

TERMS OF REFERENCE

South East Asia Justice Network (the “SEAJust”)¹

I. Background

International cooperation in criminal matters along with facilitating mechanisms of cooperation, are essential for the coordination of efforts to prevent and combat transnational organized and serious crimes.

The international cooperation provisions of the United Nations Conventions and instruments, in particular, the UN Convention against Transnational Organized Crime (Organized Crime Convention) and its Protocols, provide highly practical tools for cooperation in matters of mutual legal assistance (MLA) to a broad number of crimes. At the regional level, the importance of international legal cooperation to combat cross-border crimes is embodied in the Treaty on Mutual Legal Assistance in Criminal Matters signed on 29 November 2004 at Kuala Lumpur, Malaysia.

Pursuant to the outcomes of the regional meeting on “Improving Cross-Border Criminal Justice Cooperation in the ASEAN Region” organised by the UNODC on 22 – 23 March 2017 in Bangkok, Thailand, one of the recommendations to strengthen cooperation in the area of MLA is to establish a network to facilitate international legal cooperation in criminal matters.

II. Purposes of the SEAJust

Purposes of the SEAJust are to:

- (a) identify Contacts Points to be active intermediaries between the SEAJust and other regional networks;
- (b) facilitate the work of central and competent authorities and prosecutors within and outside of the South East Asian region;
- (c) facilitate communication at the informal level in support of formal channels and mechanisms in international cooperation in criminal matters, particularly, in MLA., The SEAJust mechanisms does not replace the role of existing formal channels and mechanisms;

¹ As agreed by participants from Brunei Darussalam, Cambodia, Lao PDR, Myanmar, The Philippines, Singapore, Thailand, Timor-Leste, Viet Nam, the Secretariat for the Treaty on Mutual Legal Assistance in Criminal Matters among Like-Minded ASEAN Member Countries (ASEAN MLAT Secretariat) and the United Nations Office on Drugs and Crime (UNODC).

- (d) promote capacity building of central authorities and relevant criminal justice practitioners on international cooperation in criminal matters and addressing different types of transnational organized and serious crimes through training and professional exchanges;
- (e) support and promote the strengthening of international, regional, and national legal frameworks and practices on MLA;
- (f) support the development and dissemination of relevant tools;
- (g) support operational cooperation between two or more countries; and
- (h) any other areas of international cooperation in criminal matters as may be agreed by its members.

III. Composition and Membership

The SEAJust membership is open to all South East Asian states as well as other states or territories.

IV. Contact Points

1. The main role of the Contact Points, as “active intermediaries”, is to facilitate legal cooperation in criminal matters between the SEAJust participating countries, particularly in actions to combat transnational organized and serious crimes including to:
 - (a) assist with establishing contacts between central and competent authorities;
 - (b) provide legal and practical information necessary to prepare an effective request for legal cooperation or to improve legal cooperation in general;
 - (c) facilitate the execution of requests;
 - (d) promote and conduct awareness raising activities of the SEAJust and represent the SEAJust with other criminal justice and civil society stakeholders;
 - (e) represent the SEAJust in meetings and training events of other organisations; and
 - (f) any other role as may be agreed by the SEAJust members.

2. The Contact Points will operate in accordance with their national constitutional rules, legal traditions, and internal structure of the central authorities responsible for international legal cooperation or other competent authorities with specific responsibilities within the context of international cooperation.
3. The Contact Points should be officials working in the central authorities responsible for international legal cooperation or in other competent authorities with specific responsibilities on international cooperation, related to MLA, and in accordance with each country's internal rules and regulations.
4. At least two Contact Points should be designated by each SEAJust member. Any changes to the Contact Points should be communicated to the coordinating body who will keep a directory of such Contact Points.

V. Administration of the SEAJust

1. A coordination body would be responsible for the organization of all the SEAJust functions including to:
 - (a) provide support to the organization of the meetings;
 - (b) prepare documents related to activities of the SEAJust;
 - (c) maintain lists of Contact Points;
 - (d) develop website containing information on the SEAJust;
 - (e) collect statistics of MLA of the members and activity reports;
 - (f) promote and represent the SEAJust in national, regional, and international *fora*;
 - (g) report on activities and achievements of the SEAJust to donors, interested stakeholders and inter-governmental bodies and in UN reports;
 - (h) sharing of information on the challenges, achievements, difficulties, and any other issues of general interest;
 - (i) establish and maintain of relations with other judicial cooperation networks and central authorities from other countries, in the field of legal cooperation in criminal matters; and
 - (j) fundraising for the SEAJust.

2. The SEAJust will be coordinated by UNODC and may be informally supported by the ASEAN Secretariat in coordinating with ASEAN Member States, though this should in no way be construed to mean that SEAJust is an ASEAN mechanism.

VI. Activities

Activities of the SEAJust may include:

1. Meetings:

1.1. Plenary Meeting of the SEAJust shall be held at least once a year. The purposes of the Plenary meetings are to:

- (a) allow direct interaction between Contact Points;
- (b) share statistics on the requests for MLA;
- (c) share experience and information on challenges and ways to improve the work of the Central Authorities for MLA;
- (d) report the SEAJust activities particularly concerning the operation of the SEAJust;
- (e) provide a forum for discussion of practical and legal problems encountered in the context of legal cooperation;
- (f) discuss on any activities conducted in the past year;
- (g) consider any future activities or program for the subsequent year;
- (h) form any working groups to discuss on specific issues of common interest; and
- (i) decide on any application for membership through majority votes of members who are present.

Any request of application for membership by states or territories will be submitted to the coordinating body who will promptly circulate to all other SEAJust members, at least one month prior to the Plenary meeting.

1.2. Bilateral and plurilateral meetings can be organized any time, e.g., in conjunction with Plenary meetings, as requested.

2. Capacity building and other supports:

Various forms of capacity building, such as training, sharing of experience, provisions of experts, official visits, support to attend UN intergovernmental meetings such as the Working Group on International Cooperation of the Conference of the Parties of the Organized Crime Convention, or other meetings of professional interest and legislative assistance may be organized through the SEAJust based on the needs of its members.

VII. Budget

The SEAJust will be supported by voluntary contributions including in kind contribution from UNODC Member States and other sources to ensure sustainable operation of the SEAJust.

VIII. Withdrawal

Any members may withdraw from the SEAJust by giving two-months prior written notice to the coordinating body who will promptly circulate to all other SEAJust members.
