

# PERMANENT PEOPLES' TRIBUNAL

## Second Session on the PHILIPPINES

The Hague, the Netherlands  
March 21-25, 2007



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**Indicting the U.S. Backed Arroyo Regime and its accomplices for Human Rights Violations, Economic Plunder and Transgression of the Filipino People's Sovereignty**

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**MAIN COMPLAINANTS:**

Hustisya! (Victims of the Arroyo Regime United for Justice)

SELDA (Society of Ex-Detainees for Liberation from Detention and Amnesty)

Desaparecidos (Families of the Desaparecidos for Justice)

Bagong Alyansang Makabayan (National Patriotic Alliance)

**PHILIPPINE INITIATING ORGANIZATIONS:**

Ecumenical Bishops Forum

United Church of Christ in the Philippines

Karapatan (Alliance for the Advancement of People's Rights)

Public Interest Law Center

Peace for Life

Philippine Peace Center

IBON Foundation

**SUPPORTED and ENDORSED by:<sup>1</sup>**

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And many others...

Karibu Foundation (Norway)

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The Anglican Church of Canada

The Primate's World Relief and Development Fund

International Association of People's Lawyers

International ANSWER (Act Now to Stop War and End Racism), USA

International Action Center

March 25<sup>th</sup> Coalition (USA), coalition for US immigrants' rights

World Association for Christian Communication – Latin America

Hokkaido Peace Net (Japan)

Asia Pacific Mission for Migrants

Health Action International – Asia Pacific

Friends of the Earth International

Nederlands Filipijnse Solidariteit Beweging

Philippine Cultural Studies Center

CIVICUS

And many others...

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<sup>1</sup> *The tribunal was made possible through the support and endorsement of freedom fighters all over the world. Each one contributed in one way or the other to make this endeavor a reality. More than 1500 signed the statement of support for the Permanent Peoples' Tribunal Second Session on the Philippines released barely a month before the public trials. For the complete list of organizers and supporters of the session, please refer to Annex III*

*The most precious of all human rights, the right to life, has been denied our brothers and sisters in the Philippines who are fighting for justice and wellbeing for all. They are being slaughtered as we speak! How sad it is to witness these crimes of brutal action and lack of action, committed by people entrusted with authority and power. The President of a country should be honour bound to protect those who stand up for the inalienable rights of all of Gods children. I call out to you from South Africa. Stop the terror inflicted on those who seek justice in your land. Stop using the so called war against terrorism to oppress and kill your own people! The great leader and fighter for our dignity and freedom, Nelson Mandela, was once branded a terrorist, even by Prime Minister Margaret Thatcher. He has shown to us that Truth and reconciliation is the only way to peace with justice. I wholeheartedly support the Permanent Peoples' Tribunal on the Philippines in their noble cause and pray that all of us through them will succeed in this pursuit of justice and peace in the Philippines!*

*God bless you,*

**Archbishop Desmond Tutu**

## **1. Origin and jurisdiction of the Permanent Peoples' Tribunal**

The Permanent Peoples' Tribunal (PPT) is an international opinion tribunal, independent from any State authority. It examines cases regarding violations of human rights and rights of peoples.

Promoted by the Lelio Basso International Foundation for the Rights and Liberation of Peoples, the PPT was founded in June 1979, in Bologna, Italy, by a broad spectrum of law experts, writers, and other cultural and community leaders (including five Nobel Prize laureates) from 31 countries. PPT is rooted in the historical experience of the Russell Tribunals on Vietnam (1966-67) and the dictatorships in Latin America (1974-1976). The importance and strength of decisions by the PPT rest on the moral weight of the causes and arguments to which they give credibility, and on their recognition in the United Nations Commission on Human Rights

Complaints heard by the Tribunal are submitted by the victims, or groups or individuals representing them. The PPT calls together all parties concerned and offers the defendants the possibility to make their own arguments heard. The Jury is selected for each case by combining members who belong to a permanent list of jurors, and individuals who are recognized for their competence and integrity.

From June 1979 to the present date the PPT has held 32 sessions.

In 1980, just one year after its foundation, the Permanent Peoples' Tribunal responded to an appeal from the National Democratic Front of the Philippines (NDFP) and the Moro National Liberation Front (MNLF) to examine the human rights situation under the Marcos dictatorial regime. Following five days of hearings and deliberation (October 30 to November 3 in Antwerp) the PPT found the Marcos regime guilty of political suppression and abuse of power in violation of the rights of the Filipino people. The PPT also condemned the political, economic and military complicity of the United States government and other foreign powers.

## **2. The procedures of the Session**

According to the procedures affirmed in its Statutes, the original request (presented in early 2006 by a broad coalition of social and religious organizations, based in the Philippines as well as in Europe and Canada) to hold a Session of the PPT on gross violations of the fundamental rights of the Filipino people was examined by the Secretariat and the Presidency of the PPT with respect specifically to the competence of the PPT on the contents of the accusation, and to the representativeness of the plaintiffs.

The Session, to be considered as a strict articulation and follow-up of the one held in 1980, was announced in a press Conference in The Hague, on October 30, 2006.

The two main accused parties - the Government of the Republic of the Philippines and its President Mrs Gloria Macapagal-Arroyo; the US Government and its President Mr George Walker Bush, - were notified of the procedure through their respective Embassies - in Rome and in The Hague- invited to participate in the process, and to exercise their right to defense.

As documented also in reports of the media in the Philippines as well as in The Hague, qualified representatives of the Arroyo Administration have expressed confirmation, albeit through their contradictory statements, that their Government had been duly informed in a timely manner, without however deciding in favor of an active participation in the processes of the Tribunal (beyond a silent presence in its opening session, on March 21).

