

THE CASES OF PROF. JOSE MARIA SISON and the campaign to defend the ILPS Chairperson from political persecution



Presented before the 2nd General Assembly of ILPS Philippines: 18 August 2006

Edre U. Olalia International Association of People's Lawyers (IAPL)

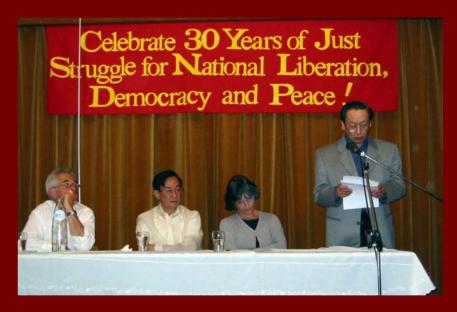




Professor Sison has been subjected to a prolonged series of persecution by the Dutch government in collaboration with the US and Philippine governments The Dutch government has used patently false charges from the Philippine and US governments to deny him admission as refugee:

- In violation of the Refugee Convention,
- In disregard of his recognition as a refugee by the Office of the High Commissioner for Human Rights and Amnesty International, and

In contempt of the repeated decisions of the *Raad van State* recognizing him as a refugee and extending to him the protection of the European Convention of Human Rights.



The *Raad van State* has explicitly ruled that:

- it is against the principle of fair administration to use secret dossiers against him
- nevertheless the secret dossiers shown to the court have not amounted to sufficient evidence against him
- the Dutch government has no choice but to admit him as a refugee and grant him residence



The Dutch government has continuously slandered and demonized him as someone culpable for 'crimes against humanity', 'acts of terrorism' and 'contacts with terrorists' in order to bar him from employment commensurate to his qualifications and to curtail his basic human rights.



Under the baton of the US, the Dutch government has:

- frozen the joint bank account with his wife, and
- terminated the social benefits for his essential human needs



In the process, it has...

violated his basic human rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and

put his life and personal integrity at risk through official pronouncements inciting hatred against him.

Prof. Sison continues to be vilified and demonized by his inclusion in so-called "terrorist" lists of the US, EU and other countries; he faces even more false, vicious and absurd charges that are being filed recklessly by the Philippine government; and is threatened with "rendition" or "false extradition" – -

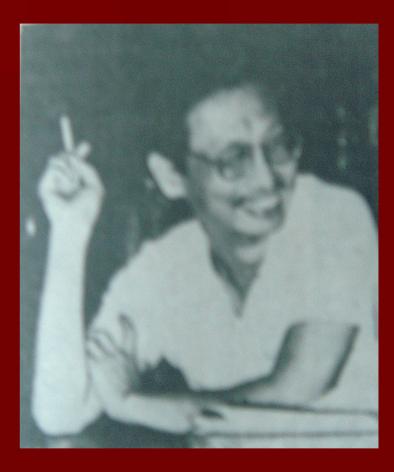


all in a concerted bid to criminalize him anew as a "terrorist," blackmail him and the NDFP to capitulate, and as part of the scheme to forcibly and unjustly bring him back to even face further political persecution and cruel, degrading and inhuman punishment.

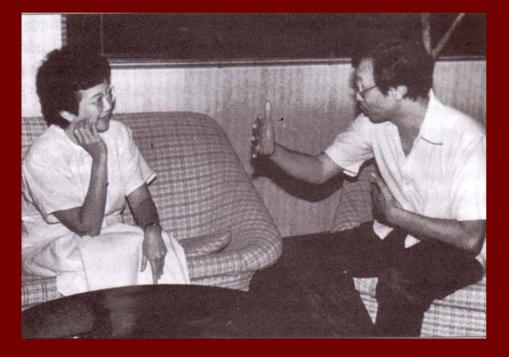
II. REVIEW OF LEGAL CHRONOLOGY







1986: Release from prison and invalidation of rebellion and subversion cases in Marcos' military tribunal







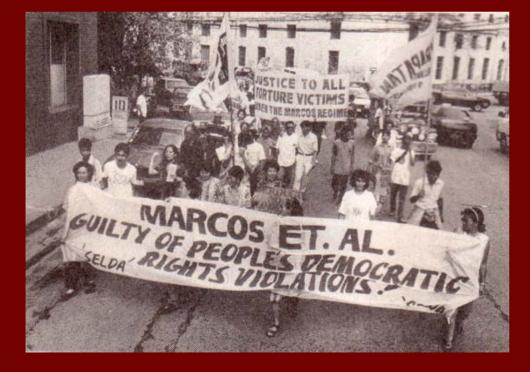
1987: Unilateral cancellation of passport by Philippine government

1988: False criminal charges filed by Philippine government 1988: Application for Asylum in the Netherlands

1990: 1st Negative Decision of the Dutch Justice Ministry denying asylum application



1991: Successful human rights litigation against Marcos in the US







1992: 1st Favorable Landmark Decision of the *Raad van State* – Highest Dutch Administrative Court:

declaring him a political refugee according to the Refugee Convention -(Sison I)

1993: 2nd Negative Decision of Dutch Justice Ministry refusing to accept Sison I

OFFICE OF THE GUTT PRESE TOH MANJIA

I.S. NO. 91-24834

FOR: NULTIPLE LURDER

FMP- CISC. Complainant.

-VCC5113-

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1/26/r.

Jose Ma. Sison. Fonico Allenza. Herminigildo Garcia IV. Manuel Collantes, Hoque Magtanggol. John Doe Alias Ka Donald, and, Robert Doe Alias Ka Daniel. Respondents.

RESOLUTION

This refers to the Infamous Plaza Miranda bombing which occured in the evening of August 21, 1971 wherein several persons were killed and others severely injured.

At the instance of the PNP- CISC, the leaders of the CPF MPA.led by respondent Jose Ma. Sison were charged of Multiple murder in connection with the same.

Based on the report of the PNF- CISC, earlier that day, Jose Ma. Sison called for a conference. Attended by the party's top officers and among them were respondents Monico Atienza, Herminigildo Carcia IV, Manuel Collantes, Roque Magtanggol, Joh Doe alias Ka Donald, and Robert Loe alias Ka Daniel. According ly, the prime purpose of the meeting was to discuss a scheme to bring chaos between the two political parties (Liberal Party and Nacionalista Party) and in effect increase the sympathizers for the CPP/NPA and its manpower. Presumably this was the bomb ing of the Liberal Party's political rally which would create a showdown between the Liberal Party and the Nacionalista Party The actual bombing was allegedly implemented by Danny Cordero. alias Ka Danny or Ka Kris.

