

National Democratic Front of the Philippines
Communist Party of the Philippines
Southern Mindanao Regional Party Committee

Indictment for war crimes, crimes against humanity and
other serious violations of International Humanitarian Law
and International Human Rights Law

against

Simeon Benigno C. Aquino III
(former) GRP President/Commander in Chief

Gen. Hernando Delfin Carmelo A. Iriberry
(former) GRP/AFP Chief of Staff

Gen. Ricardo Marquez
(former) GRP/PNP Director General

Maj. Gen. Rey Leonardo Guerrero
GRP/AFP Eastern Mindanao Command commander

Proceso Alcala
(former) GRP Secretary
Department of Agriculture

Gov. Emmylou Taliño-Mendoza
GRP North Cotabato Governor

Rep. Nancy A. Catamco
GRP North Cotabato Cong. for 2nd District

Mayor Joseph Evangelista
GRP, Mayor, Kidapawan City
GRP/PNP Regional Director XII Noel Armilla

GRP/Police Supt. Noel Kinazo

GRP/Police Supt. Franklin T. Anito

Supt. Alexander Tagum
(former) GRP North Cotabato Provincial PNP Director

P/Supt. Roberto Badian
GRP/Dep. Director for Operations, Region XII

P/Insp. John Miridel R. Calinga
GRP Kidapawan City Police Chief

P/Insp. Armando S. Abasola

Lt. Col. Jerson Berrey
Ground Commander PNP Strike Force

Lt. Col. Arnold Argamosa
Bn Commander 39th IBPA

Col. Ronald Villanueva
1002nd Bde Commander
10th Infantry Division-Philippine Army

Chief and members of the North Cotabato
Bureau of Fire Protection

Elements of the SWAT/PNP North Cotabato

Elements of the 39th IB-PA

Kidapawan Doctor's Hospital

Gov. Emmylou Taliño-Mendoza
Vice Gov. Gregorio T. Ipong
Kidapawan City Mayor Joseph Evangelista
DILG Provincial Director Ali B. Abdullah
PNP Provincial Director P/Supt. Alexander Tagum
PNP Kidapawan City Chief P/Insp. John Miridel R. Calinga
Other representatives from other GPH agencies
members of the Provincial Peace and Order Council
North Cotabato Provincial Crisis Management Committee

PNP members SPO3 Fortunato Arce, PO1 Anamarie Abatay, PO2 Robert Hope Sanghan Agot, PO1 Ray Son L. Alolod, PO1 Ronald Charlie Alcala Amande, PO1 Berlyn B. Alba, PO1 Ariel Ganalonza Acosta, PO1 Marvin O. Aragon, SPO2 Glesilda Atud, PO3 Ivy Bula, PO1 Johnny Burgos Benitez, PO3 Garry Doplayna

Booc, SPO2 Magin Edgardo L. Bueno III, PO2 Alrec Albina dela Cruz, PO2 Ronan Batislaong Crisper, PO2 Norodin M. Cabuyao, SPO2 Raul Literato Cantoy, PO1 Jeriel Catipay, PO3 Dindo Paredes Culatra, PO1 Irvin Basilio Cambang, PO1 Robert Ian Dignadice, PO3 Elmer Gesulga Dasalla, PO1 Shiela Mae J. Estrada, PO2 Dyben Dominic Figueroa, PO3 Xerxes Anthony Donasco Fiel, PO1 Charles Suarez Fulache, PO3 Jovette S. Galan, PO1 Roxanne Jill Garde, PO1 Amor Niegos Guillermo, PO1 Eric Casilad Geolingo, PO3 Romel Magdato Guhiling, PO3 Elson Paez Gadat, PO1 Clark Ahit Gayas, PO1 Chrlyn Cantomayor Ines, PO1 Jennifer L. Isla, PO1 Crismal P. Laguerder, SPO2 Nilo Aventura Loreda, PO3 Richard Villegas Legating, PO1 Richelle Joan D. Lam-an, PO1 Teolit T. Lagliva, PO3 Josemar Llagas, PO2 Jhoven Francisco Landrito, PO1 Jose Mari Corpuz Molina, PO3 Ruel B. Marimon, PO1 Anthony Jala Macailling, PO1 Jasper Jay Belocura Moreno, PO2 Mercil P. Millomeda, PO1 Wilmae Macaya, PO1 Liezel Joy Nicer, PO1 Ricky Parnada Napa, PO2 Ariel Hermado Maquiling, PO1 Kristine Alas Ocumen, SPO2 Cesar Ruiz Olivar, SPO4 Joseph Dasia Ones, PO1 Belinda Pacatang, PO1 Joselito Sumido Palmaera, PO1 Herwin Paller Pajo, SPO2 Robin Bandiola Porras, SPO2 Arnold Remotin, SPO4 Ulysis Viloan Sagun, PO1 Beaulahly Salazar, PO3 Jaypee Sarabia, SPO2 Roderick Caballero Sillote, PO1 Ronald Bation Sillote, PO1 Bernard Molina Sumagit, PO3 Renato Oclarino Tesoro, PO2 Ben Jimenez Torion, PO3 Rodrigo Entero Tito, PO1 Michelle A. Vicente

and

other John and Jane Does

This is an Indictment carried out by the Filipino people versus the above-named Respondent civilians who are former and current officials of the Government of the Republic of the Philippines (GRP); and against Respondent officers, men and agents of the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) for war crimes,

crimes against humanity and other serious violations of International Humanitarian Law and International Human Rights Law.

