

3.4 Agreement on Security Guarantees and the fight against criminal organisations responsible for killings and massacres, or that infringe upon human rights defenders, social movements or political movements, including the criminal organisations that have been named successors to paramilitary groups and their support networks, and the persecution of criminal behaviour that threatens the implementation of the agreements and the building of peace

This agreement covers point 3.6 "Security Guarantees" of the General Agreement for the termination of the conflict. This agreement provides measures for the clarifying the phenomenon of paramilitarism, as established in point 3.7 of the General Agreement for the termination of the conflict, in addition to what has already been agreed in point 5 "Victims", in particular with the Commission for Clarification of Truth, Coexistence and Non-Repetition being necessary to adopt the measures referred to in this Agreement to comprehensively guarantee this process.

On the basis of what was already established in the Point 2 of the Agreement, on Political Participation, that defines security as: "a modern and qualitatively new concept of security, which, in the end-of-conflict scenario, is founded on respect for human dignity, the promotion of and respect for human rights, and the defense of democratic values, in particular the promotion of rights and freedoms of people who engage in political activity, especially of those who, after the end of the armed conflict, form part of the political opposition and thus must be recognised and treated as such," the National Government will establish a new Comprehensive Security System for Political Activity.

Point 2 of the Agreement also says that "the Comprehensive Security System for Political Activity will be structured in accordance with a concept of security that is centered around the person itself, is based on the principles of sovereignty, non-intervention and self-determination of people, and allows for linking security measures with development and individual and collective well-being measures referred to in the present agreement", as well as taking a differential and gender-based approach.

Finally, point 2 of the agreement states that security guarantees are necessary to strengthen and build peace and coexistence, and in particular to ensure the implementation of the schemes and programmes agreed here, guaranteeing protection of communities and community leaders, human rights defenders, political parties and political and social movements, and especially new movements or political parties that arise from the transition of the FARC-EP to legal political activity. It will also guarantee the protection of FARC-EP members in the process of reintegrating into civilian life. Measures to realise these goals will have a differential and gender-based approach.

To fulfil these goals, the National Government and the FARC-EP, undertake to:

- The National Government will ensure the implementation of measures necessary to effectively and comprehensively intensify activity against criminal organisations responsible for killings and massacres, or that infringe on human rights defenders, social movements or political movements, including the criminal organisations that have been named successors of paramilitary groups and their support networks, and the prosecutions of criminal behaviour that threatens the implementation of the agreements and the building of peace. In addition, it will ensure the protection of communities in the territories, to break any type of relation between politics and armed-violence, and to respect principles that govern the whole democratic society.

- The Colombian State shall apply the rules of criminal prosecution against organisations and criminal behaviour that are targeted by this Agreement, respecting human rights in their actions.
- The Colombian State will observe the rules of International Human Rights Law, hereinafter DIDH, in order to protect the population.
- The State will hold a monopoly on the legitimate use of weapons, with the goal of ensuring the full enjoyment of all human rights for all Colombians.
- And the FARC-EP will commit to contributing effectively to building and consolidating peace, to the best of its abilities, to promote the contents of the agreements and to respect fundamental rights.

3.4.1 Guiding Principles

The Government and the FARC-EP agree on the following guiding principles:

1. *Respect, guarantee, protection, and promotion of human rights:* the State is the guarantor of the free and full exercise of individuals' and communities in the territories' rights and freedoms.
2. *Ensure a legitimate monopoly of force and use of weapons by the State throughout the territory:* in the framework of the ending the conflict and building a stable and lasting peace, the measures to be adopted must guarantee the legitimate monopoly of force and *use of weapons* by the State, in order to ensure the respect and the fundamental rights of all citizens. The legitimacy will come from fulfilling the obligation to ensure the full enjoyment of all Colombians' fundamental rights, under the principles of legality, necessity and proportionality.
3. *Strengthening the administration of justice:* in the context of ending the conflict building a stable and lasting peace, the measures taken must contribute to ensuring citizen access to independent, timely, effective and transparent justice, respecting and promoting alternative solution mechanisms for the settling conflicts in the territories, so as to ensure fundamental rights and impartiality, and to prevent any form of private justice and cope with the behaviours and organisations covered by this Agreement. These measures should also contribute to ensuring the effective administration of justice in cases of gender violence, free of gender-based stereotypes or sexual orientation, and with sanctions proportional to the gravity of the offense.
4. *Ensure the Tax authorities' monopoly of taxes:* illegal forms of economy and criminal income will be confronted, linked to the following but not limited to: organised crime, human trafficking, drug trafficking, extortion or illegal coercion, smuggling, money laundering, taxes that are outside of the monopoly of the State, and criminal mining. Traditional artisanal mining will not be considered as such.
5. *Territorial and differential approach:* in the context of ending the conflict and building a stable and lasting peace, the security measures to be taken should have a territorial and differential approach that takes into account the various threats, particularities and experiences of different people in their communities and territories, with the goal of implementing schemes and programmes to build peace and to provide guarantees for the population, including the new political movement that arises from the transition of the FARC-EP to legal political activity and its members in the process of reintegrating into civilian life, so as to contribute to better governance, legitimacy, and citizens' effective enjoyment of the rights and freedom.
6. *Gender-based Approach:* Special emphasis will be placed on the protection of women, children, and adolescents who have been affected by criminal organisations targeted by

Agreement. This approach will take into account the specific risks faced by women against their life, freedom, integrity, and security, and will be appropriate to such risks.

