



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 November 2013

16236/13

GENVAL 68

NOTE

from:	General Secretariat
to:	Delegations
Subject:	Conclusions of the 15 th Meeting of the Network of Contact Points for the investigation and prosecution of genocide, crimes against humanity and war crimes

On 29 and 30 October 2013, the 15th meeting of the European Network of Contact Points for the investigation and prosecution of genocide, crimes against humanity and war crimes, which was organised by the Lithuanian Presidency with the support of the Network's Secretariat and Eurojust, took place in The Hague.

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

Conclusions of the 15th meeting of the European Network of Contact Points for the investigation and prosecution of genocide, crimes against humanity and war crimes

29 and 30 October 2013, The Hague

1. The Lithuanian Presidency and the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes (the “Network”) welcomes the representatives of the Republic of Croatia as members of the Network and takes note of the work and endeavours of the Croatian authorities in investigating and prosecuting war crimes. The Network considers it valuable for the Croatian representatives to share good practice and their extensive experience in such cases, especially with regard to establishing cooperation with third States, and encourages any exchange of ideas and experiences.
2. The Members of the Network express their willingness to continue the dialogue with the African Union Commission with a view to supporting the Commission’s initiative for the creation of a network of specialised prosecutors.
3. The Members of the Network and the Observers recognize the value of discussing ongoing investigations and shared experiences during the closed session of the meeting. They will continue to dedicate more time in the closed session to this point, establishing a confidential environment for the exchange of information on current investigations and requests for extradition pertinent to the work of the Network. The Network welcomes initiatives for ad hoc meetings on specific situations, facilitating a proactive approach to combating impunity.

4. The Network welcomes the discussions of corporate responsibility for crimes under international law at this meeting and stresses the importance of ensuring accountability for corporate actors who commit, support, aid and abet or profit from international crimes. It encourages its members to continue to explore all available legal options for the investigation and prosecution of both legal and natural persons. In this respect, the Network appreciated the discussion paper prepared by the Secretariat on this subject and invites the Secretariat to continue to gather information on future developments in this area.
5. The UN Guiding Principles on business and human rights are considered to be very valuable by the Members of the Network because they set an example of the standards expected of companies to prevent human rights abuses. In addition, they provide a roadmap of how to fight the impunity of corporations regarding their involvement in human rights abuses.
6. The comprehensive interventions made during the meeting regarding the criminal responsibility of corporations and business persons for serious international crimes illustrate the possibilities and challenges. Participants at the meeting were made aware that the topic could be approached from various perspectives, such as addressing human rights violations in the context of illegal exploitation of natural resources that could amount to the crime of pillage within war crimes, or by considering cumulative prosecution for alternative criminality; for example, money laundering or violations of embargo rules.
7. The Members of the Network acknowledge that the criminal prosecution of multinational corporations for serious international crimes is in a pioneering phase; however, business activities could leave a paper trail that is not available when crimes are committed by individuals. Participants also agreed on the importance of preventive measures. Greater prioritisation might be beneficial in overcoming difficulties in prosecuting corporations. The Dutch experience was considered by the Members of the Network as an example of how investigative measures against corporations might have a strong deterrence effect, stopping ongoing activities as well as establishing a standard for other corporations to respect international law.

8. The Members of the Network welcome the efforts of civil society to alert the competent authorities of the Member States to alleged serious international crimes committed by corporations and business persons.
9. The Network acknowledges the importance of the Initiative for a new Treaty on Mutual Legal Assistance and extradition for domestic prosecution of the most serious international crimes. It expresses its appreciation of the high number of co-sponsoring States representing all geographical areas.
10. The Network welcomes the initiative to strengthen the endeavours to combat impunity within Member States for crimes under international law. It is important to raise further awareness of the Network, its Members and its role in coordinating efforts to combat impunity across the European Union. The Network supports the commitment to increase engagement by key EU institutions, including the Commission, Council and Parliament, to ensure the continued support and facilitation of the Network and its activities into the future.
11. The Network considers that a new instrument such as an EU Action Plan on Impunity would be an important tool in encouraging cooperation and best practice at national and regional level to enhance investigations and prosecutions. The Network considers that the discussion of this issue is particularly timely in light of other developments currently taking place at EU level, e.g. (i) the current negotiations towards a draft Regulation on EUROJUST, and (ii) the “Lisbonisation” process that will require the revision of EU legislation in the field of Justice and Home Affairs. The Network has therefore considered it beneficial to establish a Task Force to explore and propose steps for increasing efficiency in combating impunity in the EU. The Secretariat will support these developments and liaise with the Members of the Network.
12. The Members of the Network appreciate the commitment of Eurojust and its offer for further cooperation in respect of operational support to effectively and efficiently combat serious international crimes by providing assistance to the Network.

13. The Members of the Network took note of the developments of the Justice Rapid Response and recognize its expertise and experience.
14. For assembling a pool of agenda items for future meetings, the Members of the Network expressed interest in discussing topics relating to the impact of post-traumatic stress on the reliability of witness memory, methods of introducing and presenting well-known facts in the evidentiary documents of a case, attribution of criminal responsibility for committing serious international crimes, and the status of combatants according to International Humanitarian Law.
-