued with his work.<sup>20</sup>

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<sup>19</sup> Karapatan interview with PB

<sup>20</sup> Ibid.



*Picture 5: This tree is what the team was studying moments before the shooting started. The marks here were the markings of PB as he was clearing the moss/growth prior to painting in the number on the tree. The picture is taken at the position of PB. The ridge is to his upper front right.*

*A few minutes before 12:00 pm*

On RG's left was JB. RG's right was LC then SC with PB at the back of the tree (in reference to RG). RG had just taken the picture of the tree on his cell camera while PB was about to scrape the bark of their fourth tree to have it numbered when gunshots were fired from where they were facing. The team was positioned at the front of those who were shooting. One by one, they dropped to the ground and pleaded for the shooting to stop.<sup>21</sup>

LC shouted: “maawa kayo, hindi kami kalaban”<sup>22</sup>. PB (“hindi po kami kalaban, tama na po”<sup>23</sup>), ) and RG seconded these pleas by shouting the same<sup>24</sup>.

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> RG's Affidavit

<sup>24</sup> Karapatan, op. cit.

But the gunfire never stopped. They were sure that whoever was firing at them heard them as they also heard one man from the group who were firing at them saying: “Dia lang diay mo!” (“Nandito lang pala kayo!”)<sup>25</sup> As PB described it, there was rapid fire and some big explosions, causing the ground to shake.

*Around 12:00 nn*

PB decided to run away from the place and tried to convince the others to follow him. He was thinking that if he will not run, he will eventually die there. The four were still lying face down on the ground with only tree branches and roots for cover. PB was able to run away from the site because he was positioned at the back of a big tree, unlike the others who had nothing for cover.<sup>26</sup>

LC was crying and complaining about his back. SC was still able to ask LC about his condition, to which LC replied that he was shot in the back.<sup>27</sup> RG crept towards a large tree in front of him and hid behind its buttress. RG tried to call for help from his cellphone but was not able to.



*Picture 6: This was the large tree whose buttress was where RG hid during the shooting. There were at least 6 bullet marks on this tree.*

The gunfire lasted for 15<sup>28</sup> to 20 minutes<sup>29</sup> non-stop.

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> RG's Affidavit

<sup>28</sup> Karapatan interview with PB and FFM Interview with LCT

<sup>29</sup> RG, op.cit.

The military said that a 19<sup>th</sup> IB unit led by 1Lt. Odchimar chanced upon a NPA unit and exchanged fire with them. The “cross-fire” lasted for some 10 to 12 minutes. Asked to characterize the exchanges, LCT said M16s was used by the NPA. The firing was continuous for that period. He did not say if there were other firearms used.<sup>30</sup>

12:17 pm

Shortly before this, PB reached pad 403 where he caught up with their driver and had himself brought to the EMD office. The EDC received an SMS from RG at around 12:17pm<sup>31</sup>. From RG's affidavit, the SMS was: “2long pinagbabaril po kami near 411d”. This was sent to Ali Sulla of the Community Partnership Department (CPD) in the LGPF.<sup>32</sup>

12:30 pm

An SMS from Sulla was received on LC's phone saying “Sir gud am, may encounter daw dyan ali muna kayo.”<sup>33</sup> Around this time, PB arrived at the EMD office and informed the EDC about the shooting. This was the EDC's first confirmation of the incident<sup>34</sup>. The EDC then dispatched a vehicle to go to 403.

12:38pm

Another SMS was received on LC's phone from LPS, “Sir Lenard, Nino ds s lps. per security advise, pull out fr area immediately.”<sup>35</sup>

The military troops advanced closer to LC's group who were then still lying face down on the ground. They approached the team from both sides. The soldiers were wearing camouflaged uniforms. Some of them approached RG who was then behind the buttress of a big tree.

Around this time, the EDC vehicle would have arrived at pad 403.<sup>36</sup>

RG decided to break cover and identify himself. A soldier ordered him to come out while pointing a gun at him while saying: “may isa pa palang buhay dito.” RG raised his arms while asking for help for his companions. The others were not responsive, except for JB who was lying down and moaning.

One soldier said, “Wala na, di na aabot sa ospital kasama mo.” This soldier then asked him about his two other armed companions and asked RG to show his weapons. RG denied that he nor any of his four companions had arms. He said that one was able to escape and he knew that he had no weapons with him.

One soldier uttered: “Putang ina, natalay tayo!”<sup>37</sup>

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<sup>30</sup> Police blotter obtained by FFM from Camacho

<sup>31</sup> FFM interview with EDC staff

<sup>32</sup> Ibid.

<sup>33</sup> Records of LC's phone's time has an offset of +16 hrs. The SMS was marked received at 4:30am = 1230pm. A simple test was made to text LC's phone and mark the offset.

<sup>34</sup> FFM Camacho, Op.cit.

<sup>35</sup> LC's phone; LPS is NitNit, Leonita P. Sabando

<sup>36</sup> FFM interview with EDC staff.

The soldier talking to RG ordered him to lie face down and close his eyes.