7. *Coordination and institutional responsibility*: in the context of ending the conflict and building a stable and lasting peace, coordination and joint responsibility between all State institutions will be necessary in order to ensure the effectiveness of the measures taken in the security department. The Union of national, departmental, and municipal order institutions should therefore be ensured.
8. *Citizen participation*: the measures will be implemented with active participation from civil society, including the new political movement that arises from the transition of the FARC-EP to legal political activity and its members in the process of reintegrating into civilian life.
9. *Accountability*: all measures to be adopted must have a permanent system of accountability provided by the institutions, that illustrates achievements and progress of measures taken, including those that are taken in response to information provided by the communities.
10. *Guarantee of non-repetition*: The State will take measures to ensure clarification of the paramilitary phenomenon, to prevent its repetition and ensure the dismantling of criminal organisations responsible for killings, massacres, and systematic gender-based violence, or that infringe on human rights defenders, social movements or political movements, including the criminal organisations that have been named successors to paramilitary groups and their support networks, and the prosecution of criminal behaviour that threatens the implementation of the agreements and the building of peace.

Considering the above, the National Government and the FARC-EP agree:

3.4.2 National Political Pact

The desire for the country to achieve a stable and lasting peace is based on recognising the need to overcome armed conflict. The National Government and the new political movement that arises from the transition of the FARC-EP to legal political activity, undertake to promote a National Political Pact throughout the regions, with political parties and movements, guilds, civil society [fuerzas vivas de la Nación], organised society and communities in the territories, trade unions, the National Trade Union Council, and various business groups, owners and managers of communication media, churches, academy and educational institutions, as well as the following types of organisation: women's, sexual diversity, people with disabilities, young people, indigenous people and people of African descent, victims, human rights defenders, and other social organisations.

This National Political Pact, that must be promoted throughout the regions and especially in the most affected by the phenomenon, seeks to ensure the commitment of all Colombians to never again use weapons in politics, nor promote violent organisations such as paramilitary groups that interrupted the life of Colombians by infringing upon their human rights, affecting coexistence, and altering the security conditions that society demands. In this regard, the National Government undertakes to put in place the necessary legislative process to incorporate into the Constitution a ban on promotion, organisation, financing, or official and/or private employment of paramilitary practices or structures, and to develop the necessary rules for its application, which will include a criminal prosecution and administrative and disciplinary sanctions policy. In addition, measures will be included to bring people to justice. This pact will seek national reconciliation and peaceful coexistence between Colombians.

3.4.3. National Security Guarantee Commission for dismantling criminal organisations responsible for killings and massacres, or that infringe on human rights defenders, social movements or political movements, including the criminal organisations that have been named successors of paramilitary groups and their support networks, and the persecution of criminal behaviour that threatens the implementation of the agreements and the building of peace, hereinafter referred to as the National Security Guarantee Commission.

In accordance with the agreement reached in the point 2.1.2.1 related to the Comprehensive Security System for Political Activity, which deals with the implementation of the Continuous Evaluation of the Performance of the Comprehensive Protection System and of the Progress in Dismantling Criminal Organisations (and of all those who threaten the implementation of the policy) Commission, the National Government and the FARC-EP agree that the Government will develop and implement the National Security Guarantee Commission, whose goal will be the design and monitoring of public and criminal policy, in relation to dismantling any organisation or conduct targeted by this Agreement that threatens the implementation of the agreements and building of peace. The Commission will also blend these policies to ensure their implementation. The monitoring and evaluation of the National Security Guarantee Commission's performance will be carried out by the High-Level Body discussed in point 3.4.7.1.1 of this Agreement.

The National Security Guarantee Commission will be chaired by the President of the Republic, and will be composed of the Interior Minister, Defence Minister, Justice Minister, the National Attorney General, the Ombudsman, the Director of the Special Investigation Unit - point 74 of the Special Jurisdiction for Peace -, the General Commander of the Armed Forces, the General Director of the National Police, two (2) representatives of the new movement that will arise from the transition of the FARC-EP to legal political activity, and two (2) spokesmen representing human rights and peace platforms. The Commission will also be able to invite representatives of the political parties and movements, specialised national and international organisations with a presence in the territories, and will be able to rely on their experts on the matter when it is deemed convenient. The Commission will be established before the implementation of the Final Agreement. The effective participation of women will be encouraged when forming the Commission.

While the process of formalisation of the new political party arising from the transition of the FARC-EP to legal political activity takes place, round-table talks will nominate two independent experts to assimilate it.

The Commission's work will be focused on:

- a. The National Security Guarantee Commission will be the authority responsible for the design, monitoring, intersectional coordination and promotion of departmental and municipal-level coordination, in order to fulfil the National Government's plan of action to fight and dismantle the organisations and prosecute the punishable offenses targeted by this Agreement;
- b. Will formulate and evaluate the permanent Plan of Action to fight and dismantle the organisations and behaviours targeted by this Agreement;
- c. Will assess the institutional response and the impact of the results in disrupting the organisations and behaviours targeted by this Agreement;
- d. Will coordinate round-tables with departmental and municipal authorities to track criminal demonstrations targeted by this Commission, including receiving information on reports and complaints, which will contribute to the state-wide effort;
- e. Will recommend reforms that would help to eliminate any possibility of the State, its institutions, or its agents creating, supporting, or maintaining relationships with the organisations targeted by his Agreement;

