

INTERNATIONAL PEOPLES' TRIBUNAL
Washington, D.C., USA

THE FILIPINO PEOPLE,
at the suit of **ECUVOICE, KARAPATAN,**
Hustisya, DESAPARECIDOS, SELDA,
BAYAN, KMU, KMP, GABRIELA,
MIGRANTE, and KADAMAY,
Complainants,

For:

- I. Gross and systematic violations of civil and political rights;**
- II. Gross and systematic violations of economic, social and cultural rights; and**
- III. Gross and systematic violations of the rights of the people to national self-determination and liberation**

-versus-

PRESIDENT BENIGNO S. AQUINO III,
the **GOVERNMENT** of the **REPUBLIC**
of the **PHILIPPINES,**
and
the **GOVERNMENT** of the **UNITED STATES**
of **AMERICA,** represented by
President BARACK HUSSEIN OBAMA II,
the **International Monetary Fund, the World Bank,**
World Trade Organization, multinational
corporations and foreign banks doing business
in the **Philippines,**
Defendants.

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V E R D I C T

PREFATORY

The International Peoples' Tribunal (IPT) on Crimes Against the Filipino People was convened at the behest mainly of the victims with allegations of crimes committed by the Presidency of BENIGNO SIMEON C. AQUINO III in the Philippines, the Presidency of BARACK HUSSEIN OBAMA II in the United States, with multilateral agencies the International Monetary Fund, the World Bank, World Trade Organization, multinational corporations and foreign banks doing business in the Philippines allegedly acting as their accomplices and accessories.

The IPT, like other alternative or parallel fora, embodies the right of peoples to hold governments to account. It stems from the failure and inadequacies to uphold the standards and principles as enunciated in international laws and instruments including the core human rights conventions and agreements.

It derives its legitimacy from the people as the ultimate source of the authority of all national and international laws.

We note that the IPT draws inspiration and builds on the gains of previous peoples' tribunals convened to try similar crimes by previous regimes in the Philippines. These include, among others, the:

1. Permanent Peoples' Tribunal (First Session on the Philippines) or PPT 1 of 1980 in Antwerp, Belgium ("Repression and Resistance," against the dictatorship of Ferdinand Marcos at the suit by the National Democratic Front of the Philippines or NDFP and the Moro National Liberation Front or MNLF");

2. International Solidarity Mission- International People's Tribunal (ISM-IPT) of 2005 in Manila ("In Defense of a People Fighting Repression," and against human rights violations of President Gloria Macapagal-Arroyo"); and

3. Permanent Peoples' Tribunal (Second Session on the Philippines) or PPT2 of March 2007 in The Hague, The Netherlands ("The Filipino People vs. Gloria Macapagal-Arroyo, George W. Bush, et. a.l: Indicting the US-backed Arroyo regime for human rights violations, economic plunder and transgression of Filipino sovereignty").

We acknowledge that the Convenors of the present Tribunal are the International Coalition for Human Rights in the Philippines (ICHRP), IBON International, the International Association of Democratic Lawyers (IADL) and the National Lawyers Guild (NLG) of the US.

In this Tribunal, the Complainants are the Filipino people – the peasants, workers, urban and rural poor, fisherfolk, indigenous peoples, migrants, women, youth and students, religious, journalists, lawyers, teachers and other professionals, and all human rights defenders, through people's organizations – in solidarity with other oppressed and exploited peoples of the world.

They contend that the indictment of the Defendants is an expression of the frustration, disappointment and even exasperation over the limitations, inadequacy and weaknesses of existing domestic and international judicial systems to which they have brought their cases.¹ The present Tribunal for the Complainants is thus a parallel or alternative venue/forum for the assertion and direct exercise of the people of their inherent right to self-determination.

The Complainants further believe that the evidence presented shall not only be useful for present and future purposes but shall be an eloquent repository that would preserve the historical record and be the basis of the judgment of history. As a matter of fact, the Verdict will have its own political and moral import for generations.

In their words, the Filipino people are determined to shine a light on the despicable situation in the Philippines and to seek avenues for holding the entities responsible and accountable for systemic rights violations. This is the purpose and their hope in filing their case at this International Peoples' Tribunal.²

We agree.

THE INDICTMENT

The Indictment³ stated the grounds or charges constituting the alleged crimes of the Defendants.

It outlined the context or overview of the grounds or charges, contained the general and specific allegations, enumerated the specific cases or incidents under each ground or charge, and listed the international laws or covenants allegedly violated by the Defendants.

By Our authority given to the Clerk of Court, the Indictment was served by the Convenors upon the Defendants through their duly authorized representatives on 6 July 2015 or ten (10) days before the start of the Tribunal session on 16 July 2015.⁴ The corresponding registry receipts and return cards were duly produced

¹ "We have done everything... We hope that somehow, some day, Defendant Benigno S. Aquino III will have accountability for the criminal negligence..." Complainants' witness Eflada Bautista, victim of super typhoon Haiyan (Yolanda), Testimony on 17 July 2015.

² Pls. See Indictment dated 6 July 2015, attached herein as **Annex "A"**.

³ *Ibid.*

⁴ Manifestation of Vanessa K. Lucas of the National Lawyers Guild (NLG) of the US, 16 July 2015. The records further show that A Summary of the Charges and Abstract of the Indictment were publicly announced, posted and made available at the IPT Website during the IPT launch on 12 March 2015 and the media briefing on 16 June 2015, both in Manila, Philippines.

during the Tribunal by the Convenors and appeared to be in order.⁵

As certified by the Clerk of Court, neither the Defendants nor their counsel or representative/s notified the Tribunal through the Convenors whether and how they intend to participate in the proceedings.⁶

As a matter of fact and of record, the Defendants did not appear, attend or participate in the Tribunal sessions despite being notified and called by the Panel of Jurors at every convening. The records would show that time, identification cards and designated and clearly identified spaces at the session hall were reserved for them should they appear anytime.

But in view of the failure on the part of the Defendants to so notify the Tribunal and/or their non-appearance or non-participation in its sessions or proceedings, they were deemed to have waived their right to present evidence in their defense.

In view thereof, We were compelled to rule that We shall issue a Verdict either for or against the Defendants on the basis of the evidence presented by the Complainants through the Prosecution if so sufficient and in consonance with the Basic Rules of Procedure.⁷

CHARGES/GROUNDS

The Defendants, individually and collectively, are charged by the Filipino people of the following:

- I. **Gross and systematic violations of human rights, particularly civil and political rights, especially but not limited to extrajudicial killings, disappearances, massacres, torture, arbitrary arrests and detentions, as well as other vicious, brutal and systematic abuses and attacks on the basic democratic rights of the people;**
- II. **Gross and systematic violations of human rights, particularly economic, social and cultural rights of the Filipino people through the imposition of neo-liberal "free market" globalization to exploit the people; transgression of their economic sovereignty and plunder of their national patrimony and economy; and attacks on the people's livelihoods and the destruction of the environment; and**

⁵ Proof of Service of Indictment, 6 July 2015, attached herein as **Annex "B"** with Letter to the Defendants of even date, attached herein as **Annex "C"**. See also Basic Rules of Procedure of 12 March 2015, attached herein as **Annex "D"**.

⁶ Manifestation of Edre U. Olalia, Clerk of Court, 16 July 2015.

⁷ Part V, Annex "D".

- III. Gross and systematic violations of the rights of the people to national self-determination and liberation through the imposition of the US war of terror and US military intervention; as well as the perpetration of crimes against humanity and war crimes; misrepresentations of the people's right to national liberation and self-determination as "terrorism" and the baseless "terrorist" listing of individuals, organizations and other entities by the US and other governments.**

VIOLATIONS OF LAW

Complainants argue that the Defendants' wilful acts and omissions, exemplified or illustrated in the specific cases or incidents they have presented and submitted, individually or collectively violate international instruments including, but not limited to the following:

- 1976 Universal Declaration of the Rights of Peoples (Algiers Declaration)
- 1948 Universal Declaration of Human Rights (UDHR)
- 1966 International Covenant on Civil and Political Rights (ICCPR)
- 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 1789 US Alien Tort Claims Act (ATCA)
- 1977 Standard Minimum Rules for the Treatment of Prisoners
- 2006 International Convention for the Protection of All Persons from Enforced Disappearance
- 1990 UN Basic Principles on the Role of Lawyers
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- 1990 Convention on the Rights of the Child
- 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- 1948 Convention Concerning Freedom of Association and Protection of the Right to Organise, No. 87
- 1949 Convention Concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98
- 1949 Geneva Conventions
- 1950 Principles of the Nuremberg Tribunal
- 1977 Additional Protocols I and II to the Geneva Conventions
- Pertinent UN General Assembly and UN Economic and Social Council (ECOSOC) Resolutions on the rights of peoples to self-determination and on national liberation movements
- 1992 GRP-NDFP Hague Joint Declaration
- 1995 GRP-NDFP Joint Agreement on Safety and Immunity Guarantees (JASIG)
- 1998 GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL)
- 1998 Rome Statute of the International Criminal Court and the

- Generally accepted principles of international law which forms part of the laws of the Philippines under Section 2, Article II of the 1987 Philippine Constitution.

The specific provisions of the international instruments vis-à-vis the corresponding alleged violations for the corresponding charges or grounds were cited by the Complainants during the course of the Tribunal proceedings as well as in their documentary evidence⁸

PROCEDURE⁹

The burden of proving the grounds or charges against the Defendants was incumbent on the Complainants. The customary legal rules of procedure and evidence as well as the generally accepted basic minimum standards of due process of an impartial tribunal and of its proceedings were adopted by the Tribunal whenever applicable and warranted by the circumstances.

Selected eyewitness or material testimonies and oral or written accounts from victims, relatives, witnesses, and other individuals directly involved or knowledgeable in the areas or issues covered by the Indictment were summarily presented or submitted in person or into the record at the Tribunal from 16 to 17 July 2015. These testimonies were also reduced in writing through judicial affidavits and were all given or executed under oath.

Documentary evidence, photos, audio/videos, special reports, expert analyses, case summaries¹⁰, general accounts and reports relevant or material to the charges or grounds in the Indictment were also submitted in person or into the record.

The basic minimum standard of proof used by the Tribunal was credible, clear and convincing substantial evidence that a reasonable mind might accept as adequate to support a conclusion. We were keenly aware that the evidence shall not only be credible in itself but must come from a credible source.

Upon due deliberation and based on consensus, We present this Verdict on the basis of the facts and evidence adduced - - guided by and measured against the pertinent laws and instruments and using the standard of proof of the Tribunal.

In fine, Our Verdict is a ruling or determination on whether or not the evidence presented before the Tribunal shows that one, some or all of the Defendants

⁸ A Memorandum of Authorities dated 16 July 2015 was among the submissions by the Prosecution for the reference of the Tribunal, herein attached as **Annex "E"**.

⁹ Please see Basic Rules of Procedure, Annex "D".

¹⁰ Attached collectively as **Annex "F"**.

has/have been complicit in the alleged violations, by either pursuing or promoting measures violating the rights of the Filipino people; or by remaining practically or absolutely silent to stop or stem such violations and thereby perpetuating them; or by systematically and habitually failing to act to abate such violations or the conditions of the Filipino people.

The Prosecution¹¹ presented before this Tribunal 34 cases with 32 witnesses: 17 personally present here in Washington, D.C., 10 via live audio-video feed from Manila, 4 taped video depositions from the more far-flung parts of the Philippines and one from Europe. It also submitted extensive documentation of 29 more cases for our consideration.

ALLEGATIONS

ON THE FIRST GROUND:

Gross and systematic violations of human rights, particularly civil and political rights, especially but not limited to extrajudicial killings, disappearances, massacres, torture, arbitrary arrests and detentions, as well as other vicious, brutal and systematic abuses and attacks on the basic democratic rights of the people

To prove the first ground of the Indictment, the Complainants, through the Panel of People's Prosecutors, presented the following 16 witnesses (8 in person, 4 via live audio-video feed from Manila and 4 taped video depositions from Philippine provinces):

1) The Prosecution's first witness, AMARYLLIS HILAO ENRIQUEZ, who the records show is a former political detainee during the Marcos dictatorship, lead claimant in the class suit filed in the US against the Estate of Marcos, and renowned Filipina human rights defender for the longest time, was presented

¹¹ The Complainants were represented by an international Panel of People's Prosecutors, namely, Chief People's Prosecutor Ramsey Clark (USA), lawyers Ephraim B. Cortez, Jobert I. Pahilga, Sandra Jill S. Santos, Maria Kristina C. Conti, Janne B. Baterna, and Angela L. Trinidad (Philippines), Brian Campbell (USA) and Guy-Lin Beaudoin (Canada) in Washington; Rachel Pastores, Julian F. Oliva, Carlos A. Montemayor Jr., Minerva F. Lopez, Josalee S. Deinla, in Manila, and Jose Begil Jr. and Benjamin Ramos (Philippines) from the provinces in the Philippines; and Jan Fermon (Belgium) in Europe.

personally in her individual capacity as an expert witness/resource person.¹²

Ms. Enriquez provided an overview and context of the Philippine human rights situation and the alleged prevailing impunity in the country. She personally testified that under the Defendant Philippine government's internal security program called "Operation Plan Bayanihan," the killings and the violations continue.