The public hearings of the PPT were held in the Christus Triumphator kerk in the Hague, over three full days (21-23 March), according to the program reported in Annex 1.

Annex 2 lists the documents made available to the Jurors (and filed in the PPT archives) to support and to interpret the oral presentations and interpellation with the Jury (including extensive live presentations and interpellation with witnesses and their lawyers in the Philippines over electronic live video communication).

The deliberation of the Jury were conducted in its closed-door sessions from the evening of March 23 until the presentation of its verdict on the afternoon of March 25, 2007.

### **3. The charges**

The PPT has been presented with the following three charges against:

The Government of the Republic of the Philippines, and its President Mrs Gloria Macapagal-Arroyo; and the Government of the United States of America and its President Mr George Walker Bush for:

1. Gross and systematic violations of civil and political rights: extrajudicial killings, abductions and disappearances, massacre and torture;
2. Gross and systematic violations of economic, social and cultural rights; and
3. Gross and systematic violations of the rights to national self-determination and liberation.

### **4. Historical framework and violations of economic, social and cultural rights**

Since 1980, the year of the first session of the Permanent People's Tribunal on the Philippines, the socio-economic situation of the country has not changed, except for the worse. Even at that time, the jury of the Tribunal had denounced the unequal character of the economic system structured for the benefit of the domestic elite and foreign interests. It had also condemned the dominant economic and political role of the United States of America in the Philippines and in the region, through the implementation of imperialist policies.

Today, almost 30 years later, or after almost one generation, the majority of the Filipino people (the peasants, fisherfolk, workers, oddjobbers, low-paid professionals) remain deprived of their basic rights to physical, social and cultural life. It is particularly painful to discover the figures collected from official sources, showing that a minority of Filipinos absorb the greatest part of the collective wealth of the nation, together with transnational enterprises, when we remember that behind each number there is a person - a child, an adult or an old person, a man or a woman.

In the Philippines, out of 87 million people, 65 million Filipinos (80% of the population) struggle to survive on less than US\$2 per day while 46 million go hungry each day. The situation has been deteriorating: since 2000, average family incomes have dropped 10%. The majority of the poor are in rural areas (70 %). Such a situation affects in particular the children. Infant mortality fluctuated from 24 per thousand in 1990 to 14 in 1998 to 40 in 2003. One fourth of the children under 10 years of age – or 6.1 million children – are underweight.

This is not the accidental, but it is the logical result of a policy. The 1980 session of the Permanent Peoples' Tribunal coincided with the beginning of the neo-liberal phase of monopoly capitalism (*the Washington Consensus*), where in order to solve a crisis of accumulation, it was decided to enlarge and force open markets, decreasing the share of labour in the national income, privatizing public services and establishing a growing freedom of circulation of capital, goods and services. Such a policy, backed by the international financial and commercial institutions (World Bank, International Monetary Fund, World Trade Organization) has been offering to the dominant powers and social classes the possibility of ruling the world according to their specific interests.

This is also happening in the Philippines. The share of labor in national income has fallen from 60 % in 1979 to 37 % in 2004 and the increase of corporate profits has been impressive: between 2001 and 2004, the

income of the top 1000 enterprises grew from US\$2.3 billion to 10.0 billion. Minimum wage has been falling behind rising cost of living, the wage gap increasing 44% between 2001 and 2005. Unemployment is on the rise, with displaced workers for instance increasing by 52% between 2004 and 2005. In rural areas, tenanted and leasehold farms have increased from 48% of total farms in 1971 to 52% in 2004.

Privatization of economic activities and public services is also on the rise. Over US\$4 billion of public assets have been transferred to the private sector. Such has been the case of the oil industry, the Electric Power Industry Reform Act (2001), of the reprivatization of Maynilad water corporation (2006), and the privatization of public infrastructures (RA 7718).

Liberalization of the economy has been promoted by various means. The series of tariff reform programs have reduced of agricultural tariffs from 43 % in 1981 to 11 % in 2003 and industrial ones from 39 % in 1981 to 5 % in 2003 (TRP I, II and III). Free Economic Zones have been encouraged (RA 7916). Free Trade Agreements are prepared with the USA (US-RP FTA), and have been signed with Japan (JPEPA) and Asean countries (AFTA). The Public Act on foreign investments opened the way for external capital in the fields of natural resources (RA 7942 for mining), agriculture (RA 7652), utilities (RA 7721), airlines (1995), retail trade (2000), and others. Efforts have been made to remove the economic sovereignty and national patrimony provisions of the 1987 Constitution. Foreign investments have increased from 6% of the Gross Domestic Product in 1980-1984 to 16% in 2000-2005, and in 2005 it had a cumulative value of US\$19 billion.

As a consequence, wealth has been concentrated among very rich people. The 1000 top corporations have increased their annual net income by 325% between 2001 and 2005 and the top ten percent of the population have incomes 22 times that of the poorest ten percent. Additionally, the overall estimate of money lost through corruption is estimated by the Ombudsman at US\$24 billion for the period between 2001 and 2005 and is estimated at US\$ 4 billion in 2006, equivalent to 20% of the Government budget. Capital repatriation has reached US\$20 billion since 1980 and mineral resources have been plundered: to the equivalent of US\$25 billion of exports since 1970.

Furthermore the Filipino people have to pay for increasing foreign debt. The current total public sector debt stock Php6 trillion (US\$120 B)- equivalent to 110% of GDP- ate up 85% of total revenues for debt service in 2005. It is the highest in the history of the Philippines. As a consequence spending on vital economic and social services was slashed in order to pay for the debt. Interest payments has now gone up to 35% of the budget share in 2006, which is five times more than the combined budget for education, health and housing spending.

