



National Democratic Front of the Philippines

Peace Negotiating Panel

**PRESENTATION TO THE INTERNATIONAL PEOPLE'S TRIBUNAL
ON THE PHILIPPINES**

May 17-18, 2024, Brussels

**by Coni K. Ledesma
Member, Negotiating Panel
National Democratic Front of the Philippines**

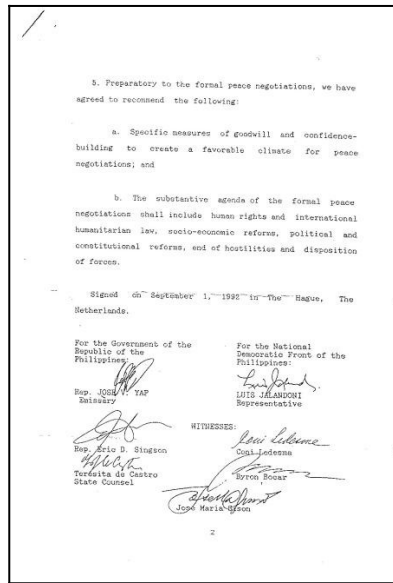
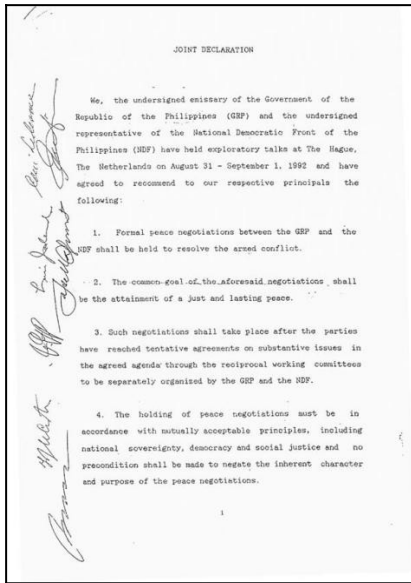
Distinguished Jurors of the International People's Tribunal on the Philippines, Complainants, Defendants, Prosecutors, Clerks, Amicus Curiae, Solidarity Guests, comrades, friends, ladies and gentlemen.

For almost four decades now, the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) have been engaged in peace negotiations. From the perspective of the NDFP, this could be a viable arena to achieve basic social, economic and political reforms in Philippine society, an opportunity to resolve the roots of the armed conflict and consequently attain a just and lasting peace.

The Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL)

These negotiations have resulted in 38 major agreements and joint statements which were either signed or initialed.

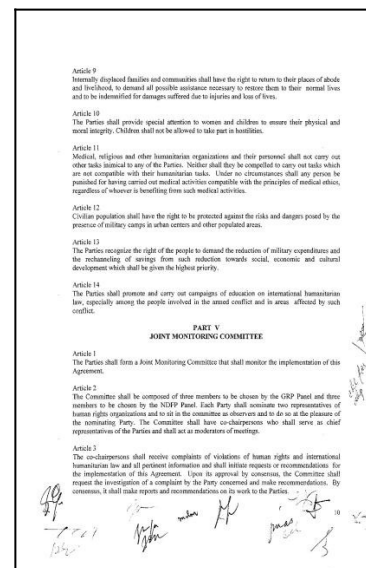
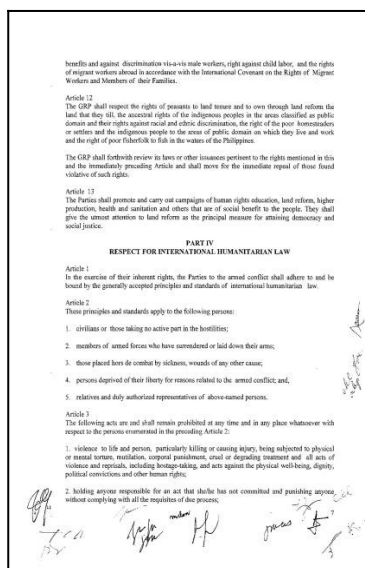
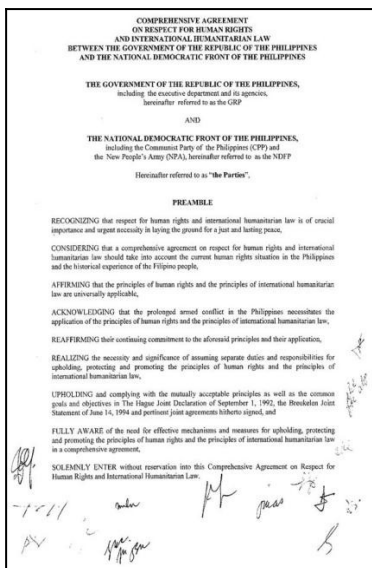
The Hague Joint Declaration of September 1, 1992 has forged the basic framework for a well-founded and sustained process of peace negotiations by basically defining the agenda for the GRP-NDFP peace negotiations, namely, human rights and international humanitarian law, social and economic reforms, political and constitutional reforms, and end of hostilities and disposition of forces.