In support of the foregoing, the FNP- CISC submitted sworn statements of former members of the party who claimed to have knowledge of the bombing and further implicated the above respondents as the subposed planners of the bombing incident. Nothing shows clearly however, that the aforestated meeting delyed on the planning of the Flaza Miranda Bombing . If at all only inferences were made in the statements. In other words the supposed participations of the respondents as planners or masterminds are shere speculations. And if the only evidence against them consist, merely of the said statements, the same is not sufficient to charge them of multiple murder. Moreover, the implicated persons who suppossedly have carried out the carnage are no longer around or nowhere to be found in order to shed light on the incident or dispute them.

To indict the respondents, therefore based solely on the submitted sworn statements is tantamount to a hasty, malicious and oppressive prosecution which is precisely what is being avoided through a preliminary investigation. There has to be

1994: Resolution of Manila Prosecutors Dismissing 1991 Plaza Miranda Bombing charge

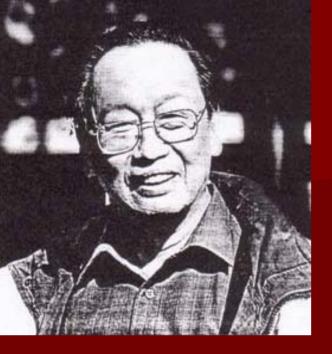


1995: 2nd Favorable Landmark Decision of the *Raad van State*:

declaring him again a political refugee as he has a wellgrounded fear of persecution and is covered by the protection of the European Convention for the Protection of Human Rights and Fundamental Freedoms (EVRM)

he must be given asylum status and a permit to stay, should there be no 3rd country where he could go to - (Sison II)

1996: 3rd Negative Decision of Dutch Justice Ministry and Expulsion Order



1997: Decision of the REK (Law Unity Chamber) of the Newly -Created Aliens Court:

- hairsplitting between RECOGNITION and ADMISSION as refugee
- disemboweling the absolute protection of ECHR (protection from torture and from inhuman and degrading treatment or punishment)
- circumventing the pertinent provision in the Refugee Convention
- making someone a 'TOLERATED ALIEN' and putting him in legal limbo



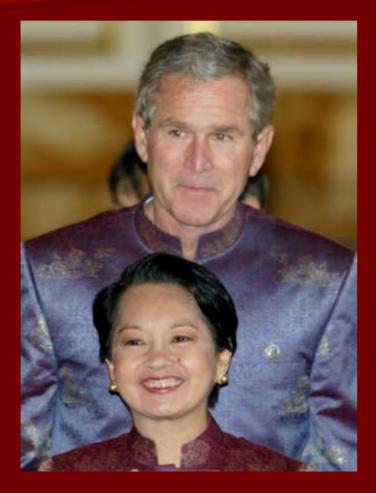
1998: Appeal to European Court of Human Rights

Philippine Justice Department Certification of no pending criminal charge

Denial by the Dutch Justice Ministry of Permit to Work

2002: Negative Decision by Rotterdam District Court of Permit to Work

August 9, 2002: US State Department Listing of CPP/NPA as "foreign terrorist organization" (FTO)



August 12, 2002

US Treasury Department Office of Foreign Assets Control (OFAC) Listing of CPP/NPA and Prof. Sison



August 13, 2002: Dutch Sanctie Regeling tegen Terrorisme Listing of Sison:

- Balance of Prof. Sison's joint account with wife: 1,145.46 euros (approx. P50,000.00) consisting of social benefits frozen
- Health insurance and Third Party Liability insurance payments stopped
- Payment of house rent resulting in notice to vacate stopped

October 28, 2002:

Prof. Sison listed in European Union (EU) Council List of "Terrorists"







2002 ONWARDS: Administrative and Court Hearings in the Netherlands against "Terrorist" Listing and on:

- Freezing of Bank Accounts/Allowance –Dutch Ministry of Finance
- Denial of Permit to Work
- Social Insurance/Pension SVB
- Notice to Leave Apartment Central Organ for the Reception of Asylum Seekers (COA), IND, Ministry of Justice
- Denial of Laissez Passe' (Travel Document outside the Netherlands) –Dutch Ministry of Foreign Affairs

Application

For Partial Annulment in regard to the inclusion of Professor Jose Maria Sison of Council Decision of 12 December 2002 (2002/974/EC) implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2002/848/EC (OJ of the European Communities, n° L 337 of 13/12/2002, p.85 and 86)

THE APPLICANT IS:

Jose Maria SISON, born 8/2/1939 in Cabugao, Ilocos Sur, Philippines, whose domicile is Rooseveltlaan 778, 3526 BK Utrecht, Netherlands.

Represented by

Jan FERMON, Chaussée de Haecht 276, 1030 Bruxelles, Belgium Antoine COMTE, Rue de Rivoli 48 bis, 75004 Paris, France Hans Eberhard SCHULTZ, Lindenstrasse 14, 28755 Bremen, German Federal Republic

Dundar GURSES, Schoolplein 5A, 3581 PX Utrecht, Netherlands Thomas OLSSON, Hautverkargatan 26, Box 12706, 11294 Stockholm, Sweden. Jayson LAMCHEK, Public Interest Law Center 7836, Kaija Bldg, Makati Avenue Cor. Valdez St., Makati City Metro Manila Philippines, as correspondent lawyer in the Philippines

THE APPLICATION IS AGAINST:

THE COUNCIL OF THE EUROPEAN UNION AND THE COMMISSION OF THE EUROPEAN COMMUNITIES

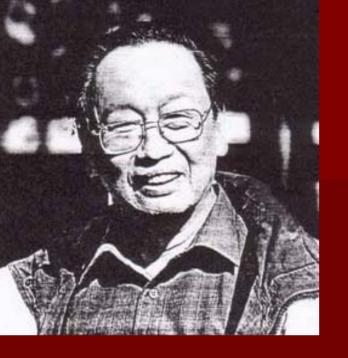
February 2003:

Application against the European Council "Terrorist" Listing before the European Court of Justice in Luxembourg (Main Case; Court of First Instance)



Grounds: Violations of :

- right to due process
- right to know the nature and cause of the charges
- presumption of innocence
- right to present evidence in one's defense
- right to an impartial tribunal/court
- right to examine evidence used against him
- right to confront one's accusers and to cross-examine witnesses against him/her



Situation of a listed "terrorist"

- Designation made by executive official for political consideration
- Use of secret files to justify designation
- No opportunity to confront accusers or to cross-examine
- No right to defend one's self before the designating official



April 2003: Appeal for Access to Documents re "Terrorist Listing" (Auxillary Case; Second Chamber of the Court of First Instance, European Court of Justice, Luxembourg) – after his lawyers have demanded 3 times that they should have access to any such documents used purportedly to put him on the list

EU refused, saying that it would endanger "public security and the international relations of the EU" February 14,
2004: NDFP-GRP Peace
Panels sign Oslo Joint
Statement

" To resolve the outstanding issue of the 'terrorist' listing of the CPP/NPA and the NDFP Chief Political Consultant, effective measures shall be undertaken in consonance with the Hague Joint Declaration, JASIG, CARHRIHL and other bilateral agreements..."





