



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK  
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME  
الشبكة الأوروبية - المتوسطية لحقوق الإنسان



EUROPEAN CENTER FOR  
CONSTITUTIONAL AND  
HUMAN RIGHTS



25 November 2013

**Re: Strengthening efforts to combat impunity within the EU and its Member States for serious international crimes – renewed engagement in the field of Justice and Home Affairs**

Dear Delegations of the Working Party on General Affairs and Evaluations (GENVAL),

We write to you ahead of your meeting on 27 November 2013 to draw your attention to the agenda item on strengthening efforts to combat impunity for crimes subject to universal jurisdiction under international law such as genocide, crimes against humanity, war crimes and torture. We believe that renewed engagement on this issue within the field of Justice and Home Affairs (JHA) can help to address challenges faced by police and prosecution authorities in EU Member States in the effective investigation and prosecution of these crimes.

The EU and Member States have a fundamental role to play in ensuring that the EU does not become a safe haven for suspected perpetrators of crimes under international law. It has been documented that a number of suspected perpetrators of crimes under international law are present within the EU. Large numbers of persons from conflict-affected areas such as Syria and Afghanistan are also present within, or are entering, EU Member States, including victims and witnesses as well as suspected perpetrators of these crimes.

The European Network of contact points in respect of persons responsible for genocide, war crimes and crimes against humanity ("EU Genocide Network") plays a vital role in facilitating cooperation, sharing best practice and developing expertise among practitioners.<sup>1</sup> Its crucial work will be even further enhanced if EU institutions and Member States strengthen their engagement on this issue, and build on their collective commitment to coordinating the work of national authorities on a regional level. To this end, during the 15<sup>th</sup> meeting of the EU Genocide Network the National Contact Points called for increased engagement by key EU institutions, including the Commission, Council and Parliament.

In its conclusions, the Network considered that "*a new instrument such as an EU Action Plan on Impunity would be an important tool in encouraging cooperation and best practice at national and regional level to enhance investigations and prosecutions. The Network considers that the discussion of this issue is particularly timely in light of other developments currently taking place at EU level, e.g. (i) the current negotiations towards a draft Regulation on EUROJUST, and (ii) the "Lisbonisation" process that will require the revision of EU legislation in the field of Justice and Home Affairs. The Network has therefore considered it beneficial to establish a Task Force to explore and propose steps*

<sup>1</sup> See Council Decision [2002/494/JHA](#).

*for increasing efficiency in combating impunity in the EU. The Secretariat will support these developments and liaise with the Members of the Network."*

We strongly support the conclusions of the 15th meeting of the EU Genocide Network. The adoption of an instrument such as an "EU Action Plan on Combating Impunity with the EU for crimes under international law" would provide a significant opportunity to reiterate the commitment of the EU, its institutions and Member States to a policy of no safe haven for suspected perpetrators and to ensuring justice for crimes under international law through increased engagement and criminal justice cooperation.

We therefore recommend that at its upcoming meeting, GENVAL adopts conclusions:

- Supporting the EU Network's call for further EU engagement in the fight against impunity and the drafting of an EU Action Plan on Combating Impunity within the field of JHA, in close coordination with the EU Genocide Network Secretariat and its newly established Task Force on these issues;
- Reaffirming the importance of the EU Genocide Network in the fight against impunity;
- Calling on the European Commission to conduct an evaluation of efforts to combat impunity within the EU and identify areas requiring reform or further engagement by EU institutions and Member States, with a view to consideration of this matter by the JHA Council.

Furthermore, we recommend that GENVAL members share the EU Genocide Network's report and conclusions with the Coordinating Committee in the area of police and judicial cooperation in criminal matters (CATS) and the JHA Council so as to keep ministers informed of important developments in this area.

We look forward to the outcome of your discussion on this initiative at your forthcoming meeting, and thank you in advance for your assistance on this important matter.

Yours sincerely,

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