- f. Will request from authorities referral to reports on any matter related to the organisations and behaviours targeted by this Agreement and will follow up the contents of these reports;
- g. Will design and construct its strategies to identify sources of funding and criminal activity patterns of the organisations and behaviours targeted by this Agreement; amongst these patterns, those that particularly affect women, children, adolescents, and the LGBT population will be taken into account;
- h. Will recommend repealing or amendment of the rules in order to identify elements that, directly or indirectly, enable and/or promote the establishment of organisations and behaviours targeted by this Agreement;
- i. Propose mechanisms to review public servants records in all State institutions in order to verify any previous involvement that they may have had with groups and/or activities of a paramilitary nature or violations of human rights;
- j. Will report regularly to public authority branches, to the general public, and to international agencies about the progress and obstacles in the fight against the organisations and behaviours targeted by this Agreement;
- k. Will ensure information is provided by the entities or institutions that participate in the National Security Guarantee Commission, in the "Commission for Clarification of Truth, Coexistence and Non-Repetition", and in the Unit for Investigating and Dismantling Criminal Organisations and Successors to Paramilitary Groups - point 74 of the Special Jurisdiction for Peace -;
- l. Will recommend public authority branches to adjust and prioritise actions and strategies of the politics and legislation of State intelligence in the fight against the organisations and behaviours targeted this Agreement;
- m. Will follow up the surveillance and private security services control systems and formulate proposals to update the rules that regulate surveillance and private security services, with the goal of ensuring their services match the purpose for which they were created and under no circumstances, directly or indirectly, facilitate the activity of the organisations and criminal behaviour are targeted by this Agreement.
- n. Will create policies for submitting criminal organisations and their support networks targeted by this Agreement to justice, defining specific treatments for the members of these organisations and networks, and encouraging and promoting a rapid and definitive dismantling of the above. These measures will never imply political recognition.
- o. Will ensure a territorial, differential, and gender-based approach towards the design, implementation and monitoring of the policies and strategies subject of this Commission.

3.4.4 Special Investigation Unit for dismantling the criminal organisations responsible for killings and massacres, or that infringe on human rights defenders, social movements or political movements, including the criminal organisations that have been named as the successors of paramilitary groups and their support networks, and for the prosecuting criminal behaviour that threatens the implementation of the Agreements and building of peace.

In the context of ending the conflict and ensuring the effectiveness of the fight against criminal organisations and their support networks, including those that have been named successors to paramilitary groups, which represent the greatest threat to the implementation of the Agreements and building of peace, the National Government will take the steps necessary for creating and implementing , within the framework of ordinary jurisdiction, a Special Investigation Unit for dismantling criminal organisations and their support networks, including those that have been named successors to paramilitary groups, in line with paragraph 74 of point 5.1.2 of the Comprehensive Truth, Justice, Reparation and Non-Repetition Systems Agreement. The Unit will operate for the time needed for the completion of its mandate.

Its mandate will be the investigation, prosecution, and research of criminal organisations responsible for killings, massacres, systematic gender-based violence, or that infringe on human rights defenders, social or political movements, including the criminal organisations that have been named to successors of paramilitary groups and their support networks, as well as the prosecution of criminal behaviour that threatens the implementation of the Agreements and the building of peace.

The Special Unit, by fulfilling its functions within ordinary jurisdiction, will contribute to the achieving the goals of Justice and Peace Law and of the Special Jurisdiction for Peace. In a manner which will contribute to strengthening the justice system and dismantling organisations that have been named successors to paramilitary groups, the Special Unit must guarantee the non-repetition of the paramilitary phenomenon, and will prevent further violations of human rights, as well as aiding the building of a stable and lasting peace.

This Special Investigation Unit will have the following features:

- It will be created outside of the Special Jurisdiction for Peace. It will be a part of ordinary jurisdiction and the State Prosecutor Office. The Unit will decide what is necessary for its functioning and for creating its work and research groups, whilst promoting in these spaces the effective participation of women who will have the autonomy to choose their lines of research, to implement them, and to undertake proceedings before any jurisdiction.
- The Director of the unit will be responsible for decisions in respect of to any function or authority of the unit, and may delegate, in whole or in part, such responsibilities, to other public servants.
- The Unit will investigate, and accumulate cases for which are relevant to it, and when appropriate submit allegations and accusations before ordinary courts or before the Justice and Peace Law, provided that the legal deadline for nominations has not passed. The Unit may apply to the competent body for the accumulation of judicial powers for all crimes committed by a criminal organisation, within the respective jurisdiction.
- The unit will perform their functions without replacing the Ordinary of the State Prosecutor Office neither before the Justice and Peace Law jurisdiction nor before the ordinary courts.
- Its Director will be appointed for a period of 6 years, and must be jurist, meet criteria of technical soundness and transparency, and must have experience in the criminal investigations field have shown results in the fight against organised crime. The rules regarding inabilities of the State Prosecutor's Office officials will be applicable to the Unit's Director. Under no circumstance will the Unit's Director be removed from charge for offenses which are not considered very serious under the disciplinary regime in force. Disciplinary proceedings which are taken against the Unit's Director will be processed in a single instance by the National Discipline Commission.
- This Unit will deploy its research capability with a territorial, differential, and gender-based approach, to confront threat, with emphasis on areas where variables that endanger communities and the building of peace converge, giving priority to investigation of organised crime structures that are within its authority.
- Will be coupled with Special Unit of the Judicial Police formed by specialised Judicial Police of the National Police officials and Office of the Prosecutor officials, who are experts in different subjects, and who must have knowledge of the development and consolidation of organised crime associations, including knowledge of the paramilitary phenomenon and criminal organisations that have been named successors of the paramilitary groups. Efforts will be made to ensure that these officials also are knowledgeable regarding gender-based violence and justice. The Director will have functional command of CTI officials of the attached to

his/her Unit, as well as the functional command of the other Judicial Police officers attached to it.

