

PLATFORM OF EUROPEAN MEMORY AND CONSCIENCE

Press release

Platform will seek establishment of a supranational court for international crimes committed by Communists

Prague/Brussels, 7 June 2012. The Platform of European Memory and Conscience is calling for the creation of a supranational judicial body for the gravest crimes committed by the Communist dictatorships. The call was announced at the conclusion of the international conference “Legal Settlement of Communist Crimes” held on 5 June, 2012 in the European Parliament in Brussels under the auspices of a number of Members of the European Parliament, including its two former Presidents, Mr Jerzy Buzek and Mr Hans-Gert Pöttering.

The Platform of European Memory and Conscience is founding an **international legal expert group** to work on a road map for **establishing a supranational institution of justice**. The Platform endorses the initiative of the Reconciliation of European Histories group in the European Parliament to give the national **archives** which harbour information on the crimes of totalitarianism a **status of European importance** and is calling upon institutions of the European Union and national governments worldwide to support this work.

Presentations, recordings and photodocumentation from the conference “Legal Settlement of Communist Crimes” will be available on the website www.memoryandconscience.eu in the coming days.

For more information please contact:

Göran Lindblad
President
president@memoryandconscience.eu, tel.: +46 706710366

Dr. Neela Winkelmann
Managing Director
director@memoryandconscience.eu, tel.: +420 221 008 508

Partners of the conference “Legal Settlement of Communist Crimes”:

offices of Sandra Kalniete, MEP, László Tökés, MEP and Milan Zver, MEP



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Siwiewcova 2, 130 00 Praha 3, Czech Republic, www.memoryandconscience.eu

Bank account EUR: Account No. 4977492, Česká spořitelna, a.s., CZ, IBAN: CZ160800000000004977492 BIC: GIBACZPX

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Background:

Over the past twenty years since the fall of Communism in Europe, national courts have been inefficient in prosecuting war crimes, genocide, crimes against humanity and torture committed during the dictatorship. Renowned legal experts, specialists and members of the European Parliament from about twenty countries who convened at the international conference "Legal Settlement of Communist Crimes" 5 June, 2012 in Brussels agreed that an international effort is needed to achieve justice for the crimes of Communism, in order to uphold the universal human rights values which also lie at the foundation of the European Union.

Conference speakers included Prof. Dr. Dr. h. c. mult. Albin Eser, Director Emeritus at the Max Planck Institute for Foreign and International Criminal Law in Freiburg and former Judge at the International Criminal Tribunal for Yugoslavia, Prof. Egils Levits, Judge at the European Court of Justice and Dr. Łukasz Kamiński, President of the Institute of National Remembrance from Poland.

It was stressed at the conference that the prohibition of retroactivity does not apply to international crimes, as has been repeatedly ruled by the European Court of Human Rights. Although there are examples of successful prosecution of the crimes as e.g. in Poland, overall the national prosecuting authorities have produced very insufficient results so far. Therefore, while national law needs to be strengthened, international legal experts encourage the use of supranational law. The gap between policy and legislation on the issue of human rights in the European Union was also pointed out. Even some of the participating legal experts from Western European countries were not aware of the scope and gravity of the crimes committed behind the Iron Curtain. This demonstrates again that significantly more effort and resources need to be invested into coming to terms with the legacy of Communism on the European level. Achieving supranational justice for the Communist crimes is also important in the context of today's economic crisis in Europe and the threat of growing extremist movements.

At the opening of the event, former Parliament President Jerzy Buzek stressed the commitment to bring the perpetrators of Communist crimes to justice made by the justice ministers of the EU in the Warsaw Declaration of 23 August, 2011. Former President Hans-Gert Pöttering concluded: *"Let us never forget that our European Union is based on values. If we defend these values, our continent will have a good future."*

The conference was greeted by the Joint Baltic American National Committee from the USA, the Mejlis of the Crimean Tatar People from the Ukraine and the Rada of the Belarusian Democratic Republic in exile which also endorses the establishment of the new international court.

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