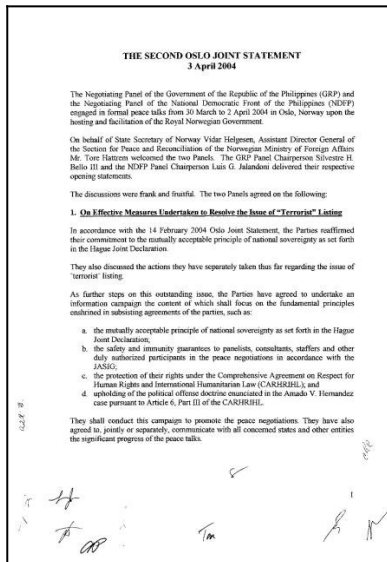
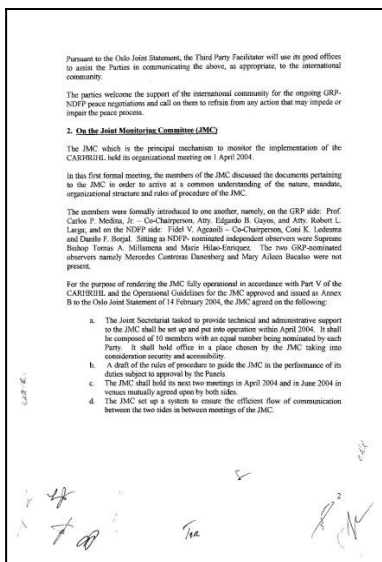
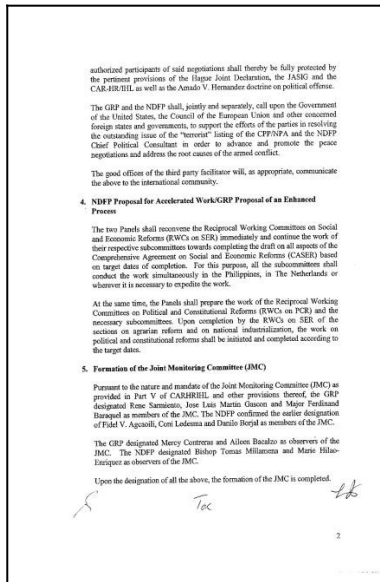
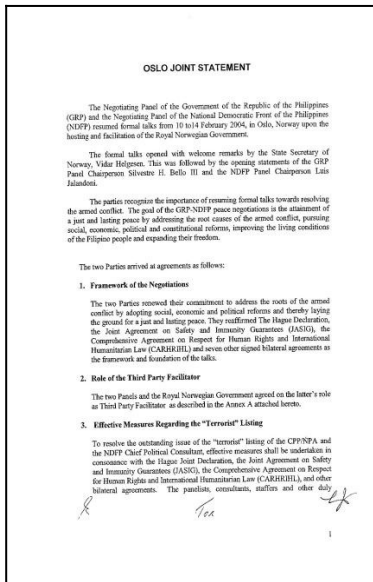
The Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) of March 16, 1998 is the first major agreement signed by the Parties.

In the CARHRIHL both Parties agreed to respect not only the civil and political rights but also the social, economic and cultural rights of the Filipino people, especially the workers, peasants and the poor. The CARHRIHL likewise enjoins both Parties to uphold international humanitarian law and to respect the rights of civilians and civilian communities in the conduct of the war or armed conflict.

