



National Democratic Front of the Philippines

Peace Negotiating Panel

**PRESENTATION TO THE
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**Impact of IHL Violations by the GRP
on the National Liberation Movement in the Philippines**

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The revolutionary struggle being waged by the National Democratic Front of the Philippines (NDFP) is the continuation of the Philippine Revolution of 1896 against Spanish colonialism and later on against US imperialism. The people's war being waged is for national liberation and democracy against the semicolonial and semifeudal ruling system. The Government of the Republic of the Philippines (GRP) as a puppet government of the US continues to perpetuate foreign interests through domestic oppressors.

Status of Belligerency

Since the re-establishment of the Communist Party of the Philippines (CPP) in December 1968, two governments have started to exist in the Philippines. One is the US-controlled Manila government and the other, the government of the working class and peasantry.

The establishment of the New People's Army (NPA) in March 1969 signaled the beginning of a protracted people's war against the GRP as a semicolonial and semifeudal ruling system. Since then, the NDFP representing the revolutionary forces and people have acquired the status of belligerency over the years through revolutionary armed struggle.

The revolutionary forces include the organs of democratic power established under the Guide for Establishing the People's Democratic Government, the CPP as the leading party and political authority, the NPA as the disciplined nationwide fighting force having a responsible political command and the mass organizations and alliances within the NDFP.

The ongoing armed conflict in our country has reached such intensity and scope - - in terms of the frequency and regularity of the armed clashes, the number of armed forces involved, and the systematic and orchestrated abuses and atrocities by the reactionary state on both civilians and combatants - - as to make the application of the rules of war imperative.

Adherence to Local and International Instruments, Agreements and Policies

The NDFP has committed its willingness, readiness and ability to assume and undertake its distinct duties and responsibilities in adhering, respecting and being bound by international humanitarian law by issuing a Declaration of Adherence to Common Article 3 and Protocol II of the Geneva Conventions on August 15, 1991. Furthermore, on July 5, 1996, it issued a Declaration of Undertaking to Apply the Geneva Conventions of 1949 and Protocol I of 1977.

In the course of almost four decades of peace negotiations with the GRP, the NDFP has signed a bilateral agreement to respect human rights and international humanitarian law during the armed conflict. The Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) of March 16, 1998 adopted the principles and standards of IHL and even incorporated the provisions of the Geneva Conventions and Protocols additional thereto, the Convention against Torture and other UN instruments to the concrete situation and conditions in the Philippines.

As a matter of fact, the NPA has since its founding institutionalized and adheres to well-established basic rules of discipline which subjects all fighters to the Three Main Rules of Discipline and the Eight Points of Attention which includes, among others, the protection of civilians as well as the humane treatment of prisoners of war.

The NPA follows the Memorandum on the Minimum Age Requirement for NPA Fighters which was issued by the CPP on October 15, 1999. There are even Rules in the Investigation and Prosecution of Suspected Enemy Spies which was approved by the CPP in December 1989 as well as guidelines on the allowable use of command-detonated anti-personnel landmines and the treatment of prisoners of war.

GRP Counterinsurgency Program

The different counterinsurgency programs implemented by every GRP administration are all aimed to neutralize and eventually crush the revolutionary movement. Development Support and Security Plan (Oplan) *Kapayapaan*, through the implementation of the Community Support Program, failed to achieve this in 2017. Earlier, Oplan *Bayanihan*, which began in 2010 also failed. In 2018, the whole-of-nation-approach was institutionalized with the signing of Executive Order 70. This joint AFP-PNP counterinsurgency program now goes by the name Oplan *Kapanatagan*.

The GRP's counterinsurgency programs remain subservient to US dictates. The persistent foreign domination and national oppression are carried out through the GRP's puppetry and under unequal agreements with the US. There are overt and covert US military intervention and US military supplies and training provided to the GRP.

In the guise of winning the hearts and minds of the people by addressing peace and security concerns and providing livelihood and development programs under the Barangay Development Program, these counterinsurgency programs in reality lay the same contempt for human rights and universally accepted rules of war. All of these counterinsurgency programs do not distinguish between combatants and civilians.

Violations Remain Unabated

Employing the military strategy of “draining the water to expose the fish” (water referring to the civilian population and fish, the revolutionaries), the GRP's Armed Forces of the Philippines (AFP), Philippine National Police (PNP), its paramilitary units, among others, have committed grave violations of human rights and international humanitarian law mostly against civilians.

