

Court in The Hague

Interview of suspect
(judicial investigation + custody)

Parketnummer: 09/75006-06

RC-numbber: 06/2285

Today, 31 August 2007, appeared before mr. L.K. van Zaltbommel, rechter-commissaris, assisted by mr. D.J.P. Laman, griffier, the suspect:

Jose Maria Canlas SISON
Born in Cabugao, dated 08 February 1939
Resident in Utrecht, Rooseveltlaan 778.

The suspect was heard in pursuance of judicial investigation dated 23 August 2007 and to present custody, of which affidavits have been given the suspect, and at the same time in connection with the test of the justice of his custody on the basis of article 59a of the Wetboek van Strafvordering.

The interview began at 1310 hrs.

After the rechter-commissaris has told him that he was not required to give an answer, he has answered the questions to him as recorded here below.

The present interview took place with the help of Mr. F. Klunder, translator in Spanish, born on 13 April 1959, resident in Den Haag, who, before accepting his task as translator, was sworn by the rechter-commissaris, as provided by Law, that he shall fulfill his task as translator.

In the interview was present mr. Pestman, lawyer of the suspect.

Suspect states:

1. The personal data in the beginning of the [vordering] are all correct.
2. You explain to me what the officer of justice wants [vordert]. I heard what you say. I have just talked with the officer of justice and she said that I could speak to a number of people, among them lawyers. I asked her if I could speak with my religious advisers, in particular the archbishop of Utrecht. You tell me that you will not discuss this with me because you have not yet gone that far. You tell me that after this interview is over I will be given the chance to talk to my lawyer in connection with the case before the European Court.
3. You ask me if I want to say something about the accusations. I deny the complaint. It is a fact I do not have anything to do with them. Murder is against my moral and political principles. I can discuss facts which supports that I am innocent and that the complaint is false. I have been appraised through my lawyer in the Philippines that statements are speculative and are hearsay. Which is my, shortly after the complaint against murder of Kintanar in January 2003, the case was dismissed. In connection

with the case of Tabara I believe that that case will also be dismissed because the complaint is based on hearsay statements and speculations. There are certain legal procedures in the Philippines in which the suspected crimes are included in the legislative process [binnen de wetgeving betrokken zouden zijn]. These procedures are maybe contrary to the procedures in the Netherlands. In any case my position is one of complete innocence, on the basis of fact and law in so far as I understand them. It is not true that I am in any position or possess the authority to just kill someone in the Philippines. I am not Armando Liwanag and also not the chairman of the Communist Party of the Philippines. I was the chairman from 1968 to 1977, but no longer so, since I was arrested and imprisoned for a long time by the fascist regime of Marcos. It is well known in the Philippines that Rodolfo Salas succeeded me as chairman of the Communist Party of the Philippines. Later on it would be known that Salas was succeeded in 1986. I was released in March 1986 and all complaints were abandoned through the dismantling of the military organs as organs of repression. I joined again the University of the Philippines and became an employee of the government as research fellow and professor at the Asian Center. It was clear to me then that I could be the chairman of the People's Party because of the rules of the university. Immediately after the establishment of the People's Party in 1986 I decided to continue as an academic and refused to be the chairman of the People's Party. I have not gotten the chance to be involved in any political party apart from establishing the People's Party. I was busy with 10 lectures. I would make a tour of Asia, Europe and the US. I was repeatedly invited to speak in public. I was constantly watched by the military. I had no chance to be busy with the CPP and the underground movement.

4. You say that you want to ask me a number of questions. You remind me [voorhouden] that I have stated that I was released in 1986 and finally arrived in the Netherlands. You ask what kept me busy in the Netherlands. I came to the Netherlands and Netherlands was my base for the European tour. Originally I had planned a tour of 3 months, in Europe. I could go to at least 30 universities in 20 European countries. I came back again and again to the Netherlands, because this was my base and there was a Filipino community which supported me. At the same time I tried to get a visa from the US embassy because I would go there on "tour".

