

SUPPLEMENTAL GUIDELINES FOR THE JOINT MONITORING COMMITTEE (JMC)

I. PURPOSE AND COVERAGE

- 1.1. These Supplemental Guidelines shall additionally guide the work of the Joint Monitoring Committee (JMC) in its task of monitoring the implementation of, and achieving, the objectives of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).
- 1.2. These Guidelines are issued pursuant to the Operational Guidelines for the Joint Monitoring Committee issued on 14 February 2004, in Oslo, Norway by the Parties in the peace negotiations, the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP), through their Negotiating Panels.
- 1.3. These Supplemental Guidelines shall cover complaints and information on the Parties' alleged violations of human rights and international humanitarian law, in the context of the armed conflict, as enunciated under the CARHRIHL.

II. MANDATE OF THE JMC

- 2.1. As mandated in Article 3, Part V of the CARHRIHL, the Co-Chairpersons of the JMC shall receive complaints of violations of human rights and international humanitarian law and all pertinent information, and shall initiate requests or recommendations for the implementation of said Agreement.
- 2.2. Incidents and issues not covered or contemplated by the provisions of the CARHRIHL are beyond the mandate of the JMC.

III. COMPLAINTS

- 3.1. Complaints for alleged violations of the specific provisions of the CARHRIHL and all pertinent information and documents related thereto, may be filed either in person, through email, website, fax, post or courier to the Nominated Section in the Joint Secretariat, who shall immediately forward the same to the Co-Chairpersons of the JMC for proper disposition. The Nominated Sections in the Joint Secretariat (JS) shall maintain and update

their respective complaint forms in English, Filipino and in other major national languages.

- 3.2. A complainant may be the victim of the alleged violation of the CARHRIHL, a relative of the victim, a duly-authorized representative, or any person, organization or entity with direct, substantial or sufficient interest in the subject of the complaint such as human rights groups, peace advocacy groups, church members, media or anyone capable of filing the complaint on behalf of the victim or relative of the victim.
- 3.3. A complaint, which shall be initially deemed as a mere submission, shall state specific allegations of facts (who, what, when, where and how) that constitute the violations of the CARHRIHL. The complaint must be clearly contained in a fact sheet or such other identifiable report and shall be considered as sufficient compliance for the purpose of submitting a complaint. A mere general allegation that a person committed a violation of the CARHRIHL is not sufficient and shall not be considered a valid complaint.

After receipt of the complaint, the Co-Chairpersons of the respective Monitoring Committees, acting by themselves or by delegation to the pertinent Nominated Section, may undertake an initial inquiry of the facts for purposes of determining its sufficiency as a complaint that may warrant further action or investigation as defined in the Operational Guidelines for the Joint Monitoring Committee dated February 14, 2004.

- 3.4. The filing, pendency, dismissal, termination or withdrawal of a complaint or other communication before other fora shall not preclude the filing of a similar complaint before the JMC.

IV. OTHER DOCUMENTS AND INFORMATION

- 4.1. Documents and other information for alleged violations of the CARHRIHL which are not yet the subject of a complaint shall be received by the Co-Chairpersons directly or through their respective Nominated Sections.
- 4.2. In instances of information received that require urgent action, either Co-Chairperson may forthwith refer the matter to his/her counterpart for immediate and appropriate action.
- 4.3. The Co-Chairperson to whom the matter for urgent action has been referred shall endeavor to secure relevant information for follow through or feedback to his/her counterpart.

