Stichting against Child Trafficking vs. European Commission
Case T-658/17
Comments by applicant to the objection to admissibility by the European Commission

Applicant pleads not to dismiss the application for the following reasons:

The European Commission’s objection to admissibility shows the Kafkaesque situation.

The current case concerns suspicion of wrongdoing by the European Commission. OLAF appears to be a hybrid organisation, whereas on the one hand it is considered to be fully independent, on the other hand OLAF is administratively part of the European Commission. It is clear that the European Commission has no interest into an investigation. Since years the European Commission is in full denial of the role they and their funding may be playing in the trafficking of children. This denial of dealing with the issue of child trafficking, while funding organisations that are since long in the news about the alleged trafficking of children, makes any statements about the promotion and respect of children’s rights - as part of European values - null and void.

Applicant is of the opinion that he brought up sufficient evidence to proof suspicion of wrongdoing to open a formal OLAF investigation.

OLAF’s Decision not to open an investigation is a final decision that cannot be challenged in a Court in a Member State. Applicant is, therefore, of the opinion that the European Court should be competent to deal with this matter, as otherwise there will be a total lack of accountability of OLAF and the European Commission.

The trafficking of children is considered a heinous crime. Children have the right to the highest legal protection. As human rights organisation, Against Child Trafficking acts in their defence, since children have no legal voice of their own.

If accusations about child trafficking are not investigated, then applicant risks liability, therefore there is a direct and individual concern. More importantly, if investigative journalism and actions of human rights organisations are not followed by official investigations and judicial review, the rule of law becomes an empty phrase.

If OLAF does not want to investigate the likelihood of organised crime, is that then to be considered as an attempt to pervert the cause of justice?

None of the existing case law, referenced by the European Commission, has any similarity to the current case.

EU funds have been potentially used to enable heinous crimes against children and their families.

It is a matter of common sense to open an investigation.

In eventu, in case of dismissal, applicant requests to abstain from ordering applicant to pay costs as charity organisation acting in the best interest of trafficked, involuntarily adopted, children.

3rd May 2018

Stichting against Child Trafficking represented by

AGSTNER

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