



# INTERNATIONAL PEOPLE'S TRIBUNAL

KATARUNGAN: The Filipino People vs. The U.S. Government, Marcos and Duterte Regimes

IPT 2024 Rules of Procedure

## INTERNATIONAL PEOPLE'S TRIBUNAL On the Philippines Brussels, Belgium May 2024

### RULES OF PROCEDURE

#### **I. COMPOSITION, ROLE AND FUNCTIONS OF TRIBUNAL PARTICIPANTS**

##### **1. Convenors**

- 1.1. Composed of international organizations that will initiate, organize and constitute the Tribunal.
- 1.2. It shall appoint upon invitation the members of the Panel of Jurors, the Clerks of Court and the Secretariat.

##### **2. Jurors**

- 2.1. Composed of an international panel of eminent or prestigious individuals from different disciplines, known for or with proven competence, integrity, probity and objectivity, especially those with familiarity or experience on issues on rights of peoples, international humanitarian law and human rights.
- 2.2. At least one of the Jurors must have a legal background.
- 2.3. The Panel of Jurors shall choose among them before the opening of the Tribunal initial session who shall be the Presiding Juror that shall preside during the Tribunal proceedings.
- 2.4. The Tribunal shall hear, examine and evaluate the testimonies of witnesses, experts and resource persons as well as the data, information, facts, analyses and other evidence presented before it, orally or in writing, in person or through some other efficient mode of communication.
- 2.5. It shall determine the facts and decide on the bases in support of or against the charges, grounds or issues in the Indictment, after which it shall render a Verdict either for or against the Defendants, to be followed by a full Decision later on.

##### **3. Complainants**

- 3.1. Composed of the Filipino people as represented by the victims, relatives and witnesses representing basic sectors of Philippine society that appealed to the Convenors to organize the Tribunal.
- 3.2. They shall prepare or cause to prepare the Indictment and the grounds or charges against the Defendants and collate the evidence in support of the Complainants' case.

#### **4. Defendants**

- 4.1. Individuals or entities that are being charged by the Complainants for alleged crimes against the Filipino people.
- 4.2. They shall be entitled to basic due process, i.e. notice and a reasonable opportunity to be heard.
- 4.3. Subject to these Rules and time limitations and other practical considerations, the Defendants must be summoned and served notice and furnished copies of the Indictment, given a fair and reasonable opportunity to defend themselves and present its or their evidence and arguments, orally or in writing, personally or through counsel, and shall be asked to attend and/or participate in the proceedings of the Tribunal.
- 4.4. The Defendants or their counsel or representative/s must notify the Panel of Jurors through the Convenors whether they intend to participate in the Tribunal Proceedings and in what mode and manner. Failure to do so shall constitute a waiver to be present and to adduce evidence in its or their behalf.

#### **5. Prosecution**

- 5.1. A Panel of People's Prosecutors made up of international human rights lawyers shall represent the Complainants and their witnesses; help prepare the Indictment, and present witnesses and other evidence, orally or in writing, in person or through some other efficient mode of communication.

#### **6. Defense**

- 6.1. Lawyers or agents of Defendants who shall represent them, present witnesses and other evidence, orally or in writing, in person or through some other efficient mode of communication.

#### **7. Witnesses**

- 7.1. Victims, relatives and individuals with personal knowledge, familiarity or expertise on the cases and issues covered by, and relevant and material to, the grounds or charges in the Indictment.

#### **8. Clerk of Court**

- 8.1. Lawyers or individuals with legal background, knowledge and experience who will be providing direct and confidential legal and administrative support to the Panel of Jurors.
- 8.2. The Clerk of Court may also act as *ad hoc* spokesperson of the Jurors when and if authorized or requested by the Panel of Jurors.
- 8.3. The Clerk may appoint or designate a deputy or deputies as may be necessary to assist her/him. They shall have the power to administer oaths to the witnesses.

#### **9. Amicus Curiae**

- 9.1. The Panel of Jurors may invite or appoint an *amicus* or *amici curiae* or “friend/s of the court” who shall, upon request, give an opinion, advise, information, expertise or assistance to the Tribunal.

## **10. Secretariat**

- 10.1. Individuals requested by the Convenors to provide technical, logistical, administrative and other support to the Tribunal.

## **II. INDICTMENT**

1. The Indictment shall clearly state the grounds or charges constituting the alleged crimes or offenses against the Defendants.
2. It shall outline the context or overview of the grounds or charges, include the general and specific allegations, enumerate the specific cases or incidents under each ground or charge, and list the international laws or instruments allegedly violated.
3. The specific provisions of the said international instruments vis-a-vis the corresponding alleged violations shall be cited during the course of the Tribunal sessions or in the full Decision.
4. The Indictment shall, by authority of the Panel of Jurors through the Clerk of Court, be served by the Convenors on the Defendants or through their duly-authorized representatives within a reasonable period before the start of the initial Tribunal session.

## **III. PROCEDURE**

1. The Tribunal shall be formally opened by the Convenors.
2. The Tribunal session shall be called to order by the Presiding Juror.
3. The case title shall be read by the Clerk of Court.
4. The appearances of the parties and their counsel, if any, shall be noted and, after verification of their standing or authority, be recognized by the Panel of Jurors.
5. Proof of service of the Summons and the Indictment on the Defendants must be shown by the Clerk of Court or the Convenors and put into the record.
6. An abstract of the Indictment shall be read by the Chief Prosecutor or by the Clerk of Court.
7. Brief Opening Statements may be delivered respectively by the Chief Prosecutor and the lead lawyer for the Defense before the presentation of their respective evidence.
8. The presentation of evidence for the Complainants or Defendants shall be made by the Panel of People's Prosecutors or the lawyers for the Defense, respectively.
9. Each witness, expert or resource person for the Prosecution or the Defense shall testify orally or in writing, in person or through some other efficient mode of communication.

