

EU Update on International Crimes

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The *EU Update on International Crimes* outlines main Europe-wide developments in international criminal justice. For further information or comments, please contact Tara O'Leary: tara@redress.org

Minimum standards on the rights, support and protection of victims of crime in the EU

Tara O'Leary, REDRESS

The European Commission's Justice Directorate is currently preparing guidelines to assist member states to implement the new *Directive on minimum standards on the rights, support and protection of victims of crime*, adopted by the European Parliament and Council of the EU on 25 October 2012. The Directive consolidates and strengthens the rights of victims of crime in all EU Member States, regardless of whether the victim lives within the State in which they have been victimised. All Member States – minus Denmark, due to its Justice and Home Affairs opt-out – have three years to implement the Directive and its requirements into their national law.

The Directive applies to criminal offences committed in the EU and to criminal proceedings which take place in the territory of member states. Member States are obliged to ensure that the rights therein apply to all victims within EU territory, irrespective of their residence status, nationality or citizenship. This means that victims of extra-territorial offences will enjoy the provisions of the Directive in relation to criminal proceedings which take place within the EU. The Directive therefore offers significant rights and protection for victims of crimes under international law located within the EU, who may participate in criminal proceedings in an EU Member State.

For victims of international crimes involved in criminal proceedings, the Directive significantly improves existing minimum standards. For example:

- The definition of victims has been expanded to include **family members** for the first time. Family members of deceased victims benefit from all the rights contained in the Directive; relatives of surviving victims have a right to support and protection according to their needs.
- Victims and their families are to have guaranteed access to **confidential and free of charge victim support services**.
- Provision of support services should include provision of **specialist support services** to individual victims in need.
- Victims will enjoy an expanded range of information rights, including **notification of the decision not to prosecute** and notification when the alleged or convicted offender is **released from detention**.
- Victims will have an entirely new right to **review decisions by the relevant authorities not to prosecute** following a criminal complaint.
- Member States must ensure that **victims may be heard during criminal proceedings** and may provide evidence in their case.



Ruins of the Parliament building in Mogadishu (March 2013) © Ahmad Mahmoud/IRIN

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- Victims are entitled to obtain a decision on **compensation** by the offender, and Member States shall promote measures to encourage offenders to provide adequate compensation to victims.

Significantly, the Directive requires that all victims will be **individually assessed** to identify their specific **support and protection** needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings. This includes physical, medical or emotional support to address their needs as victims, but also protection measures to address intimidation, retaliation or physical protection concerns. Particular attention is to be paid to highly vulnerable victims who may require specialist support services.

The Directive's requirements to consider a) the personal characteristics of the victim; b) the type or nature of the crime; and c) the circumstances of the crime, should enable all Member States to recognise **victims of crimes under international law** within the category requiring specialist services, and to extend guarantees of specialist assessment, support and protection to them.

The measures apply to victims that are **involved in criminal proceedings**, however what this entails is not perfectly clear. Often, victims will have informed the competent authorities of the presence of criminal suspects, however it may take time before formal investigations are opened, if they are opened at all.

These victims remain an exceptionally vulnerable group with multifaceted needs, the exclusion of whom from the scope of the Directive would represent a lost opportunity at a number of levels. It would miss an opportunity to address many of the specific obstacles which discourage victim participation in criminal justice processes, impede prospects for rehabilitation and healing, and contribute to the difficulties faced by criminal justice authorities in building viable cases against those suspected of such crimes.

Careful attention will need to be paid to the provisions of the Directive during the consultation phase in the coming months – and during the implementation phase up to 2015 – to ensure that interpretation of the Directive does not lead to further gaps in victim protection and support.

It remains to be seen how consistently the Directive will be interpreted across the EU, but progress is already being made: in June 2013 the UK Crown Prosecution Service launched a new Victims' Right to Review policy which will allow for appeal of decisions not to prosecute.¹ What is clear is that the Directive represents a key development which will for the first time oblige Member States to adopt a consistent approach to victim care, including for crimes under international law. With the necessary will, the Directive could significantly enhance and transform the experiences of victims of these appalling acts within criminal justice systems. ●

Specialist support services recommended for those who require it is understood to include "providing shelter and safe accommodation, immediate medical support, referral to medical and forensic examination for evidence in cases of rape or sexual assault, short and long-term psychological counselling, trauma care, legal advice, advocacy and specific services for children as direct or indirect victims," as well as measures to prevent further victimisation and distress during investigations and criminal proceedings.

