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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Report of the 10th EU Day against impunity for genocide, crimes against humanity and war crimes (the Hague, 22 May 2025)

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Delegations will find attached the above-mentioned report.



## 10<sup>th</sup> EU DAY AGAINST IMPUNITY FOR GENOCIDE, CRIMES AGAINST HUMANITY AND WAR CRIMES 22 May 2025

### REPORT

#### I. Background

Since 2016, the annual EU Day Against Impunity for genocide, crimes against humanity and war crimes ("EU DAI") has been marked on or around 23 May. Its objective is to shed light on the gravest atrocities, fostering national investigations and prosecutions to underscore the collective commitment of EU member States and other actors to fight impunity and bring justice to the victims. This initiative not only honours the victims but also addresses their position and participation in national criminal proceedings.

This year, on 22 May 2025 from 15:00-17:30 CEST, the Polish Presidency of the Council, European Commission, Eurojust and the European Network for investigation and prosecution of genocide, crimes against humanity and war crimes ("Genocide Prosecution Network") marked the 10<sup>th</sup> EU DAI with a hybrid event.

The event was dedicated to **the protection of the independence and integrity of judicial authorities prosecuting and adjudicating core international crimes**. International judicial authorities are increasingly confronted with challenges such as sanctions, funding limitations, and lack of cooperation. Such obstacles hinder institutions like the International Criminal Court ("ICC") and other judicial mechanisms, risking disrupting ongoing investigations and proceedings, ultimately undermining justice for the victims of some of the most heinous crimes.

The hybrid event gathered 150 representatives of judicial authorities, civil society and the diplomatic community at Eurojust's headquarters and online to discuss the protection of the independence and integrity of judicial authorities investigating and prosecuting core international crimes.

#### II. Welcome Remarks

**Mr Michael Schmid, President of Eurojust** emphasised that Eurojust stands with its partners in reaffirming a shared commitment to uphold the rule of law and safeguard international justice. This is essential for the investigation and prosecution of these complex and sensitive cases and ultimately for delivering justice to for victims and for those who stay behind. Mr Schmid stated that by reinforcing partnerships and upholding international legal standards, we can effectively confront impunity and deliver justice for victims. In this effort, Eurojust plays a crucial role through initiatives such as the

Genocide Prosecution Network, the Core International Crimes Evidence Database ("CICED"), and the International Centre for the Prosecution of the Crime of Aggression against Ukraine ("ICPA"), which enhance cooperation among national authorities, law enforcement, and international bodies. These efforts not only support individual cases but also strengthen the legitimacy and impact of the international justice system as a whole.

**Mr Adam Bodnar, Minister of Justice of Poland** emphasised the urgency of this topic, highlighting the increasing political pressure and threats directed at international judicial bodies, particularly the ICC. Minister Bodnar also underscored the growing international momentum behind the establishment of a Special Tribunal for the Crime of Aggression against Ukraine, noting the broad support from states for this initiative. Additionally, the Minister expressed appreciation for the collaborative efforts of Eurojust and the prosecutorial authorities of various EU Member States in documenting war crimes committed in Ukraine. He emphasised that such documentation is essential not only for future prosecutions but also for historical purposes, upholding the values and identity of Europe. Lastly, Minister Bodnar reinforced the EU's commitment to supporting international justice, strengthening judicial independence, and advancing accountability for serious international crimes. The full speech of Minister Bodnar can be viewed [here](#).

**Mr Michael McGrath, EU Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection** stated that recent sanctions on the ICC send a dangerous message that pursuing justice can come at a serious cost. He emphasised that the independence and impartiality of international judicial bodies are non-negotiable. These institutions do not serve geo-political interests, they serve the law, and the law serves the people it is enacted to protect. Such measures against the ICC risk weakening not only the Court itself but also other mechanisms that seek to uphold international justice, such as the Special Tribunal for the Crime of Aggression against Ukraine. Commissioner McGrath affirmed the European Commission's unwavering support for the ICC and the international legal order, and emphasised the importance of cooperation through Eurojust and the Genocide Prosecution Network to ensure that prosecutors and judges can carry out their work independently. He concluded by underscoring that victims not only deserve access to justice, but that their rights and needs must be central at every stage of the process. The full speech of Commissioner McGrath can be viewed [here](#).

### III. Keynote speeches

**Mr Frank Hoffmeister, Head of the Legal Department, European External Action Service** highlighted that the EU foreign policy remains firmly committed to defend European and international law, with particular emphasis in upholding international criminal and humanitarian law. As current conflicts, such as Gaza, Ukraine, Sudan and the Democratic Republic of the Congo continue to challenge the effectiveness of these frameworks, the EU has engaged directly with actors on the ground, including by providing training to security forces and supporting accountability mechanisms. Initiatives such as the EU Advisory Mission in Ukraine exemplify efforts to reinforce the rule of law by working together with national authorities. In this challenging environment, activating judicial mechanisms, including support for the Genocide Prosecution Network, is key to ensuring justice and accountability.