"The GRP and the NDFP shall, jointly and separately, call upon the Government of the United States, the Council of the European Union and other concerned foreign states and governments, to support the efforts of the parties in resolving the outstanding issue of the 'terrorist' listing of the CPP/NPA and the NDFP Chief Political Consultant in order to advance and promote the peace negotiations and address the root causes of the armed conflict....



April 2004: The NDFP-GRP Peace Panels sign The Second Oslo Joint Statement which reaffirmed the Oslo Joint Statement on effective measures undertaken to resolve the issue of 'terrorist' listing.



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13 October 2004

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T-110/03 etc. - 5

Mr Jan Fermon Mr Antoine Comte Mr Dundar Gurses Mr Hans-Eberhard Schultz Chaussée de Haecht, 55 B-1210 Brussels Belgium

In Joined Cases T-110/03, T-150/03, T-405/03

Jose Maria Sison

against

Council of the European Union

the Registrar of the Court of First Instance notifies you that the public hearing of the Second Chamber for the oral procedure has been set down for

Wednesday 17 November 2004, at 9:30 a.m.

in the courtroom of the Court of First Instance, Luxembourg-Kirchberg.

The representatives of the parties will be received by the members of the Chamber prior to the commencement of the hearing. It would therefore be useful if you could ensure that you are in the courtroom a few minutes before the time set down above.

Your attention is drawn to the note which is intended to serve as a guide for Counsel for the parties at hearings before the Court of First Instance and explains in particular the purpose of the oral proceedings which can be found on the Court's internet site (http://www.curia.eu.int).

The representatives of the parties are requested to limit the length of their oral submissions to 15 minutes. If it appears necessary, a request for a derogation from this rule may be

RUE DU FORT NIEDERORONEWALD L-1925 LUXEMBOLIKO

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TELETAX:(+352) 4303-2100 eff.registry@curis.eu.int

IN THE COURT OF FIRST INSTANCE.

OF THE EUROPEAN COMMUNITIES

CASE T-47/03

JOSE MARIA SISON

THE COUNCIL OF THE EUROPEAN UNION

Interveners: Kingdom of the Netherlands United Kingdom of Great Britain and Northern Ireland Negotiating Panel of the National Democratic Front of the Philippines

OBSERVATIONS OF THE UNITED KINGDOM ON THE APPLICANT'S REQUEST TO AMEND HIS PERADINGS

The United Kingdom is represented by Clare Gibbs of the Treasury Solicitor's Department, acting as Agent, and hy Sarah Mixire, Barrister,

Submitted by:

Clare Gibbs Agent for the United Kingdom Treasury Solicitor's Department One Remble Street Lordon WC2B4TS

Service may also be made by fax or by email: Eax: 00.44 207 210 3132 Email: clare.uibbs@isol.esi.eov.uk

6 February 2006

Sarah Moore Barristee

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London WC2B 4TS

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British and Dutch Governments and NDFP Negotiating Panel have in the meantime intervened in the Luxembourg Case



November 2004: Luxembourg Court Oral procedure (Hearing) on Application for

Access to Documents



TRIBUNAL DE PRIMERA INSTANCIA DE LAS COMUNIDADES EL ROPEAS. SOLD PRVMUO STUPNE EVROPSKÝCH SPOLINĚRNATVY DE ELROPPINGE FRUIESSCARERS RET 1 FORSTE INSTANCE GERICHT ERSTER INSTANZ DER EUROPAISCHEN GEMEINSCHAFTEN ELROOPA ÜHENDUSTE ESIMESE ASTME KOHUS ΤΡΩΤΟΔΙΚΕΙΟ ΤΩΝ ΕΥΡΠΠΑΙΚΩΝ ΚΟΙΝΟΤΗΤΩΝ COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES TRIPUNAL DE PREMIÈRE INSTANCE DES COMMUNAUTES EUROPEPINIES CURT CHEADCHFIME NA OCOMBINEDRAL EORPACH

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T-110/03, T-150/03, T-405/03 - 8

27 October 2004

Mr Jan Fermon Mr Antoine Comte Mr Dundar Gurses Mr Hans-Eberhard Schultz Chaussée de Haecht, 55 B-1210 Brussels Belgium

In Joined Cases T-110/04, T-150/03, T-405/03

Jose Maria Sison

against

Council of the European Union

the Registrar of the Court of First Instance encloses herewith, a copy of the Report for the Hearing on 17 November 2004 (reg. no. 253160). This document, drafted by the 'Judge-Rapporteur', constitutes an objective résumé of the case and does not set out all the ramifications of the parties' arguments. It is intended, on the one hand, to enable the parties to ascertain whether their pleas in law and arguments are correctly understood and, on the other hand, to facilitate the study of the file by the other judges hearing the case.

In the event that you wish to submit observations on this report, these may be made either orally at the hearing or, whenever possible, in writing. However, if you decide to submit your observations in writing these should be lodged with the Registry at least one week prior to the hearing, thus enabling the Judges and the other party to be notified in due time.



TELEPHONE: (-352) 4303-1

TELEFAX: (+352) 4303-2100 cfi registry@curia eu int



"They call me a 'terrorist' but they don't show the documents they claim as basis for putting me on the list and they cannot cite a single incident of so-called terrorism that they can supposedly associate me with."

RUE DI FORT NIEDERLEUNEWALD L-2025 LUXEMBOURG

It was argued that it is the legitimate right of Prof. Sison to demand access to and scrutinize the documents used by the EU Council as basis for putting him on the so-called terrorist list.





January 2005: GRP Delegation's tour of Norway, Netherlands, Belgium and Luxembourg for ceasefire and pressure on Prof. Sison – claims he "need not fear political persecution in the Philippines"



April 2005 – Luxembourg Court denied Prof. Sison's application for access to documents

RECENT CASE-LAW - Results

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http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en&Submit=Subm..

