

PERMANENT PEOPLES' TRIBUNAL
SECOND SESSION ON THE PHILIPPINES
23 March 2007
The Hague, The Netherlands

SUMMATION OF THE PLAINTIFF

Presented by:

EDRE U. OLALIA
Member of the Prosecution Panel

We have come a long way to seek justice.

On behalf of the Plaintiffs the Filipino people at the suit of human rights and people's organizations in the Philippines led by Hustisya, Desaparecidos, SELDA and BAYAN and in collaboration with my colleagues in the esteemed Panel of Prosecutors led by Judge Romeo Capulong, Rachel Pastores, Amy Sato, Jobert Pahilga, Rex Fernandez, Alnie Foja, Neri Colmenares and Noel Neri from the Philippines with the very able help and solidarity of Jan Fermon of Belgium and Bernard Tomlow of the Netherlands, with the remarkable contribution of the paralegals and human rights workers who really worked hard to make this 2nd Session a fruition, and in honor of the martyrs and heroes of the Philippine democratic movement, let me make a Summation of our case before this Honorable Permanent People's Tribunal in its Second Session on the Philippines.

The parties in this case are THE FILIPINO PEOPLE – the peasants, workers, women, youth & students, urban poor, fisherfolk, indigenous people, migrant workers, church people, lawyers, journalists, teachers, government employees, health workers, artists and other professionals, human rights workers – in solidarity with other oppressed and exploited peoples of the world as Plaintiffs, charging Gloria Macapagal-Arroyo, the Government of the Republic of the Philippines; George Walker Bush, the Government of the United States of America, the International Monetary Fund, the World Bank, World Trade Organization (WTO); multinational corporations (MNCs) and foreign banks doing business in the Philippines, as Defendants.

We have charged the Defendants with:

- 1) gross and systematic violations of civil and political rights, especially extra-judicial killings, abductions and disappearances, massacres, torture, attacks on communities, increased political repression;
- 2) gross and systematic violations of economic, social and cultural rights; and
- 3) gross and systematic violations of the right to national self-determination and liberation.

On **CHARGE 1:**

We presented an expert testimony on the Philippine human rights situation and its context.

We then presented, by way of illustration and highlighting of particular cases among so many hundred others, vivid and painful testimonies or depositions and thorough documentation of the extrajudicial killings of a religious pastor, a labor leader, the wife of an activist doctor who himself survived the attack, a courageous human rights worker and a peasant leader.

We heard the testimony of the inconsolable mother of a young university student who remains missing till this very day and of a witness to her abduction.

We heard the straightforward testimony of a good bishop whose members of his church have been killed one after the other and of another bishop who explained on the Macapagal-Arroyo's government's attempts to cover-up and whitewash the brutal and heinous cold-blooded political assassination of yet another activist bishop.

We also saw and heard the agonizing depositions of 2 survivors of extremely cruel and degrading torture and the enlightening expert testimony of a psychiatrist on the deep wounds of the victims.

We heard the deposition of a leader of a trade union whose members have been massacred at the picketlines. We saw, and cringed and cried at the sight of the actual footage of the daylight massacre and the images of the fallen impoverished sugarworkers even as we also heard the deposition on another massacre of unarmed dirtpoor farmers.

We were enlightened by the incisive analysis of an expert witness on the Macapagal-Arroyo government's national security policy and its linkage to the US global war on terror.

We then heard and saw a personal testimony of a victim of violent dispersal of peaceful assemblies and on the laws and policies that all curtail civil liberties.

We were privileged to have representatives of various independent fact-finding missions that came to the Philippines and looked into the situation there and report on their findings and recommendations.

The Filipino people have alleged and have shown or demonstrated by sufficient credible evidence that:

- 1) the extra-judicial killings, enforced disappearances, torture, massacres and other gross violations of civil and political rights have been perpetrated systematically, on a nationwide scale and with unprecedented frequency and intensity;
- 2) the gross human rights violations reported and documented by human rights groups were perpetrated with absolute impunity by state forces, i.e., the military, police and paramilitary forces directly controlled and directed by the military and police;
- 3) the Macapagal-Arroyo government, in complicity with the Bush government, has not genuinely condemned, much less put a stop, to these gross violations of human rights and international humanitarian law, and has, therefore, not only failed to meet its duty under the due diligence standard in international law to do whatever is within its powers and capability to prevent or stop these extrajudicial killing and other crimes against humanity but has in fact directed, abetted, tolerated and rewarded these atrocious acts;
- 4) the systematic character, frequency, pattern or modus operandi, and impunity with which these crimes and atrocities are committed, the inaction of the national leadership, the systematic covers-up and relevant and revealing government and military documents—all show that there exists a pattern and policy of the government to undertake killings and other human rights violations;
- 5) the national counter-insurgency campaign “Oplan Bantay Laya” and related programs provide the military and police the framework and the protective umbrella under which they undertake these crimes; and
- 6) to defeat and destroy the revolutionary movement, state security forces are resorting to a clear policy of undertaking militarily actions on non-

military targets, contrary to international law and human rights laws and covenants.

On CHARGE 2:

Today we heard the very informative and analytical testimonies and studies of socio-economic experts on the real national situation in the Philippines.