¹ Crown Prosecution Service, "DPP enshrines victims' right to review of prosecution decisions", 4 June 2012.

Kupres, Bosnia and Herzegovina Photo credit: © Bambose



Looking Towards the Future: Update on the EU Genocide Network

Matevz Pezdirc, Head of EU Genocide Network Secretariat



Logo of the EU Genocide Network

The Secretariat of the European Network of contact points for the investigation and prosecution of genocide, crimes against humanity and war crimes (“the Genocide Network”) supports and facilitates cooperation between relevant authorities of EU Member States’ engaged in the investigation and prosecution of these crimes. These au-

thorities are represented in the Genocide Network through national contact points.

Members of the Genocide Network are prosecutors and law enforcement officers who are dealing with the investigation and prosecution of core international crimes at national level. The Secretariat organises meetings of the Network that provide a forum for practitioners from EU Member States and their counterparts from Canada, Norway, Switzerland and the USA, as well as representatives of the European Commission, Eurojust, the International Criminal Court (ICC) and *ad hoc* international criminal tribunals, the ICRC, INTERPOL and civil society organisations. As a platform for practitioners, the EU Genocide Network is devoted to practical questions of investigating and prosecuting alleged perpetrators of core international crimes who enter or reside within the EU, irrespective of where these crimes have been committed. By implementing the principle of extraterritorial jurisdiction, national authorities represented within the Network are contributing towards accountability and individual criminal responsibility of perpetrators of core international crimes.

For this reason the Secretariat’s activities aim to facilitate exchange of information on criminal investigations and the prosecution of alleged perpetrators, provide necessary conditions for the work of the Network, ensuring awareness-raising activities and promoting the mandate of the Network.

As the investigation and prosecution of core international crimes remains the responsibility of national authorities it is important to ensure close legal cooperation between states on an international level. The Secretariat is confident that the exchange of information, methods, experiences and best practices in the investigation and prosecution of genocide, crimes against humanity and war crimes between practitioners does lead to successful cases at the domestic level. Furthermore, such cooperation is low cost, yet ensures high added value in terms of building trust among practitioners and their counterparts in other states, encouraging them to share knowledge and experiences. Moreover, there is also the inspirational value and team spirit for the fight against these complex crimes. For this reason the Secretariat is encouraging other regions to establish similar networks of practitioners. In particular, the focus of the Secretariat is on Africa, where existing structures, such as the African Union, could ensure that prosecutors assist each other in bringing perpetrators to justice.



The EUROJUST building, which houses the Secretariat of the EU Genocide Network, © Josef Stuefer.

The Secretariat is also exploring avenues for enhancing cooperation and actions for fighting impunity in the EU area. From past experiences in national jurisdictions in Europe, it is clear that for the successful investigation and prosecution of serious international crimes certain preconditions are needed. Appropriate legislation needs to be in place at national level, and national policy needs to have zero tolerance for these crimes. A strong step on this path is the establishment of national war crimes or international crimes units, which are already established in a number of EU jurisdictions. Depending on the requirements of various national legal systems, these units encompass police, investigators, prosecutors, investigating magistrates, legal assistants and registrars and other experts with specific knowledge on serious international crimes and particular situations.

Taking into account the EU external strategy on promoting human rights and the fight against impunity (reflected for instance in the European Council Decision on the ICC and its subsequent Action Plan and the Joint Staff Working Document on advancing the principle of complementarity – Toolkit for bridging the gap between international and national justice) it is necessary to apply further measures within the EU for fostering investigations and prosecutions of genocide, crimes against humanity and war crimes. Such measures could be implemented in the domain of Justice and Home Affairs.