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JUDGMENT OF THE COURT OF FIRST INSTANCE (Second Chamber)

26 April 2005 (*)

(Access to documents - Regulation (EC) No 1049/2001 - Documents relating to Council decisions concerning the fight against terrorism - Exceptions relating to the protection of the public interest – Public security – International relations – Partial access – Statement of reasons – Richts of the defence)

In Joined Cases T-110/03, T-150/03 and T-405/03,

Jose Maria Sison, residing in Utrecht (Netherlands), represented by J. Fermon, A. Comte, H. Schultz and D. Gurses, lawyers,

applicant

Council of the European Union, represented by M. Vitsentzatos, M. Bauer and M. Bishop, acting as Agents,

defendant

APPLICATIONS for annulment of the three Council decisions of 21 January, 27 February and 2 October 2003 refusing access to documents relating to Council Decisions 2002/848/EC, 2002/974/EC and 2003/480/EC of 28 October 2002, 12 December 2002 and 27 June 2003 respectively implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decisions 2002/460/EC, 2002/848/EC and 2002/974/EC respectively,

THE COURT OF FIRST INSTANCE OF THE FUROPEAN COMMUNITIES (Second Chamber).

composed of J. Pirrung, President, N.J. Forwood and S. Papasavvas, Judges,

Registrar: J. Plingers, Administrator,

having regard to the written procedure and further to the hearing on 17 November 2004,

gives the following

Judgment

Legal framework and background to the dispute

Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43) provides:

'Exceptions

1. The institutions shall refuse access to a document where disclosure would undermine

1 of 1

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Mr Jan Fermon

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T-110/03, T-150/03, T-405/03 - 11

Mr Antoine Comte Mr Dundar Gurses Mr Hans-Eberhard Schultz Chaussée de Haecht, 55 B-1210 Brussels Belgium

In joined Cases T-110/03, T-150/03, T-405/03

Jose Maria Sison

Council of the European Union

the Registrar of the Court of First Instance notifies you that the public hearing for the delivery of the Judgment has been set down for

Tuesday, 26 April 2005 at 09:15 a.m.

in the courtroom of the Court of First Instance, Kirchberg-Luxembourg,



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In the Netherlands:

- All administrative and the Utrecht court phases are finished and all have been decided in the negative.
 - Proposed legislation in the Netherlands penalizing with imprisonment "terrorist organizations" and those associating with them
 - Renewed and vigorous implementation of an 8-year old Dutch law regarding arbitrary spot check on identification of aliens
 - Continuing threat of illegal, unjust, repressive and unfounded threat of Extradition and arbitrary detention under the US-Dutch Extradition Treaty

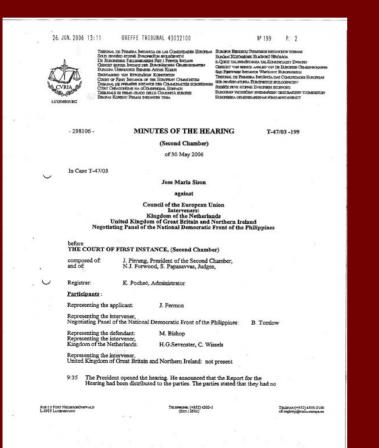
In Luxembourg:

Oral Procedure (Hearing) on Main Application

This case filed by Prof. Sison against his being blacklisted as a "terrorist" by the Council of European Union is expected to be decided soon by the European Court of First Instance, following the final hearing on May 30, 2006 in Luxembourg.

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	Tuesday	r. 30 May 2006 at 9:.	<u>30 a.m.</u>						
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Furthermo	Furthermore, the Registrar encloses questions put by the Court (reg n 294103).								
the commo		would therefore he u	umbers of the Chamber pri seful if you could ensure the 2p above.						
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In the official Minutes of the last Hearing in the Luxembourg case, the following were put on record in response to the Court's written questions:



The Dutch government indicated that no decision had been made by a competent Dutch authority regarding any investigations or prosecutions for a terrorist act in connection with Prof. Sison in the period in question

The EU Council indicated that no criminal charges or other investigations or prosecutions brought against Prof. Sison in the Philippines were taken into account by the Council when updating the lists in question

In France:

 Prof. Sison filed in May 2006 an Application to the European Court of Human Rights in Strasbourg, France against the Dutch government for violations of the European Convention on Human Rights (Sison v. the Netherlands) Numéro de dossier File-number

11578/06 SISON v. THE NETHERLANDS

COUR EUROPÉENNE DES DROITS DE L'HOMME EUROPEAN COURT OF HUMAN RIGHTS

Voir Note explicative See Explanatory Note

Conseil de l'Europe - Council of EuropeStrasbourg, France

REQUÊTE

APPLICATION

présentée en application de l'article 34 de la Convention européenne des Droits de l'Homme, ainsi que des articles 45 et 47 du règlement de la Cour

under Article 34 of the European Convention on Human Rights and Rules 45 and 47 of the Rules of Court

IMPORTANT: La présente requête est un document juridique et peut affecter vos droits et obligations. This application is a formal legal document and may affect your rights and obligations. Prof. Sison asks the European Court of Human Rights the following:

- To uphold and protect his rights in accordance with ECHR and prohibit the violations thereof.
- To prohibit his expulsion
- To protect his right to the absolute protection against torture, inhuman and degrading treatment and prohibit his subjection to such treatment as well as such forms of mental torture as severe anxiety and distress due to his being deprived of the essential means of human existence and due to all other violations of his rights.
- To protect his right to life and prohibit his deprivation of the essential means of human existence and the incitemnt of public hatred and violence against his physical and moral integrity

- To protect his right to the peaceful enjoyment of his possessions and prohibit the termination of his social benefits and the freezing of his money, which consisted entirely of his living allowance from the Dutch state and the reimbursements of his medical bills.
- To protect his right to a fair hearing in civil and criminal matters and prohibit his criminalization as a "terrorist" without any criminal investigation and his deprivation of his social benefits and other possessions without any prior criminal or civil procedure.
- To protect his right to respect for private and family life and prohibit the order to deprive him of the essential means to human existence and evict him from his house and his expulsion on the false claim that he has a travel document.

- To protect his right to the equal protection of the law or against discrimination in the enjoyment of rights and freedoms and prohibit such discriminatory acts against him as the taking away of the essential means of human existence and other matters.
- To affirm the right to life, to human dignity, to equal protection of the law and other fundamental rights as superior to the cynical position of Dutch authorities that humanitarian considerations are a matter of arbitrary and nonaccountable action.
- To require the Dutch state to pay for moral and material damages to him and to reimburse legal and research expenses

IN THE PHILIPPINES

Trumped-up charges for rebellion against Prof. Sison, members and consultants of the NDFP Negotiating Panel, progressive partylist members of Congress, mass leaders and suspected revolutionaries were filed in February 2006



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REPUBLIC OF THE PHILIPPINES NATIONAL CAPITAL JUDICIAL REGION REGIONAL TRIAL COURT MAKATI, BRANCH 137

PEOPLE OF THE PHILIPPINES, Plaintiff,

CRIM. CASE NO. 06-452 For: Rebellion

-versus-

REP. CRISPIN BERTIZ BELTRAN, 1ST LT. LAWRENCE SAN JUAN, (in the custody of the Philippine National Police)

JOSE MARIA SISON @ JOMA/ AMADO GUERRERO / ARMANDO LIWANAG,

(at large with last known address at Netherlands)

JULIET SISON, (at large with last known address at Netherlands)

LUIS JALANDONI, GREGORIO ROSAL @ KA ROGER, TIRSO ALCANTARA @ BART, BENJAMIN MENDOZA @ IVAN, (all at large with unknown address)

