



INTERNATIONAL PEOPLES' TRIBUNAL

On the Philippines
Brussels, Belgium

THE FILIPINO PEOPLE,
at the suit of **BAYAN, KMU, KMP, GABRIELA, ANAKBAYAN, MIGRANTE,**
KADAMAY, KARAPATAN, HUSTISYA, DESAPARECIDOS, SELDA, SANDUGO,
and **Rise Up for Life and for Rights,**
Complainants,

-versus-

PRESIDENT RODRIGO ROA DUTERTE,
the **GOVERNMENT of the REPUBLIC of the PHILIPPINES,**
PRESIDENT DONALD JOHN TRUMP,
the **GOVERNMENT of the UNITED STATES of AMERICA,**
the **International Monetary Fund, the World Bank, World Trade Organization,**
transnational corporations and foreign banks doing business in the Philippines,
Defendants.

X-----X

VERDICT

BEFORE US is an Indictment¹ for alleged violations of human rights, international humanitarian law and the right to self-determination and development committed allegedly by **RODRIGO ROA DUTERTE**, current President of the Republic of the Philippines; **DONALD JOHN TRUMP**, current President of the United States of America, et. al.

The Indictment, together with the Notice, Calendar of the Case and Rules of Procedure were duly served via international courier on the Defendants and the corresponding proofs of service were presented and submitted at the start of the Tribunal.

Despite notice, neither the Defendants nor their counsel or representative/s notified the Tribunal whether, nor in what manner, do they intend to participate in the proceedings. The Defendants did not appear, attend or participate in the open and public Tribunal sessions of 18 and 19 September 2018.

As such, the Defendants were deemed to have waived their right to present evidence in their

¹ Annex "A".



defense and this Tribunal was compelled to proceed and, given the importance and urgency of the matter, deliberated forthwith and came up with this Initial Verdict on the basis of the evidence presented by the Complainants and in consonance with the Rules of Procedure.

CHARGES

The Complainants charge the Defendants, singly or collectively, of the following:

- I. Gross and systematic violations of human rights, particularly civil and political rights, with focus on extrajudicial killings (EJKs), massacres, arbitrary arrests and detentions, torture, political persecution, attacks on media, and multiple rights violations arising from the imposition of martial rule in Mindanao.**
- II. Gross and systematic violations of human rights, particularly economic, social and cultural rights, with focus on labor, peasant, women, and migrants rights, and the rights to education, livelihood and housing, through the imposition of neoliberal policies and other imperialist impositions to exploit the people; transgression of their economic sovereignty and national patrimony; and various forms of economic plunder.**
- III. Gross and systematic violations of the rights of the people to national self-determination and development and violations of international humanitarian law, with focus on attacks on civilian communities and schools, massacres of *hors d' combat*, “terrorist” labeling and profiling, destructive mining and environmental degradation, and crimes against humanity; and misrepresentations and attacks on the people's right to national liberation.**

ALLEGATIONS

The general and specific allegations in support, corroboration or elaboration of the Charges are contained in the Indictment and are reproduced here by way of reference insofar as they are relevant and material as will be contained in the Decision to be issued forthwith.

EVIDENCE

Notwithstanding the absence before this Tribunal of any controverting evidence from the



Defendants, it was incumbent on the Complainants to prove the charges with clear, convincing and credible evidence.

Oral testimonies under oath, written accounts (judicial affidavits and sworn statements), case summaries, fact sheets, studies, expert analysis, videotaped depositions and clips, slides presentations, and other relevant documents were summarily presented or submitted in person or into the record at the Tribunal in public session.

The Complainants through the Prosecution presented, either in person or through video deposition, a total of thirty-one (31) witnesses, experts and resource persons; twelve (12) for Charge One, nine (9) for Charge Two, and ten (10) for Charge Three.

