

REDRESS

Ending torture, seeking justice for survivors

MUTUAL LEGAL ASSISTANCE INITIATIVE INFORMATION SHEET

WHAT IS THE MLA INITIATIVE?

The [Mutual Legal Assistance \(MLA\) Initiative](#) is led by a Core Group of six states (Argentina, Belgium, Mongolia, the Netherlands, Senegal, and Slovenia) proposing a modern procedural multilateral treaty on MLA and extradition to facilitate better practical cooperation between States investigating and prosecuting genocide, crimes against humanity and war crimes.

The MLA Initiative emerged after the expert meeting organized by the Netherlands, Belgium and Slovenia in the Hague in November 2011 had confirmed a legal gap in the mutual legal assistance and extradition between States for the national adjudication of genocide, crimes against humanity and war crimes.

Currently, the MLA Initiative has the active support of 77 States from all regions of the world. You can check which States are supporting [here](#).

WHAT IS THE DRAFT MLA TREATY?

The Draft Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes, and other International Crimes ('**MLA Treaty**') can be found [here](#).

The MLA Treaty relates to the crimes of genocide, crimes against humanity and war crimes, and includes an option to extend the scope of the Convention to other international crimes, including torture, enforced disappearance and the crime of aggression. It includes provisions on: communication between states; MLA; extradition; transfer of sentenced persons; victims, witnesses, experts and others.

WHY IS THE DRAFT MLA TREATY IMPORTANT?

If adopted, the MLA Treaty will be a ground-breaking instrument, considering to date there is no other multilateral framework dealing with mutual legal assistance for the prosecution of core international crimes.

The MLA Treaty will make a significant contribution to international justice, by facilitating the investigation and prosecution of international crimes. It will become a very relevant tool to ensure the right of victims to access justice in relation to the crimes covered in the treaty.

The current draft of the MLA Treaty asserts a number of key principles in the fight against impunity for international crimes, such as the obligation to extradite or exercise jurisdiction over these crimes, and the obligation to criminalize them in national jurisdictions. Definitions of the core crimes are not left to the discretion of States but included in the Treaty. While some of these principles are already part of other treaties and some reflect customary international law, having them in a treaty that facilitates cooperation is a positive development and has the potential to improve accountability efforts.

The Draft MLA Treaty contains a number of provisions asserting victims' rights to participate in proceedings related to international crimes. While the language and scope of these provisions is still under negotiation, if adopted the MLA Treaty could greatly contribute to realising victims' rights in accountability processes for the most egregious crimes.

Read [here](#) to know more about the importance of the MLA Treaty.

WHAT ARE THE CHALLENGES?

Throughout the drafting process, civil society has encouraged the Core Group to ensure [robust provisions on victims' rights](#).

Despite this, the latest version of the Draft MLA Treaty falls short in the following respects:

1. It does not enumerate concrete rights of victims.
2. It only provides for victims' rights to 'seek' reparations, rather than a right 'to' reparations, as enshrined in existing international treaties.
3. It does not facilitate the confiscation of [assets for the purpose of reparations for victims](#).

Through the consultation process to draft the MLA Treaty, civil society has also advocated for the inclusion of important provisions:

- In [March 2019 a group of CSOs requested States](#) to expand and strengthen the Draft MLA Treaty to ensure that victim's rights were embedded throughout the text where necessary. Additionally, at that time, there was a reference (art. 52) that left open the possibility to grant pardon, amnesty and commutation of sentences in relation to international crimes. CSOs requested the amendment of that provision, which was later removed.
- On [24 September 2020, CSOs requested that the crimes of torture and enforced disappearances](#) be included as stand-alone crimes in Article 2 (crimes covered by the Convention) and not only in Article 3 (optional extension of the scope of the convention), together with genocide, CAH and war crimes. In the current Draft, torture and enforced disappearance are included only in Article 3 (optional extension).

WHEN AND WHERE WILL IT BE ADOPTED?

It is expected that the Draft Treaty will be finalised and adopted during the diplomatic conference in Ljubljana, Slovenia, 15 – 26 May 2023.

HOW CAN CIVIL SOCIETY SUPPORT THE INITIATIVE?

By demonstrating their support for this important treaty, civil society can play an important role in encouraging widespread State signature and ratification of the MLA Treaty, to support the fight against impunity for international crimes. During the final negotiations, civil society can also encourage States to ensure that victims' rights are properly reflected in the treaty.

Organizations or institutions, as well as civil society, invited by the Core Group, may attend the Conference as Observers and may be represented by one representative. Those who have not received an invitation but are interested to attend should contact the Coalition for the International Criminal Court (CICC) or REDRESS (Virginie Amato, amato@coalitionfortheicc.org, or Leanna Burnard, leanna@redress.org.)

Observers from civil society will be allowed to intervene during the general debates. Participants are requested to confirm their attendance by registering [here](#) by no later than **14 April 2023**, and **in the case of a visa obligation by 28 March 2023**. Participants are requested to inform the Initiative about the intended participation of their representative in order to confirm the authenticity of their registration.

Civil society organizations whose attendance might be limited by the lack of funding, are encouraged to contact the organizers at mla-initiative.mzz@gov.si (copying mla-initiative@minjenv.nl). Civil society has been informed that limited financial assistance might be available to allow organizations to participate.