An EU Action Plan on Combating Impunity, setting out a strategy for investigation and prosecution of alleged perpetrators of serious international crimes within EU frontiers, would greatly contribute to national endeavours and support national jurisdictions in setting up domestic war crimes units. It would also clearly show that the EU will not become a safe haven for persons committing these crimes. ●

The French specialised war crimes unit: first 18 months

Delphine Carlens, FIDH

On 27 June 2013, the French specialised war crimes unit opened a judicial investigation into crimes allegedly committed by Paul Barril, a former captain in the French *gendarmerie*, concerning charges of complicity in the Rwandan genocide. The investigation was opened in response to a complaint filed by three civil society organisations, FIDH, the French Human Rights League (LDH) and Survie.¹ This is the latest case to be opened by the specialised war crimes unit based in Paris, which is currently investigating more than 25 cases related to the Rwandan genocide.

The specialised unit also investigates cases of crimes against humanity, war crimes, genocide and torture in other states, including – currently – crimes allegedly committed in Libya, Syria, the Republic of the Congo and Cambodia. FIDH, with its member organisations in the countries concerned, has initiated several of these cases by filing complaints and is supporting victims who are participating as civil parties in these proceedings. Two recent cases filed with the specialised unit concern allegations against two French technology companies and their alleged complicity in acts of torture by providing authoritarian regimes with electronic surveillance equipment, allegedly used to facilitate human rights abuses in Libya (Amesys case²) and Syria (Qosmos case³).



Palais de Justice, Paris, © FIDH

Established in January 2012 to address the standstill in a growing number of extraterritorial jurisdiction cases, the specialised war crimes unit today includes 3 investigating judges, 2 prosecutors and 2 specialised legal assistants (with one more to be hired soon) who work exclusively on crimes under international law. The authorities are therefore better equipped to address the challenges linked to the investigation and prosecution of international crimes cases, and the increased capacity and expertise has improved the efficiency of investigations. The first trial of a genocide suspect is expected for early 2014, and follows extensive investigations of the unit in Europe as well as Rwanda. The regular participation of the unit in meetings of the EU Genocide Network, hosted at EUROJUST in The Hague, and exchange with units in other countries has considerably strengthened the cooperation with investigative and prosecutorial authorities elsewhere.

However, many challenges remain: the capacity of the unit is limited, constraining the unit's capacity to allow the same amount of time on each case under investigation. The lack of resources is further aggravated by the unit's increasing case load and its role as the focal point for judicial cooperation requests, including from the International Criminal Court and other national authorities. In addition, the unit has said that it is unable to provide victim and witness protection and support measures in other countries. The absence of a cohesive strategy on protection within the unit puts victims and witnesses at risk. It can also deter victims and witnesses from reporting crimes, providing information or evidence, or participating in proceedings.

The progress made by the unit over only 18 months underlines its crucial contribution to the investigation and prosecution of crimes under international law in France. However, taking into account its increasing case load and important role as focal point for cooperation requests, further human and financial resources are necessary for the unit to conduct its work effectively. This includes strengthening the investigative capacity of the unit through the allocation of full time police investigators, which is essential for the unit to be able to handle multiple cases simultaneously. Adequate means and training should also be provided to allow the unit to put in place effective measures of protection and support for victims and witnesses. Further discussions and exchanges with other criminal justice units should be encouraged in order to be able to adopt a cohesive policy on protection. The unit should also formalise cooperation measures or agreements with OFPRA (*Office français de protection des réfugiés et apatrides*), the national agency responsible for processing refugee asylum seekers and, by analogy, identifying exclusion cases pursuant to Article 1F of the Geneva Convention on refugees.

If France is willing to implement an ambitious prosecutorial strategy for the investigation and prosecution of crimes under international law and guarantee effective access to justice and remedies for victims, it has to provide its tribunals with the necessary means. ●

¹ See FIDH-LDH-Surveie press release "Paul Barril indicted for complicity in Rwandan genocide", 27 June 2013.

² See in particular FIDH-LDH press release "Amesys Case: The Investigation Chamber green lights the investigative proceedings on the sale of surveillance equipment by Amesys to the Khadafi regime", 15 January 2013; as well as the FIDH storify "Libya: Looking back on the Amesys case", 29 May 2012.