- The public servants that make up the Unit will be elected by the Directors, by applying special selection, incorporation and performance monitoring mechanisms, prioritising high standards of transparency, effectiveness and knowledge in implementing a gender-based approach to public exercise.
- This Unit will have as a basis a multidimensional investigative approach that focuses on the entire chain of targeted criminal organisations and behaviours, including criminal behaviour affecting women, children and adolescents.
- This Unit will have methods for analysing context, taking into consideration judicial experience accumulated in recent years, without prejudice against the possibility of using new methods of analysis, including the ones from a gender perspective.
- To ensure its performance with high efficiency standards, resources and sufficient budget for its operation will be available. The funding for the Unit's operation will come from the General Budget for the State and International Cooperation. The funding that the Colombian Government uses for this purpose must be included in the annual State Prosecutor Office budget, and will be subject to Congress approval, and specifically destined for the Unit. Resources will be implemented according to the plan established by its Director, without prejudice against legally established checks. The Unit may request extra funds from the State or the International Cooperation and in the latter case may negotiate and receive international funds for its operation. The Unit will be able to follow any convention or international cooperation agreement to strengthen its ability to meet its purpose.
- The Investigation Unit will regularly provide a report on the progress and results to the National Security Guarantee Commission.
- The State Prosecutor Office, in coordination with the National Government, and at the request of the Unit, will ask the European Union to send a temporary delegation to boost the Unit's fight against organised crime and ensure adoption of international best practices, without prejudice against additional international cooperation that may require the Unit through the State Prosecutor Office.
- Will have access to all the information it requires for its investigations, including the information that lies in or that has been transferred to other units of the State Prosecutor Office, especially the Justice and Peace Unit. It will be able to use documents and information sources access methods, provided by the Special Jurisdiction for Peace (paragraph 69 of the Agreement on Special Jurisdiction for Peace).
- The Unit will ensure the legal reserve in fulfilling its duties and will take the necessary measures to protect witnesses and victims who so require.

Authority

The Special Unit

- Will prosecute behaviours and organisations targeted by its mandate. It will investigate the respective criminal responsibilities of the members of these organisations and will forward information obtained regarding authors, instigators, organisers, and funders of these structures to the relevant authorities for the purpose of opening a trial or investigation.
- Will take over investigations in cases that have occurred under the ordinary jurisdiction or under the Justice and Peace jurisdiction, to investigate the criminal responsibility of those that made up the support networks of criminal organisations included in this Agreement, including criminal organisations that have been named successors of the paramilitary groups.
- Will implement specialised investigation method schemes with regard to the most serious acts of victimisation that organisations and behaviours covered by this agreement performed against women, children, adolescents and the LGBT population.

- Will take over investigation on the links between criminal organisations included in its mandate, including criminal organisations that have been named successors of paramilitary groups and State officers.
- To find evidence on public officials' responsibility, it will continue with the criminal investigation, and additionally will transfer power to the Attorney General Office or the Republic's General Comptroller Office, so as to be able to begin disciplinary investigations and relevant prosecutions.
- To find evidence on public officials' responsibility, the Unit will request from the competent judicial authorities the imposition of ancillary penalties, such as the inability to exercise public functions, among others.
- Will ensure that there are no rules which, directly or indirectly, allow or promote the existence of the paramilitary structures or successors of these, reporting on the above to the National Security Guarantee Commission so that appropriate measures are taken.
- Will be able to report regularly to the national and international public on the progress and obstacles in the fulfilment of its mission.
- Will coordinate the exchange of information under its authority with the Commission for Clarification of Truth, Coexistence and Non-Repetition and the Special Jurisdiction for Peace.

3.4.5 Integration of an Elite Force

As a guarantee of immediate action by the State against the organisations and behaviours targeted by this Agreement and their dismantling, an Elite Force will be integrated into the National Police with a multidimensional approach. The members that make up the Elite Force will be selected under a special model that certifies high standards of aptitude, transparency and effectiveness.

3.4.6 Basic guarantees for exercising the function of prosecutors, judges and other public servants

Public servants with responsibilities in the fields of research, analysis, prosecution, and others, aimed at fighting organisations and behaviours targeted by this agreement, will ensure the necessary conditions for its development by avoiding any disturbance or threat to their functions and by providing the respective security assurances.

3.4.7 Comprehensive Security System for Political Activity

The comprehensive system will develop a new model for guaranteeing for citizens' rights and protection, for political movements and parties, including the movement arising from the transition of the FARC-EP to legal political activity, and for rural communities and social, women's, and human rights defenders organisations, respecting what was agreed in the Political Participation Agreement.

3.4.7.1 Protection and collective and social security measures

Considering that the agreement on political participation was agreed "Comprehensive Security System for Political Activity", which should be complemented and have its content defined with regard to security and protection for the people targeted by this system, and in order to provide security guarantees for the new political movement arising from the transition of the FARC-EP to legal political activity, for its members - men and women - in the process of reintegrating into civilian life, in addition to the applying the prevention, security, and protection of the territories model, and the protection measures defined in the framework of "Political Participation Agreement: Opening up Democracy to Build Peace";

The National Government and the FARC-EP agree to:

3.4.7.1.1 High-Level Body of the Comprehensive Security System for Political Activity

In line with the requirements of point 2.1.2.1 (a), of the Political Participation Agreement, the High-Level Body's purpose will be to implement a security system for political activity, ensuring its functioning, articulation and monitoring. It will also be a space for continuous dialogue on the security and protection of members of political parties and social and political movements, and the new movement arising from the transition of the FARC-EP to legal political activity, as well as of its members in the process of reintegrating into civilian life.