RG complied as the soldier said not to look at them and his companions. They saw the GPS unit and cellphone and took it from RG. The soldier ordered him to be still and silent while RG was continually asking for pity and help for his companions.

The soldiers then asked RG to identify himself and their purpose in the area. RG answered that they were employees of EDC and he showed them his identification card. “Ako po si Ronino Gibe, taga Los Banos, Laguna, taga-EDC po ako at kasama ko po si Sir Leonard Co, UP professor po siya, si Kuya Ponyong po EDC employee dito sa Leyte Geothermal”

The soldier then asked RG about his engineer's notebook, LC's notes, GPS unit and map. RG answered that the team was doing a survey of the location of the trees. The soldier asked him further about the sketch that LC's team had of the area. RG explained that they were marking the areas where they can get seeds, seedlings and wildings and pointed to their sack with the already collected samples.

The soldier asked RG about their contact and RG replied that he is part of the EDC and his contact was LPS from the EMD and AS from the CPD. The soldier stopped his interrogation but RG continued to plead upon which the soldier told him to keep quiet: “Wag kang maingay! Ligtas ka na!”

*Around a few minutes before 1:00 pm*

RG saw JB bleeding and heard him say that he was hit near the heart. JB was already asking the soldiers that they go down. RG shouted for help but no one from the soldiers answered. JB was still able to ask RG about the latter's condition before the soldiers berated RG to stop talking.

*1:44 pm*

At this point, LCT received an SMS from his higher ups to do a medevac immediately. Upon his receipt of the ground report, LCT said that he had already ordered a medevact.<sup>38</sup>

*Around 2:00 pm<sup>39</sup>*

For around two hours RG was facing down on the ground. He saw some soldiers meeting at a distance. He was then asked to stand up. A soldier then repeated the earlier questions posed to RG on their purpose and coordination. The soldier asked RG if he knew of the military's operation in the area and mentioned that they had two companions who were already killed [“at nalagasan kami na dalawang kasama”]. RG answered in the negative and said that the team was with SC who was an EDC employee and that he knew that he had prior coordination with the EDC. The soldier asked again about his contact and RG repeated that he is part of EDC and his contact is LPS and AS.

A soldier asked RG: “Imposible naman na hindi nyo nakita yung tatlong tao na may mga armas? 30 minutes na kaming nagoobserba na palakad-lakad sila!”

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<sup>37</sup> Karapatan interview with PB

<sup>38</sup> FFM interview with LCT

<sup>39</sup> The excerpts from conversation is from Gibe's affidavit

RG said that they did not see anyone and kept on asking for help for JB. The military then gave first aid to JB, who heard them call it “peklat”. RG asked for his cellphone and this was when he got to talk to LPS and relay details of the incident.

The soldiers then ordered RG to get up and proceed to Pad 403 near the Mahi-aw Plant. JB was lain down in a sack and brought down by the soldiers. RG was showing the tree markings they made along the way down to Pad 403.

*Around 3:00 pm*

RG saw the vehicles of EDC arrive together with an ambulance at 403. He boarded a service vehicle of EDC and was brought to OSFA Hospital in Ormoc City. He heard that JB died at the pad. The soldiers then brought down the lifeless bodies of LC and SC to Pad 403. EDC then brought the dead bodies to V. Rama Funeral Homes.<sup>40</sup>

*Around 4:00 pm (1.5 hours after 1:44 pm)*

LCT declared the site a “no-crisis zone” but mopping-up operations by the military continued after that.<sup>41</sup>

*4:30 pm*

The Chief of Police Sinsp Camacho learned of the event from the Kananga Vice Mayor. He confirmed information from the 19<sup>th</sup> IB but they were not allowed access to the site “kasi may hot pursuit operation.”<sup>42</sup>

### ***What happened after***

*Around 4:00 pm, November 15 (Monday)*

The wife of JB was fetched by EDC EMD and was told that there was a problem. They reached a place which she could not identify [whether a morgue or hospital] at around 9:00 pm. It was already dark and she was already hungry. She saw three dead bodies at the back of a black truck and two long umbrellas beside the bodies. She saw one body taken out to be cleaned. The body was brought to V. Rama after the other two other bodies without being cleaned since the area a sugarcane plantation. She cried as saw her husband JB with a big hole in the chest.

*November 16 (Tuesday)*

The PNP SOCO team was able to do a site visit only at this time. The EDC did not join them.

JB's wife was able to return home with JB's body at around 2:00 pm. The EDC provided money and some wood for their house. The 19<sup>th</sup> IB went to the wake and gave flowers and money and insinuated that they saw relatives of JB in Cotabato.

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<sup>40</sup> FFM interview with EDC staff and Karapatan interview with PB

<sup>41</sup> FFM interview with LCT

<sup>42</sup> FFM interview with Kananga Chief of Police and Police Blotter

It was only during November 17 (Wednesday) that the EDC was able to access the site.

## Section 4 **Analysis**

We observe the following from the site visit.