³ See FIDH-LDH press release "FIDH and LDH ask French judiciary to investigate on the involvement of French companies in Syria", 25 July 2011; as well as the FIDH questions and answers on the Qosmos case (in French).

Germany's role in Prosecuting International Crimes in Europe

Andreas Schuller, ECCHR

Something is moving in Germany after years of standstill. Although the German Code of Crimes against International Law entered into force on 30 June 2002, providing for universal jurisdiction for crimes of genocide, crimes against humanity and war crimes, German authorities have thus far failed to enforce it. No action was taken against alleged perpetrators present in Germany, despite the broad jurisdiction of the German Code, and despite evidence to support allegations against them.



Photo © Guy Oliver, IRIN.

This changed around 2009, when the Federal Public Prosecutor General and the Federal Criminal Police Office obtained more resources to work exclusively on crimes under international law. By November 2012 this included nine prosecutors and ten investigators, including five analysts. Since then there have been two cases: one concerning the 1994 Rwandan genocide; and the other primarily relating to charges of killings and sexual violence allegedly committed by the Rwandan rebel group *Forces Démocratiques de Libération du Rwanda* (FDLR) in the eastern parts of the Democratic Republic of the Congo in 2009. These two cases are currently at the trial stage before the Higher Regional Courts of Frankfurt and Stuttgart respectively.

Moreover, German law enforcement authorities are actively cooperating with the International Criminal Court (ICC) regarding investigations against the FDLR, but also in relation to the situation in Libya in 2011. As regards Libya, witness testimonies were gathered in Germany and shared with the ICC Office of the Prosecutor on crimes allegedly committed by the forces of the Gaddafi regime.

In addition, the Federal Public Prosecutor General has opened three "structural investigations". These structural investigations enable proceedings against unknown perpetrators, which arise, for instance, in situations where a formal investigation against an individual is opened in order to secure background information about the overall situation. Compared to the ICC system, these types of investigations go beyond preliminary examinations of situations, because investigative steps are actively conducted, but are below the level of formal investigations against a known individual. They provide a unique legal mechanism to pro-actively address situations

where violations are known to have taken place and fit into the international criminal justice system created by the ICC Rome Statute.

In one of the three ongoing structural investigations, German authorities have gathered evidence that was available in Germany regarding crimes under international law allegedly committed in Syria since 2011, mostly based on witness testimonies provided by refugees. Although the situation of Syria currently lies outside the jurisdiction of the ICC, Germany is actively taking steps to fulfil its responsibilities by securing accessible evidence in order to be able to respond to mutual legal assistance requests by international courts or third states in the future. The evidence gathered could also support the prosecution of suspected perpetrators who may one day be found within Germany itself.

All States must play their part in securing evidence on crimes under international law committed in Syria and elsewhere in order to comply with what is described in the preamble of the Rome Statute as the mutual interest of the international community as a whole to prosecute these crimes. A common European approach is needed to maximise states' limited capacities for complex investigations and to distribute the burden of ensuring accountability among states, to reduce the political pressure which may be exercised when one state investigates any given situation, and to be prepared for the presence of suspected perpetrators on European territory, whether during short-term visits or when discovered living in their communities. This will also allow states to cooperate fully with requests for information from international courts such as the ICC in the future.

In addition, European states should review their national legislation on international crimes and ensure that these laws enable their authorities to secure evidence – for example in the form of structural investigations – without the need to initially focus on specific suspects from the outset. The appropriate national authorities, investigative bodies and law enforcement agencies must be provided with sufficient capacity to gather evidence on their state's territory and, where sufficient admissible evidence exists, prosecute or extradite suspected perpetrators.

The recent developments in Germany outlined above signal progress in investigating and prosecuting crimes under international law in Germany. However, limited capacities of investigative authorities, as well as domestic immunity laws for suspects who enter Germany on official invitations or as diplomats still impede the enforcement of the German Code of Crimes against International Law. Within Europe, states need to become more proactive in securing evidence in order to prepare the ground for prosecutions based on universal jurisdiction in a third state or before an international court. ●

For more information visit www.ecchr.de/index.php/accountability.html or contact the author under schueller@ecchr.eu

Balkan Perpetrators: Not Beyond the Reach of Justice

Alfredo Strippoli, TRIAL

For ten years now TRIAL (Track Impunity Always) has been combating impunity of perpetrators of crimes under international law, including war crimes, crimes against humanity, genocide.