Specifically, Part IV, Article 2 stipulates that these principles and standards apply to the following persons: civilians or those taking no active part in the hostilities; members of armed forces who have surrendered or laid down their arms; those placed *hors de combat* by sickness, wounds or any other cause; persons deprived of their liberty for reasons related to the armed conflict; and, relatives and duly authorized representatives of above-named persons.



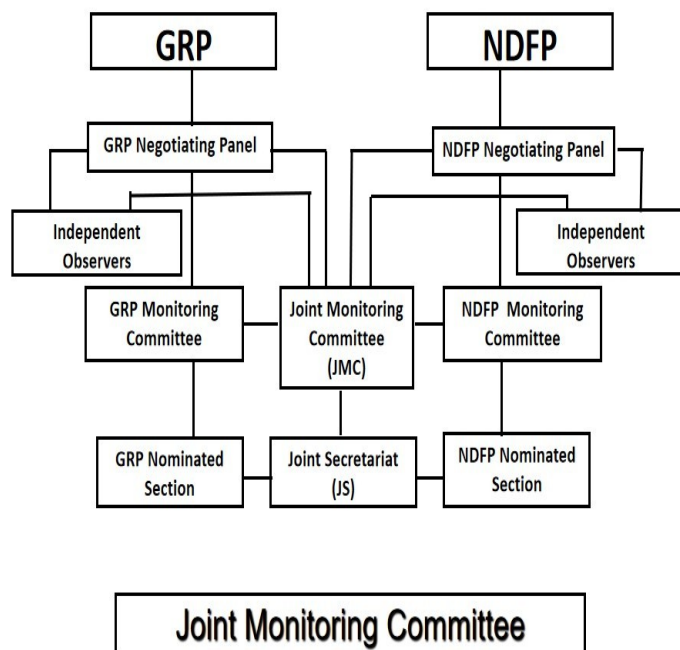
These agreements were followed by the Oslo Joint Statements in 2004 which led to the setting up of the Joint Monitoring Committee (JMC) and the Joint Secretariat (JS) with an office in the Philippines and supported by the Royal Norwegian Government (RNG) as Third Party Facilitator.



The JMC and the JS

Part V of the CARHRIHL stipulates that a Joint Monitoring Committee (JMC) will be formed to monitor compliance with the Agreement by both Parties. The JMC shall receive complaints of violations and all pertinent information and initiate requests or recommendations for the implementation of CARHRIHL. The JMC shall request the investigation of a complaint and come up with reports and recommendations on its work to the Parties. The CARHRIHL further stipulates the formation of a Joint

Secretariat (JS) to provide technical and administrative support for the work of the JMC.