From the assumption to office of Defendant Aquino in July 2010 until June 30, 2015, she quoted KARAPATAN, an NGO human rights monitoring body, which recorded a total of 262 cases of extrajudicial killings, 27 cases of enforced disappearances, 125 cases of torture, 293 cases of illegal arrests without detention, 723 of illegal arrests with detention, 133,599 cases of threats, harassment and intimidation, 29,684 cases of restriction and/or violent dispersal of peaceful public assemblies, 60,155 incidents of forced evacuation, among other incidents of violations of human rights allegedly perpetrated by the Philippine military, police, paramilitary and other State forces.

According to Ms. Enriquez, the killings, disappearances, torture, illegal arrests and other violations were allegedly committed by Philippine State forces against targeted individuals and/or group of individuals especially those who are leaders and/or members of peoples' organizations which the Defendant Philippine government labels as "enemies of the State".

She further testified that these human rights violations were systematically carried out as part of the Defendant Philippine government's counter-insurgency program, which is allegedly being militarily supported by the Defendant U.S. Government.

Ms. Enriquez maintains that there is a link between the US war on terror and "Oplan Bayanihan" or the US global counterinsurgency war with the former being repackaged as the latter.

Thereafter, the Prosecution presented evidence of specific cases of human rights violations which are illustrative of the cases of human rights violations committed in the Philippines by Defendant Aquino's government.

2) MARIA AURORA SANTIAGO personally testified that on July 3, 2012, anti-

¹² The records show that Ms. Enriquez, among others, chairs the national alliance of individuals, groups and organizations working for the promotion and protection of human rights in the Philippines, Karapatan. Its founders and members are publicly known to have been at the forefront of the human rights struggle in the Philippines since the time of Marcos' martial law regime. Karapatan appears to be cited widely by governmental and non-governmental entities worldwide. She is also an independent observer at the peace talks in Oslo between the Philippine government and the National Democratic Front of the Philippines. Through these talks, a committee to monitor human rights in the Philippines has been established. She has appeared several times before the UN Human Rights Council and has related with UN Special Mechanisms and treaty-monitoring bodies. She has also appeared before the committee hearings of foreign legislative bodies including the US Congress.

mining activist Wilhelmus Geertman was killed in cold blood inside his office allegedly by suspected military and police assets.

Ms. Santiago said her partner Geertman came to the Philippines as a Dutch lay missionary. He became involved in peasant organizing in a province north of Manila called Aurora and later became the Executive Director of a non-government organization called Alay Bayan which is engaged in grassroots disaster-preparedness, mitigation and assistance to disaster victims especially to poor communities.

His activities and advocacy like anti-mining made him a target of political vilification, according to Ms. Santiago. He was reportedly subjected to harassment by the Philippine military and was accused of being a high ranking member of the rebel army called the New People's Army (NPA). Even the questionable charge of robbery with homicide instead of robbery and murder against a police asset has dragged on for years as the records indicate.

3) CORAZON GEMARINO personally testified on how her husband Romeo Capalla was killed on March 15, 2014. According to Ms. Gemarino, Capalla was a prominent fair trade advocate and political activist and was the board chairman of Panay Fair Trade Center in an island in central Philippines. He was a member of an organization of former political detainees called the Samahan ng mga Ex-detainees Laban sa Detensyon at Aresto (SELDA), having been detained in the late 70s after he was arrested for participating in the struggle against the martial law regime of Ferdinand Marcos.

Ms. Gemarino claimed that her husband's consistent involvement in the different issues affecting the people elicited suspicion of the military and he was branded as a ranking officer of the New People's Army. He was arrested in August 2005 allegedly on trumped-up charges of arson for purportedly setting fire on the heavy equipment of a construction company, an act charged against the NPAs. He was released after one month on account of timely legal intervention and strong public clamor. Capalla was gunned down in front of their store at a public market in a province called Iloilo in Panay island while he was with his 92-year old mother-in-law. The case appears not to have prospered to date.

The Prosecution maintained there is no doubt that the killings of political activists, human rights advocates and dissenters continue under the presidency of Defendant Aquino as shown by the illustrative cases they presented.

The Prosecution submitted documentary evidence that barely five days after Defendant Aquino assumed office, Fernando Baldomero, a town councillor and a known political activist was gunned down in his house in Aklan, a province in central Philippines. No perpetrator has been punished as the records show .

4) Another case presented by the Prosecution was that of ROLLY MIRA PANESA, an ordinary private security guard who is among the reportedly 125 victims of torture. Mr. Panesa testified via live audio-video feed from Manila that he was then walking home on October 5, 2012 when he was suddenly grabbed

by several men, fell to the ground and became unconscious. He said that when he came to the following day, he felt pain in his face. He said that he was beaten black and blue, and his ears were bleeding.

He testified that he was later informed that he had been taken by the military and police because he was supposedly identified as "Benjamin Mendoza", an alleged high ranking officer of the underground Communist Party of the Philippines (CPP). He said his captors later interrogated him, and tried to make him confess that he is "Benjamin Mendoza" despite the fact that he has several government-issued IDs clearly showing he was not. He had to be detained for almost 10 months before he was ordered released by the court when it finally granted his Petition for Writ of Habeas Corpus on account of contrived or erroneous identity.

Several days before his release, the Philippine military released to an alleged "tipster" the P5.4 million bounty earmarked for the arrest of the real "Benjamin Mendoza" based on an alleged dubious "wanted" list released by the agencies of Defendant Philippine government. The Prosecution said that the military stubbornly clings to their script even while many of the perpetrators have been cleared by the Defendant's investigative arms.

The Prosecution also alleged that abductions or enforced disappearances were also committed by Defendant Philippine government. The illustrative case presented by the Prosecution is among the 27 recorded cases of enforced disappearances from July 2010 when Defendant Aquino came to power.

5) The case presented involves the abduction of Michael Celeste, Gerald Abale and Jully Devero who remain missing to this day. According to LILIA DEVERO wife of Jully Devero and who testified via taped deposition, the three are farmers from Negros Occidental, a province in central Philipines. Celeste is an active member of the National Federation of Sugar Workers (NSFW).

According to Ms. Devero, the three were abducted on July 19, 2011 by fully armed men some dressed in army uniforms and others in civilian clothes. The abductors were reportedly identified as members of the "RPA-ABB," a paramilitary group known to be under the control of the Philippine military. To date, the three are still missing, and the abductors have not been investigated and prosecuted.

The Prosecution claimed that illegal arrests and the filing of trumped-up charges are systematically being carried out by Defendant Philippine government against activists and human rights advocates. As aforementioned by Ms. Enriquez, there were reportedly 293 cases of illegal arrest without detention, 723 cases of illegal arrest and detention and 311 cases of illegal search and seizure.

6) Among these is the illegal arrest and detention of activists and mass leaders Zara Alvarez, Romulo Bito-on, Christian Tuayon, Anecita Rojo, and Clarizza Singson in a province in central Philippines called Negros. ZARA ALVAREZ testified via live audio-visual feed from Manila on the harassment she

experienced, and that of another activist from Negros, both of whom were victims of trumped-up charges.

Alvarez, a licensed teacher, a human rights worker, and a political activist, together with woman activist Singson, youth leader Tuayon and mass lead Biton said that they were falsely implicated in the death of a soldier who was killed during an encounter between Philippine Army soldiers and the New People's Army. According to her, as now commonly practiced by the military establishment, the false charges against the 52 Negros activists were based on the false statement of an alleged former member of the NPA which the said military used. Alvarez said she is temporarily free on bail but the false charges against her remain pending in court.

The Prosecution also presented documentary evidence relating to a similar legal harassment experienced by Randy Vegas and Raul Camposano, union organizers of the Confederation for Unity, Recognition and Advancement of Government Workers (COURAGE) and who are still in jail on trumped-up charges of common crimes even as the Prosecution asserted that the facts show they could not have possibly committed the alleged acts.

The Prosecution also alleged that a pregnant peasant organizer named Andrea Rosal also suffered the same fate when she was arrested based on warrants of arrest issued even though the evidence clearly showed that her name was not included as among the perpetrators. The only basis for Ms. Rosal's arrest according to the Prosecution is that she is the daughter of the famous former spokesperson of the underground Communist Party of the Philippines or CPP. Ms. Rosal's baby daughter reportedly died a few hours after birth because of lack of proper, prompt and adequate medical attention on top of the inhuman conditions in detention she allegedly had to endure. The records show that Ms. Rosal remains in jail together with another woman detainee who had similarly given birth.

7) The Prosecution also alleged that Defendant Aquino had also shown utter lack of respect for the people's basic constitutional rights as illustrated in the violent dispersal of the rally to coincide with the yearly State of the Nation Address in 2013. BISHOP SOLITO TOQUERO personally testified to the obstruction and violent dispersal by Defendant Philippine government's police forces of a large and broad group of rallyists, with permit in hand, who had marched near the Philippine Congress. Scores of protesters were injured but charges against the police have been dismissed.

8) According to the Prosecution, even lawyers are not spared from open and vicious threat, harassment and intimidation, like in the case of human rights lawyer ATTY. MARIA CATHERINE SALUCON of the National Union of Peoples' Lawyers (NUPL) who is among the 133,599 human rights defenders and activists who were threatened and harassed by State forces under the presidency of Defendant Aquino.

Although Atty. Salucon eventually successfully invoked the writs of amparo

and habeas data, protective orders that supposedly allow her access to military records pertaining to her, they have largely been ineffective as military officials continue to deny surveillance activities on her. According to Atty. Salucon, her own paralegal William Bugati was killed earlier by suspected agents of the State.

Also, two datu or local tribe leaders testified on the harassment and atrocities committed against their communities. Their cases were among the 60,155 recorded incidents of forced evacuation.

9) DATU MANSIMUY-AT, a leader of a Manobo (an indigenous tribe) community in Talaingod, Davao del Norte in southern Philippines, testified via live audio-video feed nila. He said that his tribe had stood against foreign mining corporations who sought to expand operations into their ancestral lands.

According to him, 1,300 members of the tribe were forced to evacuate because of these harassments and atrocities by the military. When they returned after more than a month, he said they found their houses and farms destroyed by the soldiers. Datu Mansimuy-at claimed he was among those who were harassed and accused of being an NPA member.

10) The same harassment and atrocities were also allegedly committed against the tribe of DATU MANSULADLAD who testified thru taped deposition that their community was likewise occupied by soldiers after conducting a military operation in the area. The tribe in their town in a place called San Luis, Agusan del Sur in southern Philippines in the island of Mindanao had resisted the entry of mining and logging firms.

He said that soldiers of Defendant Philippine government conducted a "Community Organizing for Peace and Development" (COPD), a military operation allegedly disguised as community work, which he said included the forced recruitment to the Peace and Development Security Volunteers (PDSV) with the threat of being a military target should they refuse conscription. The military also allegedly accused them of being members of the NPA because they complained of the military occupation of their communities.

The Prosecution asserted that children were not spared from the atrocities of the military and police as illustrated in the case of Bandam Dumanglay and the Antivo brothers.

11) BANDAM DUMANGLAY is a minor and a Lumad (member of an indigenous tribe in southern Philippines) also from Agusan del Sur and one of the students at a literacy and numeracy school being run by the Rural Missionaries of the Philippines-Northern Mindanao Region (RMP-NMR). He testified thru taped deposition that he was accosted by a group of heavily armed members of the Defendant Philippine government's paramilitary group Bagani Forces.

Bandam said that the armed men trained their high-powered firearms at him. A certain Ugjab Laygayan, who was leading the group, allegedly cautioned him that they were going to massacre the Lumads including the women, children and

teachers of his school if the community did not agree to their demands. Ugjab purportedly said that they would use helicopters if their guns were not enough to kill them all, bragging that the Bagani Forces were 600-strong. He supposedly added that they would fire warning shots at around 2:00 p.m. that day. Bandam said he ran as fast as he could to warn the elders. The community evacuated when the first shots indeed rang at 2:00 p.m.

12) EARL JAN ANTIVO narrated thru taped deposition the tragedy that resulted from strafing by Defendant Philippine government's soldiers on April 3, 2013 when he was only 12 years old. He testified that at around 6:00 p.m. on that date, he was then with his younger 8-year old brother and their 13-year old uncle, together with their father and several other members of their family and were on their way home from their farm.

He said that they heard a sudden burst of gunfire directed at them. Earl Jan shouted to the perpetrators, whom he identified as soldiers, in dialect "mga bata mi sir...". (there are children here). His shouts were allegedly ignored, and they heard a second burst of gunshots, Earl Jan then crawled to a grassy part and shouted twice that they are children. But his pleas were reportedly ignored. His brother was killed, while his uncle and himself suffered serious injuries. The perpetrators are supposedly soldiers from Defendant's Philippine Army.

13) The alleged brutal way by which the Defendant's Philippine military supposedly carry out its counter-insurgency operations, without due regard to the rules on engagement and International Humanitarian Law, is illustrated in the case of Arnold Jaramillo and his six comrades, according to the Prosecution. The evidence presented show that Arnold is a member of the belligerent force of the NPA, which reportedly is waging a civil war against the Philippine government for more than four decades.

