



INTERNATIONAL PEOPLE'S TRIBUNAL

INTERNATIONAL PEOPLE'S TRIBUNAL
ON WAR CRIMES IN THE PHILIPPINES
Brussels, Belgium

THE FILIPINO PEOPLE,
Complainants,

-versus-

**PRESIDENT FERDINAND
ROMUALDEZ MARCOS JR.,
former President RODRIGO ROA
DUTERTE, the GOVERNMENT OF
THE REPUBLIC OF THE
PHILIPPINES, PRESIDENT
JOSEPH R. BIDEN, and the
GOVERNMENT OF THE UNITED
STATES OF AMERICA,**
Defendants.

For:

**WAR CRIMES or
VIOLATIONS OF
INTERNATIONAL
HUMANITARIAN LAW**

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VERDICT

The International People's Tribunal on War Crimes in the Philippines, having convened on 17-18 May 2024, issues this Verdict containing its findings and conclusions.

I. PRELIMINARY MATTERS

1. Before us is the Indictment of 9 May 2024 issued by the Panel of People's Prosecutors, representing the Filipino people, charging the Defendants, namely, President Ferdinand Romualdez Marcos, Jr., former President Rodrigo Roa Duterte, the Government of the Republic of the Philippines, President Joseph R. Biden, and the Government of the United States of America, with war crimes or violations of international humanitarian law (IHL).
2. The Defendants were summoned by the Tribunal and furnished copies of the Indictment, the Calendar of the Case and the Rules of Procedure via certified mail, with proof of service attached to the record of the case, asking them to inform us within a reasonable time whether they intend to participate in the Tribunal and in what manner and mode.
3. The Defendants failed to appear and participate in these proceedings. They, therefore, waived their right to adduce evidence on their behalf.

II. CHARGES

4. The Complainants charge the Defendants with War Crimes or Violations of International Humanitarian Law (IHL), viz:
 - a) The killing and massacre of civilians, the abduction, torture and other forms of cruel, inhuman and degrading treatment of civilians, directing attacks against civilians and civilian objects, the forced displacement of civilians, acts or threats of violence intended to spread terror among the civilian population, hamleting villages and communities and impeding humanitarian aid and relief, and the use of means and methods of warfare that are indiscriminate, cause superfluous injury or unnecessary suffering, or cause widespread, long-term and severe damage to the natural environment;
 - b) The killing of persons *hors de combat* and members of the NDFP that do not perform combat functions, the desecration of bodies of slain combatants, outrages upon their personal dignity, the abduction, torture and other forms of cruel, inhuman and degrading treatment of the said persons; and
 - c) Attacks, killings, abduction, detention, torture and other forms of cruel, inhuman and degrading treatment of NDFP consultants, peace advocates, activists, human rights and environmental defenders, humanitarian aid workers, journalists, and members of organizations red-tagged as “fronts” of the Communist Party of the Philippines–New People’s Army–National Democratic Front of the Philippines (CPP-NPA-NDFP),

All committed in the context of the armed conflict between the Government of the Republic of the Philippines (GRP), aided and supported by the US Government, and the NDFP.

5. The Indictment contains allegations of conduct forming the charges, the nature of the Defendants’ liability, and the context in which these crimes were committed, as well as other facts and circumstances relevant to the said charges.
6. Notwithstanding the non-appearance of the Defendants or the absence of controverting evidence, the Prosecutors carried the burden of proving at the minimum the charges with clear, convincing and credible evidence.

III. EVIDENCE

7. To establish the charges and the allegations included in the Indictment, the Prosecutors presented:
 - a) oral evidence from victims and their families as well as expert witnesses and resource persons;
 - b) affidavits, written statements, letters and similar documents containing accounts or statements by victims and witnesses;
 - c) reports, publications, resolutions and similar documents; and
 - d) photographs, audio/video recordings, and images.

8. The Tribunal heard a total of fifteen witnesses, 8 in person and 7 through video deposition, all of whom delivered testimony in a clear and coherent manner. Of these witnesses, eleven were either victims or their family members and colleagues, while 4 were experts or resources persons who testified based on their expertise concerning the context, nature, and scale of IHL and human rights violations in the Philippines.
9. The Tribunal also admitted several supplementary evidence that corroborate the testimonies of the witnesses or independently establish facts and circumstances relevant to the charges or helpful for the full appreciation of the Tribunal.
10. Overall, the evidence presented were credible, consistent, and relevant to the issues before this body, as culled from the Indictment. They established the commission of the crimes charged and the facts concerning each underlying act or incident, the context in which these crimes were committed, and the Defendants' culpability for these crimes.
11. The Indictment shall be attached hereto or incorporated and adopted by way of reference and deemed an integral part of this Verdict.