Local industry has been destroyed and denationalized. Between 1995 and 2000, four firms were closing every day and this number doubled between 2001 and 2005. In 2005, 3,054 firms closed and 57,921 workers were displaced, increasing unemployment. Corporatization of land ownership has subverted the sham Comprehensive Agrarian Reform Program (CARP) resulting in the reconcentration of land.

Communities of the poor especially the women and children today pay the heavy price of debt repayment and privatization policies where, due to the neglect of the health care system and drastic cuts in public spending, child and maternal mortality has worsened. This has resulted in only 37% of pregnant women receiving vaccine.

In the urban areas only 54% of the women delivered in a health facility, while in the rural communities, only 22% delivered in a health facility; and 59% were unassisted by doctor/nurse/midwife.

Educational and health facilities have been seriously affected as the public share in health expenditure has been reduced from 41 % in 2000 to 30 % in 2004. Because of the lack of educational infrastructure, costs of sending children to public school and other factors due to poverty, 2.5 million children are working as laborers and 1.5 million can be qualified as street children.

The denial of these basic health and social rights is a consequence of the crisis of the Philippine economy where the government has not addressed the root causes but has continued the exploitation of the people and its resources with impunity for the benefit of the local elite and foreign dominant powers.

The growth and development of any nation lies in the hard work of peasants, fisherfolk, workers, indigenous peoples, women and their communities. But when these very people face intense poverty, hunger, unemployment, landlessness and loss of all resources, then development is meaningless because life itself is threatened and communities are destroyed. This is the hard reality of the Philippines.

A particular attention has to be given to the three main sectors of the Filipino people, peasants, indigenous peoples and the industrial workers.

Based on recent government statistics and the study conducted by Kilusang Magbubukid ng Pilipinas, 7 out of 10 Filipino farmers are landless. The farmers face extremely high rates of land rents and usury is so high that it ranges from 100%-400% per cropping season. With trade liberalization, farm inputs remain expensive but the products of farmers are cheap. This has led to the bankruptcy of many peasants, where they remain in debt. This situation further increases disparity between peoples and regions.

Compounding the problem of peasant bankruptcy, corporations were able to take control and amass land through the promotion of agribusiness contract growing and leasehold under the corporatized and market-oriented CARP promoted by the World Bank. This has led to less than a third of landowners owning more than 80% of agricultural land while small farmers are being evicted from the lands they have been tilling for years.

Faced with the struggle to keep alive, farmers have organized themselves under the Kilusang Magbubukid ng Pilipinas (KMP, Peasant Movement of the Philippines) to claim their rights through the democratic process. This resistance is now faced with repression by the state through increased militarization of the rural areas. Statistics show that almost 60% of the victims of extrajudicial killings and forced disappearances are farmers, majority of whom are members of the peasant movement KMP. These killings of the peasant leaders are not isolated but planned and systematic. A campaign is carried out to slander the victim prior to the killing. No proper investigations are carried out and the Government remains in a state of denial. Meanwhile witnesses are threatened and thus the pattern of impunity reigns with no accountability.

The massacre of agricultural workers at Hacienda Luisita is a pure gross violation of the fundamental rights of workers to strike and assert their rights as defined in International Labour Organization Convention 98 and in the ECOSOC rights. Both the United Luisita Workers Union (ULWU) and Central Azucarere de Tarlac Labor Union (CATLU) went on strike as negotiations failed over workers' demand for a small increase in wages and better work conditions. One of the key demands was their right to the land as provided for under the Comprehensive Agrarian Reform Law. Yet, the Department of Labor and Employment (DOLE) issued the assumption of jurisdiction order and instructed the police and military to enforce it. When three attempts to disperse them through water cannons failed, shots were fired at the unarmed workers, seven died and 72 were injured. The killings did not stop with the massacre but persons who supported the workers, including Bishop Alberto B. Ramento of the Iglesia Filipino Independiente church, two leaders Marcel Beltran and Abelardo with Fr. William Tedena were killed in separate occasions.

Even when farmers implement collective cultivation on land awarded by the Department of Agrarian Reform, as in the case of the San Agustin Farmer Beneficiaries Multi-purpose Cooperative in Palo, Leyte, they are killed and butchered by armed men who go unpunished. The guns do silence the law.

The Arroyo regime has initiated the implementation of the Mining Act of 1995 liberalizing the mining sector by proclaiming its National Policy Agenda for Revitalizing the Mining Industry as recommended by the World Bank. This process has increased the intensive exploitation of the mineral riches of the country like gold, silver, copper, chromite and nickel. But the commercial mining activities as well as the logging operations of various corporations affect both the present and future generations of the indigenous peoples. If perpetuated, it will destroy the ancestral domain, culture and identity of the people.

The documentation presented at the PPT, including the compelling testimony of Senator Maria Ana Madrigal, revealed how the Arroyo government by relocating the National Commission on Indigenous

Peoples (NCIP) under the jurisdiction of the Department of Agrarian Reform will not only compromise its constitutionally mandated independence but pave the way to the usurpation of the land of the indigenous people, leading to displacement from their ancestral home, and loss of land and customary rights. The evidence is very much reflected in the cases of Toronto Ventures in Zambaonga and Lafayette Mining Corporation in Rapu Rapu island, and where it is used for massive land grabbing in the Island of Boracay.

Such forms of rights violations have brought about a resistance by the people to claim their rights to land, culture and identity. But it has been met with various human rights violations manifested in arbitrary arrest, persecution, torture, killings, destruction of property and land by military forces including extrajudicial killings as testified by Dr. “Chandu” Claver a Kankanaey and leader of the Cordillera Peoples Alliance and Bayan Muna in Kalinga who was ambushed by masked men while in his car with his family. His wife succumbed to gunshot wounds while he and his child survived and are now seeking asylum in Canada to protect themselves.