According to the personal testimony of his wife, CYNTHIA JARAMILLO, her husband and his comrades were mercilessly killed, and their remains were also desecrated after an alleged military encounter of the two armed forces. Ms. Jaramillo cited the autopsy report conducted by the Defendant's own National Bureau of Investigation wherein it was stated that Recca Noelle Monte was killed without any gunshot wound, Arnold Jaramillo was riddled with bullets along with Brandon Magranga, Ricardo Reyes, Pedring Banggao, Robert Beyao and Roberto Perez.

The autopsy reports and post-mortem reports, validated by a forensic expert, stated that their major wounds were non-encounter shots. Two civilians were also killed during the incident. Engr. Fidela "Delle" Salvador, on a monitoring visit for various socio-economic projects implemented by non-government organizations in Lacub, Abra in northern Philippines and Noel Viste, a local, were among the 24 civilians allegedly used as human shields by Defendant Philippine government's soldiers during the operation. Thus, the Prosecution asserted, the victims were either *hors d' combat* or plain unarmed civilians. No case has been filed to date as the records show.

14) On another issue, BONIFACIO ILAGAN, known artist, director, and political detainee during the Marcos dictatorship, personally testified on the exclusion or so-called "delisitng" of martial law human rights victims from getting compensation. Mr. Ilagan testified that he is among the 9,539 victims-petitioners who filed a class suit against the estate of Ferdinand Marcos in Hawaii in 1986. In 1995, the records show that the Hawaii court ruled that the plaintiffs were entitled to compensation amounting to about US\$2 billion to be taken from Marcos' estate. Despite this decision, however, and despite the garnishment of accounts and sale of different properties of the Marcoses, the execution of the Hawaii court decision remains selective and elusive to most, according to Mr. Ilagan. On 25 February 2013, a Philippine law called RA 10368 or the Human Rights Victims Reparation and Recognition Act of 2013 was enacted. Thereafter, a Claims Board was created to process claims for reparation. As provided for in the law, petitioners in the Hawaii class suit were presumed to be beneficiaries of the reparation law.

However, according to Mr. Ilagan, out of the 9,539 victim-plaintiffs in the class suit, 2,013 were arbitrarily delisted and refused reparation. Among those delisted were Mr. Ilagan and many other activists and dissenters who are still active in peoples' organization, and that they were purportedly singled out because of their activities and continuing advocacies. Their protestations notwithstanding, many remain delisted while others have to go through the same tedious and tormenting process to prove again that they are victims, according to Mr. Ilagan.

Finally on this First Ground, to support their assertion that Defendant Aquino did not seriously and promptly investigate and/or prosecute perpetrators of human rights violations during the previous regimes, thereby contributing to the supposed impunity in the country, the Prosecution presented the cases of tortured Fil-Am activist Melissa Roxas, missing university students Sherlyn Cadapan and Karen Empeno and extrajudicially killed farmer Manuel Merino.

15) RAYMOND MANALO, a young farmer, and a supposed survivor of abduction and torture, relived his experience and testified thru live audio-video feed from Manila that he and his brother were abducted, tortured and detained without charges by soldiers under the command of Gen. Jovito Palparan, Jr. the commanding officer of the Defendant Philippine government's army in the region.

He also testified that he saw and was with Sherlyn Cadapan, Karen Empeno and Manuel Merino, who were also abducted and remain missing up to this time. He narrated how he was confronted by Gen. Palparan himself while in captivity, directly establishing the general's knowledge, management and supervision of their abduction. The case was not pursued by the Defendant government until the criminal complaints were initiated by the victim's families and human right defender themselves.

Gen. Palparan hid and evaded his arrest for three years before he was brought before the courts but remains, with the acquiescence of Defendant Aquinos' government agencies, in military custody even if he is already retired. One suspect is still at large, while several other top military officials charged by

the victims have been dropped from the case. According to the Prosecution, the case has dragged on for 4 years with no immediate end in sight.

16)) Lastly, MELISSA ROXAS, a young Filipino-American activist and health worker personally testified as to her alleged abduction and torture when she visited the Philippines to conduct health surveys preparatory to a future medical mission. She said she was abducted in a town in Tarlac north of Manila on May 19, 2009 while conducting a health survey together with two other companions. She testified that she was sure that their abductors are soldiers, and that they were taken to a military camp.

According to her, they were held for six days, during which they were continuously interrogated and tortured. All throughout her captivity, she claimed they threatened her with death, and tried to force her to sign documents saying that she surrendered as an NPA. When she refused to sign, they allegedly tortured her even more. Melissa was able to describe one of her abductors, and a cartographic sketch was made based on her description. Unfortunately, these sketches were not followed up and no effort was ever made by Defendant Philippine government to identify the persons depicted in the sketches.

The records show that to date, the identities of her abductors and torturers are still unknown. The military and police have denied wholesale the allegations and, under this claim, refused to release information or conduct further investigations even despite orders from the courts. No perpetrator has ever been charged much less arrested as the records indicate.

In addition to these 16 witnesses, the Prosecution likewise submitted documents for 23 other cases of human rights violations involving the First Ground.¹³ These other cases involved other alleged extrajudicial killings, massacre, enforced disappearance, illegal arrests and detention, harassments, forced evacuations, violation of children's rights, violation of international humanitarian law, and perpetuation of climate of impunity.

The Prosecution offered these evidence to establish the various gross human rights violations allegedly committed by Defendant Aquino and his government, supposedly in collaboration and/or abetted by Defendant US government, as factual basis for the charges under the First Ground of the Indictment.

ON THE SECOND GROUND:

Gross and systematic violations of human rights, particularly economic, social and cultural rights of the Filipino people through the imposition of neo-liberal "free market" globalization to exploit the people; transgression of their economic sovereignty and plunder of

¹³ Cases for Submission, 17 July 2015, herein attached as **Annex "G"**.

their national patrimony and economy; and attacks on the people's livelihoods and the destruction of the environment

To prove the material allegations of the Second Ground of the Indictment, the Prosecution presented 11 witnesses and pieces of documentary evidence for 13 cases or issues (8 in person and 5 via live audio-video feed from Manila).

1) First to testify in person was economist JOSE ENRIQUE AFRICA, who as the records show is an economics expert widely quoted and cited by the academe, organizations, institutions, media and other entities both in the Philippines and abroad. He was presented in his individual capacity as an expert witness/resource person.¹⁴

Mr. Africa gave an overview and data to picture out the general socio-economic situation of the Philippines. He provided the Tribunal economic variables and data on the state of the economy of the Philippines for Our consideration:

- 66 million (out of 100 million) Filipinos are poor. They live on just Php125 (US\$2.80) or less per day. They are the Filipino farmers, fisherfolk, workers, small-scale traders, vendors, domestic workers and other informal sector workers
- 4.3 million Filipinos are unemployed and 7.9 million underemployed
- 4 out of 10 or 44% of the workers are non-regular or agency-hired workers, over six out of ten or 63% do not even have written contracts; four out of ten or 40% employed Filipinos are in just part-time work with very low pay and no benefits
- the average daily basic pay of millions of Filipino workers nationwide increased by less than Php5 (Php4.50) or just 1.7% between 2005 and 2014
- there are 10.2 million overseas Filipinos in 2013
- 4,508 overseas Filipino workers were deployed every day because only 2,800 jobs were generated at home

¹⁴ The records show that Mr. Africa is, among others, also a fellow of the Center for People Empowerment in Governance (CenPEG) and the Center for Anti-Imperialist Studies (CAIS). He previously worked as staff in the National Economic and Development Authority (NEDA) and has been an active educator to people's organizations as well as a resource person for schools, NGOs, government and media since the 1990s. His writings on socioeconomic and political issues have been published. He obtained his Masters degree (MSc) in Development Studies and Bachelors degree (BSc) in Philosophy and Economics from the London School of Economics and Political Science (LSE).

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- 7 of 10 peasants are still landless
- a third of landowners own or control more than 80% of agricultural land
- the wealth of the 10 richest Filipinos has more than tripled under the Defendant Aquino administration from Php630 billion in 2010 to Php2.2 trillion in 2015 (250% increase)
- the net income of the country's some 260 listed firms on the Philippine Stock Exchange (PSE) rose from Php438 billion in 2010 to Php583 billion in 2014 (33% increase)
- the net income of the country's Top 1000 corporations grew from Php804 billion in 2010 to Php1.0 trillion in 2013 (26% increase)
- two-fifths (40%) of approved investment in the Philippines in the last decade-and-a-half is foreign rather than Filipino, not yet counting the use of dummy corporations
- the Philippines paid out over US\$36 billion in profit remittances since 1980 which is on top of over US\$178 billion in debt servicing
- the Philippines has exported over US\$43 billion worth of mineral exports since the 1970s
- there was 115% increase in profit of mining companies between 2010 and 2014
- some 98% of Philippine domestic production is exported
- around 80,000 babies still die of preventable diseases every year
- 6 out of 10 Filipinos die without seeing a doctor
- power privatization has made electricity in the Philippines the most expensive in Asia, even more expensive than in Japan or South Korea
- water privatization has made water in the Philippines the third most expensive after Japan and Singapore
- rail transport privatization has caused fares to increase from 50-100%
- 61,000 houses of urban poor families with some 305,000 individuals Were demolished and displaced under the Aquino administration

- over 1.2 million homes were damaged or destroyed by Typhoon Haiyan (Yolanda) but the government only built 364 homes
- one million families with 5.6 million people was severely affected by Typhoon Haiyan (Yolanda) but less than 220,000 families were given livelihood support.

Mr. Africa also showed the Tribunal the percentage of US firms' economic interests in the Philippines, which according to him, were the reasons why Defendant US government allegedly pushed for privatization of economic activities they are involved in. The data he shared showed that:

- US firms account for 45% (US\$466 million) of the Philippines electric power systems imports
- US firms account for 25% (US\$635 million) of aerospace imports including for airport projects
- US firms account for 24% (US\$92 million) of medical equipment imports
- US firms account for 10% (US\$40 million) of water equipment and services imports
- US firms account for 26% (US\$394 million) of information technology imports, aside from 31% of foreign equity in BPOs.

According to Mr. Africa, The US Agency for International Development (USAID) is among Defendant US government's key mechanisms assigned by it for crafting the Philippines' economic policy. To ensure that the Philippines adopt US-designed economic policy, Mr. Africa claims that USAID pushed for Accelerating Growth Investment and Liberalization with Equity (AGILE) project in 1998, which supposedly created "satellite offices" in 11 key government agencies to produce at least ten major economic laws.

AGILE, according to Mr. Africa, was renamed and extended into the Economic Governance Technical Assistance (EGTA) Project (2001-2004) and was succeeded by three other programs in the 2004-2006, 2006-2008, and 2008-2011 periods.

He also stated that there are five (5) other USAID economic policy intervention projects cumulatively worth US\$74 million namely: Trade-Related Assistance for Development (TRADE), Facilitating Public Investment (FPI), Investment Enabling Environment (INVEST), Advancing Philippine Competitiveness (COMPETE) Project, and the civil society-focused Philippine-American (Phil-Am) Fund.

Mr. Africa also testified that Defendant US government has also lobbied on 471 policy recommendations including the change of the 1987 Philippine Constitution to remove limitations on foreign investment in the Philippines. And by

2014, over seven out of ten (72%) of the so-called The Arangkada Philippines Project or TAPP's recommendations have been started or already completed. The project is reportedly administered by the American Chamber of Commerce and implemented with the Joint Foreign Chambers of Commerce in the Philippines.

Lastly, Mr. Africa testified that Defendant World Bank used US\$1.1 billion in development policy loans in 2006, 2011, 2013 and 2014 to push for health, education and power privatization, higher VAT and other taxes, and reduced government spending.

The Prosecution asserted that the extensive data analysis Mr. Africa provided the Tribunal is invaluable and purportedly shows the sorry state of the Philippine economy and the role played by Defendant US government, through the USAID and the Defendants IMF-World Bank, in the Philippine's economic affairs, with the alleged complicity of Defendant Aquino and the Philippine government.

After Mr. Africa's testimony and presentation of the over-all socio-economic conditions of the Philippines, other witnesses took the stand in the Prosecution's attempt to show the particular state of the Philippine industry – agriculture and agrarian reform, urban poor situation, labor and employment, mining, health, and education, among others.

2) On agriculture and agrarian reform, the Prosecution presented the case of Hacienda Luisita, a landholding with an area of more than 6,000 hectares owned by the family of the incumbent President, Defendant Aquino. In this case Mr. RAFAEL MARIANO, a farmer himself and peasant leader, personally testified that despite the Philippine Supreme Court decision that ordered the distribution of the said vast tracts of land to the farmers and payment of their legitimate share of the proceeds of the sale of their land, Defendant Philippine government's Department of Agrarian Reform (DAR), an agency under the direct control and supervision of Defendant President, deliberately used means to avoid land distribution to the farmers.

The witness also testified that after the said Supreme Court issued the order, the harassment of the farmers intensified. He testified on the destruction of crops and huts of the farmers conducted by an official of the DAR. He also testified that aside from the physical assault committed against the farmers by the persons employed by the family of Defendant Aquino, and in some cases by law enforcement personnel at the behest of the family, various trumped-up cases were filed against the farmers who were protesting the illegal or highly irregular method of distributing the lands.