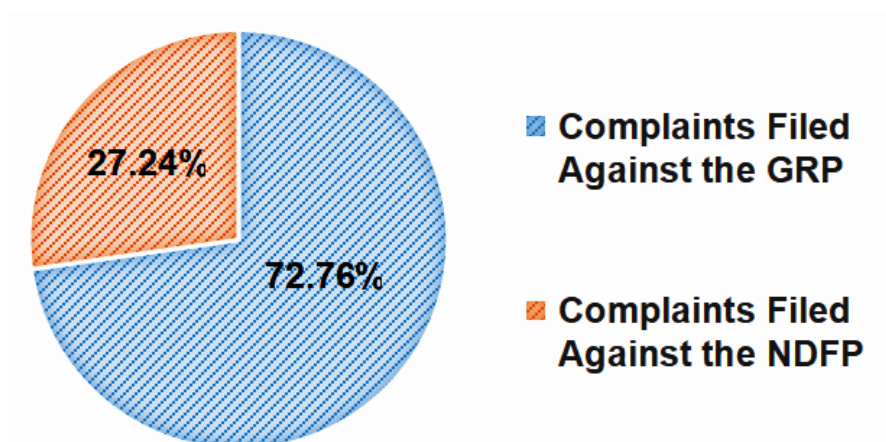
Joint Monitoring Committee

<p>SECRETARIAT (JS) - JMC FORM</p> <p>GRP COMPLAINT FORM</p> <p>1. Information Concerning the Person(s) Complaining</p> <p>Name: _____ Contact (Work/Res): _____</p> <p>Address: _____</p> <p>City: _____ State: _____</p> <p>Zip: _____</p> <p>2. Information Concerning the Alleged Person(s) - Please use separate lines if more than one.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Name of the Alleged Person(s)</th> <th>Date of Birth (MM/DD/YYYY)</th> <th>Occupation/Address</th> <th>Address</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> <p>3. Information Concerning the Alleged Person(s) - Please use separate lines if more than one.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Name of the Property</th> <th>Block</th> <th>Occupation</th> <th>Address</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Name of the Alleged Person(s)	Date of Birth (MM/DD/YYYY)	Occupation/Address	Address																	Name of the Property	Block	Occupation	Address																	<p>2. Information of the Alleged Person(s)</p> <p>Name of Alleged Person(s): _____ Date of Birth: _____</p> <p>Occupation: _____</p> <p>Address: _____</p> <p>City: _____ State: _____</p> <p>Zip: _____</p> <p>3. Information of the Alleged Person(s) - Please use separate lines if more than one.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Name of the Alleged Person(s)</th> <th>Date of Birth (MM/DD/YYYY)</th> <th>Occupation/Address</th> <th>Address</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Name of the Alleged Person(s)	Date of Birth (MM/DD/YYYY)	Occupation/Address	Address																	<p>3. List of Supporting Documents</p> <p>List of Documents Attached: _____</p> <p>Number of Documents: _____</p> <p>4. Information of the Alleged Person(s)</p> <p>Name of Alleged Person(s): _____ Date of Birth: _____</p> <p>Occupation: _____</p> <p>Address: _____</p> <p>City: _____ State: _____</p> <p>Zip: _____</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Name</th> <th>Address/Contact No.</th> <th>Number of the File</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> <p>5. Information of the Alleged Person(s)</p> <p>Name of Alleged Person(s): _____ Date of Birth: _____</p> <p>Occupation: _____</p> <p>Address: _____</p> <p>City: _____ State: _____</p> <p>Zip: _____</p>	Name	Address/Contact No.	Number of the File															
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Complaints Received by the JMC

Since its formal opening on June 4, 2004 until its closing on September 30, 2021, the JS offices have received on behalf of their respective monitoring committees, a total of 7,474 complaints of alleged violations of the CARHRIHL (as of June 1, 2019): 5,438 against the GRP or 72.76% of all complaints and 2,036 against the NDFP or 27.24%.

Figure 1. Complaint Forms Received (June 4, 2004 to June 1, 2019)



The 5,438 complaint forms filed against the forces of the GRP during the reporting period show violations of the full scope of the people's human rights and fundamental freedoms and of the principles and standards of international humanitarian law.

Complaints of Violations of International Humanitarian Law (IHL)

Of these, 474 complaints involve 526 incidents of IHL violations during the term of GRP President Rodrigo Duterte (July 2016 to June 2019).

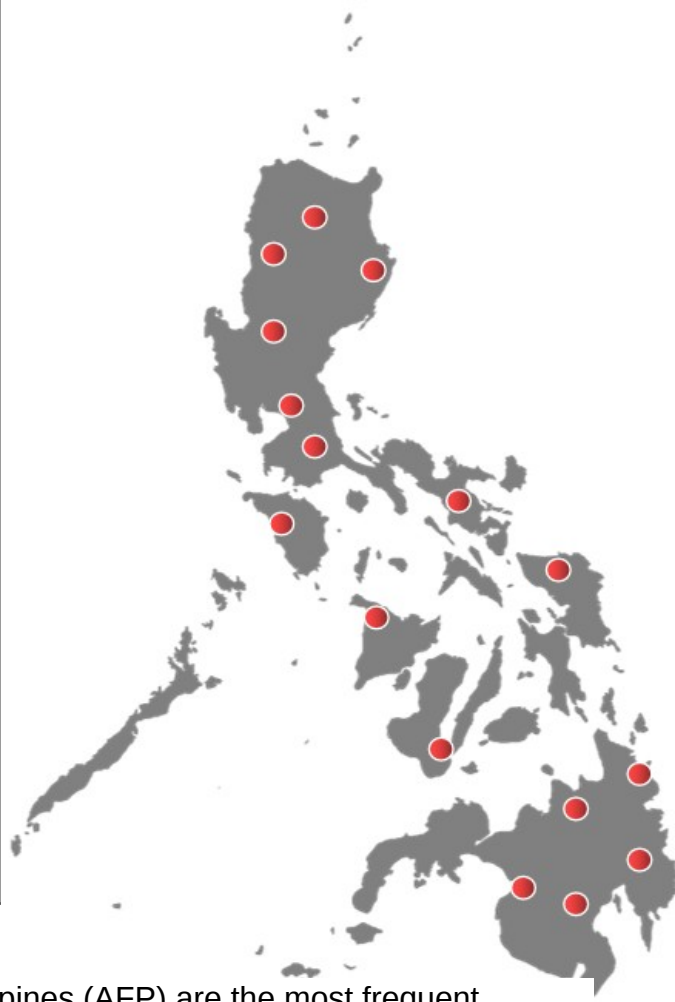
Table 1. Number of Complaints Filed IHL Violations (July 2016 to June 2019)