BENITO TIAMZON @ CELIO WILMA TIAMZON @ RIA. (at large with unknown address)

GREGORIO HONASAN @ DOC. (at large and with last known address at St. Ignatius Village, Quezon City)

JAKE MALAJACAN, (at large and with last known address at the AFP Housing, Fort Bonifacio, Makati)

FELIX TURINGAN, (at large and with last known address at Santiago City, Isabela)



REPUBLIC OF THE PHILIPPINES NATIONAL CAPITAL JUDICIAL REGION REGIONAL TRIAL COURT MAKATI CITY, BRANCH



PEOPLE OF THE PHILIPPINES, Plaintiff,

CRIM. CASE NO. _____

-versus-

JOSE MARIA SISON @ JOMA/ AMADO GUERRERO/ARMANDO LIWANAG, (at large with last known address at Netherlands)

JULIET SISON, (at large with last known address at Netherlands)

LUIS JALANDONI, GREGORIO ROSAL @ KA ROGER, TIRSO ALCANTARA @ BART @ NISSAN, BENJAMIN MENDOZA @ IVAN, BENITO TIAMZON @ CELIO WILMA TIAMZON @ RIA, (all at large with unknown address)

GREGORIO HONASAN @ DOC @ BITOY @ KUYA, (at large and with last known address at St. Ignatius Village, Quezon City)

JAKE MALAJACAN, (at large and with last known address at the AFP Housing, Fort Bonifacio, Makati)

FELIX TURINGAN, (at large and with last known address at Santiago City, Isabela) -

1st. Lt. ANGELBERT GAY, (at large and with last known address at B7, L21, Dadiangas Heights General Santos City

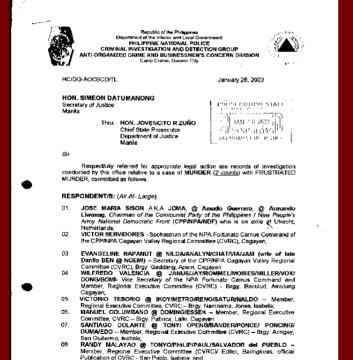






Some of those charged have been killed or have been forcibly disappeared.

The Gloria Arroyo regime began charging Prof. Sison with common crimes and rebellion in January 2003 with his belated inclusion in the murder case for the killing on 12 June 2001 of notorious torturer retired Col. Rodolfo Aguinaldo and his security aide.



9. JOHN DOES AND JANE DOES

COMPLAINANTS/ WITNESSES

- 01. Ruben Bautista Guevarra c/o Camp Aguinaldo, Quezon City;
- Franklin Nillama Realiza c/o Camp Aguinaldo, Quezon City;
- Jomar Miguel y Langcay c/o Gunnacao St., Cataggaman Nuevo, Tuguegarao City.
- 04. Antonio Vitus y Viscara c/o Barangay Carupiari, Baggao, Cagayan;



Republic of the Philippines KAGAWARAN NG KATARUNGAN Department of Justice Manila



DILG-PNP-CIDG-AOCBCD, st.al. Complainants,

-versus

For: Murder/Frustrated Murder

I.S. 2003-043

JOSE MARIA SISON, et. al., Respondents.

SPECIAL APPEARANCE

PROFESSOR JOSE MARIA SISON

Statement of the Case

The original case initiated by the government of the Republic of the Philippines (GRP) Involving the Kiling of retired colonel Rodolfo Aguinaidio and his aide PO2 Joey Garo, and the wounding of Amelia Soriano on June 12, 2001 was filed by the PNP Provincial Command of Cagayan in the Prosecutor's Office of Tuguegarao City. The respondents in this case were Felix Robregado, Gerard Mendoza and Iner Butusan. The complainant PNP of Cagayan Province claimed that the three respondents were members of the New People's Army (NPA) Fortunato Camus Command and the Communist Party of the Philippines (CPP) Regional Party Committee of Cagayan Valley. Without admitting that there is sufficient evidence to establish probable cause against the three respondents, it is clear that they were charged as perpetrators or principals by direct participation. And, as we shall discuss later, this in itself is a violation of the doctrine of political offense.

On 26 January 2003, more than one (1) year and seven months after the incident, the GRP inhiteted enother criminal complaint, this time through the Criminal Investigation and Detection Group Anti-organized Crime and Businessmen's Concern Division of the PNP. Included as additional respondents in this new complaint are Prof. Jose Maria Sison, seven alleged officials of the

- Subsequently, Prof. Sison was included as an accused in the following cases:
- 1. Attempted murder and arson (Criminal Case No. 508) in the Municipal Circuit Trial Court of San Lorenzo Ruiz and San Vicente, Camarines Norte filed on 23 December 2003;
- 2. Rebellion in I.S. No. SS-05-274 in the Provincial Prosecutor's Office of Surigao del Sur on 21 November 2005;
- 3. Murder, frustrated murder and robbery in the City Prosecutor's Office of Naga City on 19 January 2006;
- A. Robbery in Band in the City Prosecutor's Office of Escalante City in May 2006; and
- 5. Three counts of Rebellion in I.S. Nos. 225, 226 and 234 in the Department of Justice on 27 February 2006 (now Crim. Cases Nos. 06-452 and 06-944 before the Makati Regional Trial Court)

Four of the charges are for rebellion; and six others are for common crimes.

Republic of the Philippines MUNICIPAL CIRCUIT "RIAL COURT OF SLR-SAN VICEN H Fifth Judicial Region Province of Camarines Norte PEOPLE OF THE PHILIPPINES 508 CRIM. CASE N: Plaintiff (I.S. No. 2003 1 81) For: - versus -ATTEM THE HOMICIDE JOSE MARIA SISON @ JOMA. GREGORIO ROSAL @ KA ROGER. ROMAN BERMAS @ BENJIE/JOVEN, RAMON ARIENTE @ SUSING & SIXTY (60) other JOHN DOES. Accused ¥ ----- Y INFORMATION Undersigned Provincial Prosecutor hereby accuses JOSE MARIA ON @ JOMA,

GREGORIO ROSAL @ KA ROGER, RCMAN BERMAS @ BENJIE/JOVEN, A ON ARIENTE @ SUSING & SIXTY (60) other JOH V DOES of the crime of ATTEM defined and penalized under Article 249 in relation to Article 6 and 5 the Revised Penal Code, committed as follows:

That on or about 10:00 in the evening of October ... 2003 at Barangay Matacong, municipality of San Lorenzo Ruiz, province c + marines Norte, Philippines, and within the jurisdiction of this Honorable C , abovenamed accused, with intent to kill, conspiring, confederating and nutually helping one another, and while armed with high powered fire rrow, id, then and there, willfully, unlawfully and feloniously, assault, attack, raid ne PNP-Municipal Police Station of San Lorenzo Ruiz and hit severa (sonnel, namely: PSI Rogelio A. Beraquit, SPO4 Elmer T. Ramores, SPO aldy V. Balane, SPO1 Porferio T. Isaac, Jr., PO3 Antonio P. Yuzon, PO ineo R. Mendoza, PO2 Nestor C. Pajare ;, Jr., PO1 Marlon F. Calubaquil), V Julio S. Alvarez and CVO Rodrigo Z. Ilagan, in an almost two-hour fire ig: hereby, accused commenced the commission of the crime of Homicicle crictly by overt acts, but did not perform all the acts of execution by reas in if some cause or accident other than their own spontaneous desire that prevented the victims' death, to their damage and prejudice.

