**IOE Intervention**

**Article 12. Mutual legal assistance and international judicial cooperation, Article 13. International cooperation, Article 14. Consistency with international law principles and instruments**”

IOE (ECOSOC Status), Speaker is Mr Matthias Thorns in person delivery

International assistance and cooperation is important to promote human rights and access to remedy. Countries must undertake more efforts to support each other through technical cooperation, peer learning and the exchange of experience to strengthen judicial system. We need to address the root causes for insufficient access to justice when we want to sustainably change the situation on the ground and give easy access to remedy for all. Article 13 offers important suggestions in this regard.

However, we have great concerns with regards to Article 12, notably the list of proposed actions under article 12 paragraph 3 to promote cooperation between States such as: "executing searches and seizures"; "examining objects and sites"; ""; and "facilitating the freezing and recovery of assets." These wide-ranging examples could potentially enable politically motivated actions and prosecutions against business, as well as compound problems in relation to bad-faith actions against companies.

Moreover, IOE would like to stress, that under international law, an important check on a foreign court’s adjudicative jurisdiction has always been the power of a national court to refuse to recognise the enforcement of that foreign court’s decision. This is an important safeguard that allows a national court to reject a foreign court’s decision to exercise jurisdiction over a defendant located in the country of the national court. However, this important safeguard has been removed by the revised draft treaty because it mandates that all State Parties recognise and enforce another State Party’s court order – with very limited exceptions.

To summarize, we see that the sovereignty of states is unduly undermined through article 12. Thus, the article needs to by comprehensively revised.

Thank you.