



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

General Statement of TRIAL International

15 April 2024

Mister Chair-Rapporteur, Distinguished delegates, colleagues,

TRIAL International welcomes the opportunity to address this fifth session of 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).

TRIAL International considers this initiative of paramount importance: existing instruments and regulation efforts of PMSCs operations and activities need to be complemented and strengthened.

With regard to the legal nature of the future instrument, TRIAL International holds that it should be legally binding, and the establishment of a monitoring mechanism entrusted with the examination of the measures undertaken by States to give effect to their obligations should be envisaged.

TRIAL International thanks the Chair-Rapporteur and his team for the revised third draft, which represents a solid basis for discussion. However, some issues remain and require further attention and improvement. In this regard, and in addition to our other general statement, jointly delivered with REDRESS, we emphasise that:

- (1) more should be done to ensure that the scope of application of the instrument is not limited to the extra-territorial supply of services of PMSCs, their personnel and sub-contractors. Reference should be made to their activities at the domestic level and abroad, whether on land, in the air or at sea, or whether in cyberspace or space;
- (2) references to “International Criminal Law” and to “crimes under international law” shall be included consistently across the text;
- (3) to ensure accountability for crimes under international law, abuses of International Human Rights Law and violations of International Humanitarian Law attributable to PMSCs, their

personnel and sub-contractors more shall be done, especially with regard to the recognition of the different modes of criminal liability, the strengthening of the rules on civil, administrative and criminal jurisdiction, stronger reference to the principle of *aut dedere aut judicare*, stricter guarantees against impunity, such as prohibition of amnesties and similar measures, and enhanced mutual legal assistance and cooperation.

TRIAL International looks forward to this week's discussions, in the hope that this session will lead to substantive progress and welcomes the opportunity to engage constructively in this process.

Thank you for your kind attention.

ENDS