And we heard from the ranks of the workers, the peasants and the women from their very own mouths their situation and the attacks on their sector by the Macapagal-Arroyo government.

We were also privileged to have been graced by the presence and heard the principled stand of a Philippine senator not only on environmental issues but also on the political and social realities in our country.

The Filipino people have alleged and have shown or demonstrated by verifiable information and data, sufficient credible evidence and competent analyses that, among others:

- 1) the continued and intensified trade liberalization is to the detriment of the interests of the Filipino people;
- 2) pushing for constitutional amendments is to further open up the Philippine patrimony to exploitation by foreign capital;
- 3) instead of protecting the rights of people, the Macapagal-Arroyo government has been supporting mining operations destructive of environment and plunder of natural resources; and

On CHARGE 3:

We heard straight from very competent and credible resource persons and experts on the issue of terrorist listing, military agreements, and the peace negotiations in relation to the charge of gross and systematic violations of the right to national self-determination and liberation.

The Filipino people have alleged and have presented by verifiable information and data, sufficient credible evidence and competent analyses, among others, that:

1. existing military arrangements with the United States were contracted in disregard of the fundamental rights of the people; and
2. the United States committed and is continuing to commit against the Filipino people crimes under the pretext of “war against terrorism” including, in particular, the displacement of whole communities; deaths, injuries, rape, torture and other physical harassments; as well as the destruction of the environment;
3. the United States has committed against the Filipino people international crimes as a result of its collusion with and support for the Macapagal-Arroyo government in conducting the “war against terrorism” and “counter-insurgency” including gross and systematic violations of human rights;
4. the Macapagal-Arroyo government has signed unequal treaties and agreements with the U.S. Government in disregard of international law; and
5. the U.S. government and EU countries have used their “terrorist” labeling of the CPP-NPA and Prof. Jose Maria Sison for political reasons and in pursuit of their economic and military interests and has impacted on the peace negotiations and raised prejudicial questions in the peace talks between the GRP and the NDFP.

We are glad that the Tribunal has availed of the expertise and heard the standpoint of an amicus curiae or friend of the court to share its democratic alternative to the issues raised before this Second Session.

Finally, we also submitted voluminous case files of other human rights violations covered by the Indictment including pertinent documents both from the government and from non-governmental groups that will help this Tribunal to come to its inescapable verdict.

CONCLUSIONS:

The aforesaid acts and omissions violate:

- a. The Universal Declaration of the Rights of Peoples (The Algiers Declaration of July 1976);
- b. The Universal Declaration of Human Rights of 10 December 1948;
- c. The International Covenant on Civil and Political Rights of 16 December 1966;

- d. The International Covenant on Economic, Social and Cultural Rights of 16 December 1966;
- e. The United Nations Convention against Torture;
- f. The GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law;
- g. The 1996 GRP-MNLF Peace Agreement; and
- h. The generally accepted principles of international law which form part of the laws of the Philippines under Section 2, Article II of the 1987 Philippine Constitution.

Most importantly, we have shown that these gross and systematic violations of civil and political rights, of social, economic and cultural rights, and of the right to national self-determination and independence, are distinct but at the same time not isolated from each other. They are closely and intrinsically interrelated.

1. The poverty and social injustice brought about by the economic plunder, rampant graft and corruption, and other violations of their social, economic and cultural rights by the Defendants are pushing the great majority of the people, especially the toiling peoples, to protest their condition and fight for better social conditions.
2. The Macapagal-Arroyo regime, like its predecessors, uses deception and coercion alternately and in combination in order to suppress and defeat the peoples' protests and struggle for genuine independence, democracy and social justice. But as the people's movements gain strength and they become less vulnerable to deception, the Macapagal-Arroyo regime and its foreign patrons increasingly resort to the coercive forces at its disposal. It does so for its own political survival, for retaining and protecting its narrow economic interests, and to protect the interests of its foreign patrons, especially US imperialism.
3. The violations of national sovereignty and independence have allowed foreign military presence to intimidate and coerce the Filipino people.

PRAYER AND PLEA OF THE PLAINTIFFS

Based on the facts, evidence, information, arguments, and expert analyses, the Filipino people come to this Tribunal --- having found and experienced that by and large the existing traditional local remedies in the Philippines have proven to be ineffective or illusory --- and plea that the prayers in the Indictment be granted, and adjudge the Defendants Macapagal-Arroyo, the Philippine Government; George Bush, the Government of the United States

of America, the International Monetary Fund, the World Bank, World Trade Organization (WTO); multinational corporations (MNCs) and foreign banks doing business in the Philippines, GUILTY as charged on each and every count.

The Filipino people, the victims, our peasants, our workers, our women, our youth & students, our urban poor, our fisherfolk, our indigenous people, our migrant workers, our church people, our lawyers, our journalists, our teachers, our government employees, our health workers, our artists and our human rights, peace and justice workers trust that this Tribunal --- after due deliberation and analysis -- will find in favor of the oppressed and exploited, of a people presently under siege but continue to struggle evermore.

Thank you, distinguished Ladies and Gentlemen of the Tribunal. #