Respondents (former) GRP President Simeon Benigno C. Aquino III, (former) GRP/AFP Chief of Staff Gen. Hernando Delfin Carmelo A. Iriberry, (former) GRP/PNP Dir. Gen. Ricardo Marquez and (former) GRP Department of Agriculture Secretary Proceso Alcala are all at large and can be found in Metro Manila. Respondents GRP North Cotabato Gov. Emmylou Taliño-Mendoza; GRP North Cotabato 2nd District Rep. Nancy A. Catamco and GPH Kidapawan City Mayor Joseph Evangelista as well as members of the North Cotabato Provincial Crisis Management Committee are all at large and can be found in North Cotabato. Respondents PNP and AFP officers and men and their agents are all at large and can be found at the headquarters, camps and safe houses of the PNP and the 39th Infantry Battalion and 1002nd Brigade-Philippine Army based in Kidapawan City, North Cotabato and in the adjacent areas; and at the Headquarters of the Eastern Mindanao Command-AFP in Davao City.

In accordance with the revolutionary legal, judicial system and processes of the People's Democratic Government, a thorough investigation has been conducted by a special body created for this purpose. In this instant case that involved the April 1, 2016 violent deaths, torture and aggression against unarmed civilians now widely referred to as the Kidapawan Massacre; the said investigating body, thus far, found the following prima facie facts against the above-named Respondents:

Respondent BS Aquino III as former GRP President planned, authorized and implemented anti-people policies, general orders and campaigns of suppression that perpetuated not only the murderous environment of impunity and criminal negligence, but more so the

corruption and rottenness of the current Philippine socio-economic system that engendered the stark neglect of the general welfare of the majority Filipino people and worsened their impoverished lot;

The same Respondent, as GRP commander-in-chief, crafted, aided and implemented operational plans, particularly the six-year Oplan Bayanihan (2010-2016) that explicitly served as the sweeping counter-revolutionary marching orders of the reactionary police and armed forces of the GRP;

Respondents PNP and AFP officers and men and its agents are combatants; and are active and regular members of the reactionary PNP/AFP counter-revolutionary war machinery. Up to the present, and for a long time prior thereto, the said war machinery is the leading organizer, instigator and main perpetrator of the wholesale campaigns of suppression and operations of the GRP state under Respondent BS Aquino III;

Respondents PNP/AFP officers and men and its agents, individually and/or collectively, instigated, directly participated in and/or as accomplices; and unleashed wanton acts of aggression and maltreatment against civilians, destruction of property and displacement of civilian populations in the implementation of various Operational Plans; principally the vicious Oplan Bayanihan that caused injuries and deaths to thousands of civilians, individuals; and terrorized and displaced entire communities and villages;

Respondents PNP/AFP officers and men and their agents under the direction of Oplan Bayanihan have singly and/or jointly with others slandered, demonized and criminalized revolutionary groups and progressive

people's movements along with spontaneous collective actions and acts of resistance by ordinary groups and individuals, all civilians, so as to make them open targets of armed attacks and state violence;

Respondents Alcala, Taliño-Mendoza, Catamco and Evangelista, all GRP bureaucrats and congruent to the intent of their Principal, localized, promoted and implemented the said GRP policies and programs that were self-serving; and that only spawned great suffering, numerous deaths, serious injuries, unlawful confinement and imprisonment of civilians and destruction of lives and property of the hungry and poor; and

Respondents Catamco, Evangelista who are all local lackeys of Respondent BS Aquino III, nurtured, encouraged and fomented the climate of impunity that bred and emboldened fascist state forces and only sustained the callousness and overweening arrogance of cold-hearted GPH officials.

The above-named Respondents committed the following specific violations of International Humanitarian Law (IHL) and International Human Rights Law (IHRL) on the following victims:

DARWIN SULANG, 22, a member of the indigenous tribe Manobo, and a farmer from Arakan, North Cotabato;

ENRICO FABLIGAR, 30, a welder from Kidapawan City;

ALFIE AWI, 33, a Manobo farmer from Arakan in North Cotabato;

ROTELLO DAELTO, 39, a farmer from Arakan in North Cotabato;

MARK ANTHONY DELGADO, 33, a farmer from Magpet in North Cotabato;

ROLAN DIAMPAS, 23, a Manobo farmer of Magpet in North Cotabato;

MIKE EMPET, 49, a farmer from Magpet in North Cotabato;

VICTOR LUMUNDANG JR., 18, a farmer from Antipas in North Cotabato;

RODOLFO TANO, 60, a farmer from Arakan, North Cotabato;

RODJEL IMUY, 38, a farmer from Antipas, North Cotabato;

LEO IYONG, 28, a Manobo farmer from Magpet, North Cotabato;

DARWIN MAGYAO, 18, a farmer from Magpet, North Cotabato;

ARNEL TAKYAWAN, 45, a farmer from Antipas, North Cotabato;

DIONISO ALAGOS, 60; GERARD PIQUERO, 66; CRISANTO CARLUM, 72; JOVITA DEBALID, 68; LOLITA PORRAS, 65; MIRIAM DAMIOG, 62; VALENTINE BERDIN, 78; ARLENE CANDIBAN, 25, six months pregnant; ELIZA CANADIAN, 22, five months pregnant; ROLINDA PAONIL, 34, two months pregnant; GERARD AMPER PEQUERO, 66; CISSANTO SILMA CARLUM, 72; senior citizens and pregnant women all farmers from North Cotabato;

ZANDRO C. REDONDO; EDWIN S. INAGONG; RANDY P. MAILAM; FELIX S. PALO; RICHARD D. EMBOC; ANTONIO L. LAPIZ; LORITO A. FELIZARDO; NORBERTO J. ANDRECIO; HENRY H. CILIS; ROXAN A. ROQUENO; RAYMUND M. OTTI; GABRIEL O. AWOD; JONATHAN O. AWOD; JERRY O. VECINTE; JOEL M. VENTURA; JHUNDEL S. CADELINA; DARWIN MAGYAO; NOYLEE O. PAGLINAWAN; LOMERYANO A.