Total no. of Complaints Filed	With Duplicate Complaints	Without Duplicate Complaints	No. of Incidents
474	20	454	526

The incidents reported in the complaints occurred in 57 provinces (out of a total of 82 nationwide) covering 16 regions. The regions with the most number of incidents reported are the very same regions that were declared by the GRP as priority regions in their counterinsurgency programs.

Table 2. Place of Incident (Region)

Bicol	76
Caraga	76
Davao Region	75
SOCCKSARGEN	48
Cagayan Valley	46
Eastern Visayas	39
Northern Mindanao	39
Central Visayas	28
Southern Tagalog	26
Cordillera Autonomous Region	20
BARMM	20
Southwestern Tagalog	13
Central Luzon	10
Western Visayas	5
National Capital Region	4
Ilocos Region	1



Elements of the Armed Forces of the Philippines (AFP) are the most frequent perpetrators cited in the complaint forms. As the primary implementing force of the GRP's counterinsurgency programs, they appear in majority of the reported complaints (92.40%). Next to the AFP, elements of the Philippine National Police (PNP) and the paramilitary rank second and third, respectively. The other perpetrators are private individuals acting as agents of the GRP including landlords and business entities, civilian national units, local government units (LGUs), and private armies.

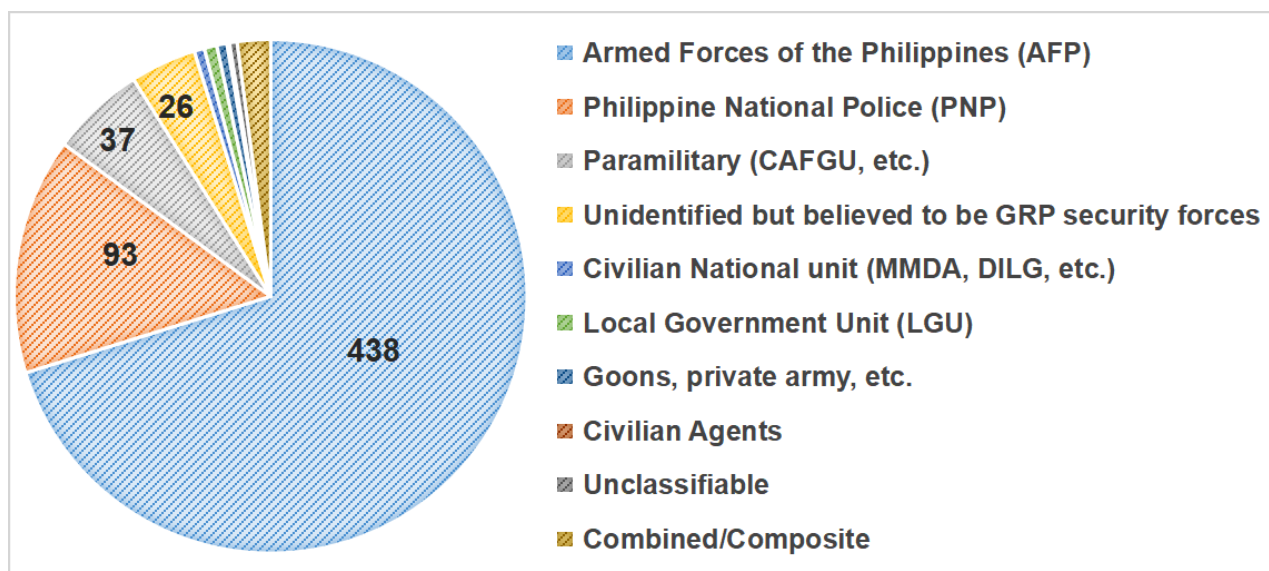
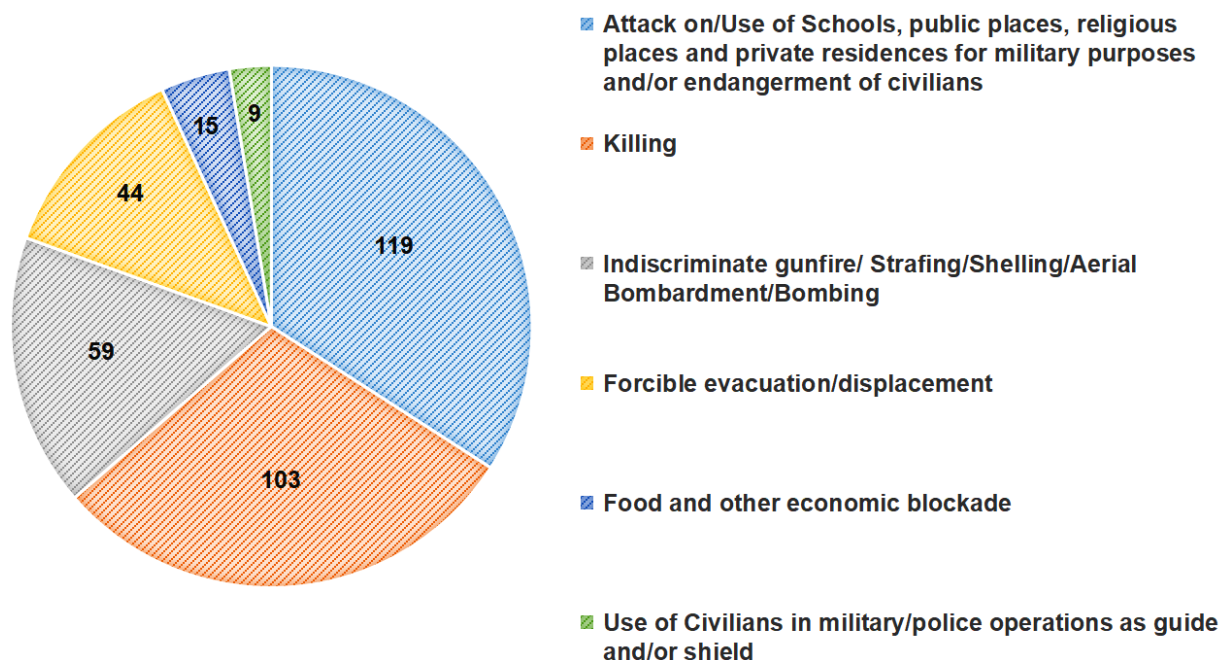


Figure 2. Perpetrators

Table 5 details the various types of violations with the highest corresponding number of incidents and victims. The incidents involve grave violations of international humanitarian law, majority of which were committed against civilians, in pursuance of the GRP's counterinsurgency plans.

Many of these violations arose from the forcible use of civilian communities in military operations and the treatment of civilian populations as objects of attack using indiscriminate aerial bombardment, strafing, artillery fire, mortar fire, and similar forms of destruction of lives and property, such as schools.

Other violations are the forcible evacuations or forcible reconcentration of civilians, use of civilians as guides and/or human shields in military operations, exploitation of children in the context of armed conflict, maintaining, supporting and tolerating paramilitary groups and private security agencies, violent reprisals against non-combatants, desecration of remains of those who have died in the course of the armed conflict, and violation of the rights of *hors de combat*.

Figure 3. Types of Violations

There are moreover individual children and women victims numbering 2,196 and 516, respectively. These numbers do not count the *en masse* victims of indiscriminate gunfire and aerial bombings of communities, forcible evacuations and attacks on and use of schools and public places for military purposes.