V. RECEIPT AND ACTION ON THE COMPLAINTS, DOCUMENTS AND INFORMATION

- 5.1. The Co-Chairpersons of the JMC shall receive through their respective Nominated Sections in the Joint Secretariat complaints of violations of human rights and international humanitarian law and pertinent information and documents and shall initiate requests or recommendations for the implementation of the CARHRIHL. Upon its approval by consensus, the JMC shall request the investigation of a complaint by the Party concerned and make recommendations. By consensus, it shall make all reports and recommendations on its work to the Parties.
- 5.2. All complaints received shall be immediately numbered, which shall be merely ministerial. Thereafter, the complaints and relevant data shall be recorded in the logbook and entered in the respective databases of their Nominated Sections. The JMC may agree to a common flowchart, which shall basically include the receiving, stamping, numbering, registering in the logbook, photocopying, and entering in the respective databases of the Nominated Sections of the complaints, evidence and other supporting documents.
- 5.3. Upon submission of a complaint, the pertinent Nominated Section shall acknowledge receipt thereof in writing and furnish the same to the complainant. Thereafter, the complainant shall be notified of the status and action on such complaint by the pertinent Monitoring Committee. On a periodic basis, the respective Monitoring Committees of the JMC shall furnish each other a summary of the actions taken on these complaints.
- 5.4. After the complaints have been numbered in accordance with par. 5.2., the pertinent Nominated Section, subject to the concurrence of its Monitoring Committee and taking into account concerns for efficiency of investigations, may consolidate complaints based upon identical and/or related set of facts (victim/s, date, time and place of the commission of the violation, alleged perpetrator/s, and other relevant considerations analogous to the foregoing) giving rise to the violations. Duplicate, multiple or supplemental complaints for the same incident may be consolidated by the respective Nominated Section with the complaint bearing the lowest case number.
- 5.5. The complaints, evidence and supporting documents shall be subject to review and evaluation by the respective Nominated Sections to determine whether the alleged violations are within the coverage of the CARHRIHL and if the complaints are valid in form and contain sufficient data or information to

allow further investigation either separately or jointly by the respective Monitoring Committees.

- 5.6. The receiving Nominated Section shall furnish the other Nominated Section of copies of the complaints and all accompanying documents within five (5) working days from receipt of the same.
- 5.7. Upon receipt, recording, data processing and verification of the complaints by the respective Nominated Sections, they shall furnish their respective Monitoring Committees and Independent Observers copies of such complaints and all accompanying documents within a reasonable period of time.
- 5.8. The respective Monitoring Committees shall separately screen, study and undertake investigation of the complaints. Either Monitoring Committee may also refer the complaints, together with its comments, assessments and recommendations, to the JMC for consideration. The JMC shall decide by consensus to either refer the complaint to one Party for further investigation or to conduct a joint investigation.
- 5.9. The JMC by consensus may decide to conduct a joint investigation of a complaint, issue or specific incident of urgent import or significance with the possible participation of independent international observers.
- 5.10. The JMC may act on a complaint without prejudice to the right of either Party to take appropriate action on the same or the right of the Co-Chairpersons to separately initiate requests or recommendations for the implementation of the CARHRIHL.
- 5.11. Incidents or issues of urgent import or significance arising from a complaint, or from submitted documents and information not yet the subject of a complaint, may be brought to the attention of the Co-Chairperson of the concerned Party for corresponding action or immediate response as he/she may deem appropriate under the circumstances.
- 5.12. Should the JMC decides to conduct a joint investigation, those who will be part of the investigation team who are not members of the GRP-MC or NDFP-MC or the Joint Secretariat, its staff and personnel directly contracted with the JMC, shall also be entitled to the safety and immunity guarantees stipulated by the JASIG dated February 24, 1995.

In this regard, the Panels shall adopt the specific guidelines and procedures for granting such guarantees as stipulated in the JASIG and the additional Implementing Rules Pertaining to the Documents of Identification dated June 26, 1996. The Chairperson concerned shall forthwith issue the

corresponding acknowledgment for the Documents of Identification issued by the Party who appointed those taking part in such investigations.

VI. PROTECTION OF VICTIMS, WITNESSES, COMPLAINANTS AND THE CONFIDENTIALITY OF INFORMATION

6.1. The Parties shall endeavor to secure protection for the victims, witnesses and complainants. Their safety and security shall, at all times, be accorded primordial consideration in the handling and treatment of cases. These Supplemental Guidelines affirm the principles of truth, justice, equity, transparency and accountability in addressing the issues of violations of human rights and international humanitarian law.