PULGO; EDGARDO N. BARRIENTOS; ANTONIO B. OPEMIANO; PATRICIO B. LOBITOS; JUNSING O. MAGANOD; JUNARY I. COMDIMAN; MARCELO A. MAGLANOS; ERIC C. SANTOS; RODOLFO T. GO; VICTOR LUMUNDANG; ERWIN VILLARAS; ARLENE A. CANDIBAN; JOVITA B. DEBALID; ESTELLA C. FABLIGAR; MERCEDITA F. ARCILLAS; MAJOVIC I. BUGUAT; ADELINA P. RIZARDO; RUBY JANE CANJA; ERLINDA M. BADOL; IRENE A. PADILLA; JENNY M. BARRIENTOS; JENNYLYN E. DAGOHOY; JOCELYN A. RELATADO; MELODIA C. DELOS REYES; LEONORA O. PAUNIL; MERIAM DAMIOG, ROSEMARY P. JOMA; JOY M. RIGODON; VILMA A. VICENTE; CONCHITA B. EMBAC; MELANIE M. CANJA; JENNYPHIER B. SAYLON; EDERLYN DAELTO; EMILDA B. PENASO; CATHY D. CELESTIAL; JUN BADANG CANDIBAN; JESSRIL MALINAO KANHA; NEXZIL JOHN TIVAS; JOLITO MARIANO GOMEZ; PONCIANO DELA PENA PAONIL; ATUT TUBOS LIGUE; ELMER MARTIZANO BADOL; ERLIE MARTIZANO BADOL; HENRY LABARGAN DELGADO; ALLIE RAY SECUBAN PALMA; EDILBERTO CAMMO CABALLERO; BRYAN LINGATONG ICNAD; REX DAELTO INSIK; NOE GUABONG SALADAN; CHRISTOPHER AGWANG CANDIBAN; RUBEN CARLOS MANGGA; ESTEVEN BINATON; and the rest of the 6,000 farmers and protesters.

For purposes of this indictment, the pertinent facts and circumstances of violations of international humanitarian law and international human rights law that the above-named Respondents committed in complicity with one another are as follows:

I. The willful shooting that resulted in two violent deaths and serious multiple injuries, the incarceration and the maltreatment of civilians were all deliberate acts of aggression against defenseless civilians and vulnerable sections of the civilian population long considered under IHL as protected persons. The said aggression was clearly manifested in the brutal and bloody dispersal of the April 1 Kidapawan protest action that instantly left two persons dead, 34 seriously injured including 22 individuals who sustained gunshot wounds; and 79 persons unjustly incarcerated, all civilians, to wit:

1. ENRICO J. FABLIGAR who died of bullet wounds on his trunk; and DARWIN SULANG who died after being shot in the head with a high-powered rifle;

2. Wounded civilians included ALFIE AWI, 33, a Manobo farmer of Arakan in North Cotabato, who was shot at the neck and shoulder; ROTELLO DAELTO, 39, a farmer from Arakan in North Cotabato who suffered a bullet wound in his left neck that exited on the right cheek and gunshot wound in his left foot; MARK ANTHONY DELGADO, 33, a farmer of Magpet in North Cotabato who suffered from gunshot wounds on his right foot; ROLAN DIAMPAS, 23, a Manobo farmer of Magpet in North Cotabato who suffered from gunshot wound in the mouth; MIKE EMPET, 49, a farmer of Magpet in North Cotabato who has gunshot wounds on his right foot; VICTOR LUMUNDANG JR., 18, a farmer of Antipas in North Cotabato, who was shot on the neck and shoulder; RODOLFO TANO, 60, a farmer of Arakan in North Cotabato, who was shot on the thigh; RODJEL IMUY, 38, a farmer of Antipas in North Cotabato who suffered from gunshot wounds on his left arm; LEO IYONG, 28, a Manobo farmer of Magpet in North Cotabato who suffered from gunshot wounds on his left leg; DARWIN MAGYAO, 18, a farmer of Magpet in North Cotabato who suffered from gunshot wounds on both legs; ARNEL TAKYAWAN, 45, a farmer of Antipas in North Cotabato who suffered from gunshot wounds on his right foot and;