Out of the 37.7 million workers, there are 4.1 million unemployed and 7.5 million underemployed. This situation has brought about the exodus of around 3,200 workers every day to find a living or better work abroad, not including hundreds or possibly thousands more leaving the country as trafficked or undocumented workers facilitated by unscrupulous recruiters who have proliferated as a result of deregulation implemented by the Arroyo government. There are around 9 million overseas Filipino workers abroad who have the tremendous capacity to remit the amount of US\$13 billion every year besides an estimated additional US\$3-4 billion remitted through informal channels. Due to the feminization of poverty, more than 70% of the workers who go abroad for land based work are women.

But since the share of labor in the national income has fallen, reflecting low wages and minimum wage far behind the rise in costs of living, the organized sector of unions have demanded wage evaluation and increases and for better work conditions. This process has been met with arrogance of power of corporations, particularly transnational corporations like Toyota, Nestlé and others that with impunity have either dismissed union leaders or used the DOLE and the armed forces to end workers’ actions. The DOLE has used the assumption of jurisdiction order to provide military forces the right to intervene in labor disputes. There is no recognition accorded to ILO recommendations for respect of workers rights as seen in the Toyota workers case, well documented and presented to the jury. Thus corporations supported by the Arroyo government continue to violate labor rights with no accountability.

## **5. The role of the United States of America**

We need to see the worsening human rights crisis in the Philippines in the context of the United States’ strategies for global economic and military hegemony and the ensuing US led so-called “war on terror”.

The military and security agreements between the Philippines and the United States were part of the series of treaties and agreements that were imposed upon the Philippines right after the granting of formal independence by the United States to the Philippines at the end of the Second World War in 1948. The agreements assured the continued domination by the United States over the country and over its armed forces and internal security in particular. This was so even though the Philippines was already given formal independence.

US troops have returned to the Philippines, despite the removal of the US bases in 1991, on the basis of the Visiting Forces Agreement (VFA) in 1999 and the Mutual Logistics Support Agreement (MLSA) in 2002. Under the guise of a so-called “war on terror”, US troops have been stationed and deployed especially but not only in the southern Philippine island of Mindanao. Since 2001 there has been a continuous presence in the country of thousands of US soldiers ostensibly for counter-terrorism “trainings and exercises” but which in many cases are in reality coordinated combat operations with the Philippine armed forces. These grossly violate national sovereignty and Philippine territorial integrity.

Because of its strategic location, the Philippines is vital for the US projection of military force in East Asia to as far away as the Middle East. The country’s ports and airfields have already been used by the US as transit points and refueling stations in its wars of aggression against the people of Afghanistan and of Iraq. It is for



this reason that the US seeks to maintain its control over the Philippine state and its armed forces, and seeks to defeat all progressive forces opposed to US presence and intervention in the country.

The Armed Forces of the Philippines today remains the same institution which served the Marcos regime. The junior officers who committed atrocities under the dictatorship of Ferdinand Marcos are now generals and the henchmen in Arroyo's repressive state machinery. The AFP continues to serve as an instrument of suppression and executor of extra-legal operations under the guidance and with the support of US counterinsurgency and anti-terrorism agencies, i.e. the Central Intelligence Agency and the Department of Defense in Pentagon. The Arroyo regimes' dependence on the US and the US trained armed forces is crucial for the survival of the regime.

The cost of such strict dependence in terms of gross violations of individual and collective rights, has been dramatically confirmed and documented in detail (see section on *Extrajudicial killings, torture and forced disappearances*). The never ending military, police and paramilitary operations are the expression of the all-out war, or the so-called "holistic approach" in Operation Plan Bantay Laya (OBL) or Operation Plan Freedom Watch, a policy which has been carried out since 2002.

Oplan Bantay Laya is the latest formulation of previous counterinsurgency plans initially crafted under the Marcos regime. It is an end product of more than three decades of successive failures and frustrations of the US-GRP-AFP in their attempts to crush and defeat the struggles of the people. The US, through Pentagon and the CIA has been involved in the conceptualization, and planning, the training of AFP personnel and the execution of the OBL. This work of cooperation is now done on the basis of the very controversial Security Engagement Board Agreement of 2006.

The Security Engagement Board created by this agreement is a joint committee of defense officials and military officials of both the Philippines and the United States. And the purpose of this committee is to oversee the anti-terror campaign in the country. The campaign was begun in 2001 as a campaign against the Abu Sayyaf in the south of the country, right after the September 11, 2001 attacks in New York. It was a creation of the US and experimented in collaboration with the AFP against the Abu Sayyaf as an anti-terror campaign. In that campaign US special forces and the AFP were abducting even suspects or families of Abu Sayyaf sympathizers and innocent members of communities in Mindanao. Only later was it decided to expand the campaign to cover the entire Philippines in the nationwide anti-insurgency campaign. Like the campaign against the Abu Sayyaf, the nationwide campaign does not make any distinction between advocates who have a legal status and those involved in armed confrontations with the government. And it is being carried out by the AFP instructed and supported in action by US Special Operations Forces (SOF).

These US Special Operations Forces are the most highly-trained elite units of the US Army who specialize in what is called Low Intensity Conflict Warfare. In other countries, the deployment of US Special Operations Forces, especially in Guatemala and Colombia, as well as in Indonesia during the Suharto dictatorship, have been exposed by among others the Amnesty International as having been responsible for training local troops that have been involved in "dirty tricks", including abductions, extrajudicial killings, and even massacres of civilians who have been known to be sympathetic to armed insurgents in those countries.