On the other hand, Mr. Mariano claimed that hundreds of cases filed by the farmers with the Defendant Philippine government's Department of Justice had been unacted upon more than 2 years after they were filed.

The witness also claimed that the case of Hacienda Luisita mirrors the sorry state of agrarian reform in the Philippines. According to him, Hacienda Luisita

shows how the government of Defendant Aquino viewed agrarian reform and agriculture and the neglect, failure and refusal to implement a genuine one. He categorically stated that the farmers could not expect a genuine concern from the said Defendant because the latter belonged to the land-owning class and given the violation of the rights of the farmers right in his backyard, the sufferings, oppression, and repression of farmers' rights under his administration will continue.

Mr. Mariano asserted that Defendant Aquino not only tramples on the farmers' basic democratic right to land ownership but also violates their fundamental civil and political rights within the framework of keeping the country agrarian, backward and pre-industrial, to the benefit and interests of the Defendants.

3) Aside from Hacienda Luisita, another witness, MARIETA CORPUZ, personally testified upon the issue of landgrabbing that happened in a province called Aurora, on the mid-east coast of the Philippines. According to her, peasants and indigenous peoples are being dispossessed of their land and ancestral domain to give way to the Aurora Pacific Economic Zone and Freeport (APECO) project.

Ms. Corpuz also testified that while the project will provide big business with business opportunities, it will result in the massive displacement of peasants, fisherfolk, and indigenous peoples. She said that groups are actively opposing the project are subjected to threats and harassment. In fact, according to her, two leaders of concerned organizations (Romualdo Palispis of Bayan Muna and Willem Geertman), who expressed support to the anti-APECO movement were killed by suspected members of State forces of Defendant Philippine government.

Aside from the personal testimonies of these witnesses, documents were presented to show the same problem of peasants' dislocation in large tracts of agricultural lands in the Philippines, namely, in places called Hacienda Looc in Batangas; in Hacienda Dolores in Pampanga; and in San Jose Del Monte. Bulacan, provinces north and south of Manila on the island of Luzon.

The documentary evidence submitted to the Tribunal shows that peasants are apparently being evicted and dispossessed of the land they have been tilling for decades to give way to "development projects" in favor of big developers. Consequently, opposition to these projects by the peasants were allegedly met by brute force. Some of their leaders have reportedly been harassed, threatened, or killed. The records show that the filing of trumped-up cases against the farmers opposing the projects are a common occurrence in these cases.

All these, according to the Prosecution, were committed as a result of the policies, programs and practices of Defendant Philippine government under the administration of Defendant Aquino which have supposedly either instigated, produced, encouraged, neglected, tolerated or acquiesced, the same allegedly with the cooperation, collaboration or complicity of the other Defendants.

4) On labor rights and the right to organize, ARIEL CASILAO, a union leader,

testified via live audio-video feed from Manila on the violation on the rights of workers to unionize in Dole Stanfilco, a multinational company whose majority share is owned by a US Company and a Japanese Company named Itochu Corporation.

According to Mr. Casilao, Dole-Stanfilco filed unfounded cases for murder and robbery against union officials to discomfit and hassle them. Aside from the filing of the said cases, Mr. Casilao said that the union officials were also physically harassed and threatened by the military. He also testified on the anti-worker policies and violations of labor standards laws by the said company, which have been glaringly ignored by the pertinent agencies of Defendant Philippine government.

He said that the case of Dole-Stanfilco shows how the Defendant Philippine government disregards the right to organize and the right to decent wages and humane working conditions, and how it protects multinational companies and their interests to the injury of the rights and interest of their workers.

5) On the mining situation in the country, the Prosecution presented RYAN LARIBA who testified via live audio-video feed from Manila on alleged large-scale and destructive mining activities of foreign transnational corporations in the Philippines particularly by mining company Glencore-Xstrata-Saguittarius Mines in Mindanao, southern Philippines.

According to Mr. Lariba, the operations of Glencore Xstrata SMI covers around 50,000 hectares and is located in the ancestral land of the indigenous B'laan tribe. He testified how the process of securing "free, prior, and informed consent" (FPIC) had been maliciously and unashamedly violated by the company. He also testified how the indigenous communities suffered dislocation, harassment and human rights abuses committed by the said company against Lumads in collusion with the Armed Forces of the Philippines (AFP) of Defendant Philippine government. He stated that certain units of the Philippine Army were designated as Investment Defense Forces providing mining companies with security details, and that said Defendant's military operations are intense in places where multinational companies operating.

The Prosecution, to corroborate the fact that what is happening in Glencore X-Strata is supposedly not isolated but a common occurrence in the Philippines, also submitted documentary evidence involving the operation of Oceana Gold Mining Corporation showing the same pattern of displacement of indigenous peoples from their ancestral land and the harassment committed by the Defendant Philippine government's military and paramilitary groups to ensure the operation of the said mining company.

6) On another issue, the Prosecution then presented NERI JAVIER COLMENARES, a human rights lawyer, progressive lawmaker, and presently the Senior Deputy Minority Leader of the Philippine House of Representatives, who personally testified on the onerous power rate hikes and illegal rate hikes for mass transportation in the Philippines. The records show that Atty. Colmenares is

at the forefront of the suits and campaign in the courts and other fora on basic consumer issues.

According to Atty. Colmenares, lack of supply, high prices, including an exorbitant rate hike in power and transportation are the main problems faced by consumers in the Philippines. He further testified that the policy of privatization, deregulation and liberalization imposed by Defendants IMF, WB and WTO on the power sector and mass rail transits aggressively adopted by Defendant Philippine government were the reasons for the high prices and inefficient service especially of the mass transits.

He stated that Defendant Philippine government justified the rate hikes and refused the demand of the people to stop them despite massive public outrage and protest. He also pointed out that the mass transport system in the Philippines is inaccessible to the people and inefficient despite the billions of pesos poured into it by Defendant government. He testified that the government allowed power distributors and operators of the mass transport to raise their fees to the detriment of the public, inspite of public clamor and pending suits in court.

Atty. Colmenares then showed how Defendant US government is supposedly equally liable with Defendant Philippine government for violating the socio-economic rights of the Filipino people on the said issues. According to him, the culprit was the policy of privatization and deregulation imposed by Defendant US government which was willingly accepted and implemented by Defendant Philippine government.

7) ESTRELITA BAGASBAS, an urban poor leader living in Quezon City in the National Capital Region, testified on the state of poor urban dwellers and settlers in the Philippines. She testified via live audio-video feed from Manila that she was a victim of the violent demolition of urban poor families' houses to pave the way for the establishment of a commercial district.

She testified that various urban poor communities in Metro Manila and in other large cities are being evicted and their homes demolished to give way to developmental projects under the so-called Public Private Partnership (PPP) program of Defendant Philippine government. In particular, she testified that in a government-owned lot in a community called Barangay North Triangle, Quezon City where she resides, thousands were evicted to give way to the construction of condominium projects. In the violent demolition of their houses, hundreds were injured and several local community leaders were charged with trumped-up cases.

The case of the residents of the "Silverio compound" in Paranaque City was also mentioned by the witness where during the violent eviction of the urban poor dwellers in 2012, a resident died and 39 others wounded. Like the case of Sitio San Roque, the Silverio residents were evicted supposedly to give way to the construction of a medium-rise socialized housing project. Trumped-up cases were also filed against the residents and local community leaders of Silverio compound.

The Prosecution further noted that the demolition, eviction and forcible transfer of the urban poor with the implementation by or active assistance of agencies of Defendant Philippine government were in open violation of the safeguards even of an already repressive law on the urban poor of said Defendant.

8) SEAN HERBERT VELCHEZ, head nurse of the spinal unit at the Philippine Orthopedic Center and president of the hospital's employees' union, testified via live audio-video feed from Manila on the impending privatization of the said hospital. Mr. Velches claimed that in the guise of modernization, Defendant Philippine government had ordered the privatization of the orthopedic center, the only hospital in the Philippines specializing in orthopedic medicine. He said it is mandated by law to earmark 90% of its bed capacity to charity patients, and the remaining 10% to paying patients.

He said that the multi-billion peso contract entered into by the hospital and Megawide Consortium, the private entity that won the bidding under Defendant Philippine government's PPP privatization program – allegedly in compliance with the other Defendants' dictates -- stated that upon full implementation of the privatization, the ratio will be reversed, and only a small percentage of its bed capacity will be earmarked for charity patients, thereby depriving thousands of poor patients with medical and health care.

The Prosecution also pointed out in its submissions that this is but the first of many government hospitals that will be privatized to the detriment of the poor as profits will be the primary consideration in their operations.

Thereafter, ATTY. COLMENARES was recalled to the stand. This time, he testified on the so-called pork barrel system in the Philippines and the illegal appropriation, use, disbursement and corruption of public funds and its impact on the socio-economic rights and interest of the Filipino people.

He stated that the pork barrel system, whereby legislative officials are given funds to disburse, is a source of corruption and reinforces patronage politics in the Philippines. According to him, public funds are given to allies of Defendant Aquino and voters in the form of projects but are withheld from political enemies or the opposition. He said that a scandal that erupted in 2014 showed the enormity of the funds at stake, and a curious scheme where senators, congressmen and conmen appropriated the money for themselves by proposing and approving fake projects was exposed. He stated that the pork barrel system is inherently anomalous as it deprived the people of budget for social services.

He further stated that despite the Philippine Supreme Court decision declaring the pork barrel and lump sum appropriations illegal, the government of Defendant Aquino still inserted hundreds of billions pesos in lump sum appropriations in the 2015 budget.

Atty. Colmenares also testified on the so-called Disbursement Acceleration

Program (DAP) of Defendant Aquino's administration where the government impounded appropriations of certain agencies, declared them savings, and allocated them according to their whims and caprices.

The Prosecution mentioned in its submissions on what it called the "labor export policy" of Defendant Philippine government. It claimed that due to the said policy and the lack economic opportunities in the Philippines compounded by poverty, Filipino migrant workers became vulnerable to human trafficking. It asserts that the Defendant Philippine government by and large has not lifted a finger to stop human trafficking or to protect migrants in distress.

9) According to Ms. LOEL NAPARATO in her personal testimony , she applied for a job as a teacher in Washington D.C. through a recruitment company registered with the Defendant's Philippine Overseas Employment Administration (POEA) but whose license was later revoked by the same agency. She said that the company's job placement advertised online was taken up by hundreds of other teachers. After her application, she was made to pay a processing fee, a service or professional fee, and an advance payment purportedly for housing rentals in Washington all running to hundreds of thousands of pesos.

After paying the said amounts, Ms. Naparato said her recruiter was arrested for illegal recruitment, whereupon the teachers discovered and tried to prosecute him for the racket. The recruiter, however, made clever arrangements and was later set free on bail. Ms. Naparato said she incurred a huge debt but was not able to work in the US. She testified that there were several other teachers who suffered the same fate. She claimed that Defendant Philippine government has not helped her.

10) MARITESS VELOSO-LAURENTE testified on Defendant Philippine government's ineptitude and callousness in providing support to Filipino migrant workers in distress and their families.

She testified that her youngest sister Mary Jane Veloso was wrongly sentenced to death by firing squad in Indonesia for alleged drug trafficking. According to her, Mary Jane, who is a single mother of two little boys, was illegally recruited to supposedly work as a domestic helper in Malaysia, but she was duped and framed up and unknowingly used as a drug mule to Indonesia.

She claimed that Defendant Philippine government through its agencies and embassy in Jakarta failed to provide Mary Jane and her dirt poor family with prompt, adequate and competent assistance during trial and up to prior to her scheduled execution in April. She asserted that they were given the run-around and were condescendingly treated by said Defendant's public officials and agents. Ms. Veloso asserted that the Defendant Philippine government belatedly engaged Indonesian private lawyers only after her sister had been convicted and meted the death sentence.

As a result, Mary Jane was allegedly not able to invoke available and strong defenses for five years due to said Defendant's inaction, negligence and

ineptness. She was thus convicted and placed on execution row in Indonesia until she was given a temporary reprieve largely because of the fierce campaign of a broad sector of national and international groups in support of migrant groups and their private lawyers.

11) The last witness to prove the specific allegations of violations of economic, social and cultural rights of the Filipino people by the Defendants was DR. EFLEDA BAUTISTA. She testified on the liability of the Defendant Aquino and Defendant Philippine government for what she called as the criminal negligence for the deaths of thousands of people as a result of supertyphoon Yolanda, internationally known as Haiyan.

She claimed that during the calamity, the Defendant Philippine government did not provide sufficient and timely warning to the affected areas, which explains the magnitude and number of unnecessary and avoidable deaths, and the unprecedented massive destruction to properties. She said Defendant Philippine government, despite foreknowledge of the strength and impact of the said supertyphoon, was also unprepared, and was not able to provide immediate assistance to the affected residents.

Instead, Dr. Bautista asserted that it implemented unwise, imprudent and unduly repressive measures to control the situation. Defendant Aquino, according to her, also rebuffed and derided the people's efforts to dialogue with him directly, and demurred from apologizing for the mishandling of the disaster relief and rehabilitation efforts. She also pointed out the sorry state of affairs of the homeless despite the passage of time and the influx of international aid and support.

A video presentation showing the state of the area affected by the typhoon with interviews from people affected by its onslaught was also submitted and presented to the Tribunal to complement Dr. Bautista's testimony.