IV. FINDINGS

12. A detailed elaboration of the evidence presented, as well as the factual findings and legal conclusions drawn therefrom, will form part of a full Decision to be released hereafter. That Decision would include a more comprehensive presentation of the elaborate and impactful testimonies given by the witnesses, all poignant and compelling. At this stage, the Tribunal makes the following key findings:

The armed conflict and the applicable law

13. The NDFP is engaged in an armed struggle for national liberation against the GRP, currently represented by Defendant Ferdinand R. Marcos Jr., directed and backed by the US government represented by Defendant Joseph R. Biden.
14. This war is fought between security forces of the GRP and the NPA throughout the entire country, with the NPA operating in more than a hundred guerilla fronts. Armed engagements range from ambushes to large-scale operations involving hundreds of troops, with clashes becoming more frequent and more intense under the Duterte and Marcos Jr. administrations. By all accounts, the GRP-NDFP conflict satisfies the legal thresholds of intensity and organization of the belligerent parties, thus, qualifying it as an armed conflict under international law.
15. As parties to an armed conflict, the GRP and the NDFP are bound by IHL and human rights law contained in treaties and customary law. The IHL and International Human Rights Law (IHRL) frameworks require them to protect and ensure the humane treatment of civilians, persons not taking an active part in hostilities, and persons rendered *hors de combat* by sickness, wounds, detention or any other cause.
16. IHL, in particular, lays down basic principles that no entity or state – regardless of treaty ratification status – can legally disregard, including the principles that a distinction must

always be made between combatants and civilians, and between military objectives and civilian objects; that the attack must be proportionate to the military advantage anticipated; that the means and methods of warfare employed must be lawful, and not cause superfluous injury or unnecessary suffering; that all feasible precautionary measures are undertaken to avoid or minimize civilian harm; and that all persons, civilians and combatants alike, must be treated humanely and with due regard for their dignity. In other words, through these well-entrenched principles, IHL imposes clear obligations which the conflicting parties cannot overlook or evade.

17. IHRL, on the other hand, requires the protection of human rights insofar as these may offer greater protection in a given situation. The existence of an armed conflict does not *ipso facto* result in the wholesale denial of human rights. Even amidst war, civilians still enjoy the rights to life, liberty, and security and remain entitled to the fundamental guarantee of due process.
18. Respect for humanitarian and human rights rules are also demanded by the 1998 GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), which was solemnly entered into by the GRP. The CARHRIHL requires the belligerent parties to wage war in a manner consistent with IHL and IHRL and even established a mechanism to monitor violations thereof. This Agreement is an outcome of the peace negotiations with which the GRP must abide.
19. There is, therefore, no room to doubt that the Defendants were and remain bound to uphold the rights under both regimes of IHL and IHRL and to give effect to them in good faith.

Attacks against the civilian population and civilian objects during military operations

20. The evidence before us betrays a reality far removed from the expectations created by IHL and human rights law and by the CARHRIHL. Over the course of two days, the Tribunal heard testimonies of emblematic cases and evaluated evidence showing that the Defendants, through their armed forces and other state agents, carried out a counterinsurgency campaign marked by repeated attacks against the civilian population.
21. The evidence established that counterinsurgency operations by the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) resulted in the deaths of scores of civilians, including the massacre of entire families, even children, members of rural and indigenous communities, and land rights defenders, and activists. The massacre of the members of the Fausto family in Negros Occidental, the leaders of Tumandok indigenous communities in Panay, and the team of community workers from the SOS Network in New Bataan, Davao de Oro province are but a few examples of the willful killing of civilians by state forces.
22. The GRP attempted to cover up these extrajudicial killings by falsely claiming that the victims were all NPA fighters, by engaging in a campaign of what is widely known in the Philippines as red-tagging and other forms of disinformation and vilification, and by planting evidence on the crime scenes, such as weapons and paraphernalia purportedly belonging to the NPA.

