

Review and Updates on the Peace Process between the GRP and the NDFP

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The National Democratic Front of the Philippines (NDFP) considers the peace negotiations between the Government of the Republic of the Philippines (GRP) and the NDFP to be ongoing and what is suspended are the formal meetings of their negotiating panels.

The NDFP also firmly affirms that all agreements signed with the GRP remain binding and effective. The Joint Monitoring Committee (JMC), which was established in February 2004 as mandated by the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) entered into by the two parties back in March 1998, continues to function, albeit presently not as fully and effectively as it was envisioned.

Prior to the break in the formal meetings, there have been several indications that support the NDFP position that the GRP is not negotiating in good faith.

In July 2004, upon learning that the entire Marcos ill-gotten wealth held in escrow had been transferred to the GRP treasury the previous March, the NDFP strongly criticized the move. A significant portion of the amount was supposed to be earmarked for the indemnification of the human rights victims of the dictatorship.

The NDFP also raised the issue of the release of political prisoners, the worsening and increasing number of violations of human rights and international humanitarian law, and the GRP's failure to resolve the issue of the 'terrorist' listing of the Communist Party of the Philippines (CPP), the New People's Army (NPA) and the NDFP Chief Political Consultant, Prof. Jose Ma. Sison.

The NDFP considers these issues as prejudicial questions that should be settled before formal negotiations can resume. While they do not constitute as preconditions for the resumption of the formal meetings, they need to be addressed and resolved priorly before any meaningful and principled negotiations can realistically be expected or achieved between the parties. After all, these have been agreed upon, among others, in the Oslo I and II Joint Statements of February and April 2004, respectively. The NDFP is simply asking the GRP to comply with its previous commitments and abide by existing agreements.

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To further compound matters, the US government released a new list of so-called foreign terrorist organizations and individuals in August 2004. The list still included the CPP, NPA and Prof. Sison. These prompted the NDFP Negotiating Panel to postpone the formal talks... The postponement was a move to give the GRP ample time to comply with its obligations in accordance with The Hague Joint Declaration, the Joint Agreement on Safety and Immunity Guarantees (JASIG), the CARHRIHL and the Oslo Joint Statements I and II.

The GRP, however, in December 2004 formally suspended the formal talks in the negotiations. In August the following year, it also whimsically and unilaterally suspended the JASIG. The so-called JASIG suspension – which is not allowed by its provisions for being anathema to its objectives - essentially put the peace negotiations in limbo. The NDFP maintains that the JASIG remains valid and binding, and that the peace negotiations are ongoing because neither of the negotiating parties has terminated the JASIG and consequently the peace negotiations.

For its part, the NDFP has done its best to break the impasse and to ensure that the peace talks continue. The NDFP has submitted concrete proposals for this purpose, among them are the paper entitled Responding to Prejudicial Questions, Accelerating Peace Negotiations through Informal Meetings of Special Representatives of the Principals (June 2005); the 10-point Concise Agreement for an Immediate Ceasefire (August 2005); and the NDFP Package of Proposals (November 2005).

Instead of meeting the efforts of the NDFP halfway, the GRP virtually suspended the peace negotiations when, in February 2006 at the height of Mrs. Macapagal-Arroyo's issuance of an authoritarian Proclamation 1017 or a "state of emergency," it concocted rebellion charges against Prof. Sison, NDFP Panel Chairperson Luis Jalandoni; NDFP Panel members Fidel Agcaoili and Juliet Sison; and some NDFP Panel consultants.

The GRP's Department of Justice also attacked the integrity of the NDFP-Nominated Section of the Joint Secretariat by recklessly identifying its office as the supposed address of many of the individuals it charged with a hodgepodge of various acts of rebellion, including those who are publicly known to be in the underground movement.

The GRP had virtually transformed the list of those duly covered with safety and immunity guarantees as a virtual wanted list to be charged with rebellion and hunted down like criminals. A number of NDFP political consultants have either been extrajudicially killed or have disappeared one after the other together with civilians who were with them or have been unjustifiably arrested.