3. The illegal arrest, unlawful incarceration and confinement, and ill-treatment and psychological torture of 79 persons including a number of highly-vulnerable persons with supposedly protected status composed of seven senior citizens and three pregnant women: DIONISO ALAGOS, 60; GERARD PIQUERO, 66; CRISANTO CARLUM, 72; JOVITA DEBALID, 68; LOLITA PORRAS, 65; MIRIAM DAMIOG, 62; VALENTINE BERDIN, 78; ARLENE CANDIBAN, 25, six months pregnant; ELIZA CANADIAN, 22, five months pregnant; ROLINDA PAONIL, 34, two months pregnant; pregnant ELIZA D. CELESTIAL;

and pregnant MELODIA C. DELOS REYES; GERARD AMPER PEQUERO, 66; CISSANTO SILMA CARLUM, 72; MARK ANTHONY LANDAS DELGADO; ZANDRO C. REDONDO; EDWIN S. INAGONG; RANDY P. MAILAM; FELIX S. PALO; RICHARD D. EMBOC; ANTONIO L. LAPIZ; LORITO A. FELIZARDO; NORBERTO J. ANDRECIO; HENRY H. CILIS; ROXAN A. ROQUENO; RAYMUND M. OTTI; GABRIEL O. AWOD; JONATHAN O. AWOD; JERRY O. VECINTE; JOEL M. VENTURA; JHUNDEL S. CADELINA; DARWIN MAGYAO; MARK ANTHONY DELGADO; NOYLEE O. PAGLINAWAN; LOMERYANO A. PULGO; EDGARDO N. BARRIENTOS; ANTONIO B. OPEMIANO; PATRICIO B. LOBITOS; JUNSING O. MAGANOD; JUNARY I. COMDIMAN; MARCELO A. MAGLANOS; ERIC C. SANTOS; RODOLFO T. GO; VICTOR LUMUNDANG; MIKE B. EMPIT; ERWIN VILLARAS; ARLENE A. CANDIBAN; JOVITA B. DEBALID; ESTELLA C. FABLIGAR; MERCEDITA F. ARCILLAS; MAJOVIC I. BUGUAT; ADELINA P. RIZARDO; RUBY JANE CANJA; ERLINDA M. BADOL; IRENE A. PADILLA; JENNY M. BARRIENTOS; JENNYLYN E. DAGOHYO; JOCELYN A. RELATADO; ROLINDA T. PAUNIL; LEONORA O. PAUNIL; MERIAM DAMIOG, ROSEMARY P. JOMA; JOY M. RIGODON; VILMA A. VICENTE; CONCHITA B. EMBAC; MELANIE M. CANJA; JENNYPHIER B. SAYLON; EDERLYN DAELTO; EMILDA B. PENASO; CATHY D. CELESTIAL; JUN BADANG CANDIBAN; JESSRIL MALINAO KANHA; NEXZIL JOHN TIVAS; JOLITO MARIANO GOMEZ; PONCIANO DELA PENA PAONIL; ATUT TUBOS LIGUE; ELMER MARTIZANO BADOL; ERLIE MARTIZANO BADOL; HENRY LABARGAN DELGADO; ALLIE RAY SECUBAN PALMA; EDILBERTO CAMMO CABALLERO; BRYAN LINGATONG ICNAD; REX DAELTO INSIK; NOE GUABONG SALADAN; CHRISTOPHER AGWANG CANDIBAN; RUBEN CARLOS MANGGA; ESTEVEN BINATON;

4. The armed aggression and subsequent persecution of the above-named civilian victims were all premeditated atrocities and offenses, planned, organized, instigated and participated in by the above-named local Respondents PNP/AFP officials, men and agents.

This was clearly demonstrated in the overwhelming presence of the above-named Respondents since March 27, 2016 when the protesters began to converge in Kidapawan City.

The day before, March 26, testimonies pointed out, the Cotabato Provincial Police Office already placed Kidapawan City in "full alert status."

Battle-ready PNP/AFP troops were already deployed to strategic locations in Kidapawan City: at the North Cotabato Provincial Capitol and the National Food Authority near the Spottswood United Methodist Church compound where the protesting-farmers congregated. Respondent Tagum recommended to Respondent Evangelista to activate the Crisis Management Committee to confront the mass action;

5. As early as March 30, 2016, when the protesting farmers had no choice but to barricade the Davao - Cotabato national highway, the war hawks already prevailed in the GRP North Cotabato Provincial Crisis Management Committee (PCMC). AS testimonies pointed out, the PCMC already decided on extreme measures to deal with the mass action.

The PCMC, chaired by Respondent Taliño-Mendoza, declared that the human barricade was a "national security threat." It called on the AFP troops as a reinforcement to the PNP to supposedly "restore normalcy" in the Davao-Cotabato national highway.

Drawn-up against the unarmed farmer-protesters were the combat-ready armed machinery of the above-named Respondents under various AFP/PNP commands with the singular purpose of crushing the human barricade with extreme prejudice.

The PCMC's position clearly dismissed the urgency for subsequent negotiations and substantial dialogue to address the legitimate demands of the farmers.

6. On the ground, since Day 1 of the protest action, Respondents PNP/AFP officials, troops and agents already heckled, intimidated and coerced the hungry farmer-protesters who came from Kidapawan City, and all the way from the hinterlands of North Cotabato and neighboring areas to demand intervention from Respondents BS Aquino III, Taliño-Mendoza and the GRP agencies;

7. Respondent Evangelista was highly visible on the ground, directing and/or commanding the PNP/AFP troops. Respondent Taliño-Mendoza as PCMC chair tacitly approved Respondent Evangelista's taking over the PCMC task to tactically command or manage the situation and direct the actions of Respondent PNP/AFP officials, troops and agents.

8. Respondent Evangelista, testimonies pointed out, was extremely intolerant of dissent as clearly shown in his disdain over the presence of protesting hungry farmers in Kidapawan City. He was quick to dismiss that the hungry farmers were not from Kidapawan City, and thus, have no right to be in the city. He was more inclined to have them dispersed the soonest time possible. Respondent Evangelista was more concerned in burnishing the city's image to the national media and maintaining a facade of false normalcy. Respondent Evangelista has been predisposed to using fascist methods of violent dispersal instead of diplomatic negotiations to resolve legitimate demands of civilians, as in the case of his ordering the armed demolition of street vendors that left several people seriously injured in March 2014.