Having run out of counterinsurgency options, OBL seems to be the US-Arroyo regime's "final solution" to the long drawn-out conflict. A novel and significant component is its special emphasis on brutal and punitive measures against Congressional partylist representatives and constituencies and "neutralization" of institutions and organizations, through assassination of their leaders and ordinary members. OBL's focus on the "political component" and "white area operations" is described by veteran reporter and columnist Armando Doronila in *Philippine Daily Inquirer* (21 June 2006):

*"The blueprint of war outlined in 'the orders of battle' of Oplan Bantay Laya envisages decimation of non-military segments of the communist movement. It is not designed to engage the New People's Army in armed conflict in field warfare. It is designated to butcher and massacre defenseless non-combatants. It is therefore a sinister plan for civilian butchery, a strategy which exposes the military and police to fewer risks and casualties than they would face in armed fighting with the communist guerillas.*

*The emphasis of this strategy on “neutralizing” front/legal organizations helps explain why most of the victims of the past five years have been non-combatants and defenseless members of the left. During that period the number of murdered above ground members of the Left has far exceeded fatalities of the New People’s Army in armed encounters with security forces.*

*This strategy is blamed for the systematic massacre of non-combatants. It offers a huge potential for human rights abuses and atrocities. It makes the regime look more cold-blooded in its methods in trying to crush the insurgency than it’s predecessors, not excluding the Marcos dictatorship. It opens the path to the slaughter of the defenseless”.*

### **Extrajudicial killings, torture and forced disappearances**

An impressive amount of cases of extrajudicial killings, disappearances and torture, often in combination with each other, have been documented before the Tribunal by the oral testimonies of survivors, witnesses and experts who provided also the opportunity of more in depth questioning by the jury. Further for each of the cases (listed in Annex 2) a very detailed account, including copies of original documents and certificates have been made available for the Jury. The synoptic presentation of the 839 cases of extrajudicial killings in a table, allows on one side the detailed view of the increasing number of cases from the 98 in 2001 to the 213 in 2006, and on the other side makes visible the composition of this ‘population’ which is truly and fully representative of the targeted killing strategy: persons associated with ‘left’ organizations, church people, community leaders, peasants, journalists, lawyers, people of the so-called party list organizations (parliamentary opposition), human rights activists or simply witnesses of extrajudicial killings.

Sector	2001	2002	2003	2004	2005	2006	Jan-March 2007	Total
<b>Church</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>7</b>	<b>9</b>	<b>0</b>	<b>19</b>
<b>Peasants</b>	25	63	61	43	94	101	13	400
<b>Fisherfolks</b>	10	3	0	0	0	2	0	15
<b>Human Rights</b>	3	5	1	2	4	3	0	18
<b>Children (below 18)</b>	<b>8</b>	<b>7</b>	<b>18</b>	<b>6</b>	<b>4</b>	<b>7</b>	<b>0</b>	<b>50</b>
<b>National Minority</b>	36	18	19	11	36	7	0	125
<b>Urban Poor</b>	9	6	5	2	7	6	1	36
<b>Workers</b>	2	5	3	10	10	25	0	55
<b>Youth &amp; Students</b>	<b>1</b>	3	6	2	2	10	1	22
<b>Women</b>	0	1	1	0	0	2	0	4
<b>Public Servant</b>	0	1	2	0	5	7	1	16
<b>Teachers</b>	0	1	0	0	0	0	1	2
<b>Unidentified</b>	3	2	19	2	21	35	0	77
<b>TOTAL</b>	<b>98</b>	<b>115</b>	<b>125</b>	<b>80</b>	<b>190</b>	<b>213</b>	<b>17</b>	<b>839</b>

It also appears that most of the killings have taken place in those regions of the country that are identified as ‘priority areas’ in the OBL. (See above, section 5)

Victims are usually, prior to the attacks, subject to a vilification campaign by the military or anti-communist vigilante groups. They are said to be members of the CPP/NPA (Communist Party of the Philippines/ New Peoples’ Army) or its ‘front organizations’, and labeled as ‘terrorists’. In fact the victims are often poor peasants campaigning for some more loans, clergymen who have criticized the government for its alleged

inhuman politics, human rights workers and others, peacefully struggling for better conditions for the ordinary people, who have nothing to do with political violence. See for instance the massacre at Hacienda Luisita on November 6, 2006, referred to in section 4.

Examples of the targeting of non-violent clergymen are the killing of bishop Alberto Ramento, known as the bishop of poor peasants and workers and as such a critic of the Arroyo regime, on October 3, 2006, of Pastor Andy Pawican on May 21, 2006 and of Pastor Isaias Santa Rosa on August 3, 2006.

Other examples of the targeting of non-violent social movements are the abduction and killing of human rights workers Eddie Gumanoy and Eden Marcellana on April 21, 2003, the attacks on party list organization Bayan Muna officially represented in the legislature, of which 129 party members have been killed since 2001. Also the killing of 15 activist lawyers and 10 judges since 2001, as well as 26 journalists and other media personnel is to be qualified as an attack on non-violent critics of the government or of social actors such as multinationals.

The overall picture made available to the Jury on Charge 1 is in fact perfectly fitting the broader scenario outlined in the discussion of the Oplan Bantay Laya. Having failed in its earlier strategies to defeat the CPP and the NPA the government is now concentrating its oppression on the political more than the military component of the left opposition: the aim of 'neutralizing' legal institutions and organizations become an excuse for the killings of peaceful persons. The witness to the tribunal, retired Philippine Navy Captain Danilo Vizmanos, is explicit in his analysis of Oplan Bantay Laya being not designed to engage the New People's Army into armed conflict with the Philippine Army, but to attack, torture and kill defenseless non-combatants, poor peasants and social activists.

