



Fifth session of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring of and oversight over the activities of private military and security companies

Geneva, 15-19 April 2024

Joint General Statement of REDRESS and TRIAL International
15 April 2024

Distinguished delegates, Chair-Rapporteur, colleagues,

REDRESS and TRIAL International wish to jointly address the open-ended intergovernmental Working Group to elaborate an international legal instrument on the regulation, monitoring of, and oversight over, the activities of private military and security companies (PMSCs) on the occasion of its fifth session.

This joint statement is in addition to the one delivered separately by TRIAL International and its written submission.

We note with concern that PMSCs continue enjoying a great degree of impunity for crimes under international law, abuses of human rights and violations of international humanitarian law perpetrated globally by their personnel and sub-contractors. Victims of their misconduct are confronted with formidable obstacles in accessing justice and obtaining redress for the harm suffered, as their rights are currently not adequately protected.

The new instrument represents a unique opportunity to spell out in detail States' obligations in this regard and to set forth the corresponding victims' rights.

The third revised draft to be considered during the fifth session represents a positive starting point, but requires substantive strengthening, especially with regard to the notion of victims and the determination of their rights. In particular, we consider that:

- (a) The definition of the notion of “victim” currently enshrined in draft article 1 (i) should be revised and broadened, to bring it in line with international law.
- (b) The provisions referring to victims’ rights, protection and support should be consistently strengthened and streamlined. In particular: (1) instead of solely mentioning remedies for victims, reference should be made to “effective protection, support and remedies for victims and their families and dependants”; (2) where reference to “protection” is made, it should go beyond whistle-blowers, adding “witnesses, victims, their families and dependants”; (3) where reference to measures of reparation is made, it should be clarified that they can be individual or collective and encompass compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition, ensuring that special measures are adopted where victims belong to vulnerable groups; (4) reference should be made to the provision of psycho-social support – including free legal aid – to victims and their families and dependants in the context of any proceedings against PMSCs for their misconduct; (5) the obligations of States to closely associate with victims, their families and dependants, and to regularly inform them on the progress and results of the examination of their complaints, as well as of the investigations and their outcome, should be ensured; (6) States’ obligation to enforce reparation awards should also be recognised.
- (c) Reference should be made to the fact that States must cooperate with a view to supporting victims, their families and dependants.
- (d) The text should consistently acknowledge that PMSCs, their personnel and sub-contractors may be involved in the perpetration of conduct affecting the environment. This should be adequately reflected when referring to measures of reparation for environmental damage and States’ obligation to cooperate in this regard.

We thank you for your kind attention and look forward to participating in this week’s discussions, where appropriate putting forward concrete proposals to amend the third revised draft, and reiterate our willingness to constructively engage in the future.

ENDS