In addition to these 11 witnesses, the Prosecution likewise submitted documents for 6 other cases of human rights violations involving the Second Ground.¹⁵ These other cases involve alleged landgrabbing, large-scale and destructive mining and damage to the environment.

The Prosecution offered the foregoing evidence to establish the various gross human rights violations allegedly committed by Defendant Aquino and his government, supposedly in collaboration and/or abetted by Defendant US government and the other Defendants as factual basis for the charges under the Second Ground of the Indictment.

¹⁵ Cases for Submission, 17 July 2015, herein attached as Annex "G".

ON THE THIRD GROUND:

Gross and systematic violations of the rights of the people to national self-determination and liberation through the imposition of the US war of terror and US military intervention; as well as the perpetration of crimes against humanity and war crimes; misrepresentations of the people's right to national liberation and self-determination as "terrorism" and the baseless "terrorist" listing of individuals, organizations and other entities by the US and other governments

To prove this ground, the Prosecution presented 5 witnesses (3 in person, 1 via live audio-video feed from Manila and 1 via taped deposition from Brussels) who acted in their individual capacities as expert witnesses/resource persons - MARJORIE COHN, LIZA MAZA, DANTE SIMBULAN, AMIRAH ALI LIDASAN and LUIS JALANDONI:

1) Ms. Cohn, who is a law professor in the US and as the records show is a reputable author of books on US policies and practices in violation of human and peoples' rights provided in person the framework and context of the Third Ground and testified in her individual and professional capacity.¹⁶

2) Ms. Maza - who We were informed by the Prosecution was barred from flying out of the Philippines by the US Customs and Border Protection of the Department of Homeland Security for still unspecified reasons and was thus denied the right to personally testify before this Tribunal - testified via live audio-video feed from Manila in her capacity as a former legislator and as a women's rights advocate¹⁷ on the military agreements between the Defendant governments.

3) Mr. Simbulan, as the records show, is a retired ranking military officer of Defendant Philippine government, former instructor at its military academy, lecturer and author of several books on the Philippine situation. He personally

¹⁶ The records show that Ms. Cohn is, among others, a professor at the Thomas Jefferson School of Law in San Diego, USA. She is also on the National Advisory Board of Veterans for Peace and the board of the Vietnam Agent Orange Relief and Responsibility Campaign. Professor Cohn is the author of *Cowboy Republic: Six Ways the Bush Gang Has Defied the Law*; co-author of *Rules of Disengagement: The Politics and Honor of Military Dissent* and *Cameras in the Courtroom: Television and the Pursuit of Justice*; and editor/co-author of *United States and Torture: Interrogation, Incarceration and Abuse* and *Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues*. She testified before the House Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties about the Bush torture policy. Professor Cohn was invited to debate at the prestigious Oxford Union about the legality of the war in Afghanistan. She writes frequent articles, makes media appearances, and lectures throughout the world on human rights and U.S. foreign policy "and the contradiction between the two."

¹⁷ The records show that Ms. Maza is co-chairperson of Makabayan, a coalition of progressive political parties and groups in the Philippines. She is a feminist activist and a nationalist. She is formerly a congressional representative of partylists Bayan Muna (People First) and Gabriela Women's Party. She is chairperson of the International Women's Alliance, a global alliance of grassroots women's organizations.

testified on his knowledge and analysis of the supposed relationship between the counterinsurgency programs of Defendant governments.¹⁸

4) Ms. Lidasan, who was introduced as an advocate of the right to self-determination of the Moro people, personally testified on the infamous "Mamasapano" incident where the Defendant US government was allegedly involved.¹⁹

5) Mr. Jalandoni, the chief negotiator of the National Democratic Front of the Philippines (NDFP) representing what is publicly reported as the liberation movement engaged in peace negotiations with Defendant Philippine government, testified via taped video deposition on the said negotiations, the so-called terrorist listing and the alleged demonization of said movement and their leaders.²⁰

Like the previous experts or resource persons in the other grounds or charges above, they all asserted that that there is a close link between the "US war on terror," on the one hand, and Oplan Bayanihan or the US global counterinsurgency war, on the other hand, with the former being allegedly repackaged as the latter.

For accuracy, We shall quote extensively from their testimonies and submissions as may be pertinent, relevant or material to this Verdict. Otherwise, We shall judiciously cull from or extract the gist or substance of the same.

On the alleged imposition of the US war of terror and US military intervention

The Prosecution asserted that the Defendant US government was able to impose its colonial rule on the Filipino people from 1902 to 1946 (with the years of Japanese occupation in 1942 to 1945) and its semi-colonial rule from 1946

¹⁸ The records show that Mr. Simbulan, who is now a resident of the US, finished his bachelor's degree at the Philippine Military Academy, his M.A., (Political Science) at the University of the Philippines; and his Ph. D. (Pol. Science & Govt., Institute of Advanced Studies) at the Australian National University. He was former Dean, College of Arts & Sciences of the Polytechnic University of the Philippines. He was former colonel of the Armed Forces of the Philippines. Mr. Simbulan taught at UP, Ateneo de Manila, PUP, and Maryknoll College. He also lectured at Montgomery College, USA and several universities in Canada. He was also former Executive Director of the Church Coalition for Human Rights in the Philippines based in Washington, D.C. Mr. Simbulan was a political prisoner of the Marcos Dictatorship.

¹⁹ The records show that Ms. Lidasan is a Muslim woman leader based in Mindanao and National President of Suara Bangsamoro (Voice of the Moro People). She has been involved in the struggle of the Moro people and has participated in a fact-finding mission on the human rights violations against civilians and the reported involvement of US troops in the Mamasapano, Maguindanao incident. She appears to be well-versed in the link between the overall Moro human rights situation and Suara's position on the Bangsamoro Basic Law (BBL).

²⁰ The records show that Mr. Jalandoni is the chief international representative of the NDFP. He is also a member of its National Executive Committee. He was a political prisoner during the time of Marcos and now lives in exile in the Netherlands.

onwards supposedly as a result of the US war of aggression that started in 1899 and the alleged violent suppression of every robust movement for national liberation.²¹ This control by the Defendant US government of the Philippines, according to the Prosecution allowed the said government to impose, *inter alia*, political, economic and military policies in the country including its war of terror. In the words of Prof. Cohn:

“The imposition of the US war of terror was officially implemented on the Filipino people with the passage of the Human Security Act of 2007 Philippine version of the US Patriot Act. The law is immediately exposed as a violation of Article 15 of the International Covenant on Civil and Political Rights (ICCPR), which prohibits *ex post facto* laws.

The war of terror was however imposed as early as 2002 under the Arroyo regime with the implementation of “Oplan Bayanihan, a counter-insurgency program modelled on US counter-insurgency, ostensibly to fight communist guerrilla fighters. It does not distinguish between civilians and combatants, which is considered a war crime under the Geneva Conventions.”²²

Further, the Prosecution averred that not contented with the imposition of its “war on terror,” the Defendant US government intensified its direct intervention in the country through active deployment of troops under the cover of the Visiting Forces Agreement (VFA), the Enhanced Defense Cooperation Agreement (EDCA) and other unequal and interventionist agreements.

According to the Prosecution, incidents such as the murder of transgender Jennifer Laude in Olongapo near the former US military base in Subic north of Manila and the rape of one Suzette Nicolas in Subic itself by US servicemen highlighted the dangers of their deployment in the Philippines, and resulted in the corresponding nightmare to secure jurisdiction over the accused and to obtain justice for the victim. Prof. Cohn continued:

“Continuing the Bush policy of the Pivot to Asia-Pacific, as a counterweight to China, Obama enlisted the Aquino government last year to negotiate the Enhanced Defense Cooperation Agreement. Although it gives lip service to the Philippines maintaining sovereignty over the military bases on Mindanao Island and civilian airstrips on Luzon, it actually grants tremendous powers to the US. The US also seeks to return to its 2 former military bases in Subic and Clark, which they left in 1992. These bases were critical to the US imperial war in Vietnam. This violates the well-established right to of peoples to self-determination in Article 1 of the ICCPR.”²³

²¹ Sworn Statement and Video Deposition of Luis Jalandoni, 30 June 2015.

²² Sworn Statement and Testimony of Marjorie Cohn, 17 July 2015.

²³ *Ibid.*

According to the Prosecution, the latest major US intervention took place under Defendant Aquino's presidency in the Mamasapano incident which led to the death of Filipino civilians, police personnel and members of the Moro Islamic Liberation Front (MILF).²⁴ Prof. Cohn noted:

“The US really planned this operation. The US had put a \$5 million bounty on Marwan's head. US drones pinpointed Marwan's hiding place, guided the commandos to it, and provided the capability for real-time management by the Philippine commanders away from the battlefield. At least six US military personnel were at a Philippine command post and fed Philippine commandos intelligence collected by US aircraft. After the massacre, Marwan's finger disappeared. It then appeared at an FBI lab in the US a few days later.”²⁵

Evidence supposedly gathered from the site of the incident itself in Mindanao strengthens proof of illegal involvement of Defendant US government in Philippine military operations. Thus Ms. Lidasan testified:

“During our initial investigation, residents reported seeing a Caucasian-looking soldier lumped with the dead bodies of PNP-SAF elements who raided the house of known terrorists Zulkipli bin Hir alias Marwan and Basit Usman at Brgy. Pidsandawan, Mamasapano, Maguindanao. A 40-year-old farmer whom we interviewed in Brgy. Tukanalipao, Mamasapano said he saw at least one body of a “blue-eyed” Caucasian soldier. He even touched his nose and described it as longer than the average nose of a Filipino. Another farmer whom we interviewed near the tulay na kahoy (wooden bridge) in the same barangay, told us that the uniform and gear used by the US soldier were different from those of the PNP-SAF. The size of his boots, for one, was a lot bigger than those of the PNP-SAF. Journalists who covered the retrieval operations also reported that US soldiers based in the 6th Infantry Division in Maguindanao were the first to immediately respond to the scene of the encounter, retrieving dead bodies to the former seat of the provincial capitol in Datu Saudi Ampatuan municipality. Only the bodies of the American soldiers were carried to their helicopter while the rest of the bodies were transported in a military vehicle to the headquarters of the 6th ID. These reports only lead to the conclusion that US soldiers participated in the combat operations against Marwan and Basit Usman, which is a violation of the Philippine Constitution.”²⁶

For the Prosecution, the Mamasapano incident is but the latest of a series of Defendant US government's military actions in the Philippines. Ms. Lidasan asserted:

²⁴ Pls. see Annex “F”, Case Summary: US Intervention in the Mamasapano.

²⁵ Cohn, *supra*.

²⁶ Sworn Statement and Testimony of Amirah Ali Lidasan, 17 July 2015.

“Proof of US soldiers' involvement in combat operations against Moro groups in Mindanao started as early as year 2002, when the Balikatan (shoulder to shoulder) military exercises between the Philippines and the US started in Basilan. In July 2002, one US soldier was accused of shooting and wounding a farmer during the course of the Balikatan operations. The wife of the victim, as well as the residents of Tuburan, Basilan and the doctors and nurses who attended to the victim all identified the US soldier as a certain Sgt. Reggie Lane.”²⁷

Moreover, another form of US intervention for the Prosecution is the imposition of military agreements supposedly violative of the rights of the Filipino people. Thus, in its submission, it made the following disquisition:

“On January 3, 2011, the US government through President Barack Obama announced its strategic pivot towards Asia as laid out in the document “Sustaining US Global Leadership, Priorities for 21st Century Defense”. With its pivot strategy, the US seeks to redeploy 60% of its warships to Asia.

On April 28, 2014 the Philippine Secretary of Defense and US Ambassador to the Philippines signed the Enhanced Defense Cooperation Agreement (EDCA).

The text of EDCA reveals that it is essentially a basing agreement that gives the US military the authority to build facilities anywhere in the Philippines in so-called “Agreed Locations”, rent free and its use of utilities tax free. EDCA also allows US military troops, civilians and contractors to conduct a wide range of activities from training and support to prepositioning of weapons, materiel and equipment and deployment of forces and equipment.

Furthermore, EDCA virtually gives immunity to US military personnel and contractors and is far more encompassing in terms of privileges than the VFA which provides custody to US military authorities of US military personnel under trial for a criminal offense committed in the Philippines.

Lastly, a plain reading of the text will reveal that the EDCA contains provisions and grants rights and privileges to US military that are not covered by previous treaties, specifically the MDT and VFA. This is contrary to the constitutional prohibition on the presence of foreign military bases, troops or facilities without Senate concurrence.”²⁸

It is the submission of the Prosecution that the Defendant US government, together with Defendants Philippine government and President Aquino, clearly imposed on the Filipino people its brutal war of terror and violated Philippine sovereignty as well as the right to self determination of the Filipino people

²⁷ *Ibid.*

²⁸ See Annex “F”, Case Summary on EDCA.

through its active military intervention in the country.

On the alleged perpetration of crimes against humanity and war crimes

In addition, the Prosecution posited that in the course of the implementation of the so-called US war of terror and intervention, the Defendant US government together with the Defendants Philippine government and Aquino committed war crimes and crimes against humanity in violation of international law.