All of these most lamentable incidents of abductions, extrajudicial killings and the filing of false charges constitute serious attacks on the integrity of the peace negotiations. The killings remain unsolved as the Macapagal-Arroyo government

refuses to scrap the military operation Oplan Bantay Laya and its counter-insurgency framework.

Even members of the Joint Secretariat are practically threatened especially when their JASIG accreditation was submitted as one of the dubious evidence in the February 2006 rebellion case.

Prof. Sison has said that there are clear signs that indicate the GRP's lack of interest in the peace negotiations. He cited these extrajudicial killings, abductions, torture, forced displacement of millions of people and other human rights violations by the GRP military, police and death squads. In fact, he has noted that the Arroyo administration has committed so many breaches of joint agreements and put up so many obstacles that "have totally made impossible the resumption of formal talks."

In the meantime, there have been numerous public declarations by GRP cabinet officials such as Executive Secretary Eduardo Ermita, National Security Adviser Norberto Gonzales and AFP Chief of Staff Gen. Hermogenes Esperon taunting the NDFP to surrender and yield to a three-year ceasefire. This is a clear violation of the Hague Joint Declaration wherein it was agreed that the question of permanent ceasefires arising out of the peace process will be the fourth and last item in substantive agenda of the peace negotiations.

Any other kind of ceasefire, particularly those which violate the agreements, designed to make the revolutionary forces capitulate, and run counter to the people's demands for reforms to address the roots of the armed conflict are unacceptable to the NDFP. Overtures of amnesty under unprincipled terms and with designs to make the NDFP capitulate or put further squeeze on Prof. Sison and the NDFP Negotiating Panel and its consultants have also been rejected time and again.

The NDFP also denounce how the GRP continues to spread the slant that the NDFP is demanding that the former compel the US and other foreign governments remove the CPP, the NPA and Prof. Sison from the "terrorist" lists. All the NDFP is simply seeking is, at the minimum, that both parties make a joint statement against such "terrorist" listings.

Notwithstanding the impasse and the continued inaction then refusal of the GRP to convene the Joint Monitoring Committee as mandated by the CARHRIHL and as even more necessitated by the spate of killings, disappearances, tortures, massacres, violent dispersals of peaceful assemblies and political persecution, the NDFP Monitoring Committee has offered several times to its counterpart a joint yet independent probe, together with the Royal Norwegian Government (RNG) and the International Committee of the Red Cross (ICRC) as observers, on a number of killings and disappearances that are being falsely attributed to the NDFP. The GRP Monitoring Committee has yet to respond positively to the proposals.

The NDFP Monitoring Committee, together with the NDFP-Nominated Section in the Joint Secretariat meanwhile undertook an in-depth study that conclusively exposed the lies of the GRP officials in falsely attributing certain cases of extrajudicial killings to the NPA. The study was presented to the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions in February 2006.

Amidst all these, the political persecution through the filing of harassment suits against the NDFP Chief Political Consultant continues without let-up, linking him together with other personalities in the legal democratic movement – despite obvious lack of factual and legal bases - with so-called “purges” and mass graves” and practically any and all crimes that the GRP military, police and intelligence would fancy to charge them.

Recently, the NDFP has consistently taken a strong stand opposing and condemning the draconian anti-terrorism law. Analyzed within the context of the intensifying attacks of the government against members of the political opposition including the legal and democratic protest movement and the progressive party-lists, it is impossible not to see through the more insidious motives. Prior to the Anti-Terrorism Act’s implementation in July 2007, the human rights group KARAPATAN has documented almost 900 extrajudicial killings and almost 200 enforced disappearances. These shocking numbers are feared to increase as the ATA gains ground and the law-enforcement agencies are poised to implement it.

The ant-terror law’s provisions on the proscription of organizations like liberation movements opposing the government also puts legal people’s organizations and their civilian members in danger. The GRP has repeatedly labeled a number of legitimate people’s organizations as fronts for the CPP-NPA, and this too can be used against the NDFP and to the detriment of the peace talks.

The anti-terror law is also in open violation of the CARHRIHL as the GRP committed not to invoke repressive laws, decrees and orders to circumvent or contravene the provisions of the agreement. It also blatantly undermines various human rights provisions in the CARHRIHL, provisions borne by the historical and current experience of the Filipino people.