To prove the First Charge of the Indictment, the Prosecution presented testimonial and documentary evidence on:

- (1) extrajudicial killings of suspected drug users;
- (2) extrajudicial killings of human rights defenders
- (3) massacre of indigenous peoples opposed to mining and landgrabbing by big transnational companies;
- (4) filing of trumped-up charges and arbitrary arrests and detentions of political activists,
- (5) torture of peasants;
- (6) attacks on lawyers including those representing drug suspects;
- (7) political persecution of religious persons advocating reforms in society;
- (8) attacks on press freedom and critical media; and
- (9) displacement, forced evacuation, arbitrary arrests and detention and other rights violations arising from the imposition of martial rule in Mindanao.

To prove the Second Charge of the Indictment, the Prosecution presented testimonial and documentary evidence on:

- (1) landlessness and harassment of poor peasants;
- (2) contractualization, union busting and other violations of labor rights;
- (3) violations of the right to decent housing and repression of the homeless urban poor;
- (4) violations of the rights to education of the youth;
- (5) violations of the right to livelihood and imposition of anti-poor economic policies and related rights; and
- (6) misogyny and gender-based abuses and violations of rights of women;
- (7) negligence in the protection of overseas workers in distress and violations of rights of migrants workers.

To prove the Third Charge of the Indictment, the Prosecution presented the testimonial and documentary evidence on:



- (1) attacks on indigenous peoples and national minorities amounting to crimes against humanity;
- (2) profiling and discrimination of Muslims;
- (3) attacks on schools of indigenous peoples and harassment;
- (4) attacks on civilian communities including the use of prohibited means of warfare;
- (5) destructive mining and environmental degradation;
- (6) massacre of non-combatants;
- (7) terrorist labeling, blacklisting, and proscription of social activists and revolutionary organizations;
- (8) US military intervention and aggression; and
- (9) violations of the right of the people to self-determination, development and peace.

The Prosecution tried to establish the nexus between the acts allegedly attributable to the Defendants and their corresponding culpability for the Charges.

A full list and gist of the testimonies and statements of the Prosecution's witnesses shall be stated and elaborated in the Final Decision of this Tribunal.

In the course of the testimonies of the witnesses, experts, and resource persons, the Prosecution cited specific provisions of the international laws and instruments, as well as legal standards and principles, vis-a-vis the corresponding violations.

ALLEGED VIOLATIONS OF LEGAL INSTRUMENTS

It is the submission of the Complainants that the Defendants' willful acts and omissions, presented through the general context and the respective overview and allegations for each charge, corroborated by the testimonial, documentary and other evidence of the cases or issues of the witnesses, experts and resource persons presented before us, singly, in combination or collectively, clearly violate or are inconsistent with international legal instruments, principles and standards, embodied in, among others:

Declaration of the Rights of Peoples (Algiers Declaration), the United Nations Charter, the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, the Rome Statute of the International Criminal Court, the UN Declaration on the Rights of Human Rights Defenders, International Convention on Economic, Social and Cultural Rights, the UN Declaration on the Rights of Indigenous Peoples, the UN Declaration on the Right to Development, the Geneva Conventions, the Government of the Republic of the Philippines-National Democratic Front of the Philippines Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), the GRP-NDFP Joint Agreement on Safety and Immunity Guarantees, among others.



FINDINGS

The evidence produced during the public hearings of the Tribunal, in the absence of any controverting evidence from the Defendants, has fully documented the well-founded accusations formulated in the Indictment.

The detailed examination of the overwhelming oral, visual, written documentation presented to support the three general scenarios of the violations of the fundamental rights of the Filipino people, through 31 testimonies and a targeted series of expert reports, as well as their juridical qualification with respect to the specific nature of each of the violations and of their interactions and complementarity, will be the object of the Final Judgment.

The consistency and the robustness of the evidence have unanimously appeared to us however to be so compelling to justify the deliberation of a clear verdict on the main responsibilities of the key Defendants. This present Verdict is meant specifically and primarily to recognize and to request the most urgent attention to the rights of the victims of the past, ongoing and certainly impending violations. All those victims must be considered the real and legitimate subjects of this Verdict.