II. The premeditated and arbitrary use of superior and overwhelming armed force and military might against defenseless civilians constitute a most severe crime calculated murder – what ensued was a massacre in broad daylight on a national highway ordered by state officials and implemented by state forces, without compunction or fear of accountability and with extreme prejudice.

1. Testimonies gathered from survivors and the media covering the carnage pointed out that on that day, April 1, 2016, AFP/PNP commanders and GPH officials were in full force giving orders to their battle-ready troops: Respondents (former North Cotabato Provincial Director) P/Supt. Tagum; (Kidapawan City Police Chief) P/Insp. Calinga; (PNP Ground Commander of the PNP Strike Force) Lt. Col. Jerson Berrey; (Battalion Commander of the 39th Infantry Battalion-Philippine Army) Lt. Col. Arnold Argamosa; and (1002nd Brigade Commander-10th Infantry Division-Philippine Army) Col. Ronald Villanueva, among others;

2. At about 10:30 am, Respondents Evangelista, Tagum, Calinga, among others, served the dispersal order to the protesting farmers numbering around 6,000. The farmer-leaders asserted that Respondent Taliño-Mendoza had scheduled a dialogue with them after her news conference that day at the same time that Respondent Evangelista served the order to clear the barricade. Respondent Tagum said, "No more dialogues!" and Respondent Calinga pushed, "Clear the road in five minutes!"

3. Less than two minutes into the countdown, Respondent Evangelista turned around, and, testimonies said, raised his hand as a green light to destroy the barricade;

4. "Clear the road! Men, Prepare!" Respondent Tagum re-echoed the command and fired his gun. The phalanx of armed Kidapawan PNP personnel augmented in full force by PNP units from all over North Cotabato – began to push and shove, viciously beat the hungry protesters with truncheons and pelted them with rocks as water cannons from five fire trucks blasted the human barricade with fetid water;

5. With the farmers' ranks in disarray, and scores injured from the PNP onslaught, the farmer-protesters fought back by throwing stones at the PNP ranks, a few disarmed some luckless PNP personnel of their truncheons and turned these against their attackers. Others managed to commandeer a fire truck and pointed the albeit feeble water cannon towards their tormentors;

6. Then in deafening progression, multiple gunshots were fired – deliberate, successive shots unleashed at the unarmed protesters by the above-named local Respondents PNP/AFP officials, men and agents; the hapless farmers, including civilian bystanders scampered to different directions seeking cover and safety; many ran and took refuge at the nearby Spottswood compound of the United Methodist Church (UMC);

7. Based on testimonies and video footages caught during the carnage, at least 40 gunshots were discharged from Respondent PNP and SWAT personnel's high-powered rifles. Fully-armed uniformed PNP men, wearing masks and no nameplates, methodically pursued, targeted and gunned down civilians. Respondent members of the North Cotabato PNP Special Weapons and Tactics (SWAT) Unit, among other fascist troops present on April 1, 2016 were some of several GRP armed units

positively identified as responsible for shooting the civilians. Many of the said Respondents SWAT/PNP members were newly-graduated SWAT trainees. The North Cotabato PNP SWAT which employs military equipment and combat tactics in their operations, according to testimonies, received their specialized training at the Makilala farms of Respondent Evangelista;

8. Respondent Evangelista, blurted out lame excuses for the carnage amid repeated declarations of police "maximum tolerance" and smugly blamed the victims and justified the deadly shootings as "warning shots." Meanwhile, Respondent Tagum attempted another lie and claimed that the said Respondent PNP/AFP officials, men and agents dispersed the barricading farmers purportedly to "rescue minors" who were supposedly "used" by the protesters as shields;

9. Respondent (PNP Ground Commander of the PNP Strike Force) Lt. Col. Jerson Berrey, commander of the SWAT Unit during the bloody dispersal, on the other hand, regurgitated the discredited anti-communist/anti-terror diatribe as justification for the deadly use of force by Respondent GRP and PNP/AFP officials, men and agents against unarmed civilian protesters;

III. Naked terror persisted after the barricade was fully destroyed and the civilians were subjected to more contemptible attacks.

1. While the deadly target practice of the GRP North Cotabato PNP SWAT on unarmed civilians was unfolding, Respondent PNP officials, men and agents swooped down, arbitrarily arrested and savagely mauled protesters – including the already wounded, elderly and pregnant women. Church and humanitarian aid workers and even ordinary bystanders were not spared from the madness.

Arrested persons were thrust into a waiting prison van and brought to the heavily-guarded Kidapawan gymnasium or the Kidapawan Convention Center which were converted into improvised yet heavily-guarded detention facilities. No warrant was served or rights read to the apprehended civilians, nor were they offered any basic comfort and decent food;

For several days thereafter, the victims were detained and subjected to series of interrogation without the presence of counsel. Later, they were slapped with preposterous trumped-up charges to rationalize their arrest and continued illegal detention;

2. In the hospitals where the seriously injured were brought, masked heavily-armed men with no nameplates were on full alert guarding the facilities.