The EU faces escalating threats to judicial independence, both within its borders and internationally. The erosion of impartiality in national courts has prompted legal action at the European Court of Human Rights ("ECHR") and the Court of Justice of the European Union ("CJEU"), emphasising the need for member states to comply with the principles under the European Convention on Human Rights and the EU Fundamental Rights Charter. In other situations, diplomacy becomes essential, particularly when international legal bodies like the ICC are targeted, such as through cyberattacks or sanctions. The EU is exploring legal responses, including defining such cyberattacks as offences against the administration of justice in the draft legal documents of the Special Tribunal for the Crime of Aggression against Ukraine, which is foreseen to be established under the framework of the Council of Europe. Moreover, the EU engages in diplomatic outreach, which is often not visible to the public. Defending judicial independence, whether through actions at the national level, support for international justice, and sustained diplomatic engagement, remains a critical priority of the EU's external action.

#### IV. Panel discussion

The second part of the event was dedicated to a high-level panel discussion, including **Judge Reine Alapini-Gansou**, Second Vice-President of the ICC; **Mr Jorg Polakiewicz**, Director of Legal Advice and Public International Law, Council of Europe; **Ms Anna Lodeweges**, Head of the Division for International Affairs and Mutual Legal Assistance in Criminal Matters, Ministry of Justice of the Netherlands; **Mr Daniel Loniewski**, Head of the European Criminal Law Unit, Ministry of Justice of Poland; and **Ms Alejandra Vicente**, Head of Law at REDRESS, representing the Global Initiative Against Impunity consortium. **Mr Pawel Wasik**, National Member for Poland at Eurojust, moderated the panel discussion.

The panel discussion provided a platform to reflect on current challenges facing international judicial bodies, their impact on cooperation and victims' access to justice, and how the international community can collectively address these issues and reinforce shared commitments to justice and accountability.

The panellists highlighted the persistent challenges faced by the ICC, including sanctions, cyberattacks, and a lack of cooperation from certain states particularly in the enforcement of arrest warrants. While support from various State and non-State Parties was acknowledged, the discussion stressed the urgent need for consistent and reliable cooperation from all states. Despite these significant pressures, the ICC remains a cornerstone of the international legal order. The Court continues to deliver meaningful outcomes, with ongoing efforts to advance justice in various situation countries. Its focus remains the fights against impunity and achieving justice for victims.

Further, the establishment of the Special Tribunal for the Crime of Aggression was noted as a landmark development as the first tribunal addressing aggression since Nuremberg. The tribunal's core documents include strong safeguards for fair trials, judicial independence, and transparent

procedures. However, a key challenge remains the selective cooperation of states. To address this, cooperation is emphasised across all three foundational texts, with a model agreement developed to ensure consistency and coordination. It was emphasised that consistent cooperation and support by states and the solid legal and institutional foundations are essential for the tribunal's effectiveness and credibility.

In addition, the role of the Netherlands, both in its capacity as the host country to the ICC and a State Party to the Rome Statute, was discussed. The Netherlands reaffirmed its commitment to cooperation, legal implementation of the Rome Statute, and efforts to enhance international justice, including through instruments like the Ljubljana-The Hague Convention. It also encouraged other countries to do the same.

The panellists also discussed broader concerns about attacks on the judiciary, staff and institutions. They called for EU-level support, enhanced digital and legal resources and robust mechanisms to counter disinformation and safeguard institutional integrity. Also, in light of threats like disinformation and AI-generated smear campaigns, it was emphasised that strong fact-checking mechanisms and impartial investigations to protect the integrity of international judicial bodies are essential.

Lastly, it was highlighted that CSOs, often acting as the bridge between victims and justice mechanisms, are increasingly under threat, facing harassment, secondary trauma, and legal or financial constraints. Diminished funding has forced some CSOs to halt critical work, including direct engagement with victims in contexts like Syria, Iraq, Libya, and Sudan. This undermines victim-centered justice. Further, the application of double standards, responding selectively depending on the conflict or region, ultimately creates a hierarchy of victims and erodes trust in the international legal justice system. To address these challenges, it was recommended that states provide sustained support to civil society, prioritise cooperation with the ICC and other international mechanisms, and invest in national and regional efforts that advance accountability, reparations, and access to justice for victims.

## V. Closing remarks

In his closing remarks, **Mr Matevz Pezdirc**, Head of the Genocide Prosecution Network Secretariat, noted that the event provided a critical platform to address the growing challenges faced by judicial and prosecutorial bodies in the fight against impunity. He noted that participants reaffirmed that without an independent and impartial environment, international justice cannot function effectively and risks becoming a tool for the powerful. Further, the discussions highlighted the essential role of both states and CSOs in protecting international judicial bodies and accountability efforts. Opportunities for enhanced cooperation, including through the Ljubljana-The Hague Convention, were identified as promising avenues for strengthening collective action. Lastly, Mr Pezdirc noted that the event served as a strong reminder of the EU's commitment to accountability and the importance of remembering victims, not as a symbolic gesture, but as a call to action for meaningful, enduring justice.