



Network for investigation and
prosecution of genocide, crimes
against humanity and war crimes

Conclusions of the 10th Meeting of the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes

28-29 April 2011, The Hague

1. The network welcomes the appointment of the Coordinator of the Network's Secretariat and appreciates the efforts undertaken by Eurojust in the establishment of the Secretariat. The work of the Network and the efficient cooperation within the Network should improve considerably as a result.

In this context, the Members of the Network established a list of tasks for the Coordinator of the Secretariat:

- To share information within the Network on current best practices and to collect information on a list of contact persons within situation countries based on experiences of cooperation made by Members of the Network. The Secretariat will also make this information available to all Members of the Network.
- To keep updated the table gathering information on existing national legislation in EU Member States relating to crimes of genocide, crimes against humanity and war crimes and to extraterritorial jurisdiction. The table should also be expanded to existing legislation in states participating in meetings as observers. The information will be made available to all Members of the Network and observers.
- To gather information on existing tools, structures and best practices for witness protection within the EU Member States and observer States. The tools shall encompass identification of protected persons, confidentiality rules, rules for relocation of witnesses, transit of protected persons, residence status, physical protection, measures to avoid the tracing of protected persons, material/financial and psychological support, change of identity, protection during and after trial, taking due account of the rights of the accused.

With regard to the existing structures, the Secretariat will gather information from the contact points on contacted persons within the competent witness protection services of the other Member States and observer states.

- To gather information on best practice relating to identification of witnesses. This information could also include practical details of 'on site' research, cooperation with local authorities or other resources persons/organisations in countries where the crimes occurred, and cooperation with national immigration authorities.
- To gather information from all contact points on a list of countries in which EU Members States' national authorities have conducted investigations on crimes of

genocide, crimes against humanity and war crimes. This information is to be restricted to the EU contact points and observer State participants.

- To develop a newsletter on a regular basis on issues of interest to the Network.
 - To develop a website for the network and present proposals for the logo of the network.
 - To prepare a plan of activities and their budgetary implications in cooperation with the contact points of the Network.
2. The Members of the Network reiterate the need for a detailed evaluation and assessment of the existing international framework for international legal cooperation relating to crimes of genocide, crimes against humanity and war crimes as already discussed during the Network's last meetings in Madrid in May 2010 and in The Hague in October 2010. The contact point of the Netherlands updated the Members of the Network about recent discussions and developments regarding the initiative.

In conclusion:

- The contact point of the Netherlands is invited to keep updating the Members of the Network about relevant steps taken.
 - The Members of the Network are encouraged to approach the contact point of the Netherlands for information to exchange views on how to support the initiative.
3. The Members of the Network welcome the presentation by Redress and FIDH on the final report on the project on universal jurisdiction in the 27 EU Member States, Norway and Switzerland carried out by REDRESS-FIDH.
4. The Members of the Network take note of the developments at EU level in relation to the work of the Network.

In conclusion:

- They invite the next trio Presidency to continue the analysis of the Network's legal framework, in cooperation with the European Commission and the General Secretariat of the Council, and to propose action to competent authorities in order to reinforce the legal basis for the Network's fulfilment of its tasks, namely the status of observer states associated to the Network.
- They welcome the future adoption of the reviewed EU Plan of Action to follow up on the EU Decision on the International Criminal Court of 21 March 2011, as a basis for strengthening the relationship between the Network and pertinent Working Parties within the Council of the EU, namely COJUR-ICC and CATS.
- They also invite the next trio Presidency to establish contacts with the Committee of Legal Advisers on Public International Law (CADHI) of the Council of Europe to improve cooperation in areas of common interest.
- They look forward to the evaluation by the European Commission and the analysis of the Council decisions of 2003 on the network.

5. The completion strategies of the international and internationalized tribunals will be a major challenge in the coming years. The completion of the SCSL should be closely monitored in the near future in order to identify issues relevant at national level, such as access to archives for national prosecution purposes and protection of witnesses.
6. The present disturbances in Northern Africa and in the Middle East pose a particular challenge for the EU, the EU Member States and the Network. The Members of the Network welcome the steps taken at the EU level in the context of the current disturbances in the various countries concerned. They also welcome the information and the recommendations provided by the representatives of civil society.

In conclusion:

- With regard to persons fleeing from or through those countries, the Members of the Network underline the necessity to develop a policy of identification of witnesses and persons suspected of having committed crimes within the mandate of the Network, and to consider establishing closer cooperation between immigration authorities and prosecution services where possible.
 - The Members of the Network encourage national competent authorities in charge of cooperation with the ICC to transmit pertinent information to the Court on the basis of spontaneous acts of cooperation with the ICC.
7. The application of functioning tools for confiscation and asset recovery is crucial for justice purposes. The Members of the Network welcome the presentations provided by Europol, Eurojust, the International Criminal Court, and Switzerland on how to deal with these complex and difficult challenges.

In conclusion:

- The Members of the Network encourage the use of existing tools for cooperation, such as the CARIN network, national Asset Recovery Offices and additional tools available through Europol and Eurojust.
 - They encourage the competent national authorities to analyse the existing legislation to assess whether it allows for implementation of requests from the ICC for freezing, seizing and confiscation of assets.
8. During the 10th session of the Network, a roundtable on the state of play on ongoing investigations and requests for extraditions took place.

In conclusion:

- The Members of the Network decided to continue to dedicate more time in closed session to exchanging information on current investigations and requests for extradition pertinent for the work of the Network and its participants.
- They also recommend that the Network explore innovative means of coordination on the field of parallel investigations being conducted by two or more Members States' authorities at the same time.

9. The Members of the Network take note of the establishment of the Foundation for the International Prevention of Genocide and Mass Atrocities in Budapest.
10. The Members of the Network invite the next trio Presidency to continue with the system of a trio programme for the meetings of the network.

11. Following the discussion on assembling a pool of agenda items for future meetings, the Members of the Network reiterate the importance of the following topics: identification of and access to witnesses, witness protection, issues related to victims, preservation of evidence, awareness raising amongst migrants, and the completion strategies of the international criminal tribunals and specialised courts. They also decided to add other agenda items, inter alia extraterritorial jurisdiction and international immunities as well as the system of confiscation of criminal assets from perpetrators.

Therefore they should be included in the agendas of future meetings of the Network. Participants are invited further to contribute to the development of the pool of agenda items.