Numerous factors contribute to impunity for international crimes, including lack of political will to conduct investigations and prosecutions, lack of adequate expertise; excessive case-loads not matched by sufficient resources, etc.

As part of its ongoing activities in Bosnia and Herzegovina (BiH) and through its contact with victims, victims' associations, journalists and members of the judiciary, TRIAL has recorded cases where suspected perpetrators allegedly enjoy complete impunity living abroad, either in other countries in the Balkan region or in Europe. These claims, if substantiated, highlight a specific impunity gap.

Against this background TRIAL devised a project aimed at fighting impunity for crimes under international law committed in BiH by perpetrators apparently beyond the reach of the BiH judiciary, but hopefully "Not beyond the reach of justice!"

Progress towards accountability for conflict-era crimes has been made on several fronts. BiH has a relatively fair and functioning judiciary which is addressing the war crimes backlog albeit at a pace which is too slow. Numerous European countries have established specialised war crimes units and are making use of universal jurisdiction to prosecute perpetrators of international crimes found on their territory. International judicial and police cooperation instruments exist, enabling the exchange of information and evidence and the transfer of persons across jurisdictions. However, perpetrators still manage to slip through the net and enjoy impunity.

Since February 2013, TRIAL has been collecting information on possible relevant cases from all available sources and verifying, as far as possible, the received information, and in particular the current whereabouts of the alleged perpetrators. TRIAL has analysed each individual case with a view to determining the factors resulting in impunity, and identified appropriate actions, if any, to be undertaken.

Information on a considerable number of cases has been received, cross-checked, researched and analysed, whereupon only a handful of cases have been identified as suitable for follow up. During our field work we came across cases in which the alleged current location of the perpetrator simply could not be confirmed, despite the issuing of international arrest warrants, leaving few viable options for TRIAL's assistance. Moreover, we came across cases in which the authorities of the country in which suspects currently reside are already conducting investigations and have decided to monitor those cases that we expect to see them prosecuted on the basis of universal jurisdiction.

A small number of cases have been selected for the project's second phase. These have two common features, namely that the suspect's location has been confirmed, and the authorities where the alleged perpetrator resides is not conducting investigations. In two of these cases the competent BiH prosecu-

tor's offices are conducting investigations and, there are strong indications that proceedings are sufficiently ripe to allow for the arrest and charging of suspected perpetrators. However, the Bosnian prosecutors have not sought their extradition, nor is there any indication that they would be requesting it soon. Impunity in these two cases appears to be the direct result of inaction by the competent Bosnian prosecutors. TRIAL will be working with victims to file criminal complaints in these two cases in the forum states, in the hope that this will result in the initiation of proceedings there or extradition requests from BiH.

In another case, the competent BiH prosecutor's office has conducted investigative proceedings, which were stalled since the perpetrator could not be extradited from the neighbouring country where he holds citizenship even though this case falls within the scope of existing cooperation agreements between the two countries. TRIAL will be working with the victims to file a criminal report in the forum state. The expected result would be the opening of an investigation there, thus prompting the prosecutor to request evidence from BiH pursuant to the existing legal instruments.

A final case presents specific problems, as a request for the suspect's extradition to BiH was rejected by the forum state because the suspect had meanwhile acquired that country's citizenship. Regrettably, criminal proceedings in the forum state are barred by statutory limitations. TRIAL will be working with the victims to file a civil suit in the forum state. This strategy has been chosen as it has the potential of providing a forum for exposing the crimes, awarding compensation to the victims, and possibly creating an opportunity for advocating statutory changes in the country concerned.

Thus, even when the country where international crimes were committed has a judiciary which is willing and able to conduct proceedings, and the instruments for securing international cooperation are in place, there is a tendency against cases with transnational aspects. The reasons include the additional hurdles of extradition and international cooperation; a feeling that as long as the perpetrator is in another country, s/he represents that country's problem. The forum state's authorities might not have information about the crimes, and the victims will face several barriers (e.g.: language, know-how) in attempting to reach out to them.

