



12 November 2015

The Rt Hon Theresa May MP
Secretary of State for the Home Office
2 Marsham Street
London
SW1P 4DF

Dear Minister

Re: UK opt out of Council Decisions 2002/494/JHA and 2003/335/JHA on the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes

We write to express our concern at the United Kingdom's opt-out from the above mentioned European Union decisions aimed at strengthening the fight against impunity for grave international crimes, and to urge you to reverse it and opt back in to these vital decisions.

Our organisations, many of which regularly liaise with the European Genocide Network, the CPS, the Metropolitan Police Service and others committed to bringing alleged perpetrators of international crimes to justice, believe the UK should be a full standing member of the European Genocide Network and play a direct role in its work. Such a direct role is necessary if the UK is to implement effectively its long-standing 'no safe haven policy' as well as its 2014 call for *all* States to combat sexual violence amounting to war crimes.

In the past, important steps were taken by previous UK Governments to facilitate co-operation between the prosecutorial and police services of European Union member States in relation to grave international crimes. One important initiative in this regard was the Government's support for and participation in the European Council's **Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes** (the "European Genocide Network"). The UK was a founding member of the European Genocide Network and through the Crown Prosecution Service (CPS) in particular played a key role in its work. For a number of years, the UK was able to make a direct and important contribution to a co-ordinated European approach to fighting impunity for international crimes.

However, in 2014 the Coalition Government opted out of about 100 EU justice measures, including Council Decision 2002/494/JHA, which created the European Genocide Network, and Decision 2003/335/JHA, on the investigation of war crimes, crimes against humanity and genocide. Since then, judicial practitioners from the UK have been unable to participate in the Network, not even as observers. The European Genocide Network's other members

have expressed regret at this decision and, shortly before the General Election, asked for it to be re-considered:

“The Members of the Network expressed their regret over the UK’s decision to opt out of Council Decisions 2002/494/JHA and 2003/335/JHA on setting up the Network. The Network finds this current situation unfortunate and, given the noteworthy commitment of the UK government to fighting impunity for the crime of genocide, crimes against humanity and war crimes, invites the competent UK authorities to reconsider their position.”

We urge you to consider applying to opt back into the European Genocide Network.

Until such time as the UK re-joins formally, it should participate in the meetings of the European Genocide Network with the status of observer, as is currently the case for several non EU member states, such as the United States, Canada, Switzerland and Norway. The European Genocide Network recently extended such an invitation to participate as observer to UK authorities.

We would also welcome a public explanation as to why the Government decided to opt-out from these two important European initiatives.

We look forward to your response and would welcome the opportunity to discuss this matter in person with you and/or relevant members of your staff. Kindly use as the address for correspondence REDRESS, 87 Vauxhall Walk, London SE11 5HJ.

Sincerely

Carla Ferstman
Director, REDRESS on behalf of:

AMNESTY INTERNATIONAL

BAR HUMAN RIGHTS COMMITTEE

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SOLICITORS INTERNATIONAL HUMAN RIGHTS GROUP

Cc: The Rt Hon Mike Penning MP, Minister of State (Minister for Policing, Crime and Criminal Justice and Victims), Home Office, 2 Marsham Street, London SW1P 4DF.

The Rt Hon Michael Gove MP, Lord Chancellor and Secretary of State for Justice, Ministry of Justice, 102 Petty France, London SW1H 9AJ.

