JOINT STATEMENT

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GLOBAL: STATES SHOULD PROMPTLY JOIN THE LJUBLJANA-THE HAGUE CONVENTION ON INTERNATIONAL COOPERATION IN PROSECUTING CRIMES UNDER INTERNATIONAL LAW

On the first anniversary of the signing conference of the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes (the Ljubljana-The Hague Convention), the undersigned organizations call on all states to promptly ratify or accede to this important treaty, thereby strengthening the legal framework for ensuring victims' access to justice at the international and domestic levels.

STATES NEED TO ADOPT THE LJUBLJANA-THE HAGUE CONVENTION

One year ago, on 14 and 15 February 2024, 33 states in The Hague signed the Ljubljana-The Hague Convention, adopted in Ljubljana, Slovenia, on 26 May 2023. The agreement of this new convention marked a historic step for international justice, encouraging and enabling better cooperation between states at a time when atrocity crimes continue unabated and multilateral institutions are under threat. For the huge numbers of victims who are often left without any remedy, the Convention opens more routes to justice.

Today, 37 states[1] from Africa, the Americas, Asia and Europe have signed this new treaty, but none have yet taken the crucial step of becoming a party. The convention is still open for further signatures in Brussels this month. The undersigned organizations urge all states to swiftly sign and ratify the Convention, conclude the process of its adoption without reservations, and implement it fully under domestic law. In particular, those states that through their signature have already expressed their intention to ratify the treaty should promptly follow through.

The Ljubljana-The Hague Convention is designed to improve and strengthen access to justice for victims of genocide, crimes against humanity and war crimes, among others. It fills a glaring gap in international law and justice by clarifying and cementing the duties and obligations of states to assist each other in cases involving crimes under international law with victims, suspects and evidence located in different countries. By facilitating legal cooperation between states and across regions, this convention better enables national legal and judicial systems to fulfil their duty to pursue accountability against all individuals who have committed crimes under international law. The convention helps ensure there are fewer 'safe havens' for those suspected of criminal responsibility, an important advance against impunity.

The Ljubljana-The Hague Convention not only lists acts constituting genocide, crimes against humanity, war crimes, torture, enforced disappearance and aggression, but also sets out the legal basis and safeguards for effective mutual legal assistance and extradition among states, such as transfer of persons, hearings by video conference, and asset recovery, among others. It also provides for protection of victims and the

[1] Albania, Argentina, Austria, Belgium, Bulgaria, Central African Republic, Chile, Costa Rica, Croatia, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Finland, France, Germany, Ghana, Ireland, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Mongolia, Montenegro, Netherlands, North Macedonia, Norway, Poland, Rwanda, Senegal, Slovakia, Slovenia, Sweden, Switzerland, Ukraine, Uruguay.

realization of their rights, including improved access to justice and reparations. In particular, by enshrining the general duty of 'aut dedere aut iudicare' and expanding it to all crimes under international law, the Convention 'closes the net' on perpetrators by requiring states to investigate and prosecute or extradite suspected perpetrators present within their jurisdiction.

THE LJUBLJANA-THE HAGUE CONVENTION IS PART OF A MULTI-PRONGED AND MUTUALLY RE-ENFORCING APPROACH TO IMPROVE INTERNATIONAL JUSTICE

The Ljubljana-The Hague Convention complements and supports other international instruments to pursue justice for crimes under international law, notably among them the Rome Statute of the International Criminal Court (ICC), and promotes further the widespread adoption and recognition of global efforts to combat impunity. By the same token, specifically for crimes against humanity the UN has recently resolved to negotiate a dedicated convention, in another vital and encouraging step towards strengthening international law and global cooperation.

Where the ICC's jurisdiction is limited under the Rome Statute or it is not undertaking its own investigations, the Ljubljana-The Hague Convention significantly improves the international legal framework for state-to-state cooperation to address the existing impunity gap. Where the ICC does have jurisdiction, under its principle of complementarity states parties to the Rome Statute have the primary responsibility to pursue suspected perpetrators, and the Ljubljana-The Hague Convention provides states with a toolbox and cross-regional network to fulfill that obligation.

Likewise, the Ljubljana-The Hague Convention complements the future and equally necessary Convention on Crimes against Humanity. Both treaties are to be applied by states rather than international criminal courts or tribunals, reinforcing the international justice framework at the national level. Moreover, the Ljubljana-The Hague Convention, the Rome Statute, and a future Convention on Crimes against Humanity are mutually reinforcing. For example, while the current draft text providing the basis for a Convention on Crimes against Humanity also includes provisions for cooperation between states, the Ljubljana-The Hague Convention sets out these avenues in greater detail, providing a common framework of rules for mutual legal assistance and extradition. Likewise, while the Ljubljana-The Hague Convention enhances cooperation once suspected crimes under international law have been committed and judicial proceedings initiated, a new Convention on Crimes against Humanity would compel states to not only punish such crimes but prevent them. Overall, the set of rules adopted in Ljubljana form a strong baseline when UN Member States are preparing and negotiating, between 2026 and 2029, a robust convention to prevent and punish crimes against humanity.

Interacting, the Ljubljana-The Hague Convention, the Rome Statute and a future Convention on Crimes against Humanity will provide improved legal avenues for states to pursue justice and meet their obligations to do so, as well as deliver more comprehensive and effective justice, truth and reparation for victims and survivors of crimes under international law, who are the ultimate beneficiaries of these regimes. States must not fail them.

Signatories:

- Amnesty International
- Asia Justice Coalition[2]
- International Commission of Jurists
- REDRESS
- TRIAL International

[2] This does not reflect the views or positions of all AJC members.