



**ICJ comments to article 13: International Cooperation, 3<sup>rd</sup> Revised draft- 8<sup>th</sup> session of the IGWG**

Mr Chairperson,

In relation to article 12, the International Commission of Jurists reiterates its concern that many of the provisions in the 3<sup>rd</sup> revised draft are tailored to specifically deal with the prosecution of certain crimes, and not with the kind of civil liability that is foreseen in the current draft LBI. We see now that our concern is also shared by others.

But this fact, rather than a reason not to have provisions on Mutual Legal Assistance on criminal matters, should prompt us to address more clearly the question of criminal liability or its functional equivalent, which is currently addressed in article 8.8., in such a way that these provisions of Mutual Legal Assistance acquire full meaning and are tailored to the prosecution to these human rights related international crimes, in which certain enterprises are often involved.

On article 13, the International Commission of Jurists would like to reiterate its support to this article in the 3<sup>rd</sup> revised draft. But we would like also to acknowledge that some elements from the Chair's informal suggestions appear to be better drafted and should be taken into consideration. Notably, article 13.1 of the chair's draft could replace the current 13.1 in the 3<sup>rd</sup> Draft, and 13.2.b from the chair's draft could be added to the list in 13.2 of the 3<sup>rd</sup> draft.

Thank you