Testimonies pointed out that hospital personnel were prevented from giving information on the whereabouts of the wounded. Journalists, independent fact-finding delegates, as well as nearest kin were denied entry to the hospitals. The move, testimonies pointed out, was part of the grand cover-up scheme hatched by Respondent GRP local officials;

3. In the case of the Kidapawan Doctors Hospital, its management colluded to perjure, among others, the cause of death of farmer Darwin Sulang. The Kidapawan Doctors Hospital, where Respondent Evangelista's family has considerable investment and influence in, issued Sulang's spurious death certificate which falsely stated the cause of death as "cardio-respiratory arrest secondary to mauling." A re-autopsy by a fact-finding entity of the GRP itself refuted the hospital's findings and reported that Sulang died of "gunshot wound in the head."

Another victim, Enrico Fabligar, a bystander and a Kidapawan City resident, was declared dead due to "heat stroke" as stated on its death certificate. The re-autopsy on Fabligar done by an independent Manila-based forensic expert Racquel Fortun revealed that Fabligar died of "gunshot wound in his trunk;"

4. In the Spottswood UMC Compound where protesters sought sanctuary after the brutal dispersal, Respondent officials, men and agents from the PNP and the 39th Infantry Battalion-AFP estimated to number more than 200 heavily-armed and battle-ready troops blocked the main entrance and set up a checkpoint. The said Respondents encircled the premises and restricted free movement into and out of the Church premises. By night time of April 1, electricity in the Compound was suddenly cut; the number of AFP/PNP personnel garrisoning the church premises increased to at least 500 heavily-armed troops that turned the Spottswood UMC Compound into a virtual detention camp and practically imprisoned the civilians inside the compound;

5. At the entrance of the Spottswood UMC Compound, Respondent AFP/PNP officers, men and agents imposed population control; they required people to log names upon entering and going out of the premises; even Church members were barred entry to the privately-owned Compound and place of worship;

6. That same day, Respondents Taliño-Mendoza and Evangelista threatened the United Methodist Church and Methodist Bishop Ciriaco Francisco of legal action for supposedly harboring "illegal" protesters. Respondent Evangelista threatened to revoke the permit of the said Church;

7. A few hours after the bloody dispersal, the Davao-Cotabato National highway, which should have been preserved and secured as scene of the crime, was hastily cleared and leveled by GRP heavy equipment. In effect, vital pieces of evidence were seriously tampered and erased;

8. On the following day, April 2, Respondent PNP/AFP officials, men and agents served a hastily-produced and questionable search warrant from a local reactionary GRP court to scour the grounds and buildings inside the UMC Spottswood Compound. The search did not yield firearms which, as claimed by the above-named Respondent PNP/AFP officials, were concealed inside the Church premises. The legal maneuver was pure and simple intimidation and harassment against the survivors of the carnage who took refuge inside the church compound. It was a lame attempt to mislead the public on the criminal accountability of the said Respondents in the preceding bloodbath.

IV. The above-named Respondent GPH civilian bureaucrats were criminally liable for gross negligence, and failed to act promptly, if at all, to ease the suffering and ameliorate the livelihood of the people. In particular, Respondent GPH civilian bureaucrats failed to decisively address the immediate and legitimate demands of the hungry and drought-stricken farmers in North Cotabato and adjoining areas.

1. The farmers who channeled their grievances in a democratic mass action were twice oppressed by extreme hunger and militarization. The farmers converged to air their legitimate demands in a peaceful demonstration on March 27, and, failing to obtain favorable response from Respondent GRP officials,

decided to barricade the national highway on March 30. They had sought a dialogue with Respondent Taliño-Mendoza to demand for the promised rice and farm subsidies, improved market prices for their rubber harvests, a halt to military operations, and call for an investigation on the arming of paramilitary forces done by Respondent Catamco in the mountain villages;

2. The peasants' demands stood on solid grounds. As early as 2014, GRP weather bureau had already warned of a strong El Nino phenomenon. The long dry spell affected majority of the areas in the country (63 provinces), with North Cotabato one of the worst hit provinces. Crop damage in the province was valued at P238 billion, where the top two in the list were the staple corn at P50 billion, and rubber, one of the major sources of livelihood of the farmers, at P48 billion;

3. At the disposal of the GRP Provincial Office under Respondent Taliño-Mendoza was 321 million pesos in emergency calamity funds since January 2016 when North Cotabato was declared under a state of calamity. By February, the North Cotabato GPH provincial government ostensibly announced it would distribute 15,000 sacks of rice to the affected farmers. In the failed talks between Respondent Taliño-Mendoza and the farmer-protesters, Respondent Taliño-Mendoza maintained she could only share a despicable monthly three kilos of rice per family;

4. The said calamity assistance was purely rhetoric and lip service. Two months after the announcement of supposed assistance and even after the bloody dispersal in Kidapawan City, starving farmers have yet to receive substantial intervention and assistance from the concerned GPH agencies. In the case of the

North Cotabato farmers who were already reeling from the prolonged drought, with their fields lying fallow and food crops getting scarce, testimonies revealed, drought-stricken farmers also had to contend with more military abuses due to intensified AFP counter-revolutionary operations. Respondent Catamco, testimonies pointed out, instead of extending help to the farmers, supplied firearms to the notorious paramilitary group Bagani in the mountains of Magpet, North Cotabato;

5. Respondent Catamco – a GRP congresswoman in the towns of Antipas, Arakan, Magpet, Makilala, President Roxas, towns which were badly hit by El Niño and where numerous protesters came from – remained silent the whole time the protesters sought help for their plight. In failing to act on alleviating the conditions of the people, Respondent Catamco only perpetuated the violation of rights of the farmers.

