

## ***JGL Eye Column***

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**C HICAGO (*jGLi*)** – The rush of killing of potential witnesses in Maguindanao massacre must be scaring the wits out of the prosecutors, who are struggling to build an open-and-shut case against the 196 accused, who perpetrated the biggest mass murder of journalists in the world.

It was reported last week that Alijol Ampatuan, who was shot and killed in Shariff Aguak, the provincial capital of Maguindanao, is now one of the six witnesses and their relatives, who have been killed in connection with the trial of the

clout-heavy Ampatuan political family behind the Nov. 23, 2009 murders of 58 people, including 32 journalists and the wife of the current Maguindanao governor, Esmael Mangudadatu.

Of the 196 suspects, only 96 are in custody, including the former governor and seven members of his family. A hundred more are still at large and there is a fear that not very many of them will be arrested at the rate witnesses are being eliminated. “Dead men tell no tales” appears to be the mantra of the defense.

If I were the prosecution, I will take as many pre-trial testimonies of as many witnesses as possible so that in case, witnesses die, their testimonies are already perpetuated. In fact, to make their testimonies more credible and foolproof, they should video tape the pre-trial testimonies and save them in “icloud” archive technology so nobody can tamper with their contents.

I don't agree with the suggestion of private prosecutor Harry Roque to trim down the number of the defendants from 196 to 35 for "those who were primary responsible for the planning and killing," The 61 other defendants are already in custody, why assign them with "lesser offenses" just because according to Mr. Roque it could take "20 years" to prosecute everybody? Has he forgotten the Filipino saying, "*kuwarta na, naging bato* pa"? (money in hand that turned to junk or stone?). It's a variation of American proverb, "A bird in hand is better than two in a bush."

Mr. Roque must have in mind the Nuremberg Trials, a series of military tribunals

, organized by the victorious Allied forces of World War I

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, which prosecuted the most notable members of the political, military, and economic leadership of the defeated Nazi Germany

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## LIKE NUREMBERG TRIAL

The trials were held in the city of Nuremberg, Bavaria, Germany, in 1945–46, at the Palace of Justice. The first and best known of these trials was the Trial of the Major War Criminals before the International Military Tribunal (IMT), which tried 25 of the most important captured leaders of the Third Reich, though several key architects of the war (such as Adolf Hitler, Heinrich Himmler, and Joseph Goebbels) had committed suicide before the trials began.

The second set of trials of lesser war criminals was conducted

under Control Council Law No. 10 at the US Nuremberg Military Tribunals (NMT);

among them included the

[Doctors' Trial](#)

and the

[Judges' Trial](#)

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In total, 142 of the 185 defendants were found guilty of at least one of the charges. Some 24 people received death sentences, of which 11 were subsequently commuted to life sentences; 20 were sentenced to life imprisonment, 98 were handed down sentences of varying lengths, and 35 were acquitted. Four defendants had to be removed from trials due to illness, and four more committed suicide during the trials.

Many of the longer prison sentences were reduced substantially by decree of high commissioner John J. McCloy in 1951, and 10 outstanding death sentences from the Einsatzgruppen Trial were converted to prison terms. The same year, an amnesty

released many of those who had received prison sentences.

## **TURTLE-PACED CIVILIAN COURT**

If the Nuremberg trials went at a fast clip – having been finished in six years – it was because they were military tribunals, not the turtle-paced civilian courts, now trying the Maguindanao mass murderers.

Death sentence appeared to have caused Nuremberg defendants to commit suicide. This is, of course, will not factor into the decision of the Maguindanao defendants because there is no death penalty in the Philippines' penal system.

But nobody can rule out suicide among the Maguindanao defendants, especially those, who could not stand the penalty of reclusion perpetua or those claustrophobic.

So, guards of these defendants should take extra care in watching suicidal tendencies so they can protect defendants from harming themselves.

But why would Mr. Roque give a pass on some of the defendants by assigning them “lesser offenses”? Isn’t a crime of one and is a crime of all in a conspiracy doctrine laid down by the Supreme Court in G.R. No. L-10774, May 30, 1964,

## **THE PEOPLE vs. OSCAR CASTELO, et al?**

If you are going to prosecute 35 Ampatuan family and henchmen, why give a break to 61 others in custody by reducing their crimes?

I don't get it. If the government will be lenient to "lesser offenders," it will send a wrong signal to other Filipino politicians, who would be encouraged to maintain big private armies because they can get away with murder.

What prosecutors need to do is to publicize as much as possible more information, photos, and videos of the defendants on the lam and put up reward monies to tipsters, who should remain anonymous, so they would not risk reprisals.



I already spelled out the secret formula in my previous column on how to effectively catch a criminal. “If the criminal is arrested, the tipster can just call CrimeStopper and mention his code, number or

PIN

and the CrimeStopper could deposit the bounty or reward money to the bank or ATM account of the tipster. And the CrimeStopper staff is sworn to secrecy so as not blow the cover of the tipster. Just like the lottery jackpot winners, tipsters are not publicly identified when they come to claim their prizes. CrimeStopper does not even need to know the identity of the tipster. # # #

(Watch out for the upcoming media-outlet oriented, subscription-based website of **Journal Group Link International** that guarantees originally sourced stories, features, photos, audios and videos and multi-media contents.). # # #

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