Over time, the NDFP has concluded that the GRP has “scuttled the peace talks” even as it has consistently affirmed that it is willing to resume formal talks on a principled basis.

Currently the NDFP-Monitoring Committee is helping address the matter of the Macapagal-Arroyo government’s escalating underhanded attacks against the NDFP and its forces, which included the essentially politically-motivated arrest via a ruse of the NDFP chief political consultant last August 28. Prof. Sison, a recognized and protected political refugee, has been in the Netherlands for 20 years and has not violated so much as an ordinance or traffic violation. This Gestapo-like move by the Dutch police and justice ministry in cahoots with the Philippine and US governments came at the heels of the victory of Prof. Sison in the July 11, 2007 judgment of the European Court of First Instance essentially annulling and criticizing as violative of his rights the decision of the European Union to put him on the “terrorist” blacklist.

The Dutch police ransacked the NDFP International Information Office in The Netherlands, as well as 6 residences of NDFP Panel members, secretariat and volunteers. They were brusquely interrogated and forbidden from moving around their homes while the rest of the premises were being ransacked. Ms. Ledesma was even taken to the police station for questioning.

All computers, laptops, external disks, USB sticks, CDs, diskettes, cameras and MP3s players were seized, along with voluminous documents and papers including Mr. Jalandoni's complete files on the GRP-NDFP peace negotiations from 1986 to the end of 2004 as well as the testimonies and records of the Second Session on the Philippines of the Permanent People's tribunal (PPT) in March this year.

In the meantime, the room that Mr. Agcaoili uses whenever he is in The Netherlands was also broken into, turned over, and its contents pillaged. Included in the confiscated documents were the complete set of complaint forms submitted to the JMC against the NDFP and the GRP, as well as written communications between the NDFP-MC and the NDFP Joint Secretariat (JS), and documents of the NDFP-MC. A box of diskettes and CDs containing documents pertaining to the GRP-NDFP peace negotiations and the work of the JMC were also taken.

The actions of the Dutch police "spell death for the peace negotiations" and have greatly disrupted the operations of the NDFP-MC, caused great inconvenience to its work, not to mention compromising efforts to secure justice for the thousands of human rights victims who have placed their trust in the additional or alternative mechanism of the Joint Monitoring Committee for the redress or ventilation of their grievances.

All the seized digital files and documents have no connection whatsoever to the charge against Prof. Sison that he "ordered or incited" the killings of former members of the CPP who have been found by its legal and judicial bodies to be liable for certain serious crimes and were heavily armed when about to be arrested. Sison himself was released last September 13 after the Dutch District Court in The Hague declared that there was no sufficient and credible evidence connecting him to the said deaths in the Philippines. The Dutch police and prosecutor's office obviously went on a fishing expedition when it simultaneously swooped down on the NDFP office and the houses of the NDFP's staff and volunteers.

These acts, springing against a popular perception of a largely liberal, tolerant, kind and democratic Dutch society, were conducted by the political branches of the Dutch government in a manner that runs counter to internationally-accepted democratic norms of police conduct, pre-trial investigations and detention and the basic rights of an arrested or accused person.

They were conducted without the residents being allowed to see the actual operations because they were made to stay in one place. None of the police showed any valid warrants. One warrant did not even have a date. None contained any specifications on what the police should look for. When they carted off their loot, the police didn't give a list of what they confiscated to the residents to make sure that no materials would be planted or manufactured afterwards and then attributed to the residents. These actions of the police violated the fundamental rights to privacy, due process and against self-incrimination which are universally recognized and accepted.

The simultaneous raids of the NDFP office – an open and legal facility and in existence for several decades in Utrecht - and the houses of the staff and more

importantly, the arrest of Prof. Sison have severe implications on the peace talks and all other efforts to bring about a just and lasting peace in the Philippines. It is not only an apparent circumvention of the JASIG but is obviously an open attack and is designed to put pressure on the NDFP to capitulate to terms that do not at all address the roots of the armed conflict. There was cold-blooded malice in the way the raid was conducted and how Prof. Sison was arrested and consequently denied rights that normally should be accorded persons in the same circumstances.

