

# US Marine accused of murdering Filipino during war games

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On Wednesday, Philippine authorities filed murder charges against US Marine Private First Class Joseph Pemberton for the killing of a 26-year-old transgendered woman, Jeffrey Laude, known as Jennifer. Pemberton was stationed in the Philippines as part of joint US-Philippine military exercises codenamed Phiblex (Philippine Bilateral Exercises).

Under the Visiting Forces Agreement (VFA), ratified by the Philippine Senate in 1999, US military personnel accused of crimes in the Philippines are held in US custody. Pemberton is being detained on the USS Peleliu, an amphibious assault ship anchored in Subic Bay.

Laude's naked body was found in the early hours of Sunday morning in a room at the Olongapo Celzone motel, a cheap lodge where rooms are rented by the hour. Her face was submerged in the toilet and there were marks of strangulation around her neck. Two used condoms were found disposed in the room's wastebasket.

Several of Laude's companions claim that she met with an American at a nightclub on Saturday, and that she and a companion went to the motel with the American. Her companion claims she left her in the room with the American at around midnight. Both Laude's companion and the hotel desk clerk identified Pemberton from a photo line-up conducted by the US Naval Criminal Investigative Service. There is also CCTV footage from the motel, allegedly showing Pemberton entering the hotel room with Laude and leaving without her.

Pemberton and hundreds of other US military personnel were on shore leave in the city of Olongapo on the night of the murder, at the conclusion of the joint military exercises.

The VFA grants immediate custody over any "United

States personnel" to "United States military authorities ... from the commission of the offense until completion of all judicial proceedings." If judicial proceedings are not concluded within a year, the Philippines is deemed to no longer have any jurisdiction. If the accused is convicted, the US retains custody during any appeal process.

Laude's death is part of a history of criminality and violence surrounding the presence of US forces in the Philippines. Before the closure of the Subic Bay naval base in 1992, the stationing of thousands of US servicemen there transformed neighboring Olongapo into a sprawling red-light district of seedy dives and night clubs, with a vast, semi-official network of prostitution.

The death and rape of Filipinos at the hands of US military personnel, over whom the US government retained custody, was an affront to Philippine sovereignty and plainly exposed the puppetry and impotence of every section of the Philippine bourgeoisie. Public outrage over these crimes has found expression in protests, rallies and riots in every decade since the 1950s.

In 2006, US Marine Lance Corporal Daniel Smith was accused of raping a Filipino woman. During the trial he was housed at the US Embassy. He was convicted and sentenced to 40 years' imprisonment. He was transferred at midnight from the Makati City Jail back to the US embassy, with the complicity of top Filipino officials. He was kept in the embassy throughout his appeal, which overturned his conviction in 2009, when the woman withdrew the charges, having received \$US2,000 in damages and a visa to travel to the United States.

Significant protests occurred outside the US embassy in response to these proceedings, calling for the

scrapping of the VFA.

Following the discovery of Laude's body and with evidence mounting that Pemberton was responsible for her death, officials in both Washington and Manila scrambled to preserve the recently concluded Enhanced Defense Cooperation Agreement (EDCA), signed in April, which allows for the basing of unlimited numbers of US forces anywhere in the country.

They all shed crocodile tears over Laude's death. US State Department spokesperson Jen Psaki expressed Washington's "deepest condolences to the family and friends of Jeffrey Laude." Marine Corps Commandant General James Amos called the killing "a huge tragedy," but stated that he "hoped it would not cloud relations with the Philippines." Admiral Samuel Locklear, head of the US Pacific Command, expressed his "regrets" and "sympathies for the family."

The heads of the Philippine military and leading figures in the Aquino administration bent over backward to assure Washington that this would not jeopardize the EDCA. General Gregorio Catapang, Chief of Staff of the Armed Forces of the Philippines, said "this will not be affecting our relationship with the United States."

Assistant Secretary of the Department of Foreign Affairs Charles Jose, stated that "we will request custody, but it's not guaranteed that they will grant it. They may continue to have custody over the suspect." When asked to confirm this, he stated: "The US will decide about the custody of the suspect."

Admiral Locklear ordered five US ships to remain in Subic harbor beyond their scheduled stay during the initial stages of the investigation. After conferring with Philippine authorities, Locklear ordered four of the ships to be deployed elsewhere. The USS Peleliu, where Pemberton is in custody, has been ordered by the US commander to remain in Subic Bay indefinitely.

Locklear held a meeting on Tuesday with Catapang, during which they planned next year's joint military activities, scheduling a record 400 war games.

Laude's death occurred at the end of the Phiblex exercises, held from September 29 to October 10. The 2014 Phiblex was a marked escalation of the US war drive against China in the Asia Pacific region.

In August, the United States quietly disbanded its 14-year-old Joint Special Operations Task Force–Philippines (JSOTF-P), which was targeted at

suppressing insurgencies in the southern islands of the Philippines. The JSOTF-P was scrapped in order to focus on "more conventional military-to-military exercises" against a "revised threat model," according *IHS Jane's Defense Weekly*. This "revised threat model" refers to Washington's move away from its "war on terror" in the region, to a drive toward war with China.

In shutting down the JSOTF-P, Washington said it was implementing a transition plan toward a "rotational presence" in the country under PACOM (Pacific Command). This is a significant, concrete step toward the permanent basing of US troops in the country under the EDCA.

Around 3,700 US sailors and Marines, along with 1,200 Filipino counterparts, engaged in the Phiblex games. Japan and Australia sent military personnel to act as "observers." The troops engaged in live-fire amphibious assaults on small islands in the South China Sea. They stormed beaches and went house-to-house, capturing an island. The exercise was clearly targeting China's small military facilities in portions of the Spratly islands.

The basing of US forces in the Philippines will necessarily mean more crimes like the killing of Jennifer Laude, and this will lead to mass protests. Washington and Manila are preparing for this inevitability.

During the Phiblex exercises, US and Philippine forces staged a war game scenario that involved the defense of the US embassy from "rioters." Philippine forces were stationed outside the barbed wire barricades surrounding the buildings that served as a model of the embassy—they were the "front-line against the rioters," a Marine stated in a video interview. US forces, armed with M16 assault rifles, patrolled inside the fence.



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