Far from being exhaustive, the narrative of some of the facts proposed in the following represents at least a window of visibility on the gravity of the violations and related responsibility. While the more general massive violations of civil, economic, political, social and cultural rights confirm the dramatic worsening of the consequences of an extreme application of a neoliberal model of exploitation, the focus here is on human rights: their open disregard and denial by the US-backed regime of Defendant Duterte has produced a tragic scenario of intolerable violence, impunity, and state terror, which must be immediately exposed not only to be condemned, but to require an immediate awareness by the peoples of the world and intervention by the responsible actors of international law.

The abundant evidence adduced before us leads to the indubitable conclusion that indeed Defendant Duterte's policy pronouncements, statements, and actions are in brazen violation of a slew of people's rights.

The fact that Defendant Duterte was a president the people voted for, meant that the people had entertained the hope that they might expect a some more democratic regime after years of crude dictatorship. That hope of the people implied a moral obligation of Defendant Duterte towards the people. The human rights violations that are proven by the different witnesses are therefore also a serious betrayal. On the contrary, he has persisted with quite disturbing viciousness in continuing previous governments' gross and wholesale violations against the Filipino people.

The narratives are eerily familiar and oftentimes similar to previous violations that past



peoples' tribunals have covered. And yet the Defendant Duterte has created new forms of attacks and intensified the old ones.

Charge 1

He has, among others, waged an annihilative “war on drugs”, with no basic regard for human life, dignity and due process resulting in the mass murder of thousands of poor people. This pervading contempt for life has been built over years of practice and policy, and is now being exploited to harass and persecute political activists and revolutionaries.

Duterte clearly instigated the War on Drugs that was systematized by the Philippine National Police through the Oplan Tokhang and Oplan Double Barrel, and resulted in the deaths of at least 4,410 persons in police operations while independent sources put it at 23,000. Most of those executed are from poor communities that include even 15 year-olds being killed in these operations.

The extra-judicial killings have also intensified against human rights defenders and the progressive sections of Philippine civil society who have criticized the current undemocratic and anti-people policies and systems. As of June 2018, 169 leaders of the progressive movement have been victims of extrajudicial-killings (EJKs) and an additional 509 political prisoners are illegally jailed, subjected to trumped-up criminal charges and planted evidence.

Women are vilified in a shocking fashion, scorned and ridiculed. Rape cases and other attacks on women have tremendously increased. Behind the statistics is the human tragedy of families separated, traumatized, and suffering. Worse, even human rights defenders conducting fact finding or humanitarian missions have been targeted and killed, further narrowing the spaces for independent investigations on human rights abuses by state forces.

Journalists reporting the human rights abuses have been affected, summarily arrested and harassed. These attacks on press freedom silence media critical of the Defendant Duterte government. So far 10 prosecutors, 19 lawyers and 3 judges have been murdered, particularly those who have defended drug suspects. More than ever, foreign human rights defenders are prosecuted and harassed.

The ongoing harassment, extra-judicial killings of indigenous peoples and their displacements from their ancestral homes and territories facilitate corporate plunder of their resources. The massacre of an indigenous people's community in Lake Sebu opposed to mining and landgrabbing by state forces is one example. Also documented is the arbitrary arrest and torture of two peasants who managed to escape even though they were strangled and their body dumped and burned.

The military intervention in Marawi against a radical young group involved not only the Philippines Armed Forces but also US forces. The bombings and armed interventions



damaged infrastructure, property (including 37 mosques, 44 madrasahs, 12, 000 homes, 22 private schools), and left emotional and physical scars on the people of Marawi.

The subsequent imposition of Martial Law in Mindanao has caused massive displacements of tens of thousands, forced evacuation, arbitrary arrests and detention, and other rights violations, as well as violations of the cultural and religious rights of the mostly Muslim communities in Marawi.