23. As exemplified by the massive military operations affecting rural communities in Kalinga province, the AFP carried out indiscriminate attacks through airstrikes and shelling in areas with civilian infrastructure, households, and schools. The AFP used heavy ordnance that, by their nature, indiscriminately cause damage to the target area and result in superfluous injury or unnecessary suffering for any person caught in the blast zone. These bombing campaigns threatened and terrorized civilians and destroyed the natural environment on which local communities depend for their livelihoods. Heavy and incessant bombardment led to the forced displacement of more than 500,000 people nationwide under the Duterte administration and the first two years of the Marcos Jr. administration.
24. The AFP deployed units that encamped in civilian communities which were then hamletted and placed under *de facto* military control. Government troops conducted house searches, interrogated residents, strafed civilian homes, and detained, threatened, assaulted, and even killed civilians.
25. The scale and frequency of these attacks against civilians and civilian communities indicate that they were deliberate and undertaken as a matter of policy by the GRP.

**IHL violations against persons rendered
*hors de combat***

26. The evidence also established that GRP forces, as a matter of practice, carried out summary executions of NPA fighters who had been captured or were no longer capable of taking part in hostilities because of sickness, wounds, or other causes.
27. In numerous well-documented incidents throughout the country, AFP units killed members of the NPA who were already rendered *hors de combat*, as illustrated by the massacre of five NPA fighters in Bilar, Bohol province. In all these incidents, the victims were already unarmed and under the control and custody of AFP units when they were executed. Just as it did with the civilians extrajudicially killed by its forces, the GRP attempted to conceal the crime by falsely claiming the victims died during an “encounter”.
28. The fact that these killings took place in various regions and involved perpetrators from different AFP units indicate that the execution of captured and wounded NPA fighters has already become a matter of policy for state forces.
29. The AFP also committed outrages upon dignity, humiliating and degrading treatment, and the desecration of the remains of slain NPA fighters, as they did in the case of 22-year-old Jvelyn Cullamat, who died during an armed engagement with an AFP special forces unit in Surigao del Sur and whose body was displayed and photographed as a “trophy” by government troops.
30. The shocking conduct of GRP forces are blatant violations of the most fundamental rules in warfare: the duty to treat captured enemies humanely and to allow the fallen their dignity in death. Apart from being war crimes, these acts of the AFP expose an utter disdain for the principle of humanity and deserve the utmost condemnation by this Tribunal.

Attacks against and persecution of individuals and organizations allegedly linked to the NDFP

31. The evidence showed that the GRP waged a nationwide campaign of persecution and attacks against individuals and organizations suspected of having links with the NDFP.
32. Through an executive issuance (Executive Order No. 70 s. 2018), the GRP formally institutionalized its whole-of-nation approach in counterinsurgency and created the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). This body spearheaded an intensified campaign of red-tagging or “terrorist”-tagging and other forms of disinformation. Such red-tagging or “terrorist”-tagging often preceded other human rights violations, including extrajudicial killings, enforced disappearance, threats, harassment and intimidation, trumped-up charges, arbitrary arrests, and detention.
33. Trumped-up charges were filed against NDFP consultants, peace advocates, activists, human rights and environmental defenders, humanitarian aid workers, journalists, and members of organizations red-tagged as “fronts” of the CPP-NPA-NDFP.
34. Red-tagged persons were also subjected to physical attacks by state agents that resulted in death or serious injuries. The victims include NDFP peace consultant Randall Echanis and his companion Louie Tagapia, both of whom were brutally stabbed to death in Quezon City in the heart of the metropolis; and paralegal and journalist Brandon Lee, who was shot by soldiers in Ifugao province, leaving him paralyzed from the chest down.
35. The evidence showed that, under the Marcos Jr. administration, there has been a steady rise in cases of abduction and enforced disappearance perpetrated by GRP forces against activists.
36. The victims were taken by force, sometimes in broad daylight, by security forces, held in undisclosed locations, interrogated, and subjected to physical or psychological torture. Some of the victims were later surfaced by the AFP and falsely presented as NPA members who “voluntarily surrendered”, a claim belied by the evidence which clearly establish that the victims were abducted and held under coercive conditions.
37. For instance, environmental rights activists Jhed Tamano and Jonila Castro are among the victims who were paraded by the AFP as “NPA surrenderers”, a claim they vehemently denied as they revealed, in outstandingly credible detail, how they were abducted by state forces in Bataan province. Other victims, such as indigenous peoples’ rights defenders Dexter Capuyan and Gene Roz de Jesus, who were abducted in Rizal province, remain missing to this day.
38. The systematic nature of the abductions, the fact that some of the victims were later proven to be in the custody of the AFP, the lack of any genuine investigation into these cases, and the impunity that characterized these acts all point to the GRP as the author. These factors also indicate an existing state policy to abduct and disappear activists or persons suspected of having links with the NDFP. Under such circumstances, these incidents of enforced disappearance are a crime against humanity. When committed in the context of an armed conflict, they also amount to an attack against civilians and, thus, a war crime.