5. You remind me [voorhouden] that I stated yesterday to the police (p. 57) that I was the chief adviser of the NDF. I am chief political consultant of the negotiating panel that handles negotiations with the Philippine government. As consultant I do not have to be part of the NDF. You ask me if as head I had people to help me. My primary responsibility as consultant is to give advice to the panel, but on volunteer basis. You repeat the question. I use my expertise, I do not have a staff. But I can make use of the personnel of the NDF information bureau foundation.

6. You say to me that you will confront [voorhouden] me with a number of passages from the statements which possibly could lead to another conclusion. In connection with the supposed murder of Kintanar you confront me with the statement of witness Cruz (p. 252, one paragraph before the last paragraph): "I received the order from Cayatano who told me that he received it from the Central Committee" (...) "this order was no different from other orders about which I have earlier made statements. This order also concerned an order of the Central Committee of the Party and thus originating from Jose Maria Sison.". I deny that accusation. Under Philippine law that

is worthless, that is hearsay. Of course my lawyer can advise me about the nature of this complaint. There is no proof of any direct nature, it is a [drijvende] complaint against the Central Committee of which this person is not a member.

7. You confront me, in connection with the killing of Tabara, with a statement of witness Alonzo Salazar (p. 295): “can you say from whom this order for this murder came from? This order came from the Central Committee of the CPP of which Jose Maria Sison is the leader. Baste told me that the order came from the Central Committee. I know that Baste does not have contact with the Central Committee. He will have to approach the Central Committee through a near contact.” I want to bring forward two things. It is again a hearsay statement. In my experience as chairman of the CPP from 1968 to 1977 I say to you that the Central Committee of the CPP do not issue orders to murder people. They can impose punishment in relation to the membership for mistakes. Someone can be suspended, xxx get a reprimand, or be expelled. There are no decisions taken to rob someone of freedom, life or limb. There are various committee which are responsible for administrative cases regarding discipline. In criminal cases the case is brought before the People’s Court. So I see immediately a lie in this statement.

8. My lawyer reminds me that I have just stated that until my arrest in 1977 I was chairman of the Central Committee. That is correct. My lawyer asks me if my chairmanship ended after my arrest. Yes, I heard later that my chairmanship was taken over by Rodolfo Salas. My lawyer asks me if that was his real name. That is his real name. His alias is Commander Bilogk. My lawyer asks me if someone else followed when Salas was arrested. That would be Benito Tiamzon according to news reports. My lawyer asks if that is his real name. Yes. His can not remember his alias. My lawyer asks me if I know how long he was chairman of the Central Committee. I do not know that directly, but I estimate that his is still that. My lawyer asks me who is Liwanag. I can only estimate that that is probably Benito Tiamzon. Armando Liwanag. The rechter-commissaris asks me if I know Amado Guerrero. Yes, that my my “nom de guerre” until 1977. I have already stated that in my request for political asylum. My lawyer asks me if I use as alias Joma. That is not really my alias. My friends in the university made Joma from Jose Maria. When I was in prison, the editor used Joma. So that is how my nickname came into being.

9. My lawyer asks me if aside from being the chairman I occupied other positions after 1977. I was the editor of Ang Bayan the publication of the central committee. That was until around 1975. My lawyer asks me whether after 1977 I occupied a position. No, after my arrest I did not occupy any more position. After my arrest my relationship in and with the Central Committee stopped.

10. My lawyer presents to me a number of names which are mentioned in the dossier: Veronica Tabara. I know her. She is the wife of Arturo Tabara. You ask me when I saw her for the last time. As far as I can remember in 1974. You ask me if she was ever a member of the Central Committee. No, as far as I know. You say that you want to ask the same question regarding Gloria Kintanar. I know her. I met her in 1976, a few times. As far as I know she was not a member of the Central Committee. Rafael Y Glemao Cruz. I do not know anyone by that name. You tell me that he says that he has a number of nicknames (p. 5). I do not know. The rechter-commissaris says that it concerns a [voorgeleiding] and not an interview in a wider sense. I hear

my lawyer say that he gets the feeling that I do not get the chance to say what I want to say. I hear my lawyer say that the rechter-commissaris does not perform his work well, is not interested in me. I hear my lawyer say that in consideration he allows me to object to the rechter-commissaris. **[dat hij mig in overweging geeft de rechter-commissaris te wraken.]**

You ask me if I know the name Arnel Alonzo Salazar. No, I do not know him.