The harsh verbal tirades by Defendant Duterte on human rights advocates, women critics, the urban poor, workers, the church, mass media, foreign critics, suspected street-level petty drug dealers and users, and the opposition have created not only a climate of fear and intimidation but have incited actual attacks on them with impunity by State security forces as Defendant Duterte vowed to protect them from accountability. On the contrary, violence by police and the army is praised and stimulated.

Defendant Duterte has repeatedly attacked and undermined democratic institutions including the courts, the legislature, human rights bodies, watchdog organizations and the media. He does not even deny this but seems to be proud of his disdain of human rights, saying that they do not exist in his campaign to address drugs and criminality. He has even likened himself to Hitler and said that he would be happy to slaughter these drug users in the millions.

He has inspired and goaded his security forces in the State apparatus to unleash a campaign of terror on the poor, on the indigenous peoples and increasingly on human rights defenders and activists. The climate of impunity for the worst human rights violations is unparalleled in dimension and gravity.

The nexus between these acts and the culpability of Defendants Duterte and the Philippine government are clear on the record: the issuing of a police memorandum to “neutralize” or kill suspected drug users; publicly goading, inciting and promoting the killings and abuses; pursuing a counter-insurgency program that attacks even civilians; terminating peace negotiations and a security agreement with the revolutionary armed group; dismissing and scoffing at human rights and human rights defenders; ordering the bombing of civilian communities, schools and religious structures; among others.

In essence and practice, what Defendant Duterte has done and continues to do is a genocidal war against the majority of exploited sectors in the Philippines, especially the indigenous peoples.

Defendant Trump has sanctioned the methods used by Defendant Duterte in the drug war and has poured in financial assistance used for killing the poor. For instance, the Moro community has become victimized and enmeshed with unbridled and unchecked US expressions of the "war on terrorism". The imposition of Martial Law in Marawi and then Mindanao has created an environment of fear and justification for increased violations of



human rights. And the Defendant US government has continuously supported repressive measures against activists and revolutionaries critical of its economic, political and military interests.

Charge 2

In the economic field, our view of the evidence presented before us indicate that Defendant Duterte has perpetrated anti-democratic and exclusionary economics and governance as he dramatically perpetuates neoliberal policies imposed or influenced by Defendant actors and transnational entities doing business in the Philippines by the systematic violation of fundamental human rights as exemplified in the mining exploitation. This aggravates even more systemic violations of the people's social, economic and cultural rights.

Defendant Duterte failed to address the country's weak economic base which is characterized by high unemployment and low incomes. The evidence points to the further entrenchment of the system of backward agriculture and an exploitative foreign-dominated economy which exacerbates poverty.

The Defendant Duterte government, therefore, has consistently failed to provide the basic rights to work; to living wages and regular employment; to land; to an adequate standard of living; and to health, housing and education; imposing along the way new taxes that hit primarily the poor; and forced displacement of poor families to install tourism projects on their lands; among others.

Farmers are deprived of the lands they have tilled for ages and are attacked; workers are exploited and their strikes violently dispersed; the urban poor remain homeless and threatened when they assert their rights; education is commercialized and inaccessible to the great majority; thousands are forced to migrate daily, including nurses, under a labor export policy; the right to livelihood is curtailed; distressed overseas workers are neglected and abandoned.

Defendant Duterte's economic policies result in the deprivation of genuine government service as they divert public funds to corruption and big ticket projects demanded by Defendants World Bank, IMF, WTO and transnational corporations.

All these policies and programs are helping and strengthening of the continuing impositions of Defendants IMF, WB and WTO, and perpetrated by Defendants transnationals and foreign banks doing business in the country, perpetuating economic backwardness and dependency.

Charge 3

Defendant Duterte has essentially demonstrated his allegiance to US imperialist goals in the



Asia-Pacific region. The Defendant Duterte government also overturned anew the victory of the people in removing US military bases.