The High-Level Body of the Comprehensive Security System for Political Activity (Political Participation Agreement, paragraph 2.1.2.1) will develop and implement, the following Security System Components:

- Specialised protection, on the basis of a risk assessment and in coordination with the State Entities concerned, for the following persons: those who have been publically elected, who declare themselves in political opposition and leaders of political parties and movements, with a differential approach and with a national and regional presence, as well as with a regional and local risk assessment entity, referred to in the subparagraph 2.1.2.1. (c) of the Political Participation Agreement: Opening up Democracy to Build Peace. Both risk assessments and specialised protection measures will apply gender protocols that ensure expertise regarding sexual orientation and gender identities of the people.
- Planning, monitoring and evaluation system with of an inter-institutional nature, set out in paragraph 2.1.2.1. (d) of the Political Participation Agreement: Opening up Democracy to Build Peace.
- Committee for promoting investigation of offenses against those who undertaking political activity, taking into account women and the LGBT population, as set forth in subparagraph 2.1.2.1. (d) of the Political Participation Agreement: Democratic Openness to Building Peace.

The body will be composed of:

- a. The President of the Republic.
- b. The Interior Minister.
- c. The Minister of Defence
- d. The Councillor for Human Rights of the Presidency of the Republic.
- e. The Commander of the Military Forces.
- f. The Director of the National Police.
- g. The Director of the National Protection Unit, hereinafter UNP.

The High Level Body will ensure the continued participation of the new political movement arising from the transition of the FARC-EP to legal political activity.

The National Government will ensure the participation of political parties and movements in the High-Level Body, especially those whose security has been affected, as well as victims and human rights organisations, and social movements, including those of women. When considered appropriate, a delegate of the international human rights organisations with a presence in Colombia, and other delegates of State Entities and control bodies may be invited.

3.4.7.2 Presidential Delegate:

The President of the Republic will designate a delegate assigned to the Presidency's Administrative Department, who will be in charge of the Technical Secretariat of the High-Level Body and be responsible for the planning, information, and monitoring system (Agreement 2.1.2. (a)) as well as for coordinating and following up on the protection and security measures to be taken in the matter. They will maintain a permanent dialogue with members of political and social parties and movements, defenders of human rights, including the political party that will emerge from the transition of the FARC-EP towards legal political activity, and members of the FARC-EP in the process of reintegrating into civilian life.

3.4.7.3 Comprehensive Protection Programme for members of the new political party or movement arising from the transition of the FARC-EP to legal political activity, for their activities and headquarters, as well as for former members of the FARC-EP returning to civilian life and for the families of all of the above, in line with the level of risk.

The National Government commits to implementing a comprehensive protection programme to coincide with the one developed in the "Political Participation Agreement: Opening up Democracy to Build Peace", paragraph 2.1.2.1(c), whose goal will be to protect members of the new political party or movement arising from the transition of the FARC-EP towards legal political activity, their activities and headquarters, as well as former members of the FARC-EP returning to civilian life and the families of all of the above, in line with the level of risk.

This programme, which will be assigned to the Presidency's Administrative Department under supervision of the Presidential Delegate in the High-Level Body for the Comprehensive Security System for Political Activity, will have administrative and financial autonomy, and will have permanent and operational coordination with the state institutions concerned.

The measures established in this paragraph will apply to representatives of the FARC-EP in process of reintegration into civilian life and those assigned to the process of building peace, and will be designed by the FARC-EP Peace Delegation, after signing and in line with what is established in the Final Agreement.

3.4.7.3.1 Specialised security and protection department in the UNP

The National Government will create department in the UNP, specialising in security and protection of members of the new political party or movement arising from the transition of the FARC-EP towards legal political activity, for their activities and headquarters, as well as for former members of the FARC-EP returning to civilian life and for the families of all of the above, in line with the level of risk.

The specialised security and protection department will rely on active and ongoing participation of at least two representatives of the new political party or movement arising from the transition of the FARC-EP to legal political activity, and the basis of its structure and operation will be defined by the National Government and the FARC-EP. This specialised security and protection department will ensure the administration, functioning, and operation of the Technical Committee and Security and Protection Body established in this Agreement:

3.4.7.3.2 Technical Security and Protection Committee:

The National Government, will put in place a Technical Security and Protection Committee, hereinafter referred to as the Technical Committee, with participation from the National Government and the FARC-EP, which will begin its work immediately after this agreement has been signed, with the goal of developing, coordinating, monitoring and making suggestions for the implementation of a Strategic Security and Protection Plan, of devising measures for members of the new political party or movement arising from the transition of the FARC-EP to legal political activity, for their activities and headquarters, as well as for former members of the FARC-EP returning to civilian life and for the families of all of the above, in line with the level of risk.

The Technical Committee will have the following functions:

- To develop the structure of the specialised security and protection department of the UNP, as agreed by the National Government and the FARC-EP.
- To identify the needs in the fields of human, physical, and budget resources, required for the implementation of the Strategic Security and Protection Plan, in a way that will ensure the right to life and personal integrity, to freedom, to mobility and security, of members of the new political party or movement arising from the transition of the FARC-EP to legal political activity and FARC-EP members returning to civilian life, and the families of all the above, given the risk the face by exercising their political, public, social, or humanitarian function.