10. The Clerk or his/her deputy shall swear each witness before the oral testimony is taken. For economy of time, however, the witnesses, experts or resource persons may be sworn simultaneously or in groups.
11. The Panel of Jurors may - at its discretion and subject to time limitations and other practical considerations - ask clarificatory or searching but brief questions to the witnesses, experts, resource persons and their lawyers, before the respective Summations by the Panel of People's Prosecutors or lawyers for the Defense, as the case may be.
12. Both Complainants and Defendants may, before respectively resting their case in chief, submit all documentary evidence or make written submissions to the Tribunal even of other cases or incidents not orally presented as well as other additional documentary evidence in support of their respective allegations or defenses.
13. Both the Complainants and Defendants through their counsel may make their respective brief Summations after the completion of both presentations of their respective oral and written testimonies and other evidence.
14. After the Complainants and Defendants have rested their respective cases, the Panel of Jurors shall withdraw and hold their deliberations in executive session to come up with a Verdict.
15. The Panel of Jurors shall within a reasonable period reach a Verdict and the same or an Executive Summary or Abstract thereof shall be publicly pronounced and promulgated in open session.
16. After such promulgation, the Tribunal shall be adjourned and the Verdict shall be served on the Defendants and published.
17. The customary rules of procedure and evidence and the generally accepted basic minimum standards of due process of an impartial tribunal and its proceedings shall be adopted as may be applicable and as are warranted by the circumstances.
18. Adjustments in procedure shall be made and flexibility exercised to achieve substantial justice and that a determination of the facts and reception of evidence in a fair, verifiable, simple and expeditious manner without inordinate regard to technicalities shall be an overriding guiding principle of the Tribunal.

#### **IV. EVIDENCE**

1. Selected testimonies and oral or written accounts from victims, relatives, witnesses, experts and resource persons and other individuals directly involved or knowledgeable in the cases, incidents, areas or issues covered by the Indictment may be summarily presented on site or submitted in person or into the record.
2. Documentary evidence, photos, audio/videos, special reports, expert analyses and summaries of evidence, general accounts and reports on the charges or grounds in the Indictment from governmental and non-governmental organizations may also be submitted in person or into the record.

3. The particulars and specifics of the general and specific allegations for all the charges or grounds shall be substantiated and proven - orally or in writing - in the course of the Tribunal proper by the testimonies of victims, relatives, witnesses and opinions of experts.
4. At the very minimum, the standard of proof for the Verdict shall be credible, clear and convincing substantial evidence that a reasonable mind might accept as adequate to support a conclusion.
5. Evidence from both Parties to be given any weight by the Panel of Jurors shall not only be credible in itself but must come from a credible source.
6. Failure on the part of the Complainants or Defendants to so notify and/or non-appearance or participation in the sessions or proceedings of the Tribunal shall be deemed a waiver of its/their right to present evidence and the Panel of Jurors shall issue a Verdict on the basis of the available evidence if so sufficient either for or against the Complainants or Defendants.
7. Delaying tactics, superfluous presentation of evidence, stringent or obstructive technicalities as to form and procedure, or anything inconsistent with or contrary to ferreting out the truth within the framework of the Tribunal and these Rules as well as time limitations and other practical considerations shall not be favored.

## **V. VERDICT**

1. The Panel of Jurors shall, upon due deliberation and consensus, and consistent with these Rules and time limitations and other practical considerations, render a Verdict on the basis of the facts and evidence adduced - guided by and measured against the pertinent international laws, instruments, principles and standards and using the standard of proof of the Tribunal.
2. The Verdict shall make a ruling or determination by consensus on whether or not the evidence presented before the Tribunal shows that one, some or all of the Defendants has/have been complicit in and therefore guilty of the alleged violations, by either performing, pursuing or promoting measures violating the rights of the Complainants; or remaining practically or absolutely silent to stop or stem such violations and thereby perpetuating them; or systematically and habitually failing to act to alleviate such violations or the conditions of the Complainants.
3. At the end of the Tribunal proceedings, an Executive Summary or Abstract of the Verdict shall be publicly pronounced and promulgated in open session.
4. The Panel of Jurors may at its discretion avail of the assistance and support of the Clerk of Court or *amicus curiae* during its deliberation/s, drafting and promulgation of the Verdict and/or its Executive Summary or Abstract.
5. The Panel of Jurors shall sign the Verdict and/or its Executive Summary or Abstract and may authorize that the same be served by the Convenors or the Complainants on the Defendants through their duly-authorized representatives.
6. Copies of the Verdict and/or its Executive Summary or Abstract shall also be furnished the pertinent, concerned or interested individual, organization, or State as may be ordered by the Panel of Jurors.

7. A full and comprehensive Decision elaborating on and enfleshing the Verdict shall be issued by the Panel of Jurors within a reasonable period after the closing of the Tribunal.  
#

**7 November 2023.**

## **CONVENORS**

**International Association of Democratic Lawyers (IADL)  
Friends of the Filipino People in Struggle (FFPS)  
Email: [secretariat@peopletribunal.net](mailto:secretariat@peopletribunal.net)**