39. The Prosecution also established that the GRP resorts to “terrorist” labeling and designations and operationalized the much-assailed Anti-Terrorism Act (ATA) and other penal laws to target civilians engaged in humanitarian work. To illustrate, human rights defenders and aid workers Hailey Pecayo, Kenneth Rementilla, and Jasmin Rubia were harassed and intimidated by AFP soldiers when they were conducting a fact-finding mission, only to be later labeled and charged as “terrorists”. Rev. Glofie Baluntong, a Protestant pastor and human rights advocate, also faced criminal charges for terrorism under the ATA.
40. The evidence indicates that there are currently 769 political prisoners in Philippine jails, facing charges under the ATA and other penal laws, including NDFP consultants, peace advocates, activists, human rights and environmental defenders, humanitarian aid workers, and journalists.
41. The use of these laws against individuals and organizations with alleged links to the NDFP are a component of an overall counterinsurgency strategy that deliberately targets civilians and, thus, forms part of an attack against the civilian population. The GRP cannot rely on the existence of its national laws as justification for violating its humanitarian or human rights obligations under international law.

Impunity and Lack of Effective Domestic Remedies

42. In the cases before us, a recurring fact and common denominator notably runs through all the testimonial and documentary evidence as well as by responses to the questions of the Tribunal: the continuing lack of genuine accountability, brazen impunity, and proven general ineffectiveness and inadequacy of domestic remedies that by and large prevent or fail to give justice to the victims. The submissions before us point to various factors that engender this impunity.
43. These include, among others, reprisals or threats of reprisals and intimidation of the victims, relatives and witnesses, both physical and legal through harassment suits and weaponization of the law; lack of trust and frustration in the legal and judicial system based on experience and record; and preoccupation with survival and constraints of earning a living that hamper prosecution.
44. In many instances, there is sloppy, testimony-dependent, unscientific, token and even utter lack or absence of competent and genuine police investigation, even passing off the blame on the victims or their political organizations.
45. There are common perceptions that the justice system remains very slow, protracted, tedious, complicated, cumbersome and expensive or inaccessible to the poor. Specific legal technicalities like the presumption of regularity in the performance of official duties by public officers, circumvention or even outright dismissal of application for protective remedies, and non-observance of the few human rights laws have been obstacles.
46. These are aggravated by endemic corruption and use of connections, influence, power and all forms of ties by perpetrators; fear and lack of independence of some prosecutors and judges; and double standard and treatment between the rich and powerful and the poor.

47. Worse, there is coddling, goading, rewarding and tolerance by the political leadership of perpetrators. Ultimately there seems to be a lack of political will on the part of authorities to pursue cases against perpetrators.

United States involvement

48. Expert witnesses gave authoritative testimonies on the role played by the United States in the counterinsurgency campaign. They concurred that the NDFP's anti-imperialist struggle threatens US geopolitical and economic interests in the Asia-Pacific. It has been cogently argued and amply demonstrated before the Tribunal that maintaining a US-controlled regime in the Philippines and suppressing efforts by the Filipino people to assert their right of self-determination is essential for the United States to preserve its dominance and to counter any threat in the region. Thus, the US government opposed the GRP-NDFP peace talks, and pushed the GRP to put a militarist end to the armed struggle.

49. To achieve the aforementioned purpose, the evidence established that the US government placed enormous resources at the GRP's disposal, making the latter the largest recipient of US military aid in the Asia-Pacific, with \$1.14 billion worth of equipment and training since 2015, more than \$1 billion in weapons sales, and another \$128 million set aside to build US military facilities.

50. Thousands of American troops have also been deployed to the Philippines to train the AFP, with thousands of US soldiers taking part in the joint military exercises coined as "*Balikatan*" in April 2024.

51. It was also revealed that the GRP's counterinsurgency strategy is also adopted from the US counterinsurgency model that takes a militaristic approach, with civil relations features that nevertheless serve military goals. This strategy is drawn from and developed through training in counterinsurgency and counterterrorism warfare provided by the US military to Filipino soldiers, and through the adoption of doctrines such as the whole-of-nation approach.