You ask me if I know Frederick Maico Pabalan. No, I do not know anyone by that name.

You ask me if I know Vicente Cayatano. No, I do not know anyone by that name.

You ask me if I know that a wide ranging investigation was done in the Philippines in connection with the murder or the attack on Kintanar and Tabara. Yes, my Filipino lawyer has given me advise. The case of Kintanar and Tabara are directly handled by the office of justice (prosecutor) of the state after complaints by the military and the police, the CIG, Central Intelligence Group. You ask me if I know if there were people who were prosecuted. I do not know anything about that. You ask me if there were people who were convicted. No, I do not know.

11. My lawyer reminds me that I spoke about a decision of the Supreme Court to the Dutch police. My lawyer asks if I can explain in a few words that is contained in that decision, what its meaning is. My lawyer explains the decision and requests that is be included in the dossier. That is the decision regarding the complaint against rebellion against me and 15 others, among them members of congress, anti-Arroyo military officers, representatives of legal democratic movement and underground leaders like Benito Tiamzon and others. The period which was concerned started with the establishment of the CPP in 1968 until the case was filed in April 2006. The decision declares that the complaint against rebellion was dismissed. The supposed evidence consisted of 850 documents. Among these are the complaints which are repeated in this case in the Netherlands. My lawyer asks me if the present accusations are part of the complaints in Manila which have been decided there. Yes, since it concerns crimes of 1986 to 2006.

12. My lawyer asks if I know Romulo Capulong. That was an ad-litem judge at the ICTY. He is my chief lawyer in the Philippines.

13. My lawyer asks me if it is true that I have not been granted asylum in the Netherlands. I have not been admitted as a refugee, but the Raad van State in 1992 and 1995 and the Rechtseenheidkamer have recognized my status as a political refugee on the basis of art. 1 Refugee Treaty and art. 3 EVRM. My lawyer asks me if I ever since I asked for asylum in the Netherlands, has ever left the Netherlands. Normally speaking I stay in the Netherlands, but the Dutch government issue l-ps and the IND return visa if I go to Oslo in connection with the peace negotiations between the NDFP and the government of the Philippines. I do not have at this moment a travel document.

14. You remind me that I wanted now to say something about the constitution of the CPP. You ask me what are the requirements for members of the Central Committee regarding a residence place. The CPP makes sure that the majority of the members reside in the Philippines if they carry out staff and territorial functions. You ask me if it is true that the chairman of the Central Committee according to the constitution of the party cannot stay abroad. Yes, he must be stay in the Philippines.

15. You ask me if it is general knowledge who are the members of the Central Committee. No, that is a well kept secret. It is the policy of the party to use pseudonyms. I also do not know.

16. I hear my lawyer say that he does not have any comments about the justice of my custody.

17. I hear my lawyer say that he has a memorandum from Romulo Capulong in which is explained what this decision contains and that I was the most important suspect in that investigation. Above all Romulo Capulong says that that my prosecution is politically motivated and that every evidence to suspect is missing. My lawyer discusses this document and request me to include this in the dossier. A part of the suspicion was also the death or the supposed murder of Kintanar and Tabara. In the dossier are also found the statements of both widows who according to the p-v van relaas was given to the Dutch government by the Philippine government. I hear my lawyer say that it appears that there are evidence materials which are being recycled which may not be used in the Philippines. I hear my lawyer say that it is not a judgment, but a decision to stop the prosecution. This is upon the initiative [ter inleiding] on my lawyers opinions concerning the serious objections.

18. My lawyer remarks first of all that the serious objections are missing. The officer of justice (prosecutor) writes a thesis for which according to my lawyer there is totally insufficient evidence. My lawyer says that if he understands the construction correctly is that a certain Mr. Cruz on an unknown time Mr. Cayetano has received an order to liquidate Kintanar and Tabara and Cayetano would have said that he had an meeting with the Central Committee in which that was decided. My lawyer observes that this is a statement de auditu and the Central Committee from which this order would have been received I would have been the chairman and therefore would be criminally liable for the death of Kintanar and Tabara. My lawyers says that nowhere does it appear when this would have been said by the Central Committee and where. That meeting must have taken place after 1992 in the Philippines. It is definite that after 1992 I was no longer in the Philippines. Quite apart from the role which I would have played in the party, we must agree that I was not present there.

