

STATEMENT BEFORE THE COURT AT THE HAGUE
HEARING IN CHAMBERS ON 20 MAY 2008

By Prof. Jose Maria Sison
Complainant against the notice of further prosecution
Parket number 09/750006-06

Your Honors,

Thank you for allowing me to add my statement to the full representation made by my counsel Mr. Michiel Pestman.

Since my return from attending the informal peace talks in Norway between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines from 10 to 15 May 2008, I have had only a few days to go over the six thick folders submitted by the prosecution. But my counsel has ably shown to me how to analyze and deconstruct the mountain of paper.

I am deeply pleased with his work in demonstrating that the prosecution has not presented anything new to overturn the 3 October 2007 decision of the Court of Appeal regarding 1) the lack of prima facie evidence against me and 2) the political context in which the Philippine authorities supply unreliable witnesses to the Dutch police investigators and in which it is doubtful whether I can cross examine such witnesses and get the witnesses in my defense.

It is deplorable that the Dutch police and prosecution have withheld from me and from the Dutch courts in previous hearings available information about Edwin Garcia and the previous case brought up against him by the widow of Kintanar and the Quezon City police. Such information runs counter to the claims of Cruz, Alonzo and Pabalan that they were principals in killing Kintanar and Tabara. And yet there is no record of these self-admitted killers being investigated for murder and being formally charged in court by Philippine authorities.

The Dutch prosecution and police have failed to acknowledge up to now the fact that there is no charge of murder against me for the killing of Kintanar and Tabara since 2003 and 2004 respectively, within the jurisdiction of Quezon City where both incidents occurred. Of course, it is widely known that the Philippine authorities have hoodwinked the Dutch authorities by accusing me of inducing or ordering the murder of Kintanar and Tabara and yet have not informed the Dutch authorities about the July 2007 decision of the Philippine Supreme Court nullifying the rebellion charge against me and others, which charge included the Kintanar and Tabara incidents.

The Dutch authorities also seem to be ignorant of the fact that the Philippine authorities have the malicious policy of persecuting prominent figures of the opposition with the trumping up of false charges of common crimes. This has become a major form of human rights violation in the Philippines and is done under the direction of the Inter-Agency Legal Action Group (IALAG). The UN Special Rapporteur on extrajudicial killings, summary or arbitrary executions Philip Alston has therefore called for the abolition of the IALAG because of its repressive character and objectives. It is unfortunate that the tentacles of the IALAG have reached The Netherlands.

The District Court of The Hague and the Court of Appeal previously ruled in so many fine

words that playing a prominent role in the Communist Party of the Philippines does not necessarily mean culpability for the killings of Kintanar and Tabara. But the prosecution persists with the notion that it can hold me responsible for the armed actions of the New People's Army by simply harping on the line that I am Armando Liwanag and Chairman of the Central Committee of the CPP. Thus, the prosecution pads its submissions with an enormous amount of allegations and references to that effect.

Let me demonstrate the different competencies among the revolutionary forces in the Philippines. The CPP is competent in taking disciplinary actions of an administrative character which are limited to reprimands, suspensions, demotions, expulsions and the like as penalties on errant CPP officers and

members and which do not involve the loss of life or liberty. But it is the people's court that is competent in issuing warrants of arrest on the basis of prima facie evidence and trying murder cases which may involve the loss of life or liberty as punishment. The CPP is competent in deciding the ideological, political and organizational line and policies. But it is the NPA that is competent in carrying out particular

acts of armed revolution and in enforcing the decisions of the people's court.

Even under Philippine law, being an officer or member of the CPP is deemed legal in view of the repeal of the Anti-Subversion Law in 1992. To convict and punish a CPP officer or member, Philippine authorities have to prove in court

his or her participation in specific acts of armed rebellion. The Hernandez political offense doctrine prohibits the substitution or complexing of the simple charge of rebellion with common crimes.

The pamphlet Truth About Kintanar was drafted and finalized by Fidel Agcaoili as chairperson of the human rights committee of the NDFP and was publicly issued on 26 July 2003 in the name of the NDFP human rights committee in order to counter allegations by certain quarters in the Philippines and abroad that Kintanar was killed by the NPA without any just cause. As member of the NDFP Negotiating Panel, my wife Julieta de Lima received a copy of the draft and saved it in the hard disc of her computer. As chief political consultant of the NDFP I could give advice, suggestions and comments on the draft. But I do not remember categorically

whether I did so. At any rate, doing so does not mean being culpable for the killing of Kintanar.

Regarding the wire-tapped conversation between my wife and me at 2 a.m. about

electronic communications, there is absolutely nothing criminal or sinister about it. The subject matter

is hypothetical and technical. I do not remember any concrete basis or specific purpose for my asking questions. The only thing that might be proven by the wire tap is that my wife is a computer expert while I am only a computer idiot asking questions for my general computer education.

Despite the apparent determination of the prosecution and police to put me in prison, I am gladdened by certain findings that they are lately presenting to me and to the court about Edwin Garcia, about the February 2008 testimonies of Jose Noel Ramos and Gloria Jopson-Kintanar, and about the assassination plots against me in 2000 and 2001. The findings about Edwin Garcia and related facts are clearly exculpatory of me. I am pleased that the complaint I made in good faith in 2001 about the assassination plots have led to certain findings.

The involvement of Philippine authorities in the assassination plots against me in 2000 and 2001 and

their refusal to present Edwin Garcia to the Dutch police investigators expose further the political context pointed to and deplored by the Court of Appeal. Despite

the hardships I have been put through, I would be gratified if the Dutch police and prosecution would pursue the investigation of how the Philippine authorities and their agents have infringed on Dutch sovereignty and territorial integrity, as already evidenced by the Ramos and Jopson-Kintanar testimonies and related documentary evidence.

Thus, my lawyer and I plead that I be declared out of prosecution and that an investigation be pursued against those who have in fact violated Dutch sovereignty and territorial integrity in repeated attempts to assassinate me.###