The Technical Committee will be permanent, and will follow up and make periodic assessments in coordination with the state institutions that have jurisdiction on the matter. The planning and monitoring of protection will be both individual and collective for the members of the new political party or movement arising from the transition of the FARC-EP towards legal political activity, for their activities and headquarters, as well as for former members of the FARC-EP returning to civilian life and for the families of all of the above, in line with the level of risk.

At the initiative of the Technical Committee and in coordination with the Presidential Delegate, the Government will be able to make regulatory reforms and adjustments - decrees and developments - governing all aspects related to the protection and security of members of the new political party or movement arising from the transition of the FARC-EP towards legal political activity and their families, in line with the level of risk. These rules and procedures will be developed by the Technical Committee and submitted to the National Government for its approval before the Final Agreement is signed.

The Technical Committee will be composed of delegates of the National Government, under the charge of head the Presidential Delegate, the UNP Director, and the Deputy Director of the new specialised department, created in the present agreement, who will act as secretary, and other entities that are deemed relevant. Among these, the Office of the High Commissioner for Human Rights of the United Nations in Colombia, or its representative, will attend as a permanent guest. Before signing the final agreement, the representatives that the FARC-EP consider relevant will participate. After the agreement has been signed, the delegates appointed by the FARC-EP will continue to be a part of the Technical Committee. After the political movement has formed, it will appoint representatives to incorporate into the Technical Committee.

Guidelines and Criteria for the Strategic Security and Protection Plan for the new political party or movement arising from the transition of the FARC-EP towards legal political activity, in line with the level of risk.

The Strategic Security and Protection Plan will be composed of all the comprehensive measures contained in this Agreement, including collective or political measures, to generate a confident atmosphere, and other measures that will be defined in the security and protection protocols, as well as all those that the Technical Table will expand to aid its implementation.

The security and protection protocols will be composed of the following components: prevention, security, and protection programmes and schemes; Security and Protection Body staff - Selection and Training-; Logistics and enlistment of the Security and Protection Body - staffing and financial resources -, along with risk analysis programmes and coordination between all elements of the Security System.

The measures applied to the population under this agreement will be implemented in accordance with the contents of point 3.4.7.3, and in accordance with development protocols, and must be carried out in a timely and effective manner.

The protection protocol will provide necessary transport means, according to the displacement needs of protected people.

In line with decisions taken by the Technical Committee, the following support facilities will be expected: temporary relocation, communication methods, psychosocial care, and all means that are necessary to ensure the effective protection of the population targeted by this Agreement.

The State will guarantee, in line with the Technical Committee's definitions, all protection measures required for comprehensive security of the sites and facilities of the new political party or movement into which the FARC-EP will transform, and of the homes of people who are to be protected according to this Agreement, in line with the level of risk.

The prevention, security, and protection schemes, in regard to enrolling, logistics, management, mobility, staff labour rights, and other requirements for its optimal functioning and sustainability, will be defined by the Technical Committee, in line with reliability and compliance criteria, that in this field will aid members of the new political party or movement the FARC-EP will become.

The security and protection protocols will be developed by the Technical Committee and approved by the Negotiating Committee before signing the Final Peace Agreement.

3.4.7.3.3 Security and Protection Body

The National Government Security and Protection Body will be, in line with that established in this agreement, composed of trusted staff from the new political party or movement arising from the transition of the FARC-EP towards legal political activity, which will have a direct link and coordination with the National Police, which will in turn create links for each security and protection scheme, at a national, departmental, and municipal level according to the established plan of action.

The schemes must be provided with all the logistics for their operation and management deemed necessary for the protection of the targeted people. The National Government will ensure that the protection schemes are equipped with more appropriate and relevant weapons to ensure the integrity of the population covered by this agreement, based on risk levels established by the Technical Committee.

The beneficiaries of security and protection will be members of the new political party or movement arising from the transition of the FARC-EP towards legal political activity, their activities and headquarters, as well as former members of the FARC-EP returning to civilian life and the families of all of the above, in line with the level of risk.

With the goal of moving towards a professional and technical model of the Security and Protection Body, the Technical Committee will make further proposals to the National Government, whose monitoring and management will boost the Presidential Delegate, including training, labour relations and social security system. The system will include training programs in subjects related to the protection of women and of the specific risks that they face.

The security and protection protocol will determine the operating system and formation of the protection schemes - which will take a gender-based approach - and with which links to the new political movement or party arising from the transition of the FARC-EP towards the legal activity, and links to the National Police, will be integrated. It will follow the criteria and guidelines of the Strategic Security and Protection Plan.

The National Government will make the necessary budgetary allocations for the implementation of a comprehensive system whose existence must be guaranteed for a minimum period of five years in its initial stage.

A rigorous model for reviewing criminal records and disciplinary procedures will be applied, as well as security measures including testing of credibility, reliability, and other characteristics for members of the National Police that will compose the Security and Protection Body.

Members of the Security and Protection Body will rely on the Specialised Security and Protection Department. The link between the two will act through direct recruitment of public servants, through temporary contracts for service provision, or through incorporation of staff through duly authorised security operators that provide the greatest guarantee of reliability to the protected people. The National Government will make necessary adjustments to expand the UNP's staff, if necessary.

The Security and Protection Body will be responsible for training and specialising all of its members with duly accredited security training programs. It will be able to hold advice and training conventions with national or international agencies and experts in the field.

The Technical Committee will establish the training criteria. Members of the Security and Protection Body will be selected and trained in national or international academies or institutions, for which the National Government will grant all necessary resources.