Many of these crimes, according to their account, result from the implementation of the Defendant US government's counter-insurgency program by the Defendant Philippine government. Mr. Simbulan testified thus:

“The Armed Forces of the Philippines and the Philippine National Police receive their training in counter-insurgency from the Americans, particularly from military schools in the United States and from the hundreds of officers and men of the US Joint Special Operations Task Force-Philippines sent to the country to provide training, advice, arms and equipment to Philippine security forces. The various military operations, such as Oplan Lambat Bitag, Oplan Bantay Laya under President Arroyo and the current Oplan Bayanihan under President Aquino which have victimized thousands of Filipinos were patterned after US counter-insurgency guides. In 2011, the Internal Peace and Security Plan (IPSP) was crafted by the Aquino Administration. Oplan Bayanihan is the operational implementation of the IPSP. Oplan Bayanihan is patterned after the US Counter Insurgency Guide of 2009. Presented in the guise for “peace and development;” in reality it is an operational guide to crush any resistance from those who work for social justice and support the poor and the oppressed.”²⁹

The Prosecution contended that cases were reported to, and proven before, the Tribunal of serious violations of civil and political rights committed by the Defendant Philippine government's Armed Forces of the Philippines in the implementation this US instigated counter-insurgency plan. It is the submission of the Prosecution that under the Rome Statute, Defendant US government's “aiding and abetting” assigns it culpability for the violations committed by the Defendant Philippine government. Prof. Cohn asserted in this wise:

“These actions violate Common Article 3 of Geneva and constitute war crimes under the International Criminal Court (ICC), which forbid violence to life and person, in particular murder of all kinds, cruel treatment and torture.

The Philippines and the US are parties to the Geneva Conventions. Article 7 of the ICCPR forbids torture and other cruel, inhuman or degrading treatment or

²⁹ Sworn Statement and Testimony of Dante Simbulan, 17 July 2015.

punishment. Article 9 of the ICCPR guarantees liberty and security of person, forbids arbitrary detention, which is an all too common practice of the Philippine military/paramilitary. Torture and cruel, inhuman or degrading treatment is prohibited by Article 7 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

As a party to the CAT, the Philippine government has a duty to prosecute or extradite those who commit, or are complicit in the commission, of torture. The Geneva Conventions also mandate that the Philippine government prosecute or extradite those who commit, or are complicit in the commission of, torture.

And even though Wikileaks demonstrated that the US government knew about the abduction and detention of US citizen Melissa Roxas, it did nothing to secure her release. The right to an effective remedy for violations of human rights law is enshrined in many international instruments. These include Article 2 of the ICCPR, Article 8 of the Universal Declaration of Human Rights, Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 14 of the Convention against Torture, Article 39 of the Convention on the Rights of the Child, Article 3 of the 1907 Hague Convention concerning the Laws and Customs of War on Land, Article 91 of the Protocol I Additional to Geneva, and Article 75 of the Rome Statute. The Philippines is a party to all of these instruments.

Many of President Barack Obama's policies are identical or similar to those of the Bush administration. In fact, Obama has refused to hold the war criminals George W. Bush, Dick Cheney, Donald Rumsfeld, Condoleezza Rice and others accountable for their war crimes.

The Rome Statute for the ICC provides for aiding and abetting liability for war crimes. An individual can be convicted of a war crime in the ICC if he or she "aids, abets or otherwise assists" in the commission or attempted commission of the crime. This includes "providing the means for its commission."

Between 2001 and 2010, the US has given more than \$507 million in military aid to the Philippine government, which has enabled it to commit war crimes. US political and military leaders could be liable for war crimes as aiders and abettors in the ICC."³⁰

On the alleged misrepresentation of the people's right to national liberation and self-determination as "terrorism" and the supposed baseless "terrorist" listing of individuals,

³⁰ Cohn, *supra*.

organizations and other entities by the Defendant US and other governments

Lastly, the Prosecution opined that US intervention is not limited to the imposition of its so-called war of terror to defeat the struggle of the Filipino people to liberate themselves from an oppressive and exploitative system, but also includes actions to continue this war by derailing, through terrorist tagging, any efforts by the Filipino people at achieving peace.

The Defendants' act of "terrorist tagging," according to the Prosecution, is not only intended to define their military targets, but also sabotage the peace process between the NDFP and the Defendant Philippine government. The NDFP viewed these acts to have indeed derailed the peace process. Thus, Mr. Jalandoni advanced the following:

“The US has increased its military intervention and aggressive acts and has deployed thousands of US troops in various parts of the Philippines. It has listed as terrorist organizations several revolutionary organizations, including the CPP and NPA, and the Chief Political Consultant of the National Democratic Front of the Philippines, Prof. Jose Maria Sison. It has used the USA PATRIOT Act and coercive and intelligence instrumentalities to surveil, profile and persecute Filipinos in the US and other US territories.

On August 9, 2002, six days after visiting the Philippines and meeting with GRP President Gloria Macapagal Arroyo, US State Secretary Colin Powell issued the declaration naming the Communist Party of the Philippines/New People's Army as a “foreign terrorist organization.” Three days later, the Office of Foreign Asset Control (OFAC) of the US Treasury Department listed the CPP, the NPA and Prof. Jose Maria Sison as “terrorists” and ordered the freezing of their bank accounts.

This totally baseless “terrorist” listing violates the right of the CPP, the NPA and the NDFP as a national liberation movement fighting for the rights of the Filipino people to national self-determination and liberation. In word and consistent practice, the CPP, the NPA, and the NDFP have adhered to the Geneva Conventions of 1949 and Protocol I of 1977 as formally declared by the national leaders of the CPP, the NPA and the NDFP on July 5, 1996. This declaration was deposited with the Swiss Federal Council as the official depositary of international humanitarian law in accordance with Article 1, paragraph 4 and Article 96, paragraph 3 of Protocol I additional to the Geneva Conventions. The declaration was transmitted to the International Committee of the Red Cross as the official guardian of international humanitarian law.

The baseless and unjust “terrorist” listing of the CPP, the NPA, the two major allied organizations in the NDFP, and the NDFP Chief Political Consultant Prof. Jose Maria Sison has seriously prejudiced the peace negotiations between the Government of the Republic of the Philippines (GRP, now calling itself

Government of the Philippines, GPH) and the National Democratic Front of the Philippines.”³¹

These actions, according to the Prosecution witnesses, also constitute a violation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), the very agreement signed by the Defendant Philippine government and the NDFP considered as a major step in efforts to engage in the peace process.³² Prof. Cohn had this to say on this point:

“People and groups have been labelled “terrorists” by the Philippine government, the US government, and other countries at the behest of the US government. The Philippine government engages in “Red tagging” (political vilification). Targets are frequently activists, organizers, political dissidents, or separatists fighting for national liberation.

Prof. Jose Maria Sison, Chief Political Consultant for the National Democratic Front of the Philippines (NDFP), has been singled out for severe repression by the US. Since August 2002, he has been classified as a “person supporting terrorism” by the United States. The US has also designated the Communist Party of Philippines and New Peoples’ Army (NPA) as terrorist organizations.

The treatment of Sison also violates his rights under the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) between the Philippine government and the NDFP; as well as the political offense doctrine enunciated in the Amado V. Hernandez case pursuant to Article 6, Part III of the CARHRIHL.”³³

It is the view of the Prosecution that the fact that the Defendant Philippine government has previously engaged in peace talks in recognition of the NDFP’s role as a revolutionary force as part of a national liberation movement is proof that the terrorist tagging is nothing more than a belated turnaround at the instigation of the Defendant US government. Thus, Mr. Jalandoni asserted:

“Before the aforesaid baseless and unjust “terrorist” listing, the GRP and the NDFP had forged more than ten bilateral peace agreements. The Hague Joint Declaration signed in 1992 and approved by the Principals of both Parties stands as the foundation and framework agreement, which stipulates the principle of parity and reciprocity and the principle of non-capitulation. The baseless “terrorist” listing in effect sabotaged the peace negotiations. It is a violation of the right of the NDFP as a liberation movement to strive for the Filipino people’s

³¹ Jalandoni, *supra*.

³² In the manifestation of the Prosecution, it said that, as far as they know, there are presently more than 4,000 complaints for violations of the CARHRIHL against Defendant Philippine government.

³³ Cohn, *supra*.

right to self-determination and liberation.

It negates the European Parliament's support for the GRP-NDFP peace negotiations. The EP issued resolutions on July 18, 1997 and January 14, 1999 endorsing the efforts of the GRP and the NDFP in forging peace agreements and seeking a just and lasting peace.”³⁴

The Prosecution averred that what made matters worse is that despite the legal victory in Europe by Prof. Sison that took him out from the European terrorist listing, the Defendant US government persists in restricting his peace making role through its continuous harassment and terrorist tagging, restricting his freedom to travel and the freezing of his bank accounts in the US.

Finally, the Prosecution pointed out that the act of the Defendant US government of preventing a key Prosecution witness, former Congresswoman Liza Maza, from departing from the Philippines is effectively designed to prevent her from testifying in this Tribunal and this purportedly only highlighted the extraterritorial and invasive character of the borderless war waged by the Defendant US government.

In parity with the earlier grounds or charges above, the Prosecution culminated its presentation when it offered the above evidence to establish the various gross human rights violations allegedly committed by Defendant Aquino and his government, supposedly in direct collaboration and/or aided, abetted or assisted by Defendant US government as factual bases for the charges under the Third Ground of the Indictment.

FINDINGS³⁵

We have carefully and painstakingly heard, examined and evaluated the abundant testimonies of witnesses, resource persons, and experts as well as the wealth of data, information, facts, analyses and other evidence presented and submitted before Us, orally and in writing, in person or through other efficient modes of communication like real-time live audio-video feed from the Philippines and also recorded video depositions. We have sifted through the plethora of facts and perused objectively the alleged bases in support of or against the grounds or issues in the Indictment.

In the course of the presentation of testimonies either in person or live real-time audio-visual feed as well as the video depositions, We had the full and ample opportunity to ask clarificatory questions and searching queries on the allegations of the Complainants to each of the witnesses, experts or resource

³⁴ Jalandoni, *supra*.

³⁵ The Findings and Conclusions, substantially reproduced here and forming an integral part of this Verdict, was read and issued by the Jury on 18 July 2015.

persons and, when appropriate, the lawyers for the Prosecution, as the case may be.

We have found each and every oral and written testimony of the witnesses for the Prosecution - who were all under oath and vowed to tell the truth, the whole truth and nothing but the truth ---- to be straightforward, candid, clear, and convincing.

The Tribunal notes at the outset that it was able to observe the demeanor of these witnesses when they testified, and finds their testimonies credible, and are supported by the other evidence submitted by the Prosecution in the course of the proceedings.

All their allegations, assertions, averments and opinions are not only undisputed and uncontroverted but, more importantly, are credible in themselves. They are supported and corroborated and are, therefore, worthy of full belief and must be given credence.

Hence, after a careful and thorough evaluation of the evidence presented and offered by the Complainants through the Prosecution, the Tribunal concludes that the evidence complied with the evidentiary requirements, and that the evidence before Us clearly established the factual bases of the Indictment, and the culpability of respondents Defendant Aquino and Defendants Philippine and US governments and, as the case may be, of the other Defendants.

ON THE FIRST GROUND

Indeed, as the Indictment³⁶ lamented, “the Filipino people are witness to the daily scourge of violations against the most downtrodden and marginalized sectors under the current administration of Defendant President Aquino. Forty three years after Martial Law, daily reports on killings, illegal arrests, torture, forced evacuation and a lot more indicate that transgressions on the most basic civil and political rights of Filipinos continue.”

The Prosecution presented testimonies attesting to the individual cases of human rights violations ranging from extrajudicial killings, enforced disappearance, torture, and forced evacuation, violation of the right to peaceably assemble and other human rights violations.

The presentation of Ms. Marie Enriquez as an expert witness, who has been involved in the monitoring and documentation of human rights violations in the Philippines for the longest time, thereby showing her expertise on the subject, provided an overview and context to these individual cases, and clearly established that these cases are illustrative of the other incidents and cases of human rights violations committed in the Philippines from the time Defendant

³⁶ See Annex “A”.

Aquino came into power in 2010, and the prevalence of their occurrence.

The evidence also established that these violations are not random, since the victims were specifically targeted, and their killing and/or abduction followed a pattern.

As Ms. Enriquez testified, from July 2010 to June 30, 2015, her organization Karapatan recorded a total of 262 cases of extrajudicial killings, 27 cases of enforced disappearances, 125 cases of torture, 293 cases illegal arrests without detention, 723 illegal arrests with detention, 133,599 cases of threats, harassment and intimidation, 29,684 cases of restriction and/or violent dispersals of peaceful public assemblies, 60,155 incidents of forced evacuation, among other incidents of violation of human rights. As argued by the Prosecution, the individual cases it presented in the course of proceedings are illustrative of the human rights violations of Defendants Aquino and the Philippine government.

The Tribunal cannot also ignore the overwhelming evidence showing that the perpetrators were either police, military, paramilitary and/or other State agents operating within the chain of command. This is evident from the testimonies of witnesses pointing to them as the perpetrators.

The victims are human rights defenders, human rights advocates, political activists, leaders and/or members of sectoral or people's organizations and human rights lawyers. They were vilified and maliciously tagged as members of the Communist Party of the Philippines/New People's Army, and were subjected to threats, harassments and intimidation.

