



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

Conclusions of the 14th Meeting of the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes

17-18 April 2013, The Hague

1. Crimes of genocide, crimes against humanity, war crimes, torture and enforced disappearance are crimes that offend the conscience of humanity. The Members of the European Network of Contact Points for the investigation and prosecution of genocide, crimes against humanity and war crimes (hereinafter the 'Network') confirm the Network's mandate to fight impunity. All states have a shared responsibility to ensure that perpetrators do not escape justice and that countries do not become safe havens for the perpetrators of serious international crime.
2. The Members of the Network recognise the important work of the ICC. Investigation, prosecution and protection of witnesses are vital components of that work. In this context, the Network is anxious to support the endeavours of the ICC.
3. The Deputy Prosecutor of the ICC has indicated that he would like to develop the area of targeted requests for assistance to relevant States and thereby establish useful contact points with the ICC. In this regard, the Network could endeavour to identify such contact points and to assist the ICC. Cooperation between States and the ICC can only be mutually beneficial and in the interests of justice.
4. The Members of the Network acknowledge the importance of the UN Commissions of Inquiry and their contribution to the fight against impunity for perpetrators of human rights violations. The Members of the Network are pleased that contact has now been established with the Office of the High Commissioner for Human Rights (hereinafter the 'OHCHR'). It is of great interest to the Members of the Network that information coming from the OHCHR as a result of its inquiries may be available in the context of appropriate requests.
5. Regarding topic of immunity, the detailed, comprehensive and very interesting interventions made at the meeting demonstrate how complex this area is. International rules relating to international immunity are still in development, and case law has evolved considerably in recent years in a manner that facilitates the prosecution of international crimes. The matters of functional immunity, personal immunity and the immunity of special missions, which were presented in detail, potentially conflict with individual criminal responsibility. Investigating, prosecuting and legal assistance authorities have a role to play in ensuring that immunities do not unduly shield individuals from criminal responsibility for these crimes. The Members of the Network

also recognize their duty to apply evolving rules of customary international law relating to international immunity.

6. The example of the recommendations of the Dutch Advisory Committee on the Issue of Public International Law that have been accepted by the Dutch Government demonstrate that progress can be made in relation to clarifying this area of Law.
7. The Members of the Network support the Initiative for a new Treaty on Mutual Legal Assistance and Extradition for domestic prosecution of the most serious international crimes and look forward to the results of the 22nd meeting of the Commission on Crime Prevention and Criminal Justice in Vienna. The Network will closely follow developments resulting from this initiative.
8. The Members of the Network express great appreciation in relation to the launch of the Genocide Network Restricted Area website, open to the national contact points of Member States and Observer States.
9. The Members of the Network discussed ongoing investigations and shared experiences during the closed session of the meeting. They will continue to dedicate more time in closed session, enabling a confidential environment for the exchange of information on current investigations and requests for extradition pertinent to the work of the Network.