US presence and the permanent and expanded basing of US troops are further emboldening the Defendant Duterte government in implementing the counterinsurgency program Oplan *Kapayapaan* patterned after the 2009 US Counterinsurgency Guide and financed by Defendant US government. Terrorist tagging and red labeling are viciously heaped on activists and human rights defenders as well as the national liberation movement.

We find that increased US presence and the permanent and expanded basing of US troops are further emboldening the Defendant Duterte government to execute this counterinsurgency program that has resulted in various violations of international humanitarian law and constituted war crimes, including bombing of civilian communities and protected establishments like schools, the attacks on non-combatants and the discrimination against national minorities, including those in Abra and Marawi, among others.

The Defendant US government continues to give support to Defendant Philippine government in terms of intelligence, funding, orientation, training and arms to promote and pursue its economic and geopolitical interests in the region. Militarization is intense in the countryside because of the country's rich natural resources, and any resistance is met by suppression.

Defendant Duterte, emboldened by the backing of the US despite rhetoric to the contrary, has killed the peace negotiations with the National Democratic Front of the Philippines, which could provide a viable and alternative platform for the resolution of the ongoing armed conflict, particularly in addressing the roots of socio-economic deprivation and exploitation of the people.

In short, Defendant Duterte and his government have committed various crimes against humanity and also war crimes that are committed on a daily basis against the Filipino people. The liability extends to Defendants Trump and the US government who exercise their domination over the Philippines for its strategic and economic interests. Defendants International Monetary Fund, the World Bank, World Trade Organization, transnational corporations and foreign banks doing business in the Philippines, who organize the plunder of the resources of the Philippines, are likewise responsible for the poverty and penury of the vast majority of the people.

RULING

We heard the summary testimonies of witnesses -- many of them heart-wrenching, traumatic and horrific -- experts and resource persons, as well as the digests of the wealth of data, information, facts, analyses and other evidence presented and submitted before us, and we have made an initial analysis and evaluated them in general terms.



Based on continuing consultations and caucuses during the course of the Tribunal proceedings, and after an initial but careful deliberation at the conclusion of the presentation of evidence, we arrive at the present Verdict.

It is our consensus, therefore, that:

the Defendants Duterte, Trump and all other Defendants are **GUILTY** of all the charges specified in the Indictment, which account for their accountability for **CRIMES AGAINST HUMANITY, WAR CRIMES, AND VIOLATIONS OF LAW AND LEGAL INSTRUMENTS** referred to in the Indictment.

CONCLUSION

We shall deliberate further on the concrete liabilities and accountabilities to be imposed on the Defendants, individually or collectively, including but not limited to reparations, possible prosecution, sanctions against the Defendants, and other remedies as appropriate.

A full Decision shall be issued forthwith and other annexes which will form an integral part of the same shall be attached.

Let copies of this Verdict be served on the Defendants.

Let copies of this Verdict be published and sent to all other concerned or interested individuals, organizations, entities and States, including the:

- 1) Embassy of the Republic of the Philippines in Brussels;
- 2) Embassy of the United States of America in Brussels;
- 3) European Parliament;
- 4) Office of the Prosecutor of the International Criminal Court;
- 5) United Nations Human Rights Council; and
- 6) Office of the Secretary General of the United Nations.

The Jurors wish to thank all witnesses, experts and resource persons who appeared before this Tribunal in the past two days and offered powerful testimonies of grave human rights violations by the Defendants. They are the real and legitimate subjects of this Verdict.

This Tribunal shall carefully monitor the action of the Defendants and will respond and hold accountable the Defendants to any possible retaliation against its participants.



SO ORDERED.

19 September 2018.

PANEL OF JURORS

MAMDOUH HABASHI

MONICA MOOREHEAD

TIES PRAKKEN

SAROJENI RENGAM

AZADEH SHAHSHAHANI

GIANNI TOGNONI

ROLAND WEYL

MICHAEL YOSHII