CONTRARY TO LAW.

BAIL RECOMMENDED: P12,000.30, each.

Daet, Camarines Norte, December 23, 2003.

Witnesses:

1) PSI Rogelio A. Beraquit, OIC, PNP-MPS, San Lorenzo Ruiz, Camaring Jorte 2) SPO4 Elmer T. Ramores, PNP-MPS, San Lorenzo Ruiz, Camarine ; from 3) CV Julio S. Alvarez, c/o PNP-MPS, San Lorenzo Ruiz, Camarines Vc 1/ 4) And others. OFM

OSCAR J. V. I FUERTE

Provinc al 1 ecutor.

REPUBLIC OF THE PHILIPPINES 112 9 8. 21 14 8 DEPARTMENT OF ILISTICE NATIONAL PROSECUTION SERVICE 04/28/06 OFFICE OF THE CITY PROSECUTION 11:30 /14 Escalante City, Negros Occidental -000-POLICE INSPECTOR MATEO ESTREBELLO MAGUATE hi06-03A IS CASE NO: Complainant, -versus FOR: JOSE MARIA SISON AKA ARMANDO LIWANAG/AMADO "ROBBERY IN BAND" GUERRERO/JOMA, GREGORIO "KA ROGER" ROSAL, DANILO (Article 296, RPC) BERTULANO @ KA GOLEM, BAYANI OBRERO, FRANCISCO FERNANDEZ @ FRANK, CLEOFE LAGTAPON @ ELLA/EMAY, MARTIN MATA @ BONG/BENZAR ROMEO NANTA @ "JUANING", ROBERTO MARUPO @ "REGIE", MARVIN MATA @ "BONG/PENDONG". @ KIM, ARLO VARGAS, NADITH PATUIGAS/BERNADITH PATIGAS, LEOPOLDO ILUSTRISIMO, RICKY LARIT, ARTURO MOLITA @ "TIMOY" and ARMANDO SUMAYANG @ "PAUL" and other thirty (30) other John Does (at large), Respondent. X----- X

AMENDED COMPLAINT

The undersigned Chief of Police of Escalante City Police Station, Escalante City, Negros Occidental, accuses JOSE MARIA SISON AKA ARMANDO LIWANAG/AMADO GUERRERO/JOMA, GREGORIO "KA ROGER" ROSAL, FRANCISCO FERNANDEZ @ FRANK, CLEOFE LAGTAPON @ ELLA/EMAY, DANILO BERTULANO @ KA GOLEM, BAYANI OBRERO, MARTIN MATA @ BONG/BENZAR ROMEO NANTA @ "JUANING", ROBERTO MARUPO @ "REGIE", MARVIN MATA @ "BONG/PENDONG", @ KIM, ARLO VARGAS, NADITH PATUIGAS also known as BERNADITH PATIGAS, LEOPOLDO ILUSTRISIMO, RICKY LARIT, ARTURO MOLITA @ "TIMOY", ARMANDO SUMAYANG @ "PAUL" and other thirty (30) other John Does for the crime of "Robbery in Band", defined and penalized under Article 296 of the Revised Penal Code of the Philippines, committed as follows:

That on March 19, 2006, at about 6:00 in the morning, at Sitio Binabuno, Barangay Malasibog, Escalante City, Negros Occidental, Philippines, and within the preliminary jurisdiction of this Honorable Court, the above-named accused by band and armed with assaulted firearms conspiring, confederating together and mutually helping one another and with intent to gain, did then and there, willfully and feloniously and with violence and against the consent of the owner thereof, take and carted away there from: one (1) cal 7.62 MM M60 Submachine gun valued at P 214,000.00; two (2) cal 7.62 MM M14 valued at P 50,000.00; two (2) cal 5.56 MM M16 valued at P 44,000.00; two (2) cal 30M1 Garand valued at P 20,000.00; one (1) cal .45 pistol valued at P 39,000.00; one (1) handheld radio ICOM; cash money amounting P 7,900.00; Nokia cellphone worth P 4,500.00; Seiko diver watch worth P 5,000.00; 22k Chinese gold necklace worth P 18,000.00; and other personal belongings causing damages and prejudice of the herein owners, 1st PMG and PO3 Antonio J Bravo.

CONTRARY TO LAW.

Escalante City, Negros Occidental, April

MATEO E MAGUATE Police Inspector Chief of Police

28 day of April 2006, at Escalante SUBSCRIBED AND SWORN to before me this City, Negros Occidental, Philippines.

WITNESSES:

1. PO3 Antonio J Bravo

1st PMG, Sagay City, Negros Octobental ROSECUTOR

In June this year, top officials of the Gloria Arroyo regime again went to town threatening to file new "shotgun" charges against Prof. Sison

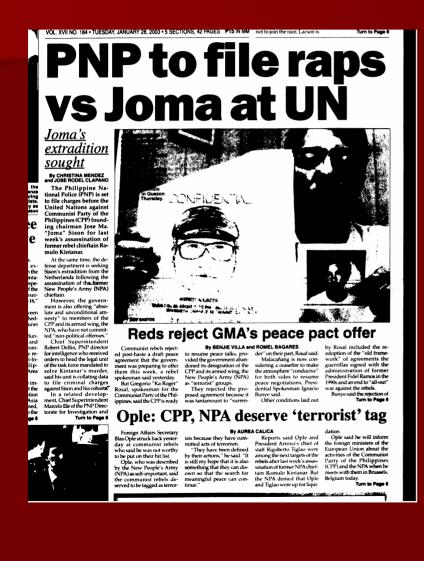


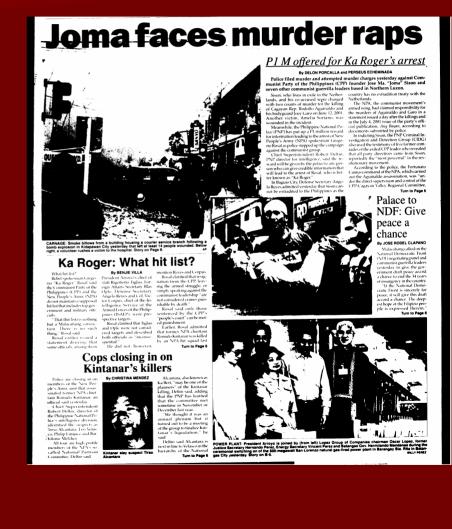
murder charges set

Biazon

By Philip C. Tubeza, Christine O. Avendaño and Juliet Labog-Javellana

But this threat to file dubious common crimes against Prof. Sison has been going on even earlier.





