



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from:	General Secretariat
to:	CATS
Subject:	Conclusions of the 12 th Meeting of the Network for investigation and prosecution of genocide, crimes against humanity and war crimes

On 24 and 25 April 2012, the 12th meeting of the European Network for investigation and prosecution of genocide, crimes against humanity and war crimes, which was organised by the Danish Presidency with the support of Eurojust, took place in The Hague.

Delegations will find, for their information, in Annex, the conclusions of the Network meeting.

The CATS is invited to take note of the conclusions.

**Conclusions of the 12th Meeting of
the Network for investigation and prosecution
of genocide, crimes against humanity and war crimes**

The Hague, 24 and 25 April 2012

- 1) The Members of the Network acknowledge the importance of cooperation between immigration authorities and investigation/ prosecution services. In this respect, ensuring the exchange of information on alleged perpetrators, victims and witnesses of international crimes to conduct effective investigations and prosecutions, respecting relevant national, EU and international obligations, is vital.
- 2) For better identification of alleged perpetrators, victims and witnesses of international crimes, Members of the Network advise the use of best practices in immigration procedures, such as tailored questionnaires paying regard to the country of origin, leaflets to increase awareness among immigrants and diasporas to report crimes to law enforcement authorities if appropriate, notifications to law enforcement authorities of cases in which Article 1F of the Geneva Convention on the status of refugees has been applied, and training for immigration officers.
- 3) For more efficient investigations of crimes committed by alleged perpetrators, allowing law enforcement authorities and prosecution services access to files of immigration authorities where Article 1F of the Geneva Convention on the status of refugees has been applied is advisable. In this respect, Members of the Network invite the Secretariat to provide an overview of the states and the conditions under which law enforcement authorities have access to files of the immigration authorities, corresponding immigration legislation in view of possible international cooperation, and MLA requests.

- 4) To increase identification of perpetrators, use of all available sources is needed, such as UN official reports, Interpol tools and NGO reports.
- 5) Member States and the ICC Office of the Prosecutor should, in conformity with the Rome Statute, consider spontaneous transmission of information in their possession regarding alleged perpetrators, victims and witnesses of the crime of genocide, crimes against humanity and war crimes for investigation purposes in Member States and by the ICC.
- 6) The Members of the Network recall the conclusions of the 11th meeting and invite the European Commission to inform the Network about the outcome of the evaluation of Council Decisions 2002 and 2003 and possible further steps, including, if appropriate, a revision of these decisions.
- 7) The Members of the Network appreciate the presentation of the case of Belgium vs. Senegal before the ICJ regarding the Obligation to Prosecute or Extradite and invites Belgium to provide further information on the outcome of the case and consequent implications.
- 8) The Members of the Network express continued support to the initiative presented by the Netherlands and cosponsored by Belgium and Slovenia for a new instrument of international legal cooperation regarding the crime of genocide, crimes against humanity and war crimes.
- 9) The Members of the Network discussed ongoing investigations and shared experiences during the closed session of the meeting. The importance of the closed sessions was stressed as a way of insuring a confidential environment in which sensitive information can be shared.

- 10) The Members of the Network acknowledge the importance of close and smooth cooperation with UN bodies and would appreciate improvement of legal cooperation, e.g. when requesting reports, other documents or requiring access to witnesses.

 - 11) The Members of the Network reiterate the importance of organising meetings twice per year to ensure continuity in the work and to develop an efficient platform for exchange of information, expertise and best practices.
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