Table 3. Women and Children Victims

	Total no. of Incidents	Total no. of Victims
Children	104	2,196
Women	74	516

Illustrative Cases of Violations of International Humanitarian Law

1. Complaint G 5110 - Noel Gulmatico torture and desecration of remains of *hors de combat* on July 1, 2016 in North Cotabato, Mindanao

Gulmatico, a commanding officer of the NPA in Southern Mindanao, was one of the casualties during an armed encounter between the composite units of the AFP and the paramilitary, and the NPA.

The complaint filed contains his daughter's narration that at the funeral homes, she observed that her father's eyes were intentionally gouged out, the right side of his mouth was sewn all the way to his neck, his mouth dented with the tongue expurgated. There were bruises on his body and a gunshot wound on his right chest.

Several media outlets have reported that there were witnesses in the area who can attest that Gulmatico's remains were severely mutilated when they found him. They believed that he was still alive when captured, was consequently subjected to torture, and died due to the mutilation.

A few days after, photos of Gulmatico, mutilated with eyes gouged out circulated on Facebook. The photo was posted a radio broadcaster and has been shared 156 times as of the following day. However, the photos are not anymore available online the day after.

Relatives of Gulmatico question the AFP's version of the events. They said "What kind of high powered firearm do they have that can cut his tongue? We might be less educated, but we know that if he was hit by a shot from the firearms, his face should have been shattered. But his nose and mouth were intact."

2. Complaint G 5020 - Remond Tinoy Lino and Gegi Tinoy Lino killings of NPA father and son on July 12, 2017 in Compostela Valley, Mindanao

Remond, 14 years old, grade 5 student, visited his father Gegi who was a fighter of the NPA. According to witnesses, Remond and his father were walking alongside a stream when they saw three helicopters hovering above them. The helicopters suddenly dropped bombs which fell near the stream. Around the same time, there were paramilitary members known as CAFGU under the command of the Philippine Army positioned above a small hill who began firing at them and they were hit by the bullets.

It was reported that Remond tried to flee even though he was already wounded. The CAFGU members continued firing at him despite his pleas. Gegi died and Redmond's face was shattered and he was also hit in the chest.

The following day, a spokesperson of the AFP issued a statement that Remond died together with seven others during an armed encounter between the AFP and the NPA. The AFP falsely claimed that Remond, a minor, has been recruited by the NPA to become a combatant.

3. Complaint G 4988 - NDFP Consultant Lora T. Manipis and NPA commander Jeruel B. Domingo enforced disappearance on February 24, 2018 in Kidapawan, Mindanao

Manipis, a consultant of the NDFP in Far Southern Mindanao, and her husband Doming, a commander of the NPA in Saranggani and South Cotabato, have been missing since said date. They were last seen in Kidapawan City, North Cotabato after visiting their children in Makilala of the same province.

The day before, they went to Kidapawan on board a motorcycle to arrange for transportation. They were bound for an activity related to the peace process. In the evening, they got off along the main street in the city, in front of a bank. They asked a motorcycle driver to negotiate with a driver of a public utility van to bring them to Kabacan, North Cotabato. They also texted the relative taking care of their children that they will be heading to a meeting the following day.

This was the last time they seen or heard from.

Prior to this incident, their eldest daughter has been harassed by a police officer in 2016 when she was interrogated about her mother's whereabouts. Manipis' family also reported that they have been subjected to surveillance for the past two years.

4. Complaint G 5172 - Patalunan massacre of farmers and desecration of remains on May 13, 2018 in Camarines Sur, Luzon

An alleged encounter occurred between the AFP and the NPA.

Earlier, around morning of the same day, farmers Roberto Ramos, Ronel Nariz and Antonio Bonagua went to their farms to harvest coconuts. Their farms happened to be near the encounter site. That afternoon, the families of the three waited for them to return home but they never did. They believed that the three were taken to the military camp so they searched and made inquiries in all the military and police camps.

Almost a month after, a farmer was harvesting vegetables in his farm when he noticed a hole that had been covered up recently. He became suspicious since he knew that three of his fellow farmers were missing. He then reported this to village officials. The officials then proceeded to the hole and started digging when they saw a person's feet. They searched for other holes and found other grave sites 30 and 80 meters away.