6. Respondent Taliño-Mendoza as GRP North Cotabato provincial governor did not do her job to protect and defend the farmer-protesters from the brutal attacks. As head of the GPH PCMC tasked to address the plight of the farmers; Respondent Taliño-Mendoza opted to listen to the prejudiced and discriminatory advice and inputs of trigger-happy militarists within the PNP/AFP rather than directly consulting and communicating with the farmers.

That all of the victims are civilians is an unassailable fact. The above-named victims fall under the category of protected persons as unarmed and defenseless civilians. But the events on April 1, 2016 and the succeeding days thereafter clearly demonstrated that the series of extremely violent acts committed by Respondents, individually and/or jointly, as supposed preemptive

measures against a legitimate and democratic mass action of civilian protesters were carried out unlawfully and wantonly, disproportionate to the challenge posed by unarmed protestors and therefore unjustified for any military necessity.

The Kidapawan Massacre highlighted the condemnable fact that the state terrorism in line with Respondent BS Aquino III's Oplan Bayanihan did not discriminate between civilian populations and military objectives; and more so, between civilian persons and combatants.

In sum, the gross neglect and apathy and willful acts and/ of omissions, clearly and without doubt violated, either singly, jointly or in confederation thereof, the fundamental rights of civilians guaranteed in international tenets, covenants and instruments, and constitute war crimes and crimes against humanity, to wit:

1.GPH (GRP)- NDFP 1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law

(PART IV. Art. 3. The following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the persons enumerated in the preceding Article 2: (Article 2. These principles and standards apply to the following persons: civilians or those taking no active part in the hostilities...)

Part IV. Art. III; No 1. *violence to life and person, particularly killing or causing injury, being subjected to physical or mental torture, mutilation, corporal punishment, cruel or degrading treatment and all acts of violence and reprisals, including hostage-taking, and acts against the physical well-being, dignity, political convictions and other human rights;*

Part IV. Art. III; No. 2. *holding anyone responsible for an act that she/he has not committed and punishing anyone without complying with all the requisites of due process;*

Part IV. Art. VI; No. 8. *Personnel and facilities of schools, the medical profession, religious institutions and places of worship, voluntary evacuation centers, programs and projects of relief and development shall not be the target of any attack. The persons of said entities shall be guaranteed their safety.*

PART III: Art. 2; No. 2. *The inherent and inalienable right of the people to establish a just, democratic and peaceful society, to adopt effective safeguards against, and to oppose oppression and tyranny similar to that of the past dictatorial regime.*

Part III, Art. 2, No. 4: *The right to life, especially against summary executions (salvagings), involuntary disappearances, massacres and indiscriminate bombardments of communities, and the right not to be subjected to campaigns of incitement to violence against one's person;*

PART III. Art. 2; No. 12. *The right to free speech, press, association and assembly, and to seek redress of grievances.*

2. 1966 International Covenant on Civil and Political Rights PART III, Art. 6, par 1 *Every human being has the inherent right to life. This right shall be protected by*

law; and that no one shall be arbitrarily deprived of his life.

3. 1949 Geneva Conventions Art. 48 (Basic Rule in Protection of Civilian Population) of Protocol I (Relating to the Protection of Victims of International Armed Conflicts) *In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.*

4. Article 51, par 2 Protocol I and Article 13, par 2 Protocol II: (Related to the protection of the victims in non-international armed conflicts) *The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.*

5. 1966 International Convention on Economic, Social and Cultural Rights (ICESCR) Part II. Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes,

which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;*
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.*

In view of the foregoing facts, premises, and conclusions; the People's Democratic Government hereby indicts the following:

1. Simeon Benigno C. Aquino III
(former) GRP President/Commander in Chief
2. Gen. Hernando Delfin Carmelo A. Iriberry
(former) GRP/AFP Chief of Staff
3. Gen. Ricardo Marquez
(former) GRP/PNP Director General
4. Maj. Gen. Rey Leonardo Guerrero
GRP/AFP Eastern Mindanao Command commander
5. Proceso Alcala
(former) Secretary/Department of Agriculture, GRP
6. above-named Respondent civilian Bureaucrats
and Respondents AFP/PNP officials, men and agents

for planning, aiding, abetting and conspiring in the commission of the following crimes:

War crimes involving the premeditated massacre,

strafing and mauling of civilians, that resulted to the deaths of ENRICO J. FABLIGAR and DARWIN SULANG, and the wounding of 34 and illegal arrest and detention of 79, all civilians whose names are stated above;

Crimes against humanity involving the deaths, wounding, incarceration; as well as hamletting/hostaging above-named barricading civilian-victims;

Violations to International Humanitarian Law and Human Rights Law for gross negligence in the welfare of the above-named victims as well as the violent dispersal, constituting the massacre of barricading civilians resulting to multiple deaths, serious injuries and incarceration as well as hamletting/hostaging of the said victims.

It is hereby recommended after due trial by a People's Court established for this purpose, that the above-named Respondent PNP/AFP officers, men and their agents be meted out with appropriate penalties for having committed the above-mentioned acts constituting war crimes, crimes against humanity and other serious violation of international humanitarian law and human rights law.

It is recommended further, after due trial by said People's Court that the above-named Respondent civilians be meted out with appropriate penalties for having connived, conspired and confederated with the above-named Respondent PNP/AFP officers, men and agents in the commission of the foregoing acts resulting in the specific crimes above.