Women leaders and especially leader of Gabriela Women's Party have been stripped naked and molested by military personnel. Sexual violence is used both as a form of torture and to create fear among women.

### ***The responsibility of the Armed Forces of the Philippines (AFP)***

The perpetrators of the killings and abductions are often uniformed men with no name tags, wearing bonnets or ski-masks and riding on motorcycles or vehicles with no plate numbers. Although the government is strongly denying any participation of its security forces in these killings, there are serious indications to the contrary. For instance the comprehensive documentation available on the case of the killing after torture of Pastor Isaias Santa Rosa on August 3, 2006, has been specifically impressive: one of the perpetrators was killed as well during the operation and a written mission order (available to the evaluation by the PPT) by the army found on his body.

In the case of the killing of Pastor Andy Pawican on May 21, 2006, uniformed soldiers abducted the victim and killed him shortly afterwards.

The same is true in the case of Eddie Gumanoy and Eden Marcellana (documented with video and a very detailed collection of documents), abducted by uniformed soldiers and killed after having been tortured on April 21, 2003, on their way back from a human rights fact finding mission.

The creation on October 30<sup>th</sup> 1987 of the Citizen's Armed Forces Geographical Units (CAFGU) to serve as auxiliaries to the AFP in counter-insurgency activities, is functioning as a paramilitary forces used in many instances to serve the interests of political personalities and private societies.

### ***The politics of impunity***

The absence of any serious attempt to assure an investigation on the killings, has been confirmed by all the witnesses.

No photos, no fingerprints are taken, nor other investigative measures applied. No prosecution is started because of lack of evidence. Even the most brutal atrocities hardly elicit any decisive action or even oral condemnation from the government. The history of the Melo Commission reflects well this attitude of denial. The government had been politically forced to install the commission with the mandate to investigate the killings. Despite the qualification of the facts as mere ‘incidents’, with no responsibilities imputed on the army or on the police, the government tried everything to delay the publication of the Commission’s report, ultimately without success. Another report, by UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, was much more critical, and has been totally denied and even derided by the government.

Most serious is the mechanism of threatening, torturing and killing of witnesses of killings and other human rights violations. The Tribunal refers in this respect to the impressive testimony before the Tribunal by Ruel Marcial, severely tortured just because he was the only witness to the killing of Pastor Andy Pawican (referred to before).

The Jury has also been informed that at least one witness who has given evidence to the UN Special Rapporteur Alston has been killed shortly afterwards.

*Conclusion:*

The Tribunal, having considered the evidence given before it, is of the opinion that the reported killings, torture and forced disappearances fall under the responsibility of the Philippine government and are by no way justifiable in terms of necessary measures against terrorism.

## **6. VERDICT**

The decisions of the Tribunal with respect to the accusation and charges, as reported in section 3 are as follows:

1. The wealth and consistency of the oral and written documentation made available through witnesses and expert reports, has convinced the PPT that each and all of the three charges presented against Gloria Macapagal-Arroyo and her Government, and against George Walker Bush and his Government are substantiated.
2. The PPT underlines that the charges can neither be considered separately nor independently. The atrocities of extrajudicial killings, of massacres, of tortures, and of communities destroyed and dispersed are the visible and dramatic expression of one strategy, which has its continuity and effectiveness in the mechanism and instruments documented with respect to sections 4 (*Historical framework and violations of economic, social and cultural rights*), 5 (*The role of the United States of America*), 6 (*Extrajudicial killings, torture and forced disappearances*).
3. The extension and the systematic nature of the violations of the rights of the Filipino people committed by the governments of Mrs. Gloria Macapagal-Arroyo and with the support and full awareness of the government of George Walker Bush, qualify the same violations as crimes against humanity, with all the consequences for the persons who are responsible for them. Such violations must be stopped immediately.
4. The Philippine government and the Bush administration have knowingly and willingly colluded with each other in implementing the US so-called “war on terror” in Southeast Asia and in the Philippines in violation of national sovereignty and territorial integrity, and violating the Philippine Constitution which bans the presence of foreign troops and nuclear weapons on Philippine soil.
5. The PPT has found unequivocal evidences that the military has a central role in the greatest majority of the scenarios of human rights violations in the Philippines. The PPT however wants to underline the highly misleading role of the recurrent debates on the direct vs. indirect involvement of the military forces in one or the other individual case. The AFP is a structural component and instrument

of the policy of the “war on terror” declared jointly by the Philippines and the US Governments, as a comprehensive label to justify all illegal actions and their impunity.

6. The PPT denounces as unacceptable the inclusion of the Government of the Republic of the Philippines in the UN Human Rights Council:
  - It undermines the credibility of the UN in this field;
  - It is an intolerable offense to the victims;
  - It is a denial of the many well documented denunciations of the dramatic violations of human rights in the Philippines.

As Jurors of the Permanent Peoples’ Tribunal and as part of the larger human family, we recognize that the dramatic and worsening human rights situation in the Philippines is the responsibility for us all, and not just for those who struggle for their rights in that country, We commit ourselves to strengthen our efforts to defeat those powers which, under the pretext of the so-called “war on terrorism” and under the mantle of “market- and profit-driven globalization”, deprive the marginalized peoples of a life in justice, dignity and peace.

This commitment includes a sharp attention to the safety of the witnesses who have courageously contributed to the fact-finding task of the Tribunal. If anything would happen to any of them, we will hold the Government of the Republic of the Philippines responsible for that.