Unfortunately, some of them became victims of extrajudicial killings like Fernando Baldomero, Willem Geertman and Romeo Capalla in violation of their right to life as under Article 6 of the International Convention on Civil and Political Rights (ICCPR).

Some were abducted and were never seen again like Jully Devero, Karen Empeno, Sherlyn Cadapan and Manuel Merino. Many were harassed and intimidated like Atty. Salucon, Zara Alvarez and the other Negros activists because of their advocacy and activism. Some experienced torture and illegal detention like Melissa Roxas and Rolly Panesa in violation of Articles 5 and 9 of the Universal Declaration of Human Rights, Article 7 of the ICCPR and the Convention Against Torture, and some were denied their rights because of their advocacy work like Bonifacio Ilagan and the other excluded Martial Law victims.

The evidence presented by the Prosecution also established Defendant Philippine government's utter disregard and lack of respect for the people's other basic rights such as the right to peaceably assemble and to free expression as exemplified in the SONA dispersals as testified to by Bishop Toquero. The mere fact that the Filipino people is being deprived of such basic constitutional right, which act likewise violates the provisions of Article 21 of the ICCPR, provides a picture of the degree of repression unleashed by the Defendant Philippine government under Defendant Aquino.

The evidence indicates that people in the countryside suffer the brunt of the extensive and continuous military operations and offensives. Military atrocities against civilians have been regularly reported.

Such atrocities are also directed against specific individuals and/or communities. Communities and leaders who are opposed to large scale mining, environmental degradation brought about by so called "development projects", or those who dare resist and expose repression and/or assert their basic rights are the ones targeted.

They were tagged as supporters of the CPP/NPA as justification to occupy their villages and to harass and intimidate their leaders. This is what happened to Talaingod, Davao Del Norte and in Balit, San Luis, Agusan Del Sur, and several other communities, who were forced to evacuate because of threat of violence from soldiers.

As testified to by the witnesses, the experiences of the residents of Talaingod and Balit in the southern island of Mindanao were also experienced by other indigenous communities where there are mining operations. These acts are violative not only on the laws of the Defendant Philippine government supposedly protecting the rights of indigenous peoples, but also of the provisions of Sections 19 and 20 of the Algiers Declaration.

These military operations were also directed against the operations of literacy and numeracy schools, learning centers and similar institutions designed to provide literacy and educational programs to children in areas where there are no public schools provided by the Defendant Philippine government, like the numeracy and literacy schools of the Rural Missionaries of the Philippines-Northern Mindanao Region (RMP-NMR). This deprives the children of the only opportunity to learn.

Even defenseless children and youngsters are subjected to violence, threats, harassments and intimidation as exemplified in the case of the Antivo brothers one of whom was killed when soldiers intentionally shot at them, and that of Bandam Dumanglay, and Noel Baes.

Even ordinary civilians, who have no political affiliations and/or inclinations, were not spared from such atrocities as exemplified in the case of Rolly Panesa a security guard who was illegally arrested, tortured and detained and was paraded in public as "Benjamin Mendoza", an alleged high ranking officer of the Communist Party of the Philippines, if only to get the bounty of P5.4 Million. Several other civilians suffered the same experience.

In their counter-insurgency operations, the Defendant Philippine government's military disregarded the rules of engagement and the standards of International Humanitarian Law, as illustrated in the case of Arnold Jaramilla and his six other companions who were mercilessly killed by soldiers. Also killed during the incident as the records show were two civilians, one of whom was used as a

shield by the soldiers.

The Defendant Philippine government should also be faulted for its failure to investigate and prosecute human rights violators who committed atrocities during the previous governments.

Among these cases is that of Melissa Roxas in which the Philippine government, with the acquiescence of Defendant US government, failed and refused to conduct an investigation to identify one of the perpetrators described by Roxas. The same is also true with the case of Raymond Manalo, and that of Sherlyn Cadapan, Karen Empeno and Manuel Merino. Worse, many of those accused of being responsible for these atrocities are being promoted and/or given sensitive positions in the Defendant's Philippine military establishment.

The Tribunal agrees with the testimony and presentation of Ms. Enriquez that the failure of the Defendant Philippine government through Defendant President Aquino to identify, investigate and/or prosecute the perpetrators of these violations is among the contributing factors in the prevailing impunity in the Philippines.

The fact that witnesses consistently point to the members of the military and/or police forces is direct evidence linking not only the military and police establishments, but also the Defendant Philippine government in the killings and in the commission of other human rights violations.

As has been established and observed, the killings and disappearances follow a pattern. The victims are vilified as members of the Communist Party of the Philippines, and the Tribunal notes that almost all the victims on The First Ground mentioned that they were subjected to red tagging. This was mentioned by witnesses in the cases of Willem Geertman (witness Aurora Santiago), Romeo Capalla (witness Coy Gemarino), Fernando Baldomero, Zara Alvarez, Atty. Salucon, Bonifacio Ilagan, Melissa Roxas and Raymond Manalo. After vilification, the victims are subjected to surveillance and then later killed or abducted as in the case of Willem Geertman, Romeo Capalla, and Melissa Roxas. The killings and the abductions were committed in the presence of witnesses.

In all of these cases, no attempt was made to conduct a serious investigation to determine and establish the identities of all those involved in the violations. If there are any pending investigations or cases, it only involve the low ranking officers and not those who ordered the killings or the abductions. This is the pattern of impunity, which is evident in all the cases presented and submitted before this Tribunal.

There is indeed a systematic pattern. From the victims to the perpetrators to the latters' motive, opportunity and capability, these accounts are obviously not isolated cases. The impunity for such violations is patent.

To reiterate, these are not random violations, as shown by the pattern

discussed above. As contextualized by Ms. Enriquez, the Tribunal agrees that these gross violations of human rights are being systematically carried out by the Defendant Philippine government as part of its internal security program, the Oplan Bayanihan, which was patterned after the counter-insurgency program of Defendant government of the United States.

This same counter-insurgency policy was devised and implemented upon the orders and direction of Defendant Aquino as the Chief Executive and the Commander-in-Chief of the Armed Forces of the Philippines. Taking this into consideration, Defendant Aquino cannot escape liability for these atrocities and violations. He is directly responsible for having actively adopted and implemented the Oplan Bayanihan which resulted in gross violations of the people's civil and political rights.

It is also clear from the evidence adduced by the Prosecution that Oplan Bayanihan was devised and is being implemented with the assistance of the Defendant US government either through technical assistance or actual participation of its military personnel in combat operations. The Philippine military is also being propped up through the continuous military aid from the US.

Verily, the close link between the US war on terror and Oplan Bayanihan or the US global counterinsurgency war with the former being repackaged as the latter has been sufficiently established by abundant and credible testimonial and documentary evidence presented and submitted before this Tribunal.

Quite serendipitously, evidence was presented by witness Liza Maza who was barred from boarding her plane at the Ninoy Aquino International Airport at the direct behest of the Defendant US government, thereby effectively barring her from personally participating in these proceedings. This is outstanding evidence showing direct intervention by the Defendant US government specifically in this case through the Customs and Border Protection of the Department of Homeland Security.

Moreover, this reflects the extra-territorial application of US national security imperatives through immigration authorities, and is in violation of Filipino sovereignty. This is also evidence of Defendant US government policies of ideological exclusion, keeping out individuals whose viewpoints expose the US government's human rights violations.

Noteworthy to mention is that the evidence presented for this charge reflects the imposition against the Filipino people of methodologies and modalities of state terror which share many key common features – generalized violations of democratic rights, imposition of neo-liberal policies, systematic practices such as torture, forced disappearances, extrajudicial executions, the targeting of political dissidents and indigenous peoples, etc.- with similar cases elsewhere in the world, including military and authoritarian régimes of Latin America in contexts such as Argentina, Chile, Uruguay, Paraguay, Perú, Guatemala, and El Salvador in the 1970's and 1980's. These reflect US imposition throughout the world during this period of national security doctrine and counter-insurgency within the

context of the Cold War.

These of course converge with and include many of the worst aspects of the Marcos régime, whose historical legacies of exploitation, corruption, and abuse evidently persist in the Philippines today through such practices.

In view of these considerations, it cannot be denied that the Defendant US government is equally liable with Defendants President Aquino and the Philippine government for these gross human rights violations committed against the civil and political rights of Complainants, the Filipino people.

Surely, all these acts are actionable wrongs. Unfortunately no serious effort has been made to identify, investigate and prosecute the perpetrators, by reason of which, the Complainants were forced to submit these cases before this Tribunal.

The acts described in the Indictment and established by the evidence of the Prosecution are violative of the fundamental rights of the people under international laws such as the Convention Against Torture, the Rome Statute and the fundamental rights enshrined even in the Philippine Constitution which can be the subject of an action under Article 27 of the Algiers Declaration of 1976 as well as other international human rights treaties and conventions.

ON THE SECOND GROUND

The Philippine elite and Transnational Corporations (TNCs) operating in the Philippines for the last four decades have acquired enormous economic and political power which allow them to exert considerable influence on government institutions, to interfere into the regulatory framework, to disdain cultural traditions and to ignore the customs of the daily life of the people.

This happened because the Defendant Philippine government has allowed it to happen. The policies of globalization, which was imposed unto the country by the Defendant United States government, by and through the other Defendants, and blindly embraced by Defendants Aquino and the Philippine government, have been deeply planted and implemented in the economic framework of development of the Philippines, with the consent and collaboration of the said Filipino government against the Filipino people.

Liberalization, deregulation, and privatization, neo-liberal free market policy prescriptions imposed by the Defendant US government through the US controlled international bodies – Defendants International Monetary Fund (IMF), the World Bank, and the World Trade Organization – have distorted the economic growth of the Philippines to serve the narrow interests of the tiny elite.

As a result of these policies, national legislation concerning trade and investment, labor and employment, education, health, other basic services, and the environment has been deregulated. Protective rules to promote the people's

welfare, economic freedom, food security and safety, as well as security to life and liberty, have widely been dismantled.

The policy of globalization benefits business and multi-national corporations. It, however, marginalizes the people who need social protection against economic exploitation and plunder of the big business interest.

There is extensive evidence on the record, particularly from the testimony of expert witness Jose Enrique Africa, as corroborated by the other witnesses on this score, that these policies “devastate the environment which disrupts communities, and compromise national development.”

We are keenly aware that globalization, from the 1980s onwards, triggered one financial crisis after the other: first the debt crisis of the Third World/Global South in the 1980s, then the financial crisis of Asian and other emerging economies in the 1990s, followed by the “new economy”- bubble in the US and, since 2001, due to the policy of cheap money of the US-American Federal Reserve Bank, the subprime loan bubble which spectacularly exploded in 2008. Since then the world economy has been in deep depression.

As reflected in the statement of Mr. Africa, “Philippine poverty and underdevelopment are not accidental outcomes. The violation of the economic, social, and cultural right of tens of millions of Filipinos results from the conscious and systematic implementation of economic policies designed to benefit a few rather than meet the needs of the many. Philippine elites and foreign monopoly capitalists impose market- and profit-driven globalization policies to oppress and exploit the Filipino people.”³⁷

He continued: “the Philippine economy has been distorted to serve narrow profit-seeking rather than to provide jobs, livelihoods, income, and social services needed by the people. On the whole, these policies force and keep tens of millions of Filipinos in hunger, drudgery, poorly-paid toil and poverty every day, across the country, and around the world.”

In this light, one current example of the evils of globalization is Greece. The economic turmoil that is happening in Greece shows that rich countries will do everything under their power to further exploit and impoverish the already suffering people of Greece. And what is happening in Greece mirrors the state of affairs of the Philippines, as has been discussed in the statement of Mr. Africa and other Prosecution witnesses.

It is Our studied view that in a neo-liberal environment such as the Philippines, business has been, to a large extent, free to realize profit-maximizing strategies without much regard to social and environmental rules, health concerns, cultural traditions and democratic rights of the people. The impact of globalization on the

³⁷ Sworn Statement and Testimony of Jose Enrique Africa, 17 July 2015.

natural environment was also disastrous. It added new loads of harmful and even dangerous emissions on natural systems and it continued the plundering of natural resources.

As shown by the evidence presented, profit-related interests have been the priority and, concomitantly, people's rights come second. The profit-first policy outlined by globalization policy had grave repercussions on human rights as nearly all witnesses explained. As a result, the room for the protection and the strengthening of human rights is shrinking. The effects of these economic activities especially mining undermine and threaten all dimensions of human , environmental, health, and food security, safety and shelter, and public and political security.

We note that the record joblessness caused by the implementation of globalization policies has driven millions of Filipinos overseas to find work to support themselves and their families. The conditions of these Filipino migrant workers are overwhelmingly exploitative as they join hundreds of millions of other migrant workers worldwide in providing cheap labor for capitalist firms and foreign economies.

The records show that the Defendant Philippine government has actively supported this cheap labor export policy to generate foreign exchange for the backward domestic economy and to relieve the social volcano of the unprecedented domestic jobs crisis. Yet it grossly fails to provide more than 10 million overseas Filipinos and their families with the necessary legal protections and financial support.