The trial, upon the arrest and capture of the above-named Respondents shall be in accordance with international humanitarian law and the legal and judicial system and processes of the People's Democratic Government consistent

with the pertinent provisions of the 1998 Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law (CAR-HR-IHL), International Human Rights Law and the 1996 Declaration of Undertaking to Apply the Provisions of the 1949 Geneva Conventions and Protocol I of 1977 thereto. All the above-named Respondents shall be afforded due process and all rights appurtenant to their status and condition under international humanitarian law – including the right to prepare and present their defense, the right to counsel and to appeal any decision.

This indictment is without prejudice to further investigation as to the identities of other military, police, and agents of civilians and the corresponding determination of the extent of their culpability for the aforementioned charges.

December 26, 2016, Southern Mindanao, Philippines.

National Democratic Front of the Philippines
Communist Party of the Philippines
Southern Mindanao Regional Party Committee

By Raphael O. Canonigo

Director

Legal Affairs Section

Copy Furnished:

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c/o Times Street, Quezon City

Gen. Hernando Delfin Carmelo A. Iriberry
(former) GRP/AFP Chief of Staff

Gen. Ricardo Marquez
(Former) GRP/PNP Dir. General

Maj. Gen. Rey Leonardo Guerrero
GRP/AFP Eastern Mindanao Command commander
c/o Panacan, Davao City

GPH Sec. Proceso Alcala
(former) Secretary Department of Agriculture

Gov. Emmylou Taliño-Mendoza
GRP North Cotabato
c/o North Cotabato Provincial Office

Nancy A. Catamco
GRP North Cotabato Cong. for 2nd District

Mayor Joseph Evangelista
GRP Kidapawan City Mayor
c/o Kidapawan City Hall

Regional Director XII Noel Armilla
GRP/PNP Regional Director

PNP Director Supt. Alexander Tagum
(former) GRP North Cotabato Provincial PNP Director

P/Supt. Roberto Badian
GRP/Dep. Director for Operations, Region XII,

Supt. Noel Kinazo
Supt. Franklin T. Anito
P/Insp. John Miridel R. Calinga
P/Insp. Armando S. Abasola
Lt. Col. Jerson Berrey
Elements of the SWAT/PNP North Cotabato
c/o North Cotabato Provincial PNP office

Lt. Col. Arnold Argamosa
Bn Commander 39th IBPA

Elements of the 39th IB-PA

Col. Ronald Villanueva
1002nd Bde Commander 10th ID/PA

Chief and members of the North Cotabato Bureau of Fire
Protection
North Cotabato Crisis Committee
c/o North Cotabato Provincial Office

PNP members SPO3 Fortunato Arce, PO1 Anamarie Abatay, PO2 Robert Hope Sanghan Agot, PO1 Ray Son L. Alolod, PO1 Ronald Charlie Alcala Amante, PO1 Berlyn B. Alba, PO1 Ariel Ganalonza Acosta, PO1 Marvin O. Aragon, SPO2 Glesilda Atud, PO3 Ivy Bula, PO1 Johnny Burgos Benitez, PO3 Garry Doplayna Booc, SPO2 Magin Edgardo L. Bueno III, PO2 Alrec Albina dela Cruz, PO2 Ronan Batislaong Crisper, PO2 Norodin M. Cabuyao, SPO2 Raul Literato Cantoy, PO1 Jeriel Catipay, PO3 Dindo Paredes Culatra, PO1 Irvin Basilio Cambang, PO1 Robert Ian Dignadice, PO3 Elmer Gesulga Dasalla, PO1 Shiela Mae J. Estrada, PO2 Dyben Dominic Figueroa, PO3 Xerxes Anthony Donasco Fiel, PO1 Charles Suarez Fulache, PO3 Jovette S. Galan, PO1 Roxanne Jill Garde, PO1 Amor Niegos Guillermo, PO1 Eric Casilad Geolingo, PO3 Romel Magdato Guhiling, PO3 Elson Paez Gadat, PO1 Clark Ahit Gayas, PO1 Chrlyn Cantomayor Ines, PO1 Jennifer L. Isla, PO3 Michael C. Jordan, PO1 Crismal P. Laguerder, SPO2 Nilo Aventura Loreda, PO3 Richard Villegas Legating, PO1 Richelle Joan D. Lam-an, PO1 Teolit T. Lagliva, PO3 Josemar Llagas, PO2 Jhoven Francisco Landrito, PO1 Jose Mari Corpuz Molina, PO3 Ruel B. Marimon, PO1 Anthony Jala Macailling, PO1 Jasper Jay Belocura Moreno, PO2 Mercil P. Millomeda, PO1 Wilmae Macaya, PO1 Liezel Joy Nicer, PO1 Ricky Parnada Napa, PO2 Ariel Hermado Maquiling, PO1 Kristine Alas Ocumen, SPO2 Cesar Ruiz Olivar, SPO4 Joseph Dasia Ones, PO1 Belinda Pacatang, PO1 Joselito Sumido Palmaera, PO1 Herwin Paller Pajo, SPO2 Robin Bandiola Porras, SPO2 Arnold Remotin, SPO4 Ulysis Viloan Sagun, PO1 Beaulahly Salazar, PO3 Jaypee Sarabia, SPO2 Roderick Caballero Sillote, PO1 Ronald Bation Sillote, PO1 Bernard Molina Sumagit, PO3 Renato Oclarino Tesoro, PO2 Ben Jimenez Torion, PO3 Rodrigo Entero Tito, PO1 Michelle A. Vicente
C/O NORTH COTABATO POLICE PROVINCIAL OFFICE