NGOs like TRIAL can perform a small – yet potentially key – role in the process of bridging the gap between victims in the country of commission and the judicial authorities in the forum state, thereby empowering survivors who are willing to seek justice in foreign fora. ●

The opinions expressed herein are the author's only and do not reflect the official positions of the organizations he is or was affiliated with.

Q & A on the Stockholm Programme 2010 – 2014: Freedom, Security and Justice in the EU

What is the Stockholm Programme?

The Stockholm Programme provides a framework for EU activity in the field of justice and home affairs, referred to as the *Area of Freedom, Security and Justice* (ASFJ). The Programme is a political document. It establishes a political road map which successive Presidencies of the Council of the European Union have committed to implement over a period of five years. It is complemented by an Action Plan produced by the European Commission in April 2010, which sets out concrete steps to be taken by individual European institutions and by Member States to implement the Programme, along with a timetable for each step.

What does it say about crimes under international law?

The Stockholm Programme emphasizes that the “Union is an area of shared values, values which are incompatible with crimes of genocide, crimes against humanity and war crimes”. It calls on EU institutions to “support and promote Union and Member States’ activity against impunity”, with particular attention to promoting cooperation between Member States, third countries, international tribunals and the International Criminal Court. Member States and European Union institutions should use the EU Genocide Network (European Network of Contact Points in respect of persons responsible for crimes of genocide, crimes against humanity and war crimes), to exchange judicial information and best practices in relation to prosecuting such crimes.

What does it say about the rights of victims of crimes under international law?

The Stockholm Programme highlights the situation of victims as a key area for reform. It calls for the development of “an integrated and coordinated approach” to ensure the enjoyment of rights, support and protection, with a view to reducing inconsistencies in standards in different Member States. The Programme notes that victims who are most vulnerable need special support and legal protection, and highlights the need to ensure special protection measures for victims at risk.

What are European Institutions and Member States expected to do to support victims of crimes under international law?

On prosecutions of crimes under international law, the Action Plan provided that the Commission should prepare a report evaluating implementation of Council Decision 2003/335/JHA, which recommended that Member States cooperate in their efforts to investigate and prosecute suspected perpetrators and should consider establishing specialised war crimes units. The Justice Directorate of the European Commission indicated that it was preparing this report back in 2011, and Member States have completed relevant questionnaires addressing implementation of both Council Decision 2003/335/JHA and Council Decision 2002/494/JHA which established the EU Genocide Network. However, to date it appears that the report and evaluation have not been prepared.

On victims’ rights, the Stockholm Programme and Action Plan calls on the European Commission and Member States to create a comprehensive legal instrument on the protection of victims, which has now been provided by the 2012 *Directive on Minimum Standards on the Rights, Protection and Support of Victims of Crime*.¹ Practical measures for victims such as protection from intimidation, threats or violence across all Member States are now to be provided to all victims awarded with criminal or civil protection measures.²

What happens next?

The Civil Liberties, Justice and Home Affairs (LIBE) Committee of the European Parliament is currently carrying out a mid-term review of the Stockholm Programme. In July 2013 it will debate progress to date on implementation, and it can make recommendations to the Parliament for the adoption of a resolution on this matter. This follows a mid-term review prepared by the Cyprus Presidency, debated at the Justice and Home Affairs Council in December 2012³, as well as a debate on implementation at the European Parliament in May 2013.

Implementation of the Directive on Minimum Standards, the Directive on the European Protection Order and the Regulation on Mutual Recognition of Protection Measures in Civil Matters are currently underway at the national level. The Justice Directorate of the European Commission is currently preparing guidelines for Member States to assist them in implementing the Directive on Minimum Standards, which it is hoped will be completed by the end of 2013. The European Commission has yet to publish its evaluation report on Member States’ efforts to investigate and prosecute crimes under international law in accordance with Council decision 2003/335/JHA. ●

¹ See *Minimum standards on the rights, support and protection of victims of crime in the EU*, by Tara O’Leary, REDRESS, p1.

