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JUSTICE**



**EUROPEAN CENTER
FOR CONSTITUTIONAL
AND HUMAN RIGHTS**

Under the High Patronage of:

H.E. Mr. Adama Dieng, AU Special Envoy on the Prevention of Genocide and Other Mass Atrocities

Accountability for Crimes Against Migrants

International Criminal Responsibility for Aiding
and Abetting Crimes Against Humanity

Side Event to the 58th Session of the UN Human Rights Council

Date & Time Wednesday, 26 March 2025 | 15:00 - 16:00 CET

Venue Conference Room XXV, Palais des Nations, United Nations, Geneva

Organisers No Peace Without Justice, Refugees in Libya, *front-LEX*, Ligue Tunisienne pour la Défense des Droits de l'homme, EuroMed Rights, Comité pour le Respect des Libertés et des Droits de l'Homme en Tunisie, Avocats Sans Frontières, European Center for Constitutional and Human Rights

This side event to the 58th Session of the UN Human Rights Council will examine the individual **criminal liability under international law of European policymakers and high-level decision-makers for aiding and abetting crimes against humanity committed against migrants**. It will explore the legal implications of providing systematic support, such as funding, naval assets, vehicles, equipment, supplies, and intelligence necessary to intercept and capture migrants, to militias or third-country authorities responsible for atrocities including illegal refoulement, arbitrary detention, rape and torture.

The event is held under the High Patronage of **Mr Adama Dieng, AU Special Envoy on the Prevention of Genocide and Other Mass Atrocities**, who will deliver the opening statement. The keynote address will be delivered by **Professor Siobhán Mullally, UN Special Rapporteur on Trafficking in Persons**. The panellists will provide direct factual testimonies evidencing the nexus between specific European decisions and practices and the crimes committed against migrants, and will discuss the legal basis for individual criminal liability under international law of those aiding and abetting atrocities.

By exposing these violations and their legal consequences, the event seeks to end impunity for atrocities committed against migrants, encourage a critical reassessment of European migration policies that fuel widespread human rights abuses, and provide a timely reminder that actions by individuals, irrespective of their official positions, carry legal consequences under international law.

Chair: **Giovanni Fontana**, Second Tree

Opening: **Mr. Adama Dieng**, AU Special Envoy on the prevention of Genocide and other Mass Atrocities

Keynote Address: **Prof. Siobhán Mullally**, UN Special Rapporteur on Trafficking in Persons, especially Women and Children

Panel Discussion: **David Yambio**, Refugees in Libya
Dr. Omer Shatz, front-LEX
Dr. Niccolò Figà-Talamanca, No Peace Without Justice

Q&A **Interventions from the floor**

Co-sponsors

No Peace Without Justice is a global nonprofit organisation campaigning for human rights, democracy and international justice and seeking accountability for crimes under international law: www.npwj.org

Refugees in Libya is a grassroots refugee self-advocacy group campaigning for the rights and protection of refugees and asylum seekers facing detention, abuse, and violence: www.refugeesinlibya.org

front-LEX is challenging EU migration policies and border violence through strategic litigation before International (ICC) European (ECtHR) and EU (CJEU) Courts: www.front-lex.eu

Ligue Tunisienne pour la Défense des Droits de l'Homme (Nobel Peace Prize 2015) is a Tunisian organisation advocating for human rights and civil, political and social freedoms: www.ltdh.tn

EuroMed Rights is a network of 68 human rights organisations from 30 countries dedicated to protecting human rights and democracy in the Southern and Eastern Mediterranean regions: www.euromedrights.org

Comité pour le Respect des Libertés et des Droits de l'Homme en Tunisie is an organisation advocating for democracy, political freedoms and human rights in Tunisia: www.crlhdh.com

Avocats Sans Frontières is a Belgian NGO providing legal aid, promoting access to justice, and defending human rights, focusing on vulnerable populations and strengthening rule of law worldwide: www.asf.be

The European Center for Constitutional and Human Rights is a Berlin-based NGO that uses legal action, together with affected communities and partners around the globe, to make injustice visible and enforce human rights worldwide: www.ecchr.eu

Key Concepts

Systematic Crimes Against Humanity targeting Migrants: Migrants seeking refuge in Europe are subjected to widespread and systematic human rights violations, including illegal refoulement, mass expulsions, unlawful interceptions in international waters, arbitrary detention, torture, enslavement, sexual violence, and murder. These abuses constitute crimes against humanity.

Facilitation by European Authorities: European policymakers designed and implemented policies that provide systematic funding, intelligence, equipment, supplies, vehicles, training, and operational support to third countries and militias engaged in these crimes. These atrocities are not incidental but integral to EU-funded migration control policies, which prioritise blocking migration at any cost. The externalisation of border management—effectively outsourcing "atrocities for profit"—has become official EU policy. This strategy now defines relations of the EU with Eastern and Southern Mediterranean countries, as evidenced by the EU-Tunisia Memorandum of Understanding and agreements with Egypt and Libya.

Legal Liability: Under international criminal law, aiding and abetting crimes against humanity carries individual criminal responsibility. While national jurisdictions have the primary duty to investigate and prosecute those complicit in these crimes, the International Criminal Court is mandated to intervene when national authorities fail to act. Senior European officials cannot plausibly deny knowledge of the atrocities; numerous UN reports, internal EU investigations, and NGO findings document these abuses in detail. Furthermore, the justification that "migration control" was the primary objective does not absolve officials when the support they provide knowingly and significantly contributes to these crimes.

Takeaways

European policymakers and officials are not passive observers but active enablers of crimes against humanity. By knowingly supplying the means for the commission of these atrocities, they bear personal criminal liability under international law.

That officials may have been "following orders" or "defending national borders" or "doing what the people want" offer no shield from accountability under international criminal law.

Atrocities outsourced are still atrocities committed. Those responsible must be held to account.