

## **Joint Agreement on Safety and Immunity Guarantees**

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

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 atmosphere conducive to free discussion and free movement during the negotiations, and avert any incident that may jeopardize the peace negotiations.

### **I. SAFETY GUARANTEES**

1. As used and understood in this Joint Agreement, safety guarantees shall mean that all duly accredited persons as defined herein in possession of documents of identification or safe conduct passes are guaranteed free and unhindered passage in all areas in the Philippines, and in travelling to and from the Philippines in connection with the performance of their duties in the negotiations.
2. Each party has the inherent right to issue documents of identification to its negotiators, consultants, staffers, security and other personnel and such documents shall be duly recognized as safe conduct passes as provided in this Joint Agreement.

The GRP and the NDFP shall agree through their respective panel chairmen on the number of documents of identification each party will issue based on the different categories of functions which the parties will designate from time to time.

The documents of identification shall contain the official seal of the issuing party, the bearer's photograph, name, sex, date and place of birth, height, color of hair and eyes, distinguishing physical features, the assigned number, designation or duty in the peace negotiations, and the period of validity. Each party shall provide the other with the name, designation and assigned number on each document of identification issued in accordance with this Joint Agreement.

In addition to or in lieu of the aforesaid documents of identification, the party concerned may request the other to issue safe conduct passes to the holders of such documents of identification or to other persons involved in the peace negotiations as provided for in this Joint Agreement.

The holder of the document of identification so considered as a safe conduct pass in accordance with this Joint Agreement or of the safe conduct pass referred to in the preceding paragraph is hereinafter referred to as the duly accredited person.

Any person under detention who may be designated to participate in the peace negotiations pursuant to this Joint Agreement shall be the subject of separate agreement between the two parties on a case to case basis.

Upon presentation by the duly accredited person to any entity, authority or agent of the party concerned, the document of identification or safe conduct pass shall be honored and respected and the duly accredited person shall be accorded due recognition and courtesy and allowed free and unhindered passage as stipulated in this Joint Agreement. The duly accredited person shall have in his or her possession the document of identification or safe conduct pass for the duration of the peace negotiations.

3. The document of identification or safe conduct pass shall not be transferable, provided that safety guarantees granted to the duly accredited person shall extend to any person or persons consulted by the duly accredited person during and in transit to and from such consultations, and provided that these consultations shall be in connection with and in furtherance of the purposes of the peace negotiations. The appropriate information on these consultations shall be given by the party concerned to the other with due consideration to the safety of the persons involved in such consultations.

4. All duly accredited persons who are already publicly known to be involved in the GRP NDFP peace negotiations shall be free from surveillance and shall be allowed freely to consult with the leaders and entities of the party concerned in the Philippines and abroad.

5. The GRP shall promptly issue upon request regular passports to NDFP personnel who are duly accredited persons, without obligation to take an oath of allegiance to the GRP

6. The GRP hereby recognizes and respects the right of NDFP personnel who are duly accredited persons to hold and use passports or travel documents issued by other countries or other recognized entities. Said NDFP personnel who are duly accredited persons may use such passports or travel documents in entering, staying in and departing from the Philippines, and shall not be subjected to any form of punitive action, harassment, obstruction or similar acts by the GRP in the course of travel, entry, stay or departure.

7. Each party shall upon request provide to the other any appropriate assistance to achieve the primary purposes of this Joint Agreement.

## **II. IMMUNITY GUARANTEES**

1. As used and understood in this Joint Agreement, immunity guarantees shall mean that all duly accredited persons are guaranteed immunity from surveillance, harassment, search, arrest, detention, prosecution and interrogation or any other similar punitive actions due to any involvement or participation in the peace negotiations.

The immunity guarantees shall cover all acts and utterances made in the course of and pursuant to the purposes of the peace negotiations.

All materials, information and data submitted to or produced in the course of and pursuant to the purposes of the peace negotiations shall likewise be covered by the immunities provided for in this joint Agreement and shall not be used in any investigation or judicial proceeding.

Any evidence obtained in violation of this Joint Agreement shall not be used in any investigation or judicial proceeding.