52. The evidence adduced manifests that far from being a mere supporter, the US government is responsible for directing, training, and arming the GRP in its counterinsurgency operations, and for providing the latter with diplomatic cover when it faced global condemnation by human rights groups, international organizations, and numerous governments for the worsening human rights situation in the Philippines.

53. The US government's designation of the Philippines as a major non-NATO ally, a "partner" in its so-called war on terror, and a link in its "first island chain" aimed at containing China are further indicators of how the Philippines is used as a pawn to sustain US hegemony. With its "pivot" to Asia, more US bases have been created, American troops deployed, and war material prepositioned in the Philippines under multiple security agreements such as the Mutual Defense Treaty, the Visiting Forces Agreement, the Enhanced Defense Cooperation Agreement, and the Mutual Logistics Support Agreement.

54. The evidence presented individually and collectively supported the allegation that the whole-of-nation approach, the heavy bombardment and forced displacement of communities, and the killing of civilians and persons *hors de combat* by state forces would not have been possible without the direction, arms, and training provided by the US government. It can be concluded, therefore, that the US government played an

indispensable role in these atrocities, making it complicit in the IHL and human rights violations committed against the Filipino people.

V. RULING

55. In conclusion, the Prosecution was able to establish through ample and credible evidence that, as part of a counterinsurgency campaign undertaken in the context of the armed conflict, the Defendants engaged in the following acts:

- a. willful killing (murder) of civilians;
- b. intentionally directing attacks against civilians and civilian objects;
- c. using means and methods of warfare that are indiscriminate, by their nature cause superfluous injury or unnecessary suffering, and expected to cause widespread, long-term and severe damage to the natural environment;
- d. forced displacement of the civilian population as a result of military operations;
- e. impeding humanitarian aid intended for civilians and civilian population;
- f. acts or threats of violence aimed at spreading terror among civilians;
- g. willful killing of NPA fighters already rendered *hors de combat*;
- h. torture, and other forms of cruel, degrading and inhuman treatment;
- i. commission of outrages upon personal dignity, and humiliating and degrading treatment, and desecration of bodies of slain NPA fighters;
- j. abduction and enforced disappearance;
- k. arbitrary arrest and detention; and
- l. deliberate attacks against civilians suspected of having links with a belligerent party, including the filing of trumped-up charges, red-tagging, “terrorist” labeling and designation, threats, harassment and intimidation.

56. These acts constitute serious violations of treaty and customary international law applicable in armed conflict.

57. In view of the foregoing factual and legal findings, the Tribunal unanimously finds the Defendants, namely President Ferdinand R. Marcos Jr., former President Rodrigo R. Duterte, the Government of the Republic of the Philippines, President Joseph R. Biden, and the Government of the United States **GUILTY** of all charges of War Crimes and Violations of International Humanitarian Law alleged in the Indictment.

58. The Tribunal will issue in due time a full Decision elaborately containing all its findings related to each of the cases and supplemental materials presented by the Prosecution; the nature of the individual and collective responsibility of the Defendants; the specific violations of the body of international humanitarian law; as well as other remedies and recourses appropriate.

59. Let copies of this Verdict be served on the Defendants and published and sent to individuals, organizations, entities, and governments concerned or interested, including, among others:

- a. the Philippine Embassy in Brussels;
- b. the United States Embassy in Brussels;
- c. the European External Action Service;

- d. the European Parliament;
- e. the International Criminal Court;
- f. the International Court of Justice;
- g. the United Nations Human Rights Council;
- h. the UN High Commissioner for Human Rights;
- i. the International Committee of the Red Cross;
- j. the Secretary-General of the United Nations; and
- k. the Permanent Peoples' Tribunal.

60. The members of the Tribunal extend their sincere gratitude to the witnesses who bravely gave their testimonies, the experts and resource persons who shared their valuable opinions, and all the participants who made the conduct of these proceedings possible. The Tribunal will continue to monitor the situation in the Philippines and the individual cases presented before this body to ensure that further appropriate steps are taken to demand and attain accountability for crimes committed in the context of the armed conflict.

SO ORDERED.

18 May 2024.

Brussels, Belgium.

THE PANEL OF JURORS



LENNOX HINDS



SUZANNE ADELY



SÉVERINE DE LAVELEYE



JULEN ARZUAGA



JORIS VERCAMMEN