The identity of the first body could not be readily established. He was naked and had a slash wound on his neck. It was later determined that he was Nariz and according to the preliminary autopsy, his penis was cut off.

The second body was identified as Bonagua because of the short pants that he was wearing. His shirt was used to cover his eyes, three of his front teeth were missing, a crack on the lower back portion of his skull was found. His hands were tied behind his back, he had a six-inch deep laceration on his left shoulder and a gunshot wound on his chest.

The third body belonged to Ramos. His long-sleeve shirt and slippers were found beneath his body. Since his body bore no marks or wounds, it was believed that he was buried alive.

Ronel Nariz



Antonio Bonagua



Roberto Ramos



5. Complaint G 5127 - Beverly Geronimo extrajudicial killing of farmer and daughter Nene Geronimo frustrated killing on May 26, 2018 in Agusan del Sur, Mindanao

Beverly, member of a farmers association and president of a parents teachers community association of a local school, and her eight-year old daughter and grade 3 student Nene, together with Lucy, a relative, went to a town center to buy school supplies for the school year opening.

Lucy recounted that while in the market, she already noticed suspicious men following them. After they finished their market chore, they boarded a motorcycle fitted and headed home around. As they passed by a village, Lucy noticed three armed riders from the Philippine Army chasing them. The armed men stopped them on the road and began firing at them.

Beverly was hit in the back while Nene was hit on her left shoulder. Lucy, unharmed, jumped off the motorcycle and hid in a ditch nearby. She saw the armed soldiers going near Beverly and shooting her multiple times before speeding away. Beverly sustained seven gunshot wounds, including one to the head that caused her immediate death. Nene survived.

During the past nine years, Beverly has been a target of military harassment. Beverly and her co-association members were red-tagged by soldiers as NPA members and listed as “NPA surrenderees”. The soldiers repeatedly threatened Beverly that if she will not stop her activities and continue her alleged support for the NPA, she might be a victim of “Tokhang” (referring to the common term for the GRP’s campaign against drugs where most victims were killed).



6. Complaint G 5176 - Antique 7 massacre of unarmed CPP and NDFP members on August 15, 2018 in Antique, Visayas

Seven unarmed members of the CPP and the NDFP-Panay regional and education propaganda staff were killed shortly after midnight. Soldiers police raided the place where the victims were sleeping. They alleged that they were about to serve arrest warrants against two of them when a firefight ensued.

Residents in the area attested that there was no firefight and the bullets were fired by the police and soldiers. Families of the victims said they were unarmed and the police planted the explosives, guns and bullets that were found in their possession. The autopsy conducted showed that there were no gunpowder traces on the bodies of the victims, indicating that they were shot from a distance of more than a meter.

Further, the downward trajectory of bullets suggested that they were shot while they were lying down, crouching forward, or those who shot them were in an elevated position. The victims were shot in the head and chest. According to their families, the nature of the injuries showed these were inflicted while the victims were still alive.



7. Complaint G 5324 - Mariam Uy Acob extrajudicial killing of human rights worker on September 23, 2018 in Maguindanao, Mindanao

Acob was riding an improvised motorcycle on her way home from. When she reached a certain village, two armed men believed to be military agents who were on board a motorcycle, suddenly overtook her motorcycle and shot her seven times resulting in her immediate death. She sustained seven gunshot wounds on her chest, stomach, shoulder and back.

Acob was a paralegal of a regional human rights alliance and a leader of Tindeg Bangsamoro. Weeks before she was killed, she shared how she braved death threats in the course of her human rights work.



Conclusion

The complaints of IHL violations filed with the JMC show the GRP's war of aggression in the name of counterinsurgency, ceaselessly violating the full spectrum of the people's rights. In the armed conflict, the GRP violates IHL and well-entrenched rules of war where non-combatants are targets as well as captured or wounded fighters.

The JMC until its closing on September 30, 2021 has provided an alternative venue for the victims to seek redress and justice which have long eluded them. It is to their utmost benefit if the JMC would be reactivated.

In the meantime that this remains an elusive idea, venues such as the International People's Tribunal is a most welcome endeavor. Not only does it provide an opportunity to expose the grave violations of human rights and international humanitarian law committed by the GRP, but more importantly, it serves as a moral expression of our responsibility to seek justice for the victims.#