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*Federica Mogherini*  
*High Representative of the European Union for Foreign Affairs and Security Policy and*  
*Vice-President of the European Commission*

Brussels, 29 June 2018

Dear High Representative/Vice-President Federica Mogherini,

We, Members of the European Parliament, are writing to underscore our **call for the urgent establishment of a European Union Special Representative for International Humanitarian Law and International Justice**.

As you know, the European Parliament has called for the establishment of this Special Representative for several years. Most recently, in July 2017 and again in December 2017, we reiterated our call in a key resolution and in the European Parliament's Annual Report on Human Rights.<sup>1</sup> Our call has now taken on greater urgency.

Near and far and, on a daily basis, we witness atrocity crimes and other violations of international humanitarian law. With the EU's and Member States' support, there has been some progress toward establishing mechanisms, including the International Criminal Court (ICC), to achieve criminal justice for serious international crimes. But there have also been deeply worrying setbacks and politicized challenges in, and politicized challenges to, the delivery of justice.

Without stepping-up efforts to promote respect for international humanitarian law and to relentlessly pursue justice for victims, there is a real risk that impunity will become the new norm. This will only further fuel attacks against civilians and other serious crimes, inside and outside conflict, by governmental and non-state actors who believe they have little reason to fear accountability and who will calculate that grave crimes are effective tools to achieve their goals.

Now, at a time when the EU and its Member States represent one of the world's few pillars left supporting an international rules-based order, we need the EU's principled leadership more than ever, and this leadership would clearly be advanced through a Special Representative dedicated to International Humanitarian Law and International Justice.

First, in appointing such an expert Special Representative, the EU would **increase capacity** and make its leadership **more visible**, thus enhancing its engagement in high-level debates and efforts at the UN and in other multilateral fora.

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<sup>1</sup> See, for example, European Parliament resolution of 13 December 2017 on the Annual Report on Human Rights and Democracy in the World 2016 and the European Union's policy on the matter; European Parliament resolution of 4 July 2017 on addressing human rights violations in the context of war crimes, and crimes against humanity, including genocide.



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Second, a Special Representative would provide **enhanced coordination** across the tools and policies developed by the EU and Member States in the areas of international humanitarian law and international justice. There has been a significant and persistent gap with regard to consistent implementation of policy commitments and the availability of EU instruments, weakening the effectiveness of EU action.

Third, an EU Special Representative would contribute **expert policy guidance**, including when it comes to mobilizing action by the EU and the Member States to address specific crisis situations and urgent steps needed to advance respect for international law and justice for grave crimes. Given the pressing challenges of today, there is a need for dedicated expert knowledge on the range of justice efforts and the steps needed to ensure sufficient political, practical, and financial support.

Fourth, there is an equal need to understand and effectively **work with the wider community engaged on behalf of international humanitarian law and international justice**. In this regard, a Special Representative would complement and augment existing efforts by EU officials, including other special representatives and focal points within the European External Action Service, and could seek to draw on and catalyse the efforts of Member States. The Special Representative would also **forge coalitions** with a range of like-minded actors including other regional and international organizations, states, justice mechanisms, experts, victims, and civil society organizations.

**This is the moment.** In July, the International Criminal Court's founding treaty will mark its 20<sup>th</sup> anniversary. The establishment of a dedicated EU Special Representative on this anniversary will send a strong message of the EU's and Member States' support to the ICC, and the rule-based international order which it represents.

The recent report on implementation of the EU's guidelines on promoting compliance with international humanitarian law stressed that "there can be no grounds for complacency by any international actor."<sup>2</sup> While there will be resource implications in the establishment of this high-level position, it is an investment well worth making: without increased expertise and efforts in this area, the EU will be weakened in urgently needed responses to grave violations, and efforts to achieve meaningful justice for victims of atrocity crimes

We must ensure that the EU is fully equipped to take on the challenges of today and that the EU does its utmost to ensure that international crimes and impunity will never become the "new normal." Hence, we strongly urge you to use this unique moment to finally act on the European Parliament's repeated calls, and to provide the necessary leadership to ensure the urgent establishment of a dedicated EU Special Representative for International Humanitarian Law and International Justice.

Yours sincerely,

Ana Gomes (S&D, Portugal)  
Barbara Lochbihler (Greens/EFA, Germany)  
Julie Ward (S&D, United Kingdom)

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<sup>2</sup> Working Party on Public International Law (COJUR) Report on the EU Guidelines on Promoting Compliance with International Humanitarian Law, July 2016 - June 2017 (April 2018), p. 29.



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