The forcible use of civilian communities in military operations and the treatment of civilian populations, perceived or suspected to be sympathetic or supportive of the revolutionary movement, as objects of attack, the forcible evacuations or forcible reconcentration of civilians, the use of civilians as guides and/or human shields in military operations are well documented.

“Red-tagging” or “terrorist tagging” – which by itself is a vicious form of attack -- of activists and organizations labelled as “fronts” of the CPP-NPA-NDFP, designating them as terrorists by using the weaponized Anti-Terrorism Act and presenting “surrenderees” have intensified nationwide.

The GRP has violated the rights of CPP and NDFP members performing noncombat functions and NPA combatants rendered *hors de combat*. NDFP peace consultants have been arrested on trumped-up terrorism or criminal charges, disappeared or killed. The details of the gruesome killing of peace consultant Randall Echanis has been narrated yesterday. Randall is just one of many.

CPP leaders and peace negotiators Benito Tiamzon and Wilma Austria-Tiamzon, together with eight other revolutionaries belonging to the guerilla force of the central headquarters, were captured by the AFP in August 2022 in Samar, Visayas while traveling aboard two vans en route to a nearby coast.

They were flagged down by GRP armed forces at noon after which all communications with the group were lost. They were unarmed. The ten were subjected to severe beatings and other forms of torture before they were subsequently murdered. In the early morning hours the following day, their lifeless bodies were dumped with explosives on a motorboat which was towed to the middle of the sea, before being detonated somewhere between two islands, in order to obliterate all traces of evidence of the monstrous crime inflicted on them. The CPP disputed the GRP's version that the Tiamzons and their other companions were killed in a mid-sea firefight and explosion.

The murder of the Tiamzons follows the pattern of the willful killings perpetrated by the AFP against captured revolutionaries.

Kerima Lorena Tariman-Acosta, one of two slain members of the NPA in Silay, Negros Occidental, Visayas in August 2021 was captured alive by soldiers. According to a witness, Kerima only had gunshot wounds on her fingers but apparently, the military decided to finish her off or left her to bleed to death.

Ericson Acosta, Kerima's husband and NDFP peace resource person on social and economic reforms, together with civilian Joseph Jimenez, were accosted by armed soldiers at dawn in November 2022 while resting in a peasant home in Negros Occidental, Visayas. They were subsequently summarily executed suffering from stab and knife wounds indicating they were hacked. Both were unarmed. There was no unit of the NPA in the area contrary to the AFP's claim of an armed encounter.

The murder of Acosta and Jimenez is consistent with the pattern of crimes perpetrated by the AFP and PNP in willfully killing while in custody of

members of the CPP, NPA and NDFP, as well as civilians who were with them at the time of their capture or arrest.

According to a Special Report released by *Ang Bayan*, the CPP's official publication, more than 100 unarmed revolutionaries, *hors de combat* and civilians have been killed in the campaign of murder by GRP forces in violation of international humanitarian law. The report covers the period 2017 to 2022.

To name a few: Jorge Madlos aka *Ka Oris* (2021), his son Vincent and daughter-in-law Glorivic Campos Belandres (2022), Julius Giron (2020), Eugenia Magpantay and Agaton Topacio (2020), Antonio Cabanatan and Florenda Yap (2020), and Juanito Magbanua (2022).

All these despicable violations of the basic and decent rules of war happen in the midst of the well-documented horrendous atrocities and different forms of systematic violations by GRP forces, aided and abetted by the US government in many ways, against civilians and civilian communities which the experts, resource persons, and the witnesses have already amplified before this Tribunal.

Conclusion

This initiative of holding an Independent People's Tribunal as a war crimes tribunal is a most welcome endeavor. Like the victims and their families and friends, we look for alternative ways and means of seeking justice for the victims of human rights and international humanitarian law.

The NDFP has shown its consistent and long-standing cognizance of the declarations it has issued and agreements it has signed. It is a national liberation movement that truly respects human rights and international humanitarian law. In its campaign to misrepresent and demonize the revolutionary movement as "terrorist", the US and the GRP both aim to intimidate and pressure the NDFP to capitulate one way or the other.

Against these, the NDFP asserts its status of belligerency which it has established from decades-long revolutionary armed struggle. The NDFP will always defend and fight for the rights of the exploited toiling Filipino masses in their struggle for national and social liberation and will seek justice everywhere and anywhere.

The NDFP and the Filipino people continue to fight a just war in a just way.
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