

16 July 2012

Your Excellency,

As you know, on 3 July the Coalition for the International Criminal Court sent a letter concerning pledges at the UN GA High Level Meeting on the Rule of Law at the National and International Levels to take place on 24 September 2012, encouraging States Parties and non states parties alike to use the event to reiterate their support for international justice.

In keeping with that letter, we wish to underscore that it is especially important for the European Union (EU) to use its voice as a regional body—with the weight of its 27 member states behind it—to send a clear message through pledges that it is committed to actions aimed at ending impunity for the worst crimes known to humankind. As such, the **Coalition for the International Criminal Court, Human Rights Watch, Redress, Amnesty International, the Fédération internationale des ligues des droits de l'homme (FIDH), and TRIAL** would like to call upon you as a representative of a Member State of the European Union to encourage the EU to make the pledges outlined below at the UN GA event:

1) Adoption of an Action Plan on the fight against impunity within the EU

The European Union has consistently demonstrated its strong support for the International Criminal Court and the Rome Statute system, not least through the 2011 Council Decision on the ICC and its accompanying Action Plan. In the arena of foreign policy, the EU's commitment to ending impunity is an example of best practice.

However, we strongly believe that the development of a similar action plan for the internal efforts of the EU would be an equally relevant and necessary demonstration of the EU's commitment to the fight against impunity for genocide, war crimes and crimes against humanity.

Under the Stockholm Programme, the EU is *“to continue to support and promote Union and Member States’ activity against impunity and to fight against crimes of genocide, crimes against humanity and war crimes; in that context, promote cooperation between the Member States, third countries and the international tribunals in this field, and in particular the International Criminal Court, and develop exchange of judicial information and best practices in relation with the prosecution of such crimes through the European Network of Contact Points in respect of persons responsible for genocide, crimes against humanity and war crimes.”*

We would therefore encourage you as a representative of an EU Member State to support the issuance of a pledge by the European Union as a whole during the event that commits the EU

to adopting an Action Plan to help strengthen efforts by national judicial systems within EU member states to fight against impunity for genocide, war crimes and crimes against humanity.

Such an Action Plan would not only help to implement the Stockholm Programme, but also help improve efforts at the national level to end impunity, ensure a coherent EU approach to accountability within the region, and contribute to greater coherence between the EU's internal and external policies in this area.

We consider it of great importance that all pledges made at the event be specific, measurable, action-oriented and time-bound, and would therefore recommend that the EU commit to adopting such an Action Plan by 2014 the latest.

2) EU Network of Contact Points on Genocide, Crimes against humanity, and War Crimes

The EU could pledge to make a firm commitment to strengthening the EU Network's ability to provide assistance to Member States in building the capacity necessary for the investigation and prosecution of these crimes.

Established by Council Decision 2002/494 JHA, the Network was created to facilitate and increase cooperation among EU Member States in the investigation and prosecution of crimes under international law. The Network has enabled Member States to share investigative, prosecutorial and trial experiences, which has assisted Member States to conduct more effective investigations and prosecutions of crimes under international law. Indeed, since the first meeting of the EU Network, national capacity within the police and prosecution services of EU Member States to investigate and prosecute crimes under international law has significantly increased. The Network has thus already begun making an important contribution to the fight against impunity for these crimes.

We consider it important that the EU contributes to the strengthening of the Network's role in helping to ensure that the European Union does not provide a safe haven to perpetrators of genocide, crimes against humanity, war crimes and other crimes under international law. In that regard, an EU pledge in support of the Network should include language to ensure appropriate and thorough follow-up of Network conclusions.

3) Complementarity Toolkit

The EU could also use the event as an opportunity to strongly reaffirm its commitment, as a key development partner, to strengthening the rule of law in third states so that grave international crimes can be investigated and addressed in the countries where they occur. This would help give full meaning to the principle of 'complementarity' underpinning the creation of the ICC – which clearly foresees that it is the primary responsibility of states to prosecute grave human rights abuses. The EU has taken this engagement in the EU Decision on the ICC and the Action Plan adopted in 2011 and it is of vital importance that these policies be fully implemented.

One of the Action Plan's concrete measures [in section E (2)(d)] was to establish a toolkit on complementarity in order to provide operational guidance on how development programs can incorporate projects that contribute to domestic accountability for Rome Statute crimes. The EU should pledge to finalize the toolkit, which by operationalizing the policy commitments made by the EU with regard to complementarity, has the potential to make an important contribution to the Rome Statute system.

We remain at your disposal should you have any questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "William R. Pace".

William R. Pace

Convenor, Coalition for the International Criminal Court