Worse, the compulsion to encourage cheap labor export has meant a half-hearted effort against illegal recruitment and the trafficking of Filipinos including those for the illegal drug trade. This has put the most desperate Filipinos into extremely dangerous situations, such as in the prominent case of Mary Jane Veloso, and hazardous work conditions.

We are mindful that in the Philippines, many witnesses, especially indigenous peoples, peasants and urban poor and workers complained about the rising level of violence. The mining companies and their defense and security forces provided by the Defendant Philippine government, such as military, the private militias and para-military groups, parts of the police, are responsible for the violence and economic dislocation and degradation of the people in the countryside.

In this connection, it is apropos to reiterate the right to freedom of movement of all peoples pursuant to Articles 13, 14, and 15 of the Universal Declaration of Human Rights and the case law of the International Court of Justice and of the Inter-American and European Human Rights Courts. The evidence submitted before Us regarding both the labor export policy and the forced displacement of indigenous and peasant communities clearly demonstrates serious, recurrent violations of this right, which includes the right not to be subjected to either forced migration or forced displacement.

As shown by the evidence, the state apparatus very often is in collusion with mining companies, big landlords and giant developers whereby the wrongdoings, broadly documented by the witnesses and summarized in their briefs, occur, while impunity becomes a normal systemic reaction, so bitterly frustrating for the people concerned.

Corruption in the grandest scale of public funds have also been institutionalized no less by the Executive Department and Philippine Congress of Defendants Aquino and Philippine government. The controversial pork barrel system, the Disbursement Acceleration Program (DAP), and the Priority Development Assistance Fund (PDAF), among others, only benefit favored politicians.

We learned that agriculture and land reform, national industrialization and social security have also been undermined. In the Hacienda Luisita case, which we agree is emblematic of the sorry state of agrarian reform in the country, testimonies of witnesses and evidence submitted by the Prosecution pointed to the direct and primary responsibility and liability of Defendant Aquino in the violations of the economic and social rights of the farmers.

Even when we were made aware that it is a yearly occurrence that the Philippines is struck by powerful typhoons, the records show that no concrete measures were undertaken to mitigate their impact. Business and profit-seeking ventures have been prioritized; concern for climate change and its impact relegated to the sidelines.

Yet, the Defendant government of the Philippines, even when it is directly affected by such phenomenon, saw no urgent need to stop the destructive economic activities of mining. We were informed how Super Typhoon Haiyan, or Yolanda and much earlier than that, Typhoon Pablo, wreaked havoc on the lives and livelihood of the Filipino people. But, nearly two years after, there have been no improvement on the lives of the victims of these natural calamities.

The testimony of a victim of Typhoon Yolanda and the video presentation on the state of the victims of said typhoon powerfully showed that Defendant Aquino and his government committed criminal neglect when they failed to immediately and effectively help, rehabilitate or cause the rehabilitation of the victims.

We agree that the evidence presented before this Tribunal shows that “as an economic appendage of the US, the Philippine semi-feudal economy suffers from US dictates on trade and investment policies through the latter’s global instruments of economic control like multinational firms and banks and through multilateral agencies like Defendants IMF, World Bank and WTO.”³⁸

Further, the testimonies and data demonstrated the “workings of a distorted and deeply undemocratic economic system that is structured primarily to serve

³⁸ *Ibid.*

big foreign and domestic elite interests to the detriment of the national economy and the overwhelming majority of the people.”³⁹

We believe all these, as the Prosecution advanced, were indeed committed as a result by and large of the policies, programs and practices of Defendant Philippine government under the administration of Defendant Aquino which have either instigated, produced, encouraged, neglected, tolerated or acquiesced to the same with the cooperation, collaboration or complicity of the other Defendants.

ON THE THIRD GROUND

The wealth of testimonial and documentary evidence provided by the Complainants through the Prosecution has provided this Tribunal strong bases to find all the Defendants culpable of gross and systematic violations of the rights of the people to national self-determination and liberation. The Filipino people must be allowed to chart their future as a people and struggle for their liberation from the exploitation and oppression by the Defendants.

This Tribunal finds that the control by the Defendant US government of the Philippines allowed it to impose political, economic and military policies in the country including its war of terror.

For one, the act of the Defendant US government of preventing a key Prosecution witness, former Congresswoman Liza Maza, from departing from the Philippines indeed only highlights the extraterritorial and invasive character of the borderless war waged by the US.

In the imposition of such war, the Defendant US government, as the evidence and record show, intensified its direct intervention in the country through active deployment of troops in the Philippines under the cover of the Visiting Forces Agreement (VFA), the Enhanced Defense Cooperation Agreement (EDCA) and other unequal and interventionist agreements under its policy of Pivot to Asia-Pacific, to counterweigh Chinese power. These agreements simply violate Philippine sovereignty and the right to self-determination.

There is evidence, particularly from the Mamasapano incident, that US troops actively participate in intelligence and combat operations in Mindanao, which establish illegal US involvement in Philippine military operations.

In the course of the implementation of the US war of terror and intervention, the Defendant US government together with the Philippine government, particularly through Defendant President Aquino committed war crimes and crimes against humanity in violation of international law.

³⁹ *Ibid.*

In fine, the Defendant US government has not only clearly aided, abetted and assisted in the commission of war crimes, crimes against humanity and violations of international humanitarian law in the Philippines but is itself complicit in the same.

Also, this Tribunal finds that US intervention is not limited to the imposition of its war of terror to defeat the struggle of the Filipino people to liberate themselves from an oppressive and exploitative system, but also includes actions to continue this war by derailing, through terrorist tagging, any efforts by the Filipino people at achieving peace.

The Defendants' act of "terrorist tagging" appears not only intended to define their military targets, but also, to sabotage the peace process between the National Democratic Front of the Philippines (NDFP) and the Defendant Philippine government. We agree that even on its face, these constitute a violation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), the very agreement signed by the Defendant Philippine government and the NDFP as a major step in efforts to engage in the peace process. The arrest, detention, and filing of trumped-up charges against their peace consultants indicate a violation of the Joint Agreement on Safety and Immunity Guarantees (JASIG) between them.

We agree that what makes matters worse is that despite the legal victory in Europe by Prof. Jose Ma. Sison that took him out from the European terrorist listing, the Defendant US government persists in restricting his peace making role through its continuous harassment and terrorist tagging, restricting his freedom to travel and the freezing of payments to his bank account from entities in the US.

Specifically, and in addition to the international laws mentioned, the Tribunal finds the acts subject of the Indictment violative of the general principles of international law.

The Tribunal finally notes that US impositions on the Filipino people forms part of its global actions to trample on the rights of the people in Asia and throughout the world in its desire to maintain its dominance and establish its political, economic and military hegemony.

In sum, We, therefore, find for the Complainants.

CONCLUSION

The Filipino people were failed by their own government and they have come before Us.

Over the past two long, painful and enraging days⁴⁰, We have closely and keenly listened, watched, seen, asked, pondered on an uninterrupted procession of witnesses, survivors, families and friends – victims all in each and every way – as well as experts and eminent resource persons whose opinions are uncontested and indisputable because they constitute very credible testimonies, accounts and reports.

As the Prosecution said, they have presented meticulously and thoroughly “a compelling case of complicity, collusion, responsibility, and liability for gross, massive, and systematic human rights violations.”⁴¹ They presented one after the other, without fail, 34 cases with 32 witnesses, 17 here in Washington, D.C., 10 in Manila, 4 from the more far-flung parts of the Philippines, and one from abroad.

The People have also submitted 29 more cases for the consideration of the Tribunal. Indeed, the Prosecution has satisfied the burden of proving satisfactorily that the Defendants, in concert with each other, willfully and feloniously committed gross and systematic violations of the Filipino people’s basic human rights.

The People have “undoubtedly proven that State security forces were involved in the spate of extrajudicial killings, massacres, and enforced disappearances in the Philippines. The pieces of evidence singly, and independently confirm that these incidents are not isolated but state-sponsored, part of a policy deliberately adopted to silence the critics of the government.”⁴²

Defendant President Aquino, as Commander-in-Chief as well as Chief Executive of Defendant Philippine government is liable both directly and indirectly based on his personal acts and omissions as well as under the principle of command responsibility. The violations are nothing but State terror. They simply have failed in their duty to protect the people.

Defendant President Aquino and the Philippine government “disempower the people with faulty and failed economic policy. Opportunities in the Philippines are shrinking, the prices of goods are ballooning, social services are eluding the reach of the ordinary Filipino.”⁴³

Indeed, the People have proven the Defendant Philippine government unabashedly surrendered its national patrimony and sovereignty to corporate

⁴⁰ The Tribunal session was held 16-17 July 2015. The Jurors went into deliberation in the afternoon of the 17th until the afternoon of the 18th.

⁴¹ See Prosecution’s Opening Statement of 16 July 2015 and its Summation of 17 July 2015, herein attached as **Annexes “G’ and “H”**, respectively.

⁴² *Ibid.*

⁴³ *Ibid.*

entities in important industries, particularly and most especially in mining.

Truly, by malevolent design, the Defendants Philippine and US governments, in cahoots with the other Defendants, have conspired to prevent or distort the development of the Philippines as they have prescribed and imposed policies intended to disregard and marginalize agriculture and national industrialization. The People have satisfactorily convinced this Tribunal.

The People have also convinced this Tribunal of the interventionist policies in the Philippines and in Asia by the Defendant US government. Various military operations under Defendant President Aquino have resulted in crimes against humanity and war crimes.

The nexus between the culpability of Defendant President Aquino and the role and participation of Defendant US government for gross and serious violations of civil, political, social, economic and cultural rights and the right of the Filipino people to national self-determination and liberation is borne by the facts and the evidence fully established during the Tribunal.

The proven allegations for each Ground in the Indictment, singly, jointly or collectively, have violated the pertinent provisions referred to in the Violations of Laws above, as mentioned in the allegations and Findings above, and as correspondingly outlined with more specificity in the Memorandum of Authorities⁴⁴ of the Prosecution.

In view of all the foregoing, We, the JURY hereby renders judgment finding Defendant Government of Republic of the Philippines, Defendant President Benigno Simeon C. Aquino III and Defendant Government of the United States of America, represented by President Barack Hussein Obama II, the International Monetary Fund, the World Bank, World Trade Organization, multinational corporations and foreign banks doing business in the Philippines,

1. **GUILTY** of gross human rights violations involving the civil and political rights of the Filipino People, for committing extrajudicial killings, disappearances, massacres, torture, arbitrary arrests and detentions as well as other vicious, brutal and systematic abuses and attacks on the basic democratic rights of the people;
2. **GUILTY** of gross and systematic violations of human rights, particularly economic, social and cultural rights of the Filipino people through the imposition of neo-liberal "free market" globalization to exploit the people; transgression of their economic sovereignty and plunder of their national patrimony and economy; and attacks on the people's livelihoods and the destruction of the environment; and
3. **GUILTY** of gross and systematic violations of the rights of the people to

⁴⁴ Please see Annex "E".

national self-determination and liberation through the imposition of the US war of terror and US military intervention; as well as the perpetration of crimes against humanity and war crimes; misrepresentations of the people's right to national liberation and self-determination as "terrorism" and the baseless "terrorist" listing of individuals, organizations and other entities by the US and other governments.

The Tribunal seriously condemns the continued efforts of the Defendants to abandon the peace process and address the roots of the conflict in the Philippines in order to achieve a just and lasting peace

We enjoin the Defendants to undertake, and the People to pursue proper remedial measures to prevent the commission or continuance of the illegal and criminal acts, to repair the damages done to the Filipino people and their environment, compensate the victims and their families for their atrocities, and to rehabilitate the communities, especially indigenous communities that have been destroyed by the criminal acts of the Defendants.

Furthermore, considering the serious violations of international law by the Defendants, the Tribunal is of the opinion that said violations be brought before international bodies both to battle the Defendants in all possible arena and at the same time push these international bodies to proscribe the illegal acts of the Defendants and strike a blow against impunity.

We venture to add that the Tribunal recommends, as part of Our Verdict, that the Filipino people forge stronger international solidarity relations with the peoples whose rights are being trampled by the Defendant US government, and together struggle for liberation from the yoke of US imperialism.

We also encourage the peoples of the world to seek redress, to pursue justice, and to transform this oppressive, exploitative and repressive global state of affairs exemplified by the experience and plight of the Filipino people, to challenge the international "rule of law", and to construct a global order founded on full respect for the rights of all peoples, everywhere.

This Verdict is without prejudice to an extended or supplementary opinion as may be warranted under the premises and/or the release of further annexes which will likewise form an integral part of the same.

Let copies of this Verdict be furnished to all the Defendants.

Let copies of this Verdict be published and sent to all other individuals, organizations and entities concerned, including the Prosecutor's Office of the International Criminal Court (ICC), the Inter-American, European, African, and Asian regional courts or systems, and to lawyers associations, human rights defenders, law schools, and human rights programs of study throughout the world.

SO ORDERED.

11 September 2015.

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MARY BOYD (sgd)
Canada

ATTY. CAMILO PEREZ-BUSTILLO (sgd)
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- C: Letter to Defendants from National Lawyers Guild, 6 July 2015
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- E: Memorandum of Authorities, 16 July 2015
- F: Case Summaries, 16 July 2015
- G: Cases for Submission, 17 July 2015
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