6.2. The identities or other relevant information of victims, witnesses and complainants shall be kept confidential upon their request or whenever necessary to secure their protection. In particular, the identities and other relevant information of children and minors shall always be kept confidential.

VII. MEETINGS AND COMMUNICATIONS OF THE JMC

7.1. Meetings of the JMC shall be held every three months and as often as deemed necessary by the Co-Chairpersons. Special meetings may also be called by either of the Co-Chairpersons due to an urgent issue or complaint and with a specific agenda approved by them. The meetings shall be held in the Philippines or in any other venue agreed upon by the Parties or the JMC Co-Chairpersons.

7.2. The meetings and communications of the JMC shall be confidential and shall be conducted in private.

7.3. Information, communications and documents shall be released or published upon consultation between the Co-Chairpersons and consistent with the principles of truth, justice, equity, transparency and accountability.

7.4. In between its meetings, communications of the JMC may be made through mail, internet, phone, fax exchanges and any other available and expedient means of communication.

7.5. Exchange of communications among the JMC members and their respective Independent Observers shall, as far as practicable, be in writing.

VIII. FUNCTIONS OF THE JOINT SECRETARIAT

- 8.1. The Joint Secretariat shall (1) provide technical and administrative support to the JMC; (2) receive complaints and documents and information not yet the subject of a complaint filed with the JMC on behalf of the Co-Chairpersons; (3) furnish the JMC and Independent Observers copies of such complaints and documents; and (4) perform such other functions as may be deemed necessary by the JMC or their respective Monitoring Committees.
- 8.2. The Joint Secretariat may also undertake joint or common activities or publications that are consistent with or complementary to its functions with the approval of the respective Co-Chairpersons and Monitoring Committees.

IX. ROLE OF THE THIRD PARTY FACILITATOR

As agreed upon by the Panels during the round of formal peace talks on 10-14 February 2004 in Oslo, Norway, and subject at any time to the acceptance of the Royal Norwegian Government, the following will guide the role of the RNG as Party Facilitator in the JMC:

- 9.1. To facilitate the holding of the meetings of the JMC;
- 9.2. To attend such meetings as Third Party Facilitator and to provide advice, opinions and suggestions to the two Monitoring Committees of the JMC, subject to the inherent prerogative of the JMC to maintain control of the process;
- 9.3. To receive updates on the progress of the work from the JMC as may be deemed necessary;
- 9.4. To extend assistance to facilitate the work of the JMC and its Joint Secretariat;
- 9.5. To provide support, as may be requested, for the work of the JMC and the general implementation of the CARHRIHL; and
- 9.6. To perform other functions as Third Party Facilitator that the two monitoring Committees may agree upon based on their continuing assessment of the progress and emerging needs of the JMC in its task of monitoring the implementation and achieving the purposes of the CARHRIHL.

X. AMENDMENTS

The JMC may agree from time to time to recommend to their respective Negotiating Panels additions, modifications or amendments to these Supplemental Guidelines, consistent with the letter and spirit of the CARHRIHL.

Signed this 21st day of January 2017 at Rome, Italy.

SILVESTRE H. BELLO III
GRP Panel Chairperson

FIDEL V. AGCAOILI
NDFP Panel Chairperson

Witnessed by:

ELISABETH SLATTUM
Special Envoy
To the Philippine Peace Process

GRP Monitoring Committee

NDFP Monitoring Committee

ATTY. EFREN C. MONCUPA
Chairperson

FIDEL V. AGCAOILI
Chairperson

USec. ANTONIO T. KHO Jr. (DOJ)
Member

CONI K. LEDESMA
Member

Col. FACUNDO PALAFOX IV (AFP)
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