² See Directive 2011/99/EU on the European Protection Order, and the Regulation on EU Regulation on Mutual Recognition of Protection Measures in Civil Matters, adopted by the JHA Council on 6 June 2013.

³ See Stockholm Programme Mid-term Review of 13 November 2012, prepared by the Cyprus Presidency of the Council of the EU; <http://www.statewatch.org/news/2012/nov/eu-council-stockholm-mid-review-15921-12.pdf>

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Implementing Rights of Victims of International Crimes in the EU

Tara O'Leary, REDRESS

Despite the progress which has been made in recent years to increasing the number of prosecutions of persons accused of crimes under international law, the process of identifying, investigating and prosecuting such persons remains a difficult and lengthy process. A particular gap appears to exist between the large number of victims of international crimes living in Europe, and the limited number of national authorities involved in the investigation and prosecution of crimes. Police, investigators and prosecutors report difficulties in accessing victims and potential witnesses living in EU Member States, whether they live in well-established diaspora communities or are asylum seekers or new immigrants. Furthermore, victims and potential witnesses may be reluctant to file complaints or volunteer information to national authorities for a range of reasons, including ongoing health priorities, mistrust of authorities or fears of reprisals.

Without community-based knowledge which can assist the discovery and identification of suspects living in Europe, as well as witness testimony which evidences their acts, police and prosecutors struggle to fulfil the evidential burdens required to bring cases to trial. More effective investigations and prosecutions through improving authorities' access to, and collaboration with, victims and witnesses are also fundamental to encourage greater victim participation in proceedings across Europe, and to improve access to reparation and redress for victims, survivors and their families.

Recognising the importance of these roles for victims in international crimes prosecutions, REDRESS in partnership with TRIAL, the European Centre for Constitutional and Human Rights (ECCHR) and the International Federation for Human Rights (FIDH) have commenced a new project which seeks to promote a more victim-centred approach to extraterritorial jurisdiction proceedings taking place in EU Member States. Commencing in January 2013, *Implementing Rights of Victims of Serious International Crimes in the European Union* (the Project) is a two year initiative which will address three key challenges:

- Difficulties faced by national authorities in reaching out to victims of international crimes with a view to obtaining information;
- The absence of uniform practice among immigration authorities at the European level; and
- Limited possibility for victim participation in universal and extraterritorial jurisdiction proceedings.

These three challenges are being explored through comparative research and consultation with experts and practitioners in five countries experienced in exercising universal jurisdiction, namely Belgium, France, Germany, The Netherlands and the United Kingdom. Research visits are currently being carried out in France and the UK, while further visits are planned for the other States later this year. This research will inform advocacy at the national and European level, as well as capacity-building through publication of reports and planned conferences and seminars.

In addition to assessing the current state of the law, procedure and practice on extraterritorial jurisdiction in Europe, the project will also address the absence of uniform practice among immigration authorities at the European level and in Member States. Immigration and border agencies along with immigration and asylum practitioners are often the first point of contact for members of communities affected by crimes under international law, which places them in a unique position to identify victims and potential witnesses as well as to identify exclusion cases potentially falling under Article 1F of the *International Convention relating to the Status of Refugees*. It is hoped that renewed cooperation efforts in this field will be complemented by the projects' efforts to address obstacles to victim participation in legal proceedings, including procedural barriers to participation and legal representation, protection and security concerns, victims' rights standards and available support measures.

Close collaboration with the EU Genocide Network will also continue throughout the project as a key forum. In April 2013, REDRESS addressed the 14th meeting of the EU Genocide Network, which focused on immunities of State officials from foreign criminal jurisdiction.. A one-day seminar on "Access to Victims and Witnesses in International Criminal Cases" is planned to coincide with the Network's meeting in October. The seminar will explore best practices in the identification of victims and witnesses of crimes under international law with a view to obtaining evidence and information.

Participants will include contact points of the EU Genocide Network, experts from immigration authorities, asylum lawyers, victims' organisations and others working with victims and witness of serious international crimes. The meeting will contribute to reducing the gap between victims and investigating authorities by enabling an exchange on mutual practical challenges and sharing best practice and potential solutions. ●



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