Legal and Constitutional Risk Presumptions: Members of the new political movement created by the FARC-EP's transition towards legal political activity will be presumed to be under exceptional risk, in accordance with reasonable criteria submitted by their representatives before to the Technical Committee. The new political movement will be presumed to be under exceptional risk. The National Government will advance the necessary regulatory measures to convert the presumption into law.

Psychosocial care: measures will be taken to provide tools in the field of single or collective psychosocial care and with a gender-based approach, for those beneficiaries of the protection program that may have been affected by any kind of aggression towards their lives and physical integrity.

3.4.7.3.4 Implementation of the Stigmatisation Prevention, Reconciliation, and Coexistence Program

In accordance with the Political Participation Agreement (2.2.4), after the Final Agreement has been signed, the National Council for Reconciliation and Coexistence will be set in motion, which must design and implement the Stigmatisation Prevention, Reconciliation, and Coexistence

Program, with participation from territorial entities. The above will be done without prejudice against the immediate measures to be taken.

3.4.7.3.5 Self-Protection Measures

In the interest of security, a training process for self-protection will begin, oriented towards members of the FARC-EP in process of reintegrating into civilian life and the new political movement arising from the transition of the FARC-EP towards legal political activity, for which the National Government will provide the necessary tools and resources to ensure its effectiveness.

3.4.8 Comprehensive Security and Protection Programme for communities and organisations in the territories

There will be a Comprehensive Security and Protection Programme for communities and organisations in the territories, at the request of the Interior Ministry, whose goal will be to define and adopt comprehensive protection measures for organisations, groups and communities in the territories, so as to help ensure, under an effective model, the implementation of prevention and protection measures for communities and their territories. This programme will benefit from the active and effective participation of social organisations, including women's and community organisations. The following (included but not limited to) measures will be promoted:

- *Implementation of comprehensive security and protection measures* - in developing that established in point 2.2.4 of the Political Participation Agreement, the Comprehensive Security and Protection Programme will take into account the Prevention and Protection Plan, destigmatisation measures, including those against sexual orientation and gender-based stigmatisation, widespread dissemination methods, recognition campaigns for human rights defenders (in both urban and rural areas), and the creation and dissemination of media and public interest promoting human rights and coexistence.
- *Community Promoters of Peace and Coexistence*: will be a programme run by the Interior Ministry in coordination with the Ministry of Justice. The Community Promoters of Peace and Coexistence will be volunteers and non-armed. The programme will promote alternative methods for settling conflicts in the territories; will promote the defence of Human Rights, stimulating the coexistence in the community previously defined areas. The programme will appropriate the resources needed to ensure its successful implementation.
- *Protocol for the protection of rural territories*: the Interior Ministry will create a special protocol for the protection of rural communities that were affected by the conflict, which will be agreed with the communities and organisations of each territory, including women's organisations, and with the Comprehensive Security and Protection System. Within this protocol, rural communities and their organisations will develop their own assessment structure and definition of risks, with a differential and gender-based approach.
- *Support for the Crime Reporting Activities of Human Rights Organisations in the Territories*: the Interior Ministry will draw up a programme for strengthening the denunciation ability of human rights organisations in rural areas, which will boost prevention measures with an emphasis on written and audiovisual communication, along with any instrument that is used to document possible human rights violations. With this programme, offices and premises will be made available to human rights organisations, as well as staffing of and equipment for these, in support of the defenders' activities and their organisations in the territories, with the aim of boosting and promoting the fulfilment of its purposes. These offices and premises must be collectively managed by human rights organisations.

3.4.9 Mechanism for prevention and monitoring of criminal organisations targeted by this agreement

In accordance with that established in the "Political Participation Agreement" in point 2.1.2.1 (b), a new prevention and early warning system for rapid reaction to the presence, operations and/or activities of the organisations and criminal behaviour targeted by this Agreement will be created in the Ombudsman Office, coordinated with the National Government and the Special Investigation Unit, and in whose design will participate the National Security Assurances Commission. The system should combine permanent monitoring and early warning activities with the ability to react rapidly and deploy in the field. It will act in coordination with the organisations for the defence of human rights and the communities. This system will give early warnings autonomously without having to consult with or submit their decisions to any other institution.

This Early Warning System must have a territorial, differential, and gender-based approach and a preventive security deployment, without detriment to its national deployment and its capacity to react. The Colombian State will ensure adequate financing according to the specific requirements of the system and its comprehensive functioning.

Monitoring activities will be combined with the ability for early warnings and recommendations for rapid reaction and deployment in the field. This system will integrate governmental abilities and at the same time will be in a position to address and to respond to situations on the ground. The system will have the following functions:

- a. Monitoring and mapping the threat posed by the presence and/or activities of organisations and criminal behaviour targeted by this Agreement, including those named the successors of paramilitary groups, in particular in regions and territories where the FARC-EP advance their process of reintegration into civilian life.
- b. Governmental institutions, security forces, communities, social groups and organisations specialising in the field, will permanently and continuously contribute to the system, so as to generate methods for verification and response to complaints and reports obtained in the territories and at the central level.
- c. Early identification of the presence, movement, incursions and activities throughout the country of the criminal organisations covered by this Agreement, as well as the potential risk to the civilian population.
- d. The National Government will ensure the organisation and coordination of preventive measures and of quick reaction to the incursions and actions of the criminal organisations covered by this Agreement, to ensure the protection of the civilian population.
- e. Initially, critical areas of intervention will be prioritised on the basis of reports and public denunciation accumulated.