All immunities acquired by virtue of this Joint Agreement shall remain in full force and effect even after the termination of this Joint Agreement, provided said immunities shall not cover acts which are contrary to the purposes of the peace negotiations and outside and beyond involvement or participation in the peace negotiations.

2. In all cases involving duly accredited persons, the prosecutors shall move for the suspension, during the peace negotiations, of criminal proceedings or processes including arrest and search, for acts allegedly committed prior to the effectivity of this Joint Agreement.

3. All persons who shall assist the personnel of either side in the performance of their work in the peace negotiations, including the conduct of public consultations and peaceful assemblies, shall not be held liable for rendering such assistance.

4. In the course of requesting a passport from the GRP in accordance with No. 5 of I above, the duly accredited person shall be immune from surveillance, arrest, prosecution, trial, punitive action, harassment, discrimination or any liabilities due to exposure of identity and role in the peace negotiations.

5. Any NDFP personnel, holding a GRP passport, who is a duly accredited person and who goes abroad to consult with the NDFP negotiating panel or to attend any meeting in peace negotiations or perform work related to the GRP NDFP peace negotiations shall be exempt from passport cancellation and shall continue to be entitled to the safety and immunity guarantees, including immunity from arrest, search or any punitive action, within a period of 30 days upon his return to the Philippines, or 30 days from the formal termination of this Joint Agreement, whichever comes later.

6. Any NDFP personnel based abroad who is a duly accredited person and who goes to the Philippines for consultations or to perform any other work related to the peace negotiations shall enjoy safety and immunity guarantees as provided for in this Joint Agreement and shall be free to return abroad at any time before and within a period of 30 days after the formal termination of this Joint Agreement.

**III. GENERAL PROVISIONS**

1. This Joint Agreement on Safety and Immunity Guarantees shall be signed by the GRP and the NDFP negotiating panels and shall be subject to approval in writing by the respective principals of both parties, which approval shall be made and communicated to the other party within 90 days from the signing hereof.

2. Any violation of this Joint Agreement may be presented by the aggrieved party to the other and shall promptly be the subject of consultations between the two panels of the negotiating parties in order to remove impediments to the peace negotiations. Such violation shall be investigated and dealt with accordingly by the party to which the personnel charged with the violation belongs.

3. Any disagreement or ambiguity in the interpretation and application of the provisions of this Joint Agreement shall be subject of consultations between the two panels and resolved in accordance with the letter and spirit of the HAGUE JOINT DECLARATION and the pertinent provisions of the BREUKELLEN JOINT STATEMENT.

4. The two parties may mutually amend, modify or supplement this Joint Agreement if the progress of the peace negotiations so demands.

5. After its approval as provided in No. 1 of III above, this Joint Agreement shall be effective and binding upon the parties 30 days prior to the formal opening of the peace negotiations on June 1, 1995 and for the duration of the peace negotiations, unless this Joint Agreement is sooner terminated by written notice given by one party to the other. In the latter event, this Joint Agreement shall be deemed terminated 30 days after receipt of the notice of termination.

6. The venue of the formal talks shall be Brussels, Belgium, unless both parties mutually agree on another neutral venue. For this purpose, both parties shall separately make arrangements with the host country concerned.

DONE IN THE TOWN OF NIEUWEGEIN, THE NETHERLANDS, ON THE 24TH DAY OF FEBRUARY 1995.

HOWARD Q. DEE, Chairman  
GRP Negotiating Panel

LUIS G. JALANDONI, Chairman  
NDFP Negotiating Panel

MEMBERS, GRP  
NEGOTIATING PANEL:

MEMBERS, NDFP  
NEGOTIATING PANEL:

JOSE V. YAP

FIDEL V. AGCAOILI

SILVESTRE H. BELLO III

CONI K. LEDESMA

FELICIANO V. CARINO

ASTERIO B. PALIMA

ZENAIDA H. PAWID

**WITNESSES:**

JESUS G. DUREZA

JOSE MA. C. SISON

TERESITA L. DE CASTRO

ROMEO T. CAPULONG

**APPROVED BY:**

(Sgd) **FIDEL V. RAMOS**

(Sgd) **MARIANO OROSA**

President

Chairperson

Government of the Republic of the Philippines National Democratic Front of the Philippines

April 25, 1995

April 10, 1995