

**STATEMENT OF SENATOR M.A. MADRIGAL
AND NDFP NEGOTIATING PANEL CHAIRPERSON LUIS JALANDONI
Utrecht, The Netherlands
10 November 2008**

Senator M.A. Madrigal, chairperson of the Philippine Senate Committee on Peace, Unification and Reconciliation, met with the Negotiating Panel of the National Democratic Front of the Philippines (NDFP), headed by chairperson Luis Jalandoni, in Utrecht, The Netherlands on 9 and 10 November 2008.

The other NDFP panelists present were: Fidel Agcaoili, Julieta de Lima and Coni Ledesma. Also present were Prof. Jose Maria Sison, NDFP chief political consultant, and Danilo Borjal, political consultant. Senator Madrigal was accompanied by her Chief Legislative Officer Atty. J. Gary Jimenez and Deputy Chief Legislative Officer Atty. Romando Artes.

Senator Madrigal and the NDFP negotiating panel exchanged information on the status, impediments and prospects of the GRP-NDFP peace negotiations and on the work of the Senate Committee on Peace, Unification and Reconciliation. They also followed up developments since the issuance of their Joint Statement on the GRP-NDFP Peace Negotiations on 12 October 2007.

In their meeting, they agreed on the following points:

1. It is imperative to reiterate the need for the immediate resumption of the formal talks in the GRP-NDFP peace negotiations for the benefit of the Filipino people because of the impact of the global economic crisis on the Philippine economic and political system, as well as the renewed upsurge in political killings, enforced disappearances and mass filing of false charges against political activists.
2. The resumption of the formal talks must be guided by The Hague Joint Declaration which requires that the peace negotiations address the roots of the armed conflict with social, economic, political and constitutional reforms and that no precondition whatsoever shall be imposed by one side on the other that would violate the inherent character and purpose of peace negotiations. The negotiations and forging of comprehensive agreements on social and economic reforms, political and constitutional reforms and the end of hostilities and disposition of forces must be accelerated.
3. The negotiations must be in accordance with the existing agreements between the GRP and NDFP, which include The Hague Joint Declaration, the Joint Agreement on Safety and Immunity Guarantees (JASIG), the Joint Agreement on the Formation, Sequence and Operationalization of the

Reciprocal Working Committees (RWC Agreement) and the Oslo Joint Statements I and II of 2004.

4. The GRP and NDFP must expeditiously resolve all the cases involving the NDFP panelists, consultants, staffers and other duly-authorized participants of said negotiations and undertake effective measures in accordance with The Hague Joint Declaration, the JASIG, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and the Amado V. Hernandez doctrine on political offense.
5. The GRP and NDFP must immediately resolve the outstanding issue of the "terrorist" listing of the CPP/NPA and NDFP chief political consultant in accordance with the mutually acceptable principles of national sovereignty of the Filipino people and territorial integrity of the Philippines and the Oslo Joint Statements I and II.
6. We call on the Dutch government to respect the decision of the Philippine Supreme Court last 1 June 2007 nullifying the charge of rebellion against Sison et al., including the false allegations regarding the Kintanar and Tabara killings. It must cease and desist from using false charges to oppress, pressure or harass NDFP panelists, consultants and staffers. These politically motivated and false charges of common crimes fabricated by the Arroyo regime, the military and the Inter-Agency Legal Action Group (IALAG) have served to impede and poison the atmosphere for peace negotiations.
7. We oppose the use of so-called localized amnesty programs that are based on narrow political motives of the Arroyo regime and are mercenary in character. These merely open new avenues for corruption among civil and military officials. Amnesty is not an isolated act but an integral component of the larger peace process and is the product of a negotiated settlement.
8. The CARHRIHL must be conscientiously implemented by the GRP and NDFP. The Joint Monitoring Committee (JMC) must be reconvened immediately. The indemnification of victims of human rights violations under the Marcos regime must be expedited.
9. We welcome and support the recommendations of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (Alston Report), Amnesty International and the People's Permanent Tribunal in its Second Session on the Philippines for ending the gross and systematic violations of human rights under the so-called Enhanced National Internal Security Plan and Oplan Bantay Laya of the Arroyo regime.
10. As a matter of justice, goodwill and confidence building, the GRP is strongly urged to undertake the following measures before the end of the year 2008:

- 10.1 Appoint a new GRP Peace Adviser to replace General Hermogenes Esperon. He has proven to be a major stumbling block to the resumption of the peace talks. His track record of perpetrating gross and systematic violations of human rights and his use of the Disarmament, Demobilization and Rehabilitation (DDR) scheme to set aside the Hague Joint Declaration as the framework of the GRP-NDFP peace negotiations make him the antithesis of a peacemaker;
- 10.2 Release immediately all those detainees whose release were ordered by the GRP principal since 2001;
- 10.3 Order the release of all those who have been arrested and detained despite the safety and immunity guarantees provided to them by the JASIG;
- 10.4 Order the dropping of false charges against the NDFP panelists, consultants and staffers (especially those against the NDFP negotiating panel chairperson, panelists Julieta de Lima, the NDFP chief political consultant Jose Maria Sison and consultants Rafael Baylousis, Vicente Ladlad and Randall Echanis) in accordance with the Supreme Court decision on 1 June 2007 nullifying the charge of rebellion and its specifications against Sison et al.;
- 10.5 Order the lifting of false charges that the IALAG has continued to fabricate against persons involved in the GRP-NDFP peace negotiations and other people despite the admonition of the Supreme Court against the prostitution of the profession of prosecution through the fabrication of false charges to persecute political opponents;
- 10.6 Carry out the recommendations of the UN Special Rapporteur on extra-judicial, summary or arbitrary executions to abolish the IALAG and prosecute and prevent the human rights violations arising from the Oplan Bantay Laya; and
- 10.7 Stop the use and threat of false charges of rebellion, murder and terrorism charges in order to detain suspected revolutionaries indefinitely, remove the non-bailability and reclusion perpetua penalty for rebellion and repeal the Anti-Terrorism Law, otherwise called the Human Security Act, as inherently oppressive because of its catch-all definition of terrorism and the harshness of the penalties and sanctions.

11. The forthcoming informal talks between the GRP and NDFP in Oslo later this month must pave the way for the resumption of formal talks in accordance with The Hague Joint Declaration and other existing bilateral agreements.
12. The Committee on Peace, Unification and Reconciliation of the Philippine Senate shall conduct hearings and further inquire into the foregoing points in order to arrive at legislative and related measures for the purpose of overcoming impediments to the GRP-NDFP peace negotiations and promoting the accelerated progress of these negotiations.

Signed in Utrecht, The Netherlands on 10 November 2008.



SENATOR M.A. MADRIGAL

Chairperson

Committee on Peace, Unification
and Reconciliation

Philippine Senate, Republic of the Philippines



LUIS JALANDONI

Chairperson

NDFP Negotiating Panel
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PROF. JOSE MARIA SISON
NDFP Chief Political Consultant