1. The direction of bullet marks on the trees were all from the vantage point on the ridge and had a downwards direction.
2. Tree No. 4 was hit three times and the large tree where RG hid had six bullet marks on it.
3. Direction of fire was mainly concentrated on LC, RG, SC, PB, JB
4. We did not observe any “return” fire bullet marks on the trees from the ground looking to the ridge nor from any other side except from the vantage position.

### **Geography of the area**

The ridge area is 50-60 meters from the large tree and 30-40 meters from Tree No. 4.



## **Geographical inconsistency of the military's crossfire claims**

From the interview with LCT, he said that the supposed NPA group was on the military's front and the civilians (LC and company) were on their right.

Granting that the military was shooting to their left side (towards the "NPA" side), why was the bulk of the bullet marks directed to their right (towards LC and company)? There were only a few (around 3 marks) trees that had bullet markings on the left side from the vantage position.

Even supposing that it was the NPA that was on the ridge and the military was in the even higher vantage position (difficult to reach) to the east (check map), there were no indications of any bullets coming from that direction [higher vantage position] and no bullets towards that position.

The only consistent explanation would be that the military was positioned on top of the ridge and shooting towards the LC and company. There was no indication of any crossfire.

In addition, the initial line of questioning of the soldiers according to the affidavit of RG indicated that the unit actually thought that LC's team was an NPA unit.

The position of the team relative to the ridge is consistent with the PNP autopsy report of SC and RG's affidavit. The number of bullets that hit SC (and his companions) indicates that they were the actual target instead of being caught in a crossfire.

In addition, the position of the soldiers who were shooting at the edge of the ridge must be in a standing position. That is the only position where they have a clear view of LC and his team down the ridge. To assume the prone, sitting/squatting positions would impede the shooter's sight due to the relatively thick undergrowth. We found no bullet marks in this direction (from low in the ground from the ridge). All the bullets hitting the tree where Prof. Co's group was facing were consistent with a standing position by the shooters.

A standing position exposes the shooter to enemy fire and thus is vulnerable to be shot. Shooting without cover implies that the soldiers were not worried about any return fire. Firing from a standing position further belie the crossfire/encounter theory of the military.

Furthermore, the actions of the military unit in not providing immediate medical attention and hospital treatment to Julius Borromeo prolonged his agony and ultimately led to his death. The military waited at least one hour after the military approached RG, et.al. before they brought down the bodies and the survivor despite repeated requests of RG and then-alive JB.

### *On the coordination between the EDC and the military*

Interviews from the EDC said that they informed the military of LC's trip on the day of the incident. They also deny that the military informed them of any operation during that day. As EDC considers the area around the pads as still part of their work area, their normal protocol does not require them to inform the military about activities in these places. Access to these areas from the gate would require passing through several checkpoints and guards.

EDC personnel regularly check the pads several times within the day for the status of their steam generation. Also as part of their 24-hour security measures, internal EDC security conduct check ups within the pad sites. The area where the incident happened has been visited already by a previous

wildlife survey.

Supposing that the military indeed had intelligence information that there were NPA sightings on November 12 and that this was communicated to the EDC, what were the precautions taken to inform LC and his team who was already in the LGPF complex since November 9? Likewise, how was the military informed of the team's activities prior to the day of the incident?

Nearly 20 hours elapsed before the police SOCO team was able to access the site<sup>43</sup>. The military was present at the incident site all the time since the shooting until after they brought down the bodies. The police was also not allowed to go to the site immediately since the military said that "...kasi may hot pursuit operation."<sup>44</sup> This failure to secure the site early by the police and the EDC is glaring and puts the reports of the SOCO and the military into a questionable position. What happened during the 20 hours between the incident and the arrival of the SOCO team? Furthermore, the EDC failed to accompany the SOCO in their investigation of the site.<sup>45</sup>

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<sup>43</sup> FFM interview with Kananga Chief of Police

<sup>44</sup> Ibid. and Police Blotter

<sup>45</sup> FFM interview of EDC staff. They failed to explain why there was no EDC personnel who was present during the SOCO investigation.

## **Recommendations**

The 19<sup>th</sup> IB should release the names of the members of the squad and platoon, including their commanding officers, that shot LC and company. The firearms of these officers and enlisted men should be secured and surrendered to the proper authorities.

Those who were connected at any and all levels of the military command with regard to the shooting of LC and his companions should be investigated and appropriate charges filed against them.

The liability of the military personnel who failed to give JB immediate medical attention and evacuate him to a hospital should also be fully investigated and appropriate charges filed against them.

The EDC should make public its security team's spot report. They should clarify the protocols for their communications and coordination with the military especially that there are still other activities [similar to what LC's team was doing] that the EDC are conducting. The EDC should also clarify the extent of their work area and where they would be responsible for the security of their own personnel. The EDC, the 19<sup>th</sup> IB and the PNP should make documents that would further shed light to the incident.

We are concerned with the security and safety of the two witnesses. We call on groups and institutions to make available and provide sanctuary for the survivors and their families in order for them to carry out their role in bringing justice and closure to this incident.