**Permanent Peoples' Tribunal Second Session on the Philippines  
Program of the Proceedings of the Public Hearings**

**21-25 March 2007**

**March 21, 2007 (first day):**    **CHRISTUS TRIUMFATOR KERK  
Juliana van Stolberglaan 154  
2595 CL Den Haag  
The Netherlands**

**Morning session**

8:30:    Arrival/Registration:

10:00:    Opening Ceremonies:

1.    Ceremony for Just and Lasting Peace
  - Ma. Carmencita Karagdag (International Coordinating Secretariat of the Session)
  - Archbishop Joris A.O.L. Vercammen (Old Catholic Church)
  - Bishop Elmer Bolocon (United Church of Christ in the Philippines)
2.    Official Opening of the Second Session on the Philippines
  - Prof. Francois Houtart (President of the Session)
3.    Introduction of Jurors, Prosecutors and Complainants and Defense
  - Dr. Gianni Tognoni (Session Moderator)
4.    Reading of Rules of Procedure for the Tribunal
  - Dr. Gianni Tognoni
5.    Opening Statement of the Chief Prosecutor;
  - UN Judge Ad Litem for the ICTFY Romeo T. Capulong, read by Carol Pagaduan- Araullo (BAYAN)
6.    Summary of the Indictment for Charge No. 1: Gross and systematic violations of civil and political rights for chief prosecutor UN Judge Romeo Capulong
  - Atty. Jan Fermon, co-prosecutor
7.    Expert Testimony on the Philippine Human Rights Situation
  - Ms. Marie Hilao-Enriquez (KARAPATAN)
8.    Witness to the Extra-Judicial Killing Rev. Isaias Sta. Rosa
  - Jonathan Sta. Rosa, assisted by Atty. Amylyn B. Sato (Video deposition and interviewed via tele conference)

12:30- 13:30 p.m.            Lunch Break

**Afternoon Session**            Continuation of Hearings on Charge No. 1

1.    Survivor-witness to the Extra-Judicial Killing of Alyce Omengan-Claver
  - Dr. Constancio "Chandu" Claver (video deposition from Montreal, Canada)
2.    Witness to abduction of Eden Marcellana and Eddie Gumanoy
  - Virgilio "King" Catoy (testified before and interviewed by jurors from the Philippines through video teleconference)
3.    Enforced Disappearance of Shirley Cadapan and Karen Empeno

- Linda Cadapan, assisted by Atty. Alnie Foja and Ms. Joan Salvador (video and interviewed via tele videoconference)
  - “Jolibee”, assisted by Atty. Alnie Foja (video)
4. Witness to the attacks on church people
- Bishop Elmer Bolocon (United Church of Christ in the Philippines), assisted by Atty. Edre U. Olalia

**March 22, 2007 (second day): Christus Triumphator Kerk**

1. Witness on government attempts to cover-up crime and whitewash investigations
  - Bishop Godofredo David, assisted by Atty. Amylyn Sato via tele videoconference
2. Witness to the Extra-Judicial Killing of Diosdado Fortuna (Worker at Nestle Philippines)
  - Noel T. Sanchez, assisted by Atty. Amylyn Sato (with video, not completely shown) and interviewed via tele video conference with the assistance of Atty. Rex JM Fernandez
3. Witnesses on Torture
  - Ruel Marcial, assisted by Atty. Rachel F. Pastores and Fr. Gilbert Sabado (video deposition)
  - Oscar Leuterio, assisted by Atty. Amylyn Sato and Atty. Rex JM Fernandez (with video deposition, not shown, interviewed via tele videoconference)
4. Expert Resource Persons on Torture
  - Dr. June Lopez, assisted by Atty. Alnie Foja with submitted expert opinions from:
    - Dr. Inge Genefke (International Rehabilitation Council for Torture Victims)
    - Dr. Bert Soerensen (International Rehabilitation Council for Torture Victims)
5. Witness on massacre
  - Rene Galang, assisted by Atty. Jobert Pahilga (via tele videoconference)
6. The Hacienda Luisita Incorporated (HLI) Massacre Video Presentation (Sa Ngalan ng Tubo)
7. Survivor-witness to the Palo (Leyte) Massacre
  - Fe Muriel Obejas, assisted by Atty. Alberto Hidalgo (video deposition and interviewed via tele videoconference)
8. Resource speaker on national security policy of the Arroyo government
  - Ret. Navy Captain Danilo Vizmanos, assisted by Atty. Jobert Pahilga (via tele videoconference)
9. Victim-witness to attack on communities and suppression of civil liberties
  - Dr. Carol Araullo (BAYAN), assisted by Atty. Edre Olalia
10. Summary of the Cases Presented for Charge No. 1
  - Atty. Jan Fermon
11. Summary and Submission of Reports of Fact Finding Missions on the Philippines
  - Jackie Hu Ling Yu for the Hong Kong Fact Finding Mission
  - Wim de Ceukelaire for the International Peasants Solidarity Mission
  - Joke Dereymaeker for the International Fact Finding Mission on the Killings of Lawyers and Judges
12. Opening Statement to Charge No. 2: Gross and systematic violations of economic, social and cultural rights of the Filipino people
  - Atty. Bernard Tomlow

**March 23, 2007 (third day): Christus Triumphator Kerk**

Continuation of Hearings on Charge No. 2:

1. Expert Testimony
  - Jose Enrique Africa (IBON)
2. Expert Testimony
  - Antonio Tujan Jr. (Asia Pacific Research Network and IBON)
3. Victim of the persecution of workers
  - Elmer Labog (Kilusang Mayo Uno)
4. On Liberalization: the case of Toyota, Inc.
  - Ed Cubelo (Toyota Motor Philippines Labor Union), assisted by Atty. Rex JM Fernandez (video deposition)
5. Attack on Peasants' Rights
  - Danilo Ramos (Kilusang Mambubukid ng Pilipinas), assisted by Atty. Jobert Pahilga
6. Attack on Womens' Rights
  - Emmi de Jesus (Gabriela), assisted by Atty. Amylyn Sato
7. Resource person on Environment
  - Senator Ma Ana "Jamby" Madrigal
8. Opening statement to Charge No. 3: Gross and systematic violations of the rights of the people to national self-determination and liberation
  - Atty. Jan Fermon
9. Expert Testimony 1: Prof. Romulo Tuazon (Center for Anti-Imperialist Studies)
10. Expert Testimony 2: Rey Claro Casambre (Philippine Peace Center)
11. Resource person on US-RP Military Agreements: Dr. Roland Simbulan, assisted by Atty. Rex JM Fernandez (video deposition and interviewed via tele videoconference)
12. Summary of the Plaintiff
  - Atty. Edre U. Olalia
13. Amicus Curiae
  - Mr. Luis Jalandoni – National Democratic Front of the Philippines

**March 23-25, 2007**

Deliberation of the Jurors

**March 25, 2007 (fifth day):**

**PAX CHRISTI KERK  
Vlamburg 2  
2591 AS Den Haag  
The Netherlands**

2:45-4:00: Reading of the Verdict  
4:00-4:15: Press Conference  
4:15-4:30: Closing of the PPT Second Session on the Philippines  
4:30-9:00: Solidarity and Cultural Night



## ANNEX II

### Permanent Peoples' Tribunal Second Session on the Philippines

#### SUMMARY OF SUBMITTED DOCUMENTARY EVIDENCE

#### On Charge 1: Gross and Systematic Violations of Civil and Political Rights

##### LIST OF CASES PRESENTED in the Public Sessions:

###### Summary Execution

1. Rev. Isaias Sta. Rosa with video shown
2. Alyce Claver (Summary Execution)
3. Constancio Claver (Frustrated Summary Execution) – with video shown
4. Bishop Alberto Ramento (included in the deposition of Bishop David)
5. Diosdado Fortuna – with video shown
6. Hacienda Luisita Massacre – with video shown
7. Palo Massacre

###### Torture:

1. Oscar Leuterio
2. Ruel Marcial (witness to the Killing of Rev. Andy Pawican) with video shown

###### Enforced Disappearance:

1. Sherlyn Cadapan, Karen Empeno, Manuel Marino – with video shown

##### List of Cases submitted with written documentation:

###### I. Summary Execution

1. Noli Capulong
2. Isaias Drummond Manano Jr.
3. Nestor Arinque
4. Rev. Raul Domingo
5. Expedito and Manuela Albarillo
6. Gerge and Maricel Vigo
7. Nicanor delos Santos
8. Arnel Guevarra
9. Armando Javier
10. Juvy Magsino
11. Fr. William Tadena
12. Atty. Felidito Dacut
13. Markus Bangit
14. Abe Sungit
15. Juancho Sanchez
16. Romeo Malabanan
17. Allan Ibasan and dante Salgado
18. Fr. Allan Caparro, Aileen Caparro (Frustrated Summary Execution)

###### II. Enforced Disappearances

1. Rogelio and Gabriel Calubid
2. Raymond Manalo  
Reynaldo Manalo
3. Prudencio Calubid etal.

###### III. Massacre

1. Benjaline Hernandez  
Crisanto Amorra  
Vivian Andrade  
Labaon Sinunday
2. Maco Massacre - Marjorie Reynoso
  - Jonathan Benaro
  - Carlito Doydoy
  - Ramon Ragasi
3. Padiwan Massacre

IV. Illegal Arrest, Detention and Torture

1. Buyong buyong Isnijal
2. Tagaytay Five - Riel Custodio
  - Alex Pinpin
  - Aristides Sarmiento
  - Michael Masayes
  - Enrico Ybanez
3. Angie Bisuna Ipong
4. Lopez Six – Nonilon Parro
  - Fernando Torres
  - Helbert Imperial
  - Kennedy Imperial Abello
  - Joey Imperial
  - Jefferson Imperial Paraiso

V. Attacks against communities

1. Rapu-Rapu Mining
2. Basilan cases
3. Sulu Case

VI. Suppression of Civil Liberties:

Transcript of Oral Deposition of Carol Araullo, video, pictures and related documents

VII. Power Point presentation of Expert Witness: Marie Hilao-Enriquez (KARAPATAN)

**LIST OF VIDEO DEPOSITIONS and transcripts:**

1. Jonathan Sta. Rosa (Witness to Extrajudicial Killing of Rev Isaias Sta. Rosa)
2. Noel T. Sanchez (Witness to Extra-Judicial Killing of Diosdado Fortuna, a worker at Nestle Philippines)
3. Constancio Claver (Victim of Frustrated Summary Execution): 2 video depositions, one with the assistance of Atty. Rachel Pastores, and the other an updated video from Montreal, Canada
4. Linda Cadapan (Mother of Disappeared Shirley Cadapan)
5. Wilfredo Ramos (witness to abduction and still missing UP students Shirley Cadapan and Karen Empeño)
6. Bishop Elmer Bolocon (expert witness to attacks on church people)
7. Ruel Marcial (Victim of Torture)
8. Oscar Leuterio (Victim of Torture)
9. Angelina Bisuna-Ipong (Victim of Abduction and Detention)
10. Rene Galang (Witness to the Hacienda Luisita Massacre)
11. Fe Muriel Obejas (Witness to the Palo Massacre)
12. Rep. Satur Ocampo (Bayan Muna Partylist Congressman recently arrested and detained by Arroyo regime, victim of political persecution)

13. Rep. Cripin Beltran (Anakpawis Partylist Congressman, arrested and detained by the Arroyo regime, victim of political persecution)