19. There is no shred of evidence that I could have used one of the limitation [limitatief] of the means of incitement mentioned in art. 47 Sr. There is also no shred of evidence for the necessary intent [opzet] that as you know must be put up on all parts [bestanddelen] of the offence. There is also no shred of evidence that I had the intent in the killing of the earlier mentioned persons.

20. If this had been an ordinary case, there would not be any doubt about my immediately release. According to my lawyer that this will be an especially difficult and long investigation must play a role. All important witnesses are in the Philippines. It is totally unclear if it is possible to hear them or if the defense shall have the chance to hear a decharge the witnesses in the Philippines or what the role of the Philippine government is in this case. It is totally unclear how the police were able to trace for example the witnesses Curz, Alonzo and Pabalan. The Philippine government has a dubious reputation in the area of criminal prosecution. I hear my lawyer say that he wants to submit a report of the Human Rights Watch of 2007 in which is mentioned

the more than 100 extrajudicial executions, carried out by the Philippine army and the total incapacity of the Philippine government to prosecute the perpetrators and the desire of the Philippine government to repeatedly point to the NPA as the ones responsible. I hear my lawyer say that he will mark the relevant passages.

21. I hear my lawyer say that the credibility of the witnesses cannot be taken for granted and certainly not if these are offered by a regime which has a bad reputation in the area of human rights. The government of the Philippines has a reputation of inventing evidence materials against members of the NPA.

22. In connection with the basis I hear my lawyer observe the following. In connection with the danger of flight my lawyer observes that I have already explained about this that he cannot leave the Netherlands. If the danger of flight exists, unfortunately that is not the danger. I have a permanent residence where I am registered and already 18 years live, Rooseveltlaan 778 in Utrecht.

23. In connection with the 12 years basis my lawyer points to jurisprudence of EHRM about this which states that concrete facts and circumstances must be presented which show that my release in the Netherlands would lead to unrest. With all respects to the victims in the Philippines, no one in the Netherlands has concerned themselves with these executions. I hear my lawyer say that he can imagine that the Philippines will put extreme pressure, but that can be no excuse on the basis of the 12 years basis to order the temporary custody.

24. The officer of justice (prosecutor) has also not presented from what could be inferred that there is a danger of recidivism (repetition). I hear my lawyer say that the only thing that can be said about this is that this is circular reasoning and the attempt of the prosecutor to make use of this is amazing. The mentioned circumstances also do not in any way support the danger of recidivism.

25. My lawyer observers in relation to the danger of collusion that I meanwhile have made a statement and it is regretful that the prosecutor has not made use of the possibility of the prosecutor to be present at the interview and that I am willing to answer any question. I hear my lawyer say that they are obviously not interested in me. My lawyer also does not see how I can frustrate any investigation that has yet to happen.

26. Secondly my lawyer requests the suspect (reversal) of the temporary custody and discusses in this regard a report of my doctor dr. M.E. Numans dated 29 August 2007 and requests that this be included in the dossier. My lawyer observes that he takes this that the contents speak for themselves and points in particular to the last sentence. Pay special attention to this sentence, request my lawyer to suspend me in case you despite this would issue an order to take into custody. My lawyer observes that I have been imprisoned 9 years under Marcos, for the most part in solitary confinement and in a cell which strongly resembles that where he is now staying. I hear my lawyer say that I was tortured for long period during my detention and now has attacks of claustrophobia, bad sleep or nightmares have regarding this period of torture.

27. In connection with the presented limitations my lawyer observes the following. These are apparently necessary in the interest of the investigation and my lawyer points to his observations in regard to the danger of collusion and observes that he does not see any reason to continue this, in particular given the circumstances which my lawyer has just painted. Also for the defense they are an obstacle in connection with the investigation.

After reading out in English and signed

Signature translator

Signature suspect

The rechter-commissaris considers the custody of suspect not unjust and told the suspect this.

Immediately after the end of this interview we have told the suspect that an order for custody against him will be issued.