In the prioritised areas, mechanisms will be implemented for inter-agency coordination that will unite efforts towards security alerts regarding any threats in these areas, so as to achieve rapid reaction.

The "system for prevention and early warning for rapid reaction" will rely on Territorial Alert Committees for immediate reaction in the territories and areas to be defined, so as to coordinate at a local level their actions with the competent authorities.

Prevention of actions of criminal organisations targeted this Agreement, will focus on areas most affected by these organisations.

3.4.10 Implementation of a national mechanism for monitoring and inspection of surveillance and private security services

The National Government will strengthen the national mechanism for monitoring and inspection of surveillance and private security services at the request of the Surveillance and Private Security Superintendence, to ensure that its use corresponds to the purposes for which it was created, focusing on forbidding the privatisation of military, police, or intelligence; similarly, the revision of regulations on private security and surveillance will be prioritised; it will ensure that they do not exercise functions of a military, police or state security nature; and it will update the rules on surveillance and private security services. The regulation for permitted weapons (which must be for the exclusive use of the Military Forces) required to fulfil the role of surveillance and private security will be reviewed.

The following measures will be taken:

- Monitoring will take place to ensure that the public register secures adequate information on the owners of these types of enterprises, on their employees, the weapons they have available, and on their service contracts.
- The Surveillance and Private Security Superintendence will be entitled to cancel or not grant operating licenses to security companies involved with criminal organisations targeted by this Agreement or that violate the regulations they are obliged to fulfil.
- The necessary legislative initiatives will be promoted and the relevant administrative measures to regulate private security services will be adopted, with the goal of ensuring that these types of services, employees, shareholders, landowners, or managers are not involved with the criminal organisations targeted by this Agreement.

3.4.11 Measures preventing and fighting corruption

With the goal of developing point 3.4 of the General Agreement, in relation to intensifying measures to combat behaviours that by action or lack thereof cause corruption, the National Government will promote a culture of transparency in the territories, an element that will help guarantee in the future the effective implementation of the agreements, security assurances in the territories, and democratic participation.

3.4.11.1 Instruments for verification and institutional control

Based on the existing legal framework for the fight against corruption, the National Government will begin implementing the following measures to ensure transparency and effectiveness when dismantling the organisations and behaviours targeted by this Agreement. The National Government will promote among others, the following measures:

- Verification of suitability of public servants, so as to ensure that they possess the skills for fully exercising their public function.
- Verification of integrity and performance of public servants, so that by assessing their resumes and their criminal and disciplinary records, transparency and commitment to the law is ensured.
- Ensuring the continued monitoring and public servants' wealth and earnings, ensuring that it is consistent with their wages and legal activities. Continuous assessment of their

performance in the fight against the organisations targeted by this agreement and in building trust within the communities.

3.4.11.2 Measures to contain involvement in politics of the organisations and criminal behaviours targeted by this agreement

A multidimensional approach applied to the fight against organisations and behaviours targeted by this agreement, which will allow for progress towards the creation and maintenance of security assurances, will require adopting a series of measures to combat involvement in politics of criminal organisations, including those named the successors to paramilitary groups and their support networks.

The involvement of the organisations and criminal behaviours targeted by this Agreement in politics - which have given birth to expressions such as so-called 'parapolitics', in a democratic system, focuses on altering the political fabric, as it affects the local democratic leadership's, undermines the process of participation, increases the risk of mafias infiltrating institutions, affects public procurement, constricts democratic deliberation and leads to resources being diverted to finance violence.

It is necessary to develop measures that deal with not only the people involved in these behaviours - who must be the subject of criminal, disciplinary, and pecuniary sanctions - but with the parties and collectives whose leaders and members engaged in such practices.

Therefore, given what was agreed in point 2.3.4 -"Political Participation Agreement: Democratic Openness to Building Peace"-, the National Government will ensure that the Special Electoral Mission that is created will include in its discussion the considerations that, in order to combat this phenomenon, are proposed by the new political movement that emerges from the transition of the FARC-EP towards legal political activity.

The National Government will promote the necessary legislative reforms so that sanctions are available towards political parties or movements whose members nominated or elected into public corporations have been found guilty of links with criminal organisations, including those named successors of paramilitary groups and their support networks, by events occurring during their mandate. These sanctions may be imposed even when the convicted have acted subsequently to having performed the role they were elected for.

Equally and with the same preceding assumptions, the National Government will promote the necessary legislative reforms so that sanctions are available towards people that endorsed these candidates found guilty of criminal offenses.

The policy adjustments will involve disciplinary and fiscal control of the recruitment and administration of public resources in departmental and municipal administrations, especially in areas where criminal organisations targeted by this Agreement are located.

3.4.12 Other provisions for the purpose of Security

The National Government will prioritise intelligence-related activities and strategies needed within the plans and programmes developed by the State to dismantle and prosecute organisations and behaviours targeted by this Agreement.

The National Government will promote the necessary measures to remove from the central intelligence and security data banks the names of and information relating to human rights organisations members, members of the opposition, and members of the new political movement arising from the transition of the FARC-EP towards legal political activity and their families, when they are included.

Havana, Cuba, June 23 2016.

**By the National Government: Humberto de la Calle
Head of the National Government Peace Delegation**

**By the FARC -EP: Iván Márquez
Head of the FARC-EP Peace Delegation**

**By the Guarantor Countries:
By the Republic of Cuba
By the Kingdom of Norway**

**By the accompanying countries:
By the Bolivarian Republic of Venezuela
By the Republic of Chile**