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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Presentation/information by the Genocide Network
- Conclusions of the 26th Genocide Network meeting

Delegations will find in Annex the Conclusions of the 26th meeting of the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes ('Genocide Network').

Conclusions of the 26th meeting of the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes (the ‘Genocide Network’)

The Hague, 22 – 23 May 2019

1. The Romanian Presidency of the Council of the EU and the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes (hereinafter referred as the ‘Network’) stressed the importance of the Network as a forum for practitioners to exchange information, facilitate cooperation and enhance national investigations and prosecutions to bring perpetrators to justice and close the impunity gap for the crime of genocide, crimes against humanity and war crimes (hereinafter referred as ‘core international crimes’).
2. During the closed session of the meeting, the Network members and the Observer States acknowledged the value of discussing ongoing investigations and shared experience during this session. The closed sessions are essential, establishing a confidential environment for the exchange of operational information on ongoing cases, trials and requests for extradition pertinent to the work of the Network. The Network members expressed appreciation for the breakout sessions on the topics of ‘Access and cooperation with Liberia’, ‘Cooperation with and extradition to Rwanda’ and ‘Crimes against Yezidi’. They stressed the importance of breakout sessions, allowing smaller groups of practitioners to discuss specific cases relevant to national authorities. Furthermore, breakout sessions can lead to setting up of coordination meetings at Eurojust.
3. The Network members expressed their appreciation for the update on Europol’s Analysis Project Core International Crimes (AP CIC), giving an overview of cases, situation countries and contributions of participating states. The Network members took note of Europol’s request to use all the possibilities of AP CIC and to contribute with information on their cases of core international crimes.

4. The Network members discussed the management of the Network and setting up the Steering Board according to the Guidelines on the Functioning of the Network adopted at the 25th Network meeting in November 2018. In this respect, they amended paragraph 5.2 of the Guidelines on the Functioning of the Network relating to the composition of the Steering Board by increasing the number of its members to 8 (5 contact points in addition to the trio Presidency) and deleting the requirement of representing different Member States. Three Contact Points representing the trio Presidency (currently Romania, Austria and Finland) will be members of the Steering Board as well as five other Contact Points. The Network nominated Mr Christian Ritscher (Germany), Ms Aurelia Devos (France), Ms Nicole Vogelenzang (the Netherlands), Mr Nicolas Le Coz (France) and Mr Gerard Dive (Belgium) to be members of the Steering Board. In this composition, prosecution, law enforcement and MLA authorities are represented in the Steering Board.

5. The members of the Network rescheduled the decision on the request of the Ukraine to be granted Observer status, as well as the requests of the civil society Civitas Maxima, the Centre for Justice and Accountability ('CJA') and the European Centre for Constitutional and Human Rights ('ECCHR') to be granted Associate status. The Network will consider these requests in the next biannual Network meeting in November, and will be advised by the newly established Steering Board.

6. The Network members welcomed and expressed their appreciation for the focus of the open session on EU funding possibilities for national authorities in strengthening or setting up 'war crimes' programmes or specialised units to improve detection, investigation and prosecution of core international crimes and for applicable capacity-building. Considering the lack of knowledge of some EU Member States on the availability of EU financial programmes, this issue is of utmost importance for EU Member States to increase capacity-building. EU funds are not fully utilised because practitioners are not always aware on the existence of these funds. Therefore, the Network regarded the presentations given by experts in the field of EU financing as highly beneficial.

7. The Network members expressed their appreciation for the presentation by the Ministry of Justice and Security of the Netherlands, which provided an overview of applicable financial programmes. They welcomed the offer of the expert team of the Ministry of Justice and Security of the Netherlands to assist the members of the Network in applying for available EU funds.

8. The members of the Network observed with great interest the presentation on funding opportunities of the Structural Reform Support Service (SRSS) by the Governance and Public Administration Reform of the SRSS of the European Commission. They welcomed the possibility of financial support by the SRSS for the implementation of structural reforms and the provision of technical support in terms of expertise, applying also to the crime area of core international crimes.

9. The Network members took note of the presentation on the use of Technical Assistance and Information Exchange (TAIEX) instruments in relation to non-EU countries. They stressed the importance of capacity-building in beneficiary countries that are less advanced concerning the investigation and prosecution of core international crimes. In addition, the Network members acknowledged the need of TAIEX to have more experts and host institutions available, matching the needs for assistance of the beneficiary countries.

10. The members of the Network expressed their appreciation for the presentation of France and Germany regarding their ongoing joint investigation team (JIT) established for conducting structural investigations of crimes in Syria committed by the Syrian State Security in detention centres. The Network members took note of the preliminary results and the advantages of the JIT for quicker and easier exchange of information and access to witnesses, as well as the avoidance of parallel investigations. The Network members expressed their appreciation for the objectives of the JIT and the financial and logistical support provided by Eurojust.

11. The Network members reiterated their appreciation for the establishment of the Exclusion Network of the European Asylum Support Office ('EASO'). Due to the fact that immigration offices are the first authorities to come into contact with persons coming from places affected by violations of international humanitarian law and human rights, an exchange of information between both Networks is considered necessary and highly beneficial to the efforts to prevent European territory from becoming a safe haven for perpetrators. The members of the Network welcomed the presentation of the EASO Exclusion Network on their activities and possibilities for increased collaboration between both networks. The Network members mandated the Secretariat to strengthen cooperation with the Exclusion Network and establish a strong relationship, and invited the Exclusion Network to become an associate of the Genocide Network. The Network reiterated the possibility of having a joint meeting with the Exclusion Network and to share contacts of the networks so that contact points at national level are aware of each other.

12. The members of the Network reiterated the need for a regular meeting per EU Presidency, according to the legal basis, with open and closed sessions. In addition, they emphasized the necessity to ensure the option of additional *ad hoc* operational meetings on specific situations or cases. The members of the Network stressed the importance of the Network meetings for the work of national authorities addressing individual criminal responsibility of perpetrators of core international crimes. In this respect, the Network reiterated its calls on the budgetary authorities to ensure implementation of the Council Conclusions of the JHA Council of 15-16 June 2015 (doc 15584/2/14) and to provide sufficient support for the work of the Network via the Eurojust budget.

13. The Network members appreciated evaluation of the Network, conducted by the Secretariat, and the presentation of key findings of the questionnaire on the Evaluation of the Genocide Network and its Secretariat.

14. The Network members took note of the update of the Secretariat's activities and administrative matters. The members of the Network expressed appreciation for the Secretariat's dedication and its continued successful activities to raise awareness and improve support for the fight against impunity on national and international levels. The Network members stressed their support for the overview of the implementation of the Network's Strategy, adopted in 2014.

15. The Network members expressed their appreciation for the update on the Initiative for a new Treaty on Mutual Legal Assistance and Extradition for domestic prosecution of the most serious international crimes, and explicitly reiterated their support. The Second Preparatory Meeting of supporting countries, hosted in March 2019 in Noordwijk in the Netherlands, was deemed an important step forward. In view of the Network's dedