

## The European Parliament and the Reign of Activists and Experts

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**Abstract:** The article demonstrates the influence of activist non-governmental organizations (NGOs) at the European Parliament (EP) through the case of a suppressed study on universal criminal jurisdiction. It recounts how a report commissioned, approved, and published by the EP was withdrawn after pressure from an NGO with ties to EU grantmaking and policy-making circles. Through an institutional and political analysis, the study reveals how expert discourse, funding mechanisms, and ideological alliances promote international criminal justice. The article challenges the assumed neutrality of academic expertise in supranational institutions and raises broader concerns about transparency and symbolic use of law.

### 1. Introduction

The article recounts how a well-connected non-governmental organization (NGO) intervened to suppress a study on universal jurisdiction commissioned and published by the Parliament of the European Union (hereinafter European Parliament or ‘EP’ and ‘EU’), and have it replaced with a report of its liking. The backdrop of the story are the billions in EU subsidies

Disclosure: I submitted an earlier version of this article in 2017 to the Journal of International Criminal Justice (JICJ), the leading journal in the field, not knowing that one of the authors of the EP report that replaced mine served on its editorial board. When I did not hear back from JICJ, I decided to wait until the end of my career and try a journal outside the field.

distributed to NGOs every year.<sup>1</sup> The article offers insight into the role of activists and experts in steering the EU's agenda and grantmaking, and in shaping international law. It raises questions about transparency and symbolic use of law, and argues that EU-NGO initiatives promoting universal jurisdiction over gross human rights violations are best understood as “branding” and “marketing” exercises. By sheer coincidence, the article was under review when the European Court of Auditors (ECA) published a high-profile report about transparency (or the lack thereof) of EU disbursements to NGOs.<sup>2</sup> The ECA report says nothing, though, about the use of self-serving expert studies to justify such funding, which is the focus of this article.

## 2. European Union and Parliament

The European Union (EU) combines traditional elements of an intergovernmental international organization with supranational features typical of federal states.<sup>3</sup> Its essence lies in the operation of multiple layers of continuous negotiation and decision-making, as well as the multiplicity of actors involved in making and implementing decisions.<sup>4</sup> As a rule, it is the European institutions and bodies – such as the Parliament, the Council, and the European Commission – that adopt the majority of various types of norms, which are then implemented by the Member States.<sup>5</sup> What stands out is the

<sup>1</sup> €17.5 billion from 2020 to 2022 according to Roderick Ackermann et al., “Transparency and Accountability of EU Funding for NGOs Active in EU Policy Areas within EU Territory,” Policy Department for Budgetary Affairs of the European Parliament, September 28, 2023.

<sup>2</sup> European Court of Auditors, “Special Report 11/2025: Transparency of EU Funding Granted to NGOs – Despite Progress, the Overview Is Still Not Reliable,” Publications Office of the European Union, April 7, 2025.

<sup>3</sup> Paul Craig and Gráinne de Búrca, *EU Law: Text, Cases, and Materials*, 7th ed. (Oxford: Oxford University Press, 2020), 3–8; Damian Chalmers, Gareth Davies, and Giorgio Monti, *European Union Law: Cases and Materials*, 3rd ed. (Cambridge: Cambridge University Press, 2014), 106–10.

<sup>4</sup> Renaud Dehousse, “The European Court of Justice: The Politics of Judicial Integration,” *Journal of European Public Policy* 2, no. 1 (1995): 1–19.

<sup>5</sup> According to Article 13 of the Treaty on European Union, the institutions of the Union are: the European Parliament, the European Council, the Council of the European Union, the European Commission, the Court of Justice of the European Union, the European Central Bank, and the Court of Auditors. See Treaty on European Union (consolidated version), (OJ C202, 7 June 2016), 19–46; Treaty on the Functioning of the European Union (TFEU),

multi-level nature of this system, which includes non-state and informal actors operating outside the official decision-making circuit. “EU institutions interact with a wide range of groups and organizations representing specific interests and undertaking lobbying activities. This is a legitimate and necessary part of the decision-making process to make sure that EU policies reflect people’s real needs.”<sup>6</sup>

As one of the key institutions within the so-called institutional triangle,<sup>7</sup> the European Parliament is designed to ensure the EU’s democratic legitimacy.<sup>8</sup> The EP currently has some twenty standing committees corresponding to their principal areas of activity.<sup>9</sup> The Subcommittee on Human Rights (a subcommittee of the Committee on Foreign Affairs) is responsible for issues of human rights and democracy, including preparing own-initiative reports on specific human rights instruments, ensuring their implementation in European Union policy, and providing a platform for permanent dialog with representatives of civil society (I return to this issue later).<sup>10</sup> Committees often rely on expert input and appoint specialists to provide substantive advice on particular matters. This is where I enter the picture.

### 3. Report Commissioning and Publication

In 2015, the EP Subcommittee on Human Rights commissioned me to write “in clear and simple language” a study that would “feed into the debate on the application of the principle of universal jurisdiction and help the

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(OJ C326/47, 26 October 2012). Liesbet Hooghe and Gary Marks, *Multi-Level Governance and European Integration* (Lanham: Rowman & Littlefield, 2001), 1–4.

<sup>6</sup> “Lobby Groups and Transparency,” European Parliament, accessed March 20, 2025, <https://www.europarl.europa.eu/at-your-service/en/transparency/lobby-groups>.

<sup>7</sup> Neill Nugent, *The Government and Politics of the European Union*, 8th ed. (London: Palgrave Macmillan, 2017), 298.

<sup>8</sup> Michelle Cini and Nieves Pérez-Solórzano Borragán, *European Union Politics*, 6th ed. (Oxford: Oxford University Press, 2019), 203.

<sup>9</sup> See: Krzysztof Orzeszyna, Michał Skwarzyński, and Robert Tabaszewski, *International Human Rights Law* (Warsaw: C.H. Beck, 2023), 202.

<sup>10</sup> “Subcommittee on Human Rights (DROI),” EU Monitor, accessed March 20, 2025, <https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vh7ykbaar7yv>; Justin Greenwood, *Interest Representation in the European Union*, 3rd ed. (Basingstoke: Palgrave Macmillan, 2011), 75–92.

European Parliament form an opinion and make decisions in this respect.” The terms of reference provided, *inter alia*, that the study should

explore how domestic judicial systems contribute/may contribute to fighting impunity for the most serious crimes under the principle of universal jurisdiction and the main challenges these face/might face; assess the efforts of the EU and its Member States to address core international crimes committed in third countries; provide practical recommendations to the EU to improve the application of the principle in the EU Member States and third countries; identify the role of the European Parliament in the process.<sup>11</sup>

I assume the EP found me because of my earlier publications on the subject.<sup>12</sup> After expressing reservations about the activist tone of the terms of reference (“fighting impunity”), I was assured that “there is no desired opinion the EP asks you to adhere to.” In February 2016, I submitted a draft; a week later the EP responded: “As required by the terms of reference, the study discusses the definition of universal jurisdiction, offers an overview of relevant laws and practices and provides recommendations for the EU. The arguments presented by the author are interesting.” Then followed list of queries and suggestions.<sup>13</sup> I revised my report accordingly and resubmitted it. Shortly after, the EP issued an acceptance letter, and published my report online and in print on April 27, 2016, under the title “The application of universal jurisdiction in the fight against impunity.”<sup>14</sup> A disclaimer added by the EP states that “The content of this document is

<sup>11</sup> Terms of reference (on file with author).

<sup>12</sup> Luc Reydam, *Universal Jurisdiction: International and Municipal Legal Perspectives* (Oxford: Oxford University Press, 2003); Luc Reydam, “Niyonteze v. Public Prosecutor,” *American Journal of International Law* 96, no. 1 (2002): 231; Luc Reydam, “Belgium’s First Application of Universal Jurisdiction: The Butare Four Case,” *Journal of International Criminal Justice* 1, no. 2 (2003): 428; Luc Reydam, “Belgium Reneges on Universality: The August 5, 2003, Act on Grave Breaches of International Humanitarian Law,” *Journal of International Criminal Justice* 1, no. 3 (2003): 679; Luc Reydam, “The Rise and Fall of Universal Jurisdiction,” in *Routledge Handbook of International Criminal Law*, eds. William A. Schabas and Nadia Bernaz (London: Routledge, 2010), 131–43.

<sup>13</sup> EP comments on draft report (on file with author).

<sup>14</sup> European Parliament, “The Application of Universal Jurisdiction in the Fight Against Impunity,” EP/EXPO/B/DROI/FWC/2013-08/LOT8/06, accessed March 20, 2025, <https://www.statewatch.org/media/documents/news/2016/apr/ep-study-universal-jurisdiction-fight-against-impunity-4-16.pdf>.

the sole responsibility of the author and any opinions expressed therein do not necessarily represent the official position of the European Parliament.”

Given its audience and purpose, my report is mostly factual and practical, from a bird’s-eye view, and, as demanded, in plain language. Paraphrasing Professor Bruno Simma, I wrote that “like a flower grown in a hot-house,” universal jurisdiction has not survived “the much rougher climate of actual state practice,” and concluded:

The EU has generously sponsored NGOs campaigning for universal ratification of the ICC [International Criminal Court] Statute and the exercise of universal jurisdiction by states. This study has suggested that the political economy of universal jurisdiction provides strong incentives for NGOs to file criminal complaints against high-profile individuals. However, all such complaints were ultimately dismissed or dropped, often after prolonged and costly litigation. In the less than two dozen cases that have gone to trial (cases involving refugees and migrants), NGOs played a minor role or no role at all. It can be asked, therefore, whether or not the EU’s financial support of NGOs has had any significant impact on the ‘fight against impunity’ through universal jurisdiction. It should be noted in this regard that EU law already obliges Member States to investigate and, when justified, prosecute refugees and migrants suspected of having committed international crimes. What more the EU can do in the field of international criminal justice is unclear.

When projects fail to deliver the hoped-for results, funders have three options: redouble efforts and spend more in the hope that things will eventually improve; accept the *status quo*; or cut losses and redirect energy and funds to other projects. Increasing spending would be justified if there were real prospects for improvement. However, it seems unrealistic to expect that what did not work in the best of geopolitical circumstances (1990s and 2000s) will work in a time of resurgent nationalism and Cold War, Chinese expansion and EU crisis. Accepting the *status quo* is the most common response because it threatens no interests; cutting losses and redirecting funds is the most difficult, for the opposite reason. The EU after 20 years has an important ‘international criminal justice constituency’. Whether sustaining that constituency is in the EU’s best interest is for the EU to decide.<sup>15</sup>

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<sup>15</sup> Ibid., 21–2.

#### 4. Protest and Report Retraction

What happened next would prove my point. The day after my report appeared online, the EP received an indignant letter from the Secretary General of Parliamentarians for Global Action (PGA) in New York.<sup>16</sup> PGA, my study notes, is a longtime and major beneficiary of EU funds for projects aiming at supporting international criminal justice. The letter suggested that my report should not have been published and stopped short of accusing me of heresy:

The publication of Mr. Reydam's report as it is, with the European Parliament's apparent 'seal of approval', would not only be problematic in academic circles due the inaccuracy, inappropriateness and inadequacy of the Study, but also a blow to the advancement of human rights protection and justice.

My concerns about the significant cost to taxpayers of universal jurisdiction investigations and trials,<sup>17</sup> the author opined, were misplaced: "Monetary considerations (...) should not prevail in the administration of justice." And as if that weren't enough, "It is simply legally and morally unacceptable that mass-atrocity crimes go unpunished when individuals on a given territory are accountable for any such crime [sic]." The Secretary General said it. The document also contained a strange, bracketed section and I am not sure what to make of it: "[To honour the rights of victims, the Study that we are commenting [sic; recommending?] should have had a completely different content and tone]."

<sup>16</sup> "Comments on the Reydam's Report on Universal Jurisdiction," letter dated April 28, 2016, from the Secretary General of Parliamentarians for Global Action to the European Parliament (on file with author).

<sup>17</sup> For example, US\$ 11.4 million for the trial of Hissène Habré in Senegal (mostly paid for by western donors, including the EU); CHF 3.6 million for that of Ousman Sonko in Switzerland; and CA\$ 1.4 million for the trial of Désiré Munyaneza in Canada. Reed Brody, "Bringing a Dictator to Justice: The Case of Hissène Habré," *Journal of International Criminal Justice* 13, no. 2 (2015): 212, <https://doi.org/10.1093/jicj/mqv005>; Askanwi Gambia, "Fact Sheet: Ousman Sonko's Swiss Justice Cost Over D268.8 Million," accessed March 20, 2025, <https://www.askanwi.com/feature-publications/factsheet-ousman-sonkos-swiss-justice-cost-over-d2688-million>; "Rwandan War Crimes Trial Tab Hits \$1.4M and Counting," The Canadian Press, December 14, 2007, accessed March 20, 2025, <https://www.cbc.ca/news/canada/mon-treal/rwandan-war-crimes-trial-tab-hits-1-4m-and-counting-1.662818>.

The EP requested that I respond in writing, which I did reluctantly because I failed to see why a letter from an unhappy activist/lobbyist in New York deserved consideration.<sup>18</sup> When I did not hear back, I trusted that the matter had been put to rest. Sometime later, however, the link to my report on the EP website became inactive. A quick search of the bios of the Subcommittee's members revealed that its German vice-chair wore at least three NGO hats: an active member of Parliamentarians for Global Action (Convenor of its International Law and Human Rights Program); board member of the European Center for Constitutional and Human Rights (ECCHR) (see below); and, last but not least, former Secretary General of the powerful German section of Amnesty International. The link with Amnesty is not unimportant because my report is critical of its survey of universal jurisdiction legislation around the world.<sup>19</sup>

More than a month after its removal from the EP website I was notified that my paper was undergoing an external review. As said already, the EP had deemed in April that "As required by the terms of reference, the [Rey-dams] study discusses the definition of universal jurisdiction, offers an overview of relevant laws and practices and provides recommendations for the EU." The anonymous reviewer disagreed:

The aim of the study specifies that it is an instrument to help the European Parliament form an opinion and make decisions in this respect. The present report does not meet that standard. (...) The main methodological issue is that whilst the author is correct in stating that the definition of universal jurisdiction is in dispute, s/he does not state clearly what the exact dispute is and whether it is an academic debate only or whether it has consequences in the practice of states applying their version of universal jurisdiction under national criminal law. It is most regrettable that the author did not state his/her definition of universal jurisdiction explicitly. (...) The report concludes that 'many of the questions that the author was asked to address have become moot'. I do not think that this is the case. This conclusion is based on an implicit definition of the principle assessed in light of an implicit effectiveness criterion only. (...) It is stated that not 'rogue prosecutors but NGOs acting as pseudo-prosecutors are primarily

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<sup>18</sup> "Reply to the Secretary General of Parliamentarians for Global Action," letter dated July 21, 2016, from the author to the European Parliament (on file with author).

<sup>19</sup> Amnesty International, *A Preliminary Survey of Legislation Around the World – 2012 Update*, IOR 53/019/2012.

responsible for the politicisation of universal jurisdiction.’ From an academic point of view, it is difficult to interpret exactly what the author means as there is no commonly accepted definition of ‘rogue prosecutor’ or the ‘politicisation of universal jurisdiction.’<sup>20</sup>

My report stated that universal jurisdiction is “a hollow concept which defies definition.” Today I would say that it is foremost an article of faith.<sup>21</sup> Consider the sterile discussions on the topic (since 2009!) in the Sixth Committee of the UN General Assembly: everybody “believes” in it, but nobody can agree on its scope and application.<sup>22</sup> Quibbling about definitions and meanings serves a purpose nonetheless, as it obscures the bigger questions and effectively monopolizes the conversation among experts. David Kennedy in a critique of the “reign of experts” writes that “expertise has become embroiled in struggle and come unhitched from the promise of decisive clarity, the usefulness of its indeterminacy more appreciated than its analytic rigor. In our world, *indeterminate language and uncertain knowledge distribute wealth and power*” (emphasis added).<sup>23</sup> The EP’s subsequent doubling-down, discussed in the section below, illustrates his point.

## 5. Expert Workshop and New Report

Once published, the EP could have chosen to debate (and possibly adopt) my report, or to simply ignore it. Instead, the EP quietly retracted it and

<sup>20</sup> “Evaluation form” dated September 23, 2016, but forwarded to me a month later (on file with author).

<sup>21</sup> Most literature on the subject repeats and recycles, as if AI-generated. For critical perspectives, see: Matthew Garrod, “Unravelling the Confused Relationship between Treaty Obligations to Extradite or Prosecute and ‘Universal Jurisdiction’ in the Light of the *Habré Case*,” *Harvard International Law Journal* 59, no. 1 (2018): 125–96; Matthew Garrod, “The Emergence of ‘Universal Jurisdiction’ in Response to Somali Piracy: An Empirically Informed Critique of International Law’s ‘Paradigmatic’ Universal Jurisdiction Crime,” *Chinese International Law Journal* 18, no. 3 (2019): 551–643, <https://doi.org/10.1093/chinesejil/jmz025>; Eugene Kontorovich, “The Piracy Analogy: Modern Universal Jurisdiction’s Hollow Foundation” (Law & Economics Research Paper No. 03–10, School of Law, George Mason University, 2003); Eugene Kontorovich, “The Parochial Uses of Universal Jurisdiction,” *Notre Dame Law Review* 94, no. 3 (2019): 1417.

<sup>22</sup> UN General Assembly, Resolution 72/120, The Scope and Application of the Principle of Universal Jurisdiction, A/RES/72/120 (December 18, 2017).

<sup>23</sup> David Kennedy, *A World of Struggle: How Power, Law, and Expertise Shape Global Political Economy* (Princeton: Princeton University Press, 2016), 2.

convened an expert workshop of two academics, two practitioners, and representatives from the European Center for Constitutional and Human Rights (ECCHR) in Berlin, REDRESS UK, and the Global Justice Center in New York. The deck appeared to be slightly stacked: one of the academics served on the board of ECCHR; REDRESS UK, like PGA (see above), is a longtime beneficiary of EU grants; both REDRESS UK and ECCHR engage in strategic litigation to “fight impunity”;<sup>24</sup> and the ECCHR representative, the Subcommittee’s vice-chair, and the academic ECCHR board member all hail from Germany, the country that prides itself on having the most progressive universal jurisdiction statute on the books. Furthermore, the co-chairs of the workshop were both Members of the European Parliament for the Greens, and one of the co-authors of the workshop’s final report (not mentioned hitherto) currently is Managing Director of the Green party’s office in a major German city. Noticeably absent though were Amnesty International and PGA, perhaps because the conflict of interest would be too obvious. That said, it is beyond me why a democratically elected parliament invites activists/lobbyists from big-budget NGOs in Berlin, London, and New York to hear the views of civil society. To be clear, I blame the workshop organizers, not the participants.

As for the actual proceedings, the vice-chair of the Subcommittee (herself an ECCHR board member and prominent Amnesty member) affirmed the Parliament’s commitment to universal jurisdiction; the REDRESS representative recalled that his organization had for years worked in close collaboration with EU institutions and other NGOs to promote its application in Europe;<sup>25</sup> echoing Amnesty International,<sup>26</sup> the German academic professed that “it is firmly settled that universal jurisdiction is part of customary international law”; and so on and so forth.

<sup>24</sup> For example, REDRESS was involved in the British case against former Chilean President Augusto Pinochet; ECCHR once filed criminal complaints in Germany against former US Secretary of Defense Donald Rumsfeld and former CIA Director George Tenet, among others.

<sup>25</sup> “Victim Participation in Universal Jurisdiction Cases and the Role of the EU: Remarks to a European Parliament Workshop,” REDRESS, July 4, 2018, accessed March 20, 2025, <https://redress.org/news/victim-participation-in-universal-jurisdiction-cases-and-the-role-of-the-eu-remarks-to-workshop/>.

<sup>26</sup> Amnesty International, *supra* n 16, 7: “[Universal jurisdiction] is now part of customary international law.”

The concluding report<sup>27</sup> agrees “that universal jurisdiction can play a role as part of a wider accountability strategy” and, moving forward, recommends more law (another treaty), more training for people in the field, more consideration for victims of sexual and gender-based crimes and, not to forget, continued “support of civil society organisations active in the field.” A different content and tone indeed, and, as was to be expected, recommendations within the purview of the workshop participants.<sup>28</sup> An EP expert study published in 2020 (another one!) reaffirms for the umpteenth time the core tenets of international criminal justice, including universal jurisdiction.<sup>29</sup> If the whole project has fallen short of expectations, it is not for lack of conviction – or funding.

## 6. “Branding” and “Marketing” Universal Jurisdiction

I have no desire to litigate here who is right, but Christine Schwöbel’s conception of international criminal law (ICL) as “branding”<sup>30</sup> is helpful in understanding the rejection of my report and the framing of the new one. “The branding of ICL is one of a discipline fighting impunity, a beacon of global justice, and the heroic few internationalists who dare to fight big power-players” (Schwöbel). Merely questioning this laudable mission is considered a blow to humanity (cf. the PGA protest letter). “Branding places undue emphasis on image at the expense of content, symbolism at the expense of substance (...). ICL (...) not only employs branding as a way of disseminating information, but has branding at its very core, its logic” (Schwöbel). Since there can never be enough accountability, there will always be a need for

<sup>27</sup> Julia Krebs, Cedric Ryngaert, and Florian Jeßberger, “Universal Jurisdiction and International Crimes: Constraints and Best Practices,” Think Tank. European Union, September 17, 2018.

<sup>28</sup> “The Next Generation of Human Rights Defenders,” ECCHR, accessed March 20, 2025, <https://www.ecchr.eu/en/ecchr/the-next-generation-of-human-rights-defenders>; “Gender and Mass Atrocities,” Global Justice Center, accessed March 20, 2025, <https://www.globaljustice-center.net/issue/gender-and-mass-atrocities>; “Reparations for Survivors of Conflict-Related Sexual Violence,” REDRESS, accessed March 21, 2025, <https://redress.org/reparations-for-survivors-of-conflict-related-sexual-violence/>.

<sup>29</sup> Olympia Bekou, “State of Play of Existing Instruments for Combating Impunity for International Crimes,” Think Tank. European Parliament, August 14, 2020.

<sup>30</sup> Christine Schwöbel, “The Market and Marketing Culture of International Criminal Law,” in *Critical Approaches to International Criminal Law*, ed. Christine Schwöbel (London: Routledge, 2014), 264.

more this and that. Clarity of purpose and an inexhaustible problem go far in explaining the resonance of universal jurisdiction with activists and “enchanted international lawyers.”<sup>31</sup>

A recent EU initiative vividly illustrates Schwöbel’s and my own critique. As my report states, sponsors have three options when projects fail to deliver: redouble efforts and spend more in the hope that things will eventually improve; accept the *status quo*; or cut losses and redirect energy and funds to other projects. A 2021 EP report<sup>32</sup> notes that impunity for perpetrators of gross human rights violations is on the *rise*. (How exactly does one measure this? And if impunity is indeed on the rise, what does it say about the international criminal justice project? Paradoxically, ECCHR, REDRESS, and other players<sup>33</sup> have for years been touting their *successes* in fighting impunity). “Tackling impunity globally,” the report concludes, “is therefore an urgent task.”

Acknowledging reversals to set the stage for more resources is a well-known strategy. The EU launched a €21 million project entitled “Global initiative to fight against impunity for international crimes: make justice work!”<sup>34</sup> Ostensibly an attempt to counter the field’s Eurocentric/neo-colonial image, the initiative inadvertently risks reinforcing it. NGOs responded with products that fit right into the “marketing culture” (Schwöbel) of international criminal justice: the *Universal Jurisdiction in Practice Series* (which includes a “how to bring a complaint” video);<sup>35</sup> the *Universal*

<sup>31</sup> Ian Hurd, “Enchanted and Disenchanted International Law,” *Global Policy* 7, no. 1 (2015): 1–7.

<sup>32</sup> “The State of Impunity in the World: Summary of the 2021 Report on Global Rights by Fight Impunity,” European Parliamentary Research Service, accessed March 20, 2025, [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_BRI\(2022\)733696](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2022)733696).

<sup>33</sup> Prominently among them Amnesty International, FIDH, Human Rights Watch, and TRIAL International.

<sup>34</sup> “Day of International Criminal Justice: Statement by the High Representative on Behalf of the European Union,” Council of the European Union, July 16, 2024, accessed March 20, 2025, <https://www.consilium.europa.eu/en/press/press-releases/2024/07/16/day-of-international-criminal-justice-statement-by-the-high-representative-on-behalf-of-the-european-union/>.

<sup>35</sup> “Universal Jurisdiction in Practice,” ECCHR, accessed March 20, 2025, <https://www.ecchr.eu/en/case/universal-jurisdiction-in-practice/>. The videos demonstrate how universal jurisdiction works in practice, the strategic decisions it entails, and how to bring a complaint.

*Jurisdiction Annual Review Series*;<sup>36</sup> and a *Universal Jurisdiction Interactive Map*<sup>37</sup> purporting to show that, in a revolution of sorts, universal jurisdiction is spreading outside the West.

Twenty-five years after the EU began promoting international criminal justice, its partnership with NGOs seems stronger than ever. I have misgivings about the close relationship, but, in the end, both are free to pursue their interests as they see fit. It may be asked, though, whom the fight against impunity has benefited most.

## 7. Conclusion

Burying a study after an NGO expressed disagreement undermines the EP's credibility. Terms of reference for consultant services are framed to nod consultants in the desired direction, and unwelcome findings may have serious repercussions (a retraction in academia is no small matter). Deep ties between EP members and NGOs, and NGOs and academics raise concerns about transparency and conflicts of interest. Imagine the EP commissioning and publishing a scientific report about the health dangers of a pesticide, only to retract it after the manufacturer vents unhappiness; or taking down a study on gender equality following démarches from the Vatican. Would NGOs not cry foul and denounce the EP for surrendering to big business or the Pope?

The case also illustrates the outsize role of experts and NGOs in shaping international law.<sup>38</sup> Had my report endorsed the policy it was asked to interrogate, it probably would have been cited as more evidence that universal jurisdiction is settled law. It did not, and to prevent “a blow to the advancement of human rights protection and justice,” it had to be suppressed. To my fellow academics I say, do not become part of a crusade, especially one that wants to save humanity.

<sup>36</sup> REDRESS, *Universal Jurisdiction Annual Review 2024*, accessed March 20, 2025, <https://redress.org/publication/universal-jurisdiction-annual-review-2024/>.

<sup>37</sup> “Universal Jurisdiction Interactive Map,” TRIAL International, accessed March 20, 2025, <https://trialinternational.org/universal-jurisdiction-tools/universal-jurisdiction-interactive-map/>.

<sup>38</sup> For a most interesting case study, see: Clifford Bob, *The Global Right Wing and the Clash of World Politics* (New York: Cambridge University Press, 2012), 53–7.

## References

- Ackermann, Roderick, Margarita Sanz, Michael Hammer, Veronika Kubeková, Kylie Jabjiniak, and Ellen Hietsch. “Transparency and Accountability of EU Funding for NGOs Active in EU Policy Areas within EU Territory.” Policy Department for Budgetary Affairs of the European Parliament, September 28, 2023.
- Amnesty International. *A Preliminary Survey of Legislation Around the World – 2012 Update*. IOR 53/019/2012.
- Bekou, Olympia. “State of Play of Existing Instruments for Combating Impunity for International Crimes.” Think Tank. European Parliament, August 14, 2020.
- Bob, Clifford. *The Global Right Wing and the Clash of World Politics*. New York: Cambridge University Press, 2012.
- Brody, Reed. “Bringing a Dictator to Justice: The Case of Hissène Habré.” *Journal of International Criminal Justice* 13, no. 2 (2015): 209–17. <https://doi.org/10.1093/jicj/mqv005>.
- The Canadian Press. “Rwandan War Crimes Trial Tab Hits \$1.4M and Counting,” December 14, 2007. Accessed March 20, 2025. <https://www.cbc.ca/news/canada/montreal/rwandan-war-crimes-trial-tab-hits-1-4m-and-counting-1.662818>.
- Chalmers, Damian, Gareth Davies, and Giorgio Monti. *European Union Law: Cases and Materials*. 3rd ed. Cambridge: Cambridge University Press, 2014.
- Cini, Michelle, and Nieves Pérez-Solórzano Borragán. *European Union Politics*. 6th ed. Oxford: Oxford University Press, 2019.
- Corbett, Richard, Francis Jacobs, and Darren Neville. *The European Parliament*. 9th ed. London: John Harper Publishing, 2016.
- Council of the European Union. “Day of International Criminal Justice: Statement by the High Representative on Behalf of the European Union,” July 16, 2024. Accessed March 20, 2025. <https://www.consilium.europa.eu/en/press/press-releases/2024/07/16/day-of-international-criminal-justice-statement-by-the-high-representative-on-behalf-of-the-european-union/>.
- Craig, Paul, and Gráinne de Búrca. *EU Law: Text, Cases, and Materials*. 7th ed. Oxford: Oxford University Press, 2020.
- Dehousse, Renaud. “The European Court of Justice: The Politics of Judicial Integration.” *Journal of European Public Policy* 2, no. 1 (1995): 1–19.
- ECCHR. “The Next Generation of Human Rights Defenders.” Accessed March 21, 2025. <https://www.ecchr.eu/en/ecchr/the-next-generation-of-human-rights-defenders>.
- ECCHR. “Universal Jurisdiction in Practice.” Accessed March 20, 2025. <https://www.ecchr.eu/en/case/universal-jurisdiction-in-practice/>.
- EU Monitor. “Subcommittee on Human Rights (DROI).” Accessed March 20, 2025. <https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vh7ykybaar7yv>.

- European Court of Auditors. "Special Report 11/2025: Transparency of EU funding granted to NGOs – Despite Progress, the Overview Is Still Not Reliable." Publications Office of the European Union, April 7, 2025.
- European Parliament. "The Application of Universal Jurisdiction in the Fight Against Impunity." EP/EXPO/B/DROI/FWC/2013–08/LOT8/06. Accessed March 20, 2025. <https://www.statewatch.org/media/documents/news/2016/apr/ep-study-universal-jurisdiction-fight-against-impunity-4-16.pdf>.
- European Parliament. "Lobby Groups and Transparency." Accessed March 20, 2025. <https://www.europarl.europa.eu/at-your-service/en/transparency/lobby-groups>.
- European Parliament. *Rules of Procedure of the European Parliament*. July 16, 2024. Accessed March 20, 2025. [https://www.europarl.europa.eu/rules/rules20240716/Rules20240716\\_EN.pdf](https://www.europarl.europa.eu/rules/rules20240716/Rules20240716_EN.pdf).
- European Parliamentary Research Service. "The State of Impunity in the World: Summary of the 2021 Report on Global Rights by Fight Impunity." Accessed March 20, 2025. [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_BRI\(2022\)733696](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2022)733696).
- Gambia, Askanwi. "Fact Sheet: Ousman Sonko's Swiss Justice Cost Over D268.8 Million." Accessed March 20, 2025. <https://www.askanwi.com/feature-publications/factsheet-ousman-sonkos-swiss-justice-cost-over-d2688-million>.
- Garrod, Matthew. "The Emergence of 'Universal Jurisdiction' in Response to Somali Piracy: An Empirically Informed Critique of International Law's 'Paradigmatic' Universal Jurisdiction Crime." *Chinese International Law Journal* 18, no. 3 (2019): 551–643. <https://doi.org/10.1093/chinesejil/jmz025>.
- Garrod, Matthew. "Unravelling the Confused Relationship between Treaty Obligations to Extradite or Prosecute and 'Universal Jurisdiction' in the Light of the Habré Case." *Harvard International Law Journal* 59, no. 1 (2018): 125–96.
- Global Justice Center. "Gender and Mass Atrocities." Accessed March 20, 2025. <https://www.globaljusticecenter.net/issue/gender-and-mass-atrocities>.
- Greenwood, Justin. *Interest Representation in the European Union*. 3rd ed. Basingstoke: Palgrave Macmillan, 2011.
- Hooghe, Liesbet, and Gary Marks. *Multi-Level Governance and European Integration*. Lanham: Rowman & Littlefield, 2001.
- Hurd, Ian. "Enchanted and Disenchanted International Law." *Global Policy* 7, no. 1 (2015): 1–7.
- Kennedy, David. *A World of Struggle: How Power, Law, and Expertise Shape Global Political Economy*. Princeton: Princeton University Press, 2016.
- Kontorovich, Eugene. "The Parochial Uses of Universal Jurisdiction." *Notre Dame Law Review* 94, no. 3 (2019): 1417–51.

- Kontorovich, Eugene. "The Piracy Analogy: Modern Universal Jurisdiction's Hollow Foundation." Law & Economics Research Paper No. 03–10, School of Law, George Mason University, 2003.
- Krebs, Julia, Cedric Ryngaert, and Florian Jeßberger. "Universal Jurisdiction and International Crimes: Constraints and Best Practices." Think Tank. European Union, September 17, 2018.
- Nugent, Neill. *The Government and Politics of the European Union*. 8th ed. London: Palgrave Macmillan, 2017.
- Orzeszyna, Krzysztof, Michał Skwarzyński, and Robert Tabaszewski. *International Human Rights Law*. Warsaw: C.H. Beck, 2023.
- REDRESS. "Global Initiative Against Impunity for International Crimes and Serious Human Rights Violations." Accessed March 20, 2025. <https://redress.org/global-initiative-against-impunity-for-international-crimes-and-serious-human-rights-violations/>.
- REDRESS. "Reparations for Survivors of Conflict-Related Sexual Violence." Accessed March 21, 2025. <https://redress.org/reparations-for-survivors-of-conflict-related-sexual-violence/>.
- REDRESS. *Universal Jurisdiction Annual Review 2024*. Accessed March 20, 2025. <https://redress.org/publication/universal-jurisdiction-annual-review-2024/>.
- REDRESS. "Victim Participation in Universal Jurisdiction Cases and the Role of the EU: Remarks to a European Parliament Workshop," July 4, 2018. Accessed March 20, 2025. <https://redress.org/news/victim-participation-in-universal-jurisdiction-cases-and-the-role-of-the-eu-remarks-to-workshop/>.
- Reydams, Luc. "Belgium Reneges on Universality: The August 5, 2003, Act on Grave Breaches of International Humanitarian Law." *Journal of International Criminal Justice* 1, no. 3 (2003): 679–89.
- Reydams, Luc. "Belgium's First Application of Universal Jurisdiction: The Butare Four Case." *Journal of International Criminal Justice* 1, no. 2 (2003): 428–36.
- Reydams, Luc. "Niyonteze v. Public Prosecutor." *American Journal of International Law* 96, no. 1 (2002): 231–6.
- Reydams, Luc. "The Rise and Fall of Universal Jurisdiction." In *Routledge Handbook of International Criminal Law*, edited by William A. Schabas and Nadia Bernaz, 131–43. London: Routledge, 2010.
- Reydams, Luc. *Universal Jurisdiction: International and Municipal Legal Perspectives*. Oxford: Oxford University Press, 2003.
- Schwöbel, Christine. "The Market and Marketing Culture of International Criminal Law." In *Critical Approaches to International Criminal Law*, edited by Christine Schwöbel, 264–81. London: Routledge, 2014.

TRIAL International. "Universal Jurisdiction Interactive Map." Accessed March 20, 2025. <https://trialinternational.org/universal-jurisdiction-tools/universal-jurisdiction-interactive-map/>.