But it is difficult to know and monitor all the criminal cases in which the Philippine government may have included or impleaded Prof. Sison.

There are a total of 470 Municipal Circuit and Metropolitan Trial Courts, 1,566 prosecutors and 952 Regional Trial Courts throughout the country and under the existing legal procedures of the GRP, all of them can be used by the Arroyo regime as a venue to file such spurious charges of harassment without notice to him.

Of late, repeated press statements of GRP officials (Executive Secretary, DOJ Secretary, National Security Adviser, etc.) claim that they are talking with Dutch government officials on legal actions to take against Prof. Sison in The Netherlands

July 13, 2006: In view of this, Prof. Sison's lawyers in the Netherlands inquired by separate but simultaneous letters addressed to the investigating magistrate (*rechter-commissaris*) of the court in The Hague and the National Public Prosecutor of the National Office of Public Prosecution Service, whether their respective offices are engaged in any criminal investigation against him.

In its reply dated 17 July 2006, the Dutch investigating magistrate wrote that:

"there is no reason to hear or interrogate Sison as a suspect, as there is no pending criminal investigation against him in The Netherlands." In his reply dated 3 August 2006, the Dutch chief public prosecutor wrote that:

"in view of the 17 July 2006 decision of the rechtercommissaris Sison cannot expect that prosecution for any felony in The Netherlands has been instituted against him."

In sum, the aforesaid GRP officials have been bluffing all along.

5 August 2006

AMNESTY INTERNATIONAL DEFENDS THE BASIC RIGHTS OF PROF. JOSE MARIA SISON IN "TERRORIST" BLACKLIST CASE - Defend



Through its European Office, Amnesty International (AI) issued its response to the European Commission Green Paper on the presumption of innocence.

The AI document made special reference to the case of Prof. Sison and defended his basic rights, including the right to presumption of innocence, the right to due process and the right to defence.

It expressed concern that inclusion in "terrorist" lists may lead to a violation of the right to presumption of innocence and the deprivation of basic individual, social and economic rights (in particular the right to freedom of assembly, freedom of expression, the right to private and family life, the basic right to public services and the right to liberty and to a fair trial).

The full text of the AI paper reads:

- "The case of the Philippine national Mr. Jose Maria Sison illustrates how the decision and procedure to include an individual in the list of terrorist organizations can violate elementary basic rights, including the right to presumption of innocence, the right to due process and the right to defence.
- "Mr. Sison was included in the list adopted in the decision 2002/848/EC of October 28, 2002. He contests his inclusion in the list and any link to terrorism. The lawyers of Mr. Sison have lodged several requests for access to the documents which could give the material reasons and elements which led the Council of the European Union to describe him as a terrorist.
- "Their requests were refused each time with the Council claiming that their disclosure could endanger public safety and the international relations of the EU. The impact of inclusion on the list was among other things that the joint account Mr. Sison had with his wife was frozen and his social benefits were terminated.

- "Such measures are described by the Council of European Union as merely preventive administrative measures to stop the financing of terrorism and combat terrorism. With the support of the Netherlands, the Council holds the view that the traditional guarantees of the European Convention on Human Rights (ECHR) do not apply as the making of the list is a purely administrative procedure.
- "The proceedings for annulment against the inclusion of Mr. Sison in the list introduced in February 2003 are still being examined by the Court of First Instance of the EU."

Amnesty International concurred with the analysis of the EU Network of Independent Experts that:

- The asset-freezing provisions of the "terrorist" blacklist affect the presumption of innocence because the freezing of assets prejudges the guilt of persons who have not been convicted of a crime.
- This situation cannot be reconciled with the right to due process in Articles 6 and 13 in the European Convention on Human Rights.
- The fundamental rights of persons include the right to be protected against damage to honor and reputation and the right to be presumed innocent until guilt is established.

IV. CAMPAIGNS to DEFEND ILPS CHAIRPERSON

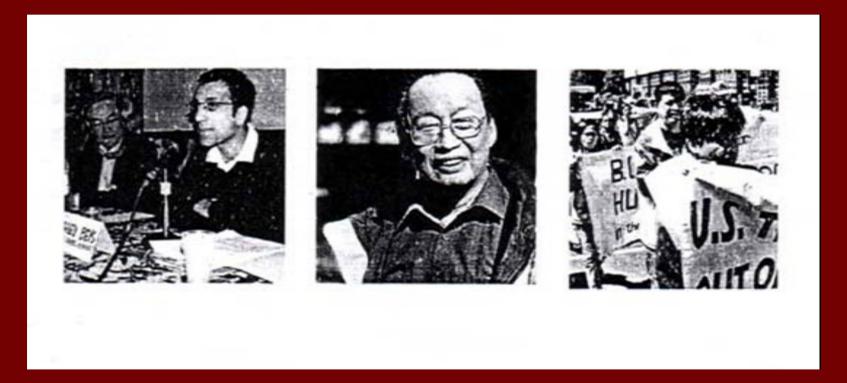












V. CONCLUSIONS

Inhuman and degrading treatment and punishment by depriving Prof. Sison of the means to essential needs

Deprivation of property that belongs to him

>Violation of due process because he is arbitrarily listed as "terrorist" and punitive sanctions inhuman and degrading to him and threatening to his life are inflicted

Someone who is quite available for criminal investigation cannot be subjected by executive authorities to the stigma of being INDEFINITELY serialized as a suspect or otherwise for the heinous crime of "terrorism"

Violation of Hague Joint Declaration, JASIG, CARHRIHL, Hernandez Political Offense Doctrine

THE HAGUE JOINT DECLARATION

September 1, 1992

We, the undersigned emissary of the Government of the Republic of the Philippines (GRP) and the undersigned representative of the National Democratic Front (NDF) have held exploratory talks at The Hague. The Netherlands on August 31 - September 1, 1992 and have agreed to recommend to our respective principals the following:

 Formal peace negotiations between the GRP and the NDF shall be held to resolve the armed conflict.

2. The common goal of the aforesaid negotiations shall be the attainment of a just and lasting peace.

3. Such negotiations shall take place after the parties have reached tentative agreements on substantive issues in the agreed agenda through the reciprocal working committees to be separately organized by the GRP and the NDF.

4. The holding of peace negotiations must be in accordance with mutually acceptable principles, including national sovereignty, democracy and social justice and no precondition shall be made to negate the inherent character and purpose of the peace negotiations.

5. Preparatory to the formal peace negotiations, we have agreed to recommend the following:

a. Specific measures of goodwill and confidence-building to create a favorable climate for peace negotiations; and

b. The substantive agenda of the formal peace negotiations shall include human rights and international humanitarian law, socio-economic reforms, political and constitutional reforms, end of hostilities and disposition of forces.

JOINT AGREEMENT ON SAFETY AND IMMUNITY GUARANTEES

February 24, 1995

This JOINT AGREEMENT on Safety and Immunity-Guarantees, hereinafter referred to as the Joint Agreement IS ENTERED INTO BY AND BE-TWEEN:

THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, including its executive departments and agencies, hereinafter referred to as the GRP, through its negotiating panel headed by its Chairman, HOWARD Q. DEE;

AND

THE NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES, including the COMMUNIST PARTY OF THE PHILIPPINES and the NEW PEOPLE'S ARMY, hereinafter referred to as the NDFP, through its negotiating panel headed by its Chairman, LUIS G. JALANDONI;

WITNESSETH:

In firm adherence to the HAGUE JOINT DECLARATION and pursuant to the pertinent provisions of the JOINT STATEMENT signed in Breukelen, the Netherlands on June 14, 1994, the GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES (GRP) and the NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES (NDFP) hereby adopt safety and immunity guarantees to protect the rights of negotiators, consultants, staffers, security and other personnel who participate in the GRP-NDFP peace negotiations.

The primary purposes of the safety and immunity guarantees hereby adopted are to facilitate the peace negotiations, create a favorable atmo-

Prof. Sisons' Philippine lead counsel's analysis:

- "The inclusion of Prof. Sison in the criminal cases is a new policy of the GRP under the Macapagal-Arroyo regime, apparently adopted for the following principal purposes:
- to provide materials for the governments persecuting Prof. Sison for "terrorism" and for justifying and perpetuating the "terrorist listings" by the EU and the US;
- to link progressive legal personalities and organizations, including the Party list groups and members of Congress, to Prof. Sison and to the armed revolution of the New Peoples' Army (NPA) and the Communist Party of the Philippines (CPP); and
- to provide materials for the media and propaganda campaign of the Macapagal-Arroyo government against the progressive opposition and her critics."



- "Generally, Prof. Sison is named as the principal or number one defendant in the criminal charges. In reality, his name is merely being added or included or to be more precise, inserted as an additional defendant, without any iota of evidence against him, to those who are actually being prosecuted by the Macapagal-Arroyo regime. This is being done despite the regime's knowledge that the criminal case will not move or prosper;
- "In all the cases in which Prof. Sison has been included or his name added, there is no evidence that he committed the crime, participated in its commission or performed any overt act as perpetrator, principal by inducement or mastermind, accessory or accomplice. The Macapagal-Arroyo government relies on its bare and naked allegation of conspiracy, without any scintilla of evidence.

"No criminal case can be prosecuted in the Philippines against Prof. Sison simply because the Philippine justice system cannot acquire jurisdiction over his person. In the case involving the killing of Col. Rodolfo Aguinaldo, the Macapagal-Arroyo regime, through its Department of Justice explicitly recognized this fact, thus:

"since it is of public knowledge and an established fact that Jose Maria Sison presently enjoys recognition of being a 'political refugee' who now resides in Utrecht, Netherlands, our criminal justice system just could not acquire jurisdiction over his person at the moment." (Resolution of the Department of Justice dated November 10, 2004).

" In both the rebellion and common crimes cases, the evidence against Prof. Sison cannot pass the test of probable cause as this rule is defined and understood in Philippine jurisprudence. This means that such evidence does not warrant the filing and prosecution of the case in a court of law.

"A review of such evidence will show they consist of military and police intelligence reports, orders of battle, materials downloaded from websites, documents allegedly seized by the police and military from suspected rebels, recycled affidavits of alleged former rebels-turned military-police assets and similar immaterial, hearsay and inadmissble evidence. "The three rebellion charges, which have been consolidated into one case and in which Prof. Sison was included together with 47 others, were recently rejected by the Regional Trial Court of Makati City on procedural and substantive grounds. The Department of Justice of the GRP is now trying to revive the case." –Justice Romeo Capulong



"Not even the Dutch government or the European Union can force my return to the Philippines because as a recognized political refugee I am protected by the Refugee Convention and by Article 3 and entirety of the European Convention for the Protection of Human Rights and Fundamental Freedoms."



WHO IS THE REAL TERRORIST?



End of Presentation

POETRY IN SONGS JOSE MA. SISON SINGS HIS POEMS

POETRY IN SONGS



I. The Bladed Poem 3:32 2. Coming of the Rain 4:19 3. A Cool Breeze 2:22 4. The Forest Is Still Enchanted 3:45 5. A Furnace 2:34 6. Giant Oak 4:42 7. Gold 3:03

8. The Guerrilla Is Like a Poet 3:28
9. In the Dark Depths 2:43
10. In Praise of Martyrs 3:48
11. The North Star Is Always There 4:39
12. Poems and Rest 2:27
13. Rose for a Waking Woman 4:02
14. Sometimes the Heart Yearns for Mangoes 5:15
15. What Makes a Hero 3:38

Lyrics 15 Poems of Jose Maria Sison Music

Levy Abad Jr., Danny Fabella, Jos Linnebak, Tony Palis, Empiel Patma, Chickoy Pura Jose Maria Sison and Aldeem A. Yanez

Arranger and Music Editor. Josefino Chino Toledo * Sound Engineer: Silvia Vermeulen, Studio Moskou Producer: Euro-Philippine Inter-Cultural Solidarity (EPICS) * CD CovenLabel Design:Nes Jacinto Email: epics_2005@yahoo.co.uk * Copyright g.J de Lima/EPIC5 2006





Salamat kina bukaneg, zeng at brad!!!

Photo Credits

- Liberation: Slides 4 to 12, 41 (first two pictures), 54, and 68;
- International League of People's Struggles: Slides 3, 14 to 40, and 70;
- "At Home in the World" Book: Slides 41, 42 to 44, 46 to 53, and 55 to 56;
- Philippine Peace Center: Third Picture in Slide 41;
- Atty. Edre U. Olalia: Slides 13 and 46 (first picture); and
- NDFP-JS: Slides 57 to 61, and 66 to 67.
- Arlyn Dela Cruz, PDI, 5 July 2006
- Arkibong Bayan

References:

- 1. "Trial by Terror", Edre U. Olalia, February 2003
- 2. (Outline of) "Persecution of Sison", Tentative Book Title as of 14 October 2004
- 3. "Listed, therefore Terrorist", Jayson Lamchek, Powerpoint Presentation, 2004
- 4. Summary and Comments on the Criminal Cases Filed Against Prof. Jose Maria Sison During the Macapagal-Arroyo Regime, Romeo T. Capulong, May 2006
- 5. **DEFEND** < Jose Maria Sison, NDFP, INPS websites