In the meantime, the campaign of political persecution against Prof. Sison has not ceased. He spent almost three weeks in degrading and solitary detention – subjected to rigorous interrogations without counsel under heated lamps for hours - before he was released temporarily on September 13. The Dutch District Court that heard his case declared that there was no sufficient evidence to connect him to the deaths committed in the Philippines.

Despite this, the Dutch prosecutors have appealed to the appeals court that Prof. Sison be placed back in detention. They even went to Manila recently supposedly to gather more evidence to vainly fortify what otherwise was a very weak and baseless case.

The appeal was heard last September 26, with the prosecutors failing to present any new evidence or arguments. Recently last October 3, the appeals court in the Hague denied the appeal of the Dutch prosecutors asking that Prof. Sison be brought back to jail.

The appeals Court emphatically ruled that “there is no concrete indication at all from which the direct criminal involvement of the suspect in the alleged behavior can be drawn” and that the content of the declaration of the witnesses “contain a high degree of indefiniteness in time.” Moreover, the court further notes that “the facts perhaps have a political context and that incriminating declarations have been made against the suspect in the Philippines and also considering the political constellation there, cannot just simply be taken as reliable.”

It should be noted well that the Supreme Court of the Philippines itself in a landmark decision released on July 2, 2007 essentially junked the rebellion case leveled against Prof. Sison together with the progressive party-list lawmakers dubbed the Batasan 6 and several others. The Court effectively rejected the hundreds of documents attempted to be presented as “evidence,” including those submitted in an attempt to support the present charges against him in the Netherlands. The Court categorically chastised the Department of Justice for corrupting its powers for political purposes in this case.

While it is true that Prof. Sison has already been released, the trumped-up charges against him have not been dismissed, and the Macapagal-Arroyo government continues its campaign of political persecution against him and the NDFP. What all this implies for the peace negotiations should be studied thoroughly because they are grave and potentially disastrous for the peace process.

At the onset, the restoration of the files and documents of the NDFP is an immediate concern and whatever action that can be done to address it will go a long way in

clearing the clouded atmosphere that now characterizes the peace negotiations between the GRP and the NDFP.

Prof. Sison views the unjust actions already taken against him and the panelists, other consultants and staffers of the NDFP negotiating panel are meant by the U.S., Philippine and Dutch governments "to put the NDFP Negotiating Panel under duress for the purpose of pressuring it or scuttling the entire peace negotiations," He enjoins "the advocates of a just peace must take a stand and denounce the unjust actions and the malicious calculations behind these."

At this juncture I would like to enjoin everyone to read and study the publications that have been published and released by the NDFP through the NDFP-MC in the JMC. The views and stands of the NDFP are all explained at length and in depth in these publications. There are also the various publications, reports and statements issued by various local and international peace, justice and rights groups.

From reading these documents, we may be able to better understand and trace the course that we can take in helping to push the peace process forward. It would also be more productive and instructive for you to support other civil society initiatives which have been reported in various fact-finding mission reports on the killings, abductions, and other violations of the rights of activists, lawyers, journalists, church people and others.

Finally, we ask each one of you to actively and continually support calls to put an end to the extrajudicial killings, enforced disappearances and other human rights violations. We welcome you to file or assist others to file valid and legitimate complaints for violations of the CARHRIHL with the JMC.

We also hope that you can include among the recommendations of this body to push for the holding of joint investigations by the GRP and the NDFP, whether within or outside the frame of the JMC. The GRP must also be compelled by public pressure to abide by all existing agreements and resolve the prejudicial questions, and to convene the JMC so it can do its work as provided for in the CARHRIHL and the Operational Guidelines for the Work of the JMC. We ask you to strengthen and spread the call for the resumption of the peace talks between the parties.

Under the present conditions and realities of our society, the absence of an armed conflict or war does not mean that there is peace, a just and lasting one. Neither does the choice or compulsion of those who defend themselves, wage armed struggle and participate or get involved in a movement for liberation against the most violent exploitation, oppression and repression mean that it is against a just and lasting peace for our people.

At all events, we ask you to be one with us in our quest for a just and lasting peace for our people.

Thank you. #