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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Conclusions of the 16th Meeting of the Network of Contact Points for the investigation and prosecution of genocide, crimes against humanity and war crimes

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On 21 and 22 May 2014, the 16<sup>th</sup> 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 Greek 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.

Next meeting of the Network will take place on 30-31 October 2014 in the Hague.

**Conclusions of the 16<sup>th</sup> Meeting of the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes**

**21 and 22 May 2014, The Hague**

1. The Greek Presidency and the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes (the “Network”) stress the importance of the Network’s activities in bringing perpetrators to justice and closing the impunity gap for the crime of genocide, crimes against humanity and war crimes (core international crimes).
2. The Members of the Network welcome the activities of the African Union Commission to establish a network of prosecutors specialising in core international crimes. The investigation and prosecution of core international crimes present similar challenges to all practitioners; therefore, it is important to share best practice, experience, knowledge, know-how and lessons learned. The Network expresses its support for this initiative and its hope for close cooperation between the two Networks and their Secretariats in the future, including in the form of joint meetings. The Network expresses its willingness to engage in continued dialogue with the African Union Commission Secretariat with a view to supporting the creation of the Network.
3. The Members of the Network, the Observer States and the International Criminal Court recognized the value of discussing ongoing investigations and shared experience during the closed session of the meeting. They will continue to dedicate more time in the closed session on 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, including in relation to the ongoing conflict in Syria, facilitating a proactive approach to combating impunity.

4. The Members of the Network and observer States note the increased number of specialised units in their midst, a development they warmly welcome. They also note with appreciation the significant increase in the number of cases of core international crimes that are investigated and prosecuted by the Members of the Network and observer States.
5. The Network supports endeavours to bring more attention to sexual and gender-based violent crimes under international criminal law and stresses the importance of ensuring accountability for these crimes. The presentations, made during the meeting, showed the difficulties in investigating and prosecuting crimes of sexual violence due to the sensitivity of the topic, social stigma, shame and humiliation of victims and witnesses, privacy of the crimes, potential re-victimization and further traumatisation during the criminal process, among other things. In addition, these crimes require skilled investigators and prosecutors with sufficient training and knowledge to ask appropriate questions to identify the commission of sexual crimes and to include all circumstances of sexual violence necessary to prove elements contained in the crime of genocide, crimes against humanity and war crimes.
6. The Members of the Network recognize the importance of looking at crimes of sexual violence from the attack perspective and not from the opportunistic perspective as well as try to identify a broad pattern of sexual violence during the conflict, since these elements distinguish ordinary crimes from core international crimes.
7. The Members of the Network acknowledge that sexual violence against males is an underexplored topic due to the lack of reports by victims and witnesses and an uneasy approach to the issue by investigators and prosecutors. The discussion suggested the use of questions relating to torture as a method of opening doors to male testimonies of sexual violence.
8. The Network appreciates the work that has been carried out by the ICTR, including its Manual for the Investigation and Prosecution of Sexual Violence Crimes, comprising experiences gained from its vast jurisprudence. In addition, Members of the Network value activities in relation to the Initiative for the International Protocol on the investigation and documentation of sexual violence in conflict.

9. The Network commends the work of the Task Force, established following a decision of the 14<sup>th</sup> Meeting of the Network, and the Secretariat, and appreciates the presentation on the proposed Action Plan on combating core international crimes in the EU and its Member States. The Action Plan will be an important tool in encouraging cooperation and best practice at national and regional level to enhance investigations and prosecutions. It is important to raise 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. The Members of the Network look forward to receiving the proposal and an invitation for input and to continuing discussions on this matter.
10. The Network recognizes the importance of cooperation with the ICTY and ICTR and further possibilities within the UN Mechanism for International Criminal Tribunals.
11. 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 and welcomes additional steps in achieving the objectives of the Initiative.
12. The Members of the Network took note of the developments of Interpol in relation to core international crimes and its support in investigations and fugitive investigative support.
13. The Network took note of the establishment of the International Criminal Justice Consortium and recommends further communication on the activities of the Consortium in relation to training support for the ICC as well as its potential for national jurisdictions.
14. The Network supports and encourages any initiative for the training of investigators and prosecutors on the various topics relating to the investigation and prosecution of core international crimes. In addition, it recognizes the significance of training for judges on the crime of genocide, crimes against humanity and war crimes.

15. For assembling a pool of agenda items for future meetings, the Members of the Network expressed interest in discussing topics relating to judicial cooperation with the UN and its organs and agencies, further developments in relation to criminal responsibility of corporations, methods of sharing information with NGOs, as well as exploring possibilities for further sharing of information on specific conflict situations, adding to the topics identified from previous meetings (such as 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 issue of status of combatants according to international humanitarian law).

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