



**Opening Remarks, MLA Diplomatic Conference (Dr. Priya Pillai, Head, Asia Justice Coalition)**

Your Excellencies, Distinguished Colleagues, Dear Friends,

It is indeed a privilege to be with you here today, on this important occasion, as we gather to work together towards a strong and effective treaty on mutual legal assistance for international crimes.

I thank the Core Group of States, and in particular our hosts for this treaty conference, the Republic of Slovenia, for the invitation to speak before you.

I must first commend the work of the Core Group in diligently working towards this objective for so many years and with many partners, in order to reach this significant milestone. Of course, we are at the start of a new phase in this journey, and much needs to be accomplished in the coming fortnight.

My remarks this morning will touch upon four distinct, but related aspects of why it is important that we are here together in Ljubljana – the value of this Convention as a crucial tool in furthering accountability; the value in supporting justice efforts for atrocity crimes and bringing these efforts closer home, through regional and global cooperation; the importance of these efforts in Asia; and last but certainly not the least, using this opportunity in partnership with civil society to ensure the strongest instrument possible and the support necessary to use it effectively.

• **First, the value of the Convention as a necessary tool to ensure accountability**

- Impunity for international crimes begets further crimes.

We need look no further than the current atrocities being committed by the military junta in Myanmar, to the lethal force used against civilians by warring security forces in Sudan, to the invasion of Ukraine – to reinforce this point.

- At the same time, I would stress – we are seeing more opportunities—and more cooperation—to address impunity than ever before, each of which needs to be developed further.

Positive developments include the urgency with which the International Criminal Court has issued arrest warrants in on-going situations. There is positive movement also on the crucial draft Crimes against Humanity treaty, reflected in the ongoing engagement before the UN 6<sup>th</sup> Committee. We see continued support for prosecutions under universal jurisdiction, with 27 new cases in the last year—with an additional 67 suspects under investigation, in comparison to 2021.

- With these negotiations, we build on familiar State instruments of mutual legal assistance—instruments that successfully support proceedings to address other wrongs—to focus specifically on the world's most egregious crimes. There is no one 'right' way to bring justice for atrocity crimes. *Each* of these efforts forms a crucial part of the broader fight against impunity and to ensure accountability.

• **My Second focus - the value of the Convention for Global and Regional Cooperation, and for National Action**

- I cannot stress this enough – at the heart of this convention is the need for greater cooperation – between and among states within regions, and importantly, across different regions – to be a truly global effort in addressing impunity.
- The convention also encourages action at the domestic level and therefore supports bringing international justice efforts 'closer to home'.
- We have seen a growth in States creating and resourcing dedicated international atrocity crimes units—key to this fight. But the ability to establish and maintain such units can be challenging amidst increased domestic demands on resources. Where States do not have such investigation and prosecution units, the Convention encourages State-to-State cooperation to share resources



and knowledge. And, even where these units do exist, we have seen the imperative for State-to-State cooperation in gathering sufficient evidence to bring forth a prosecution.

- Most importantly, the Convention encourages so-called Global South-South cooperation to address impunity where our investigative and judicial authorities can share and learn from each other, across different regions.

- **My third point – the relevance to Asia**

- As an Asia-based and focused coalition, we are often reminded that the region has scant emphasis on accountability for international crimes, including the fewest States Parties to the Rome Statute. Asia has, however, been the site of war crimes trials post-WWII, hybrid tribunals including the Extraordinary Chambers in the Courts of Cambodia and Special Panels for Serious Crimes in Timor-Leste, as well as other domestic mechanisms for international crimes.
- We also see civil society colleagues championing innovative uses of existing tools to bring cases, including recent universal jurisdiction cases, such as in Argentina.
- Asia can – and must – contribute to international justice—and the Convention has the potential to strengthen this endeavour.

- **Finally, the last aspect I would like to focus on – the value *to the Convention* of civil society.**

- The development and realization of international justice instruments, as well as concrete legal action against impunity has been initiated, supported and facilitated by civil society across regions and over the years. It is crucial that civil society be engaged in this process as well as next steps in regard to this Convention.
- At the Coalition secretariat, we have engaged with lawyers' groups, victims' advocates, and others, finding that while the concept of mutual legal assistance is familiar for ordinary crimes, it is unfamiliar in the context of addressing atrocity crimes. Our interlocutors have emphasized the need for enhanced protection pathways for witnesses, including for insider witnesses and victims who take the stand. The prosecution of these crimes is in no small part to bring them justice and their ability to participate is paramount.
- While the need for the Convention is great, so too is the need for training and resources to use it. Attendees in our discussions raised how important it will be for more experienced and resourced supporting States to offer technical training and expertise, in order to action MLA requests; and for greater knowledge-sharing across the board, among all states.
- This crucial feedback speaks to civil society's role in awareness-raising and dissemination, but also in raising important gaps that States can address *now*, and in the Convention's implementation. To reiterate – consultation and inclusion of civil society is key.

- **In concluding**, there is tremendous value in this moment and in these negotiations: in harnessing the potential of this Convention as an additional tool in the fight against impunity; in providing the opportunity to build on expertise and interest, across and within regions, including in Asia; and in listening to and appreciating feedback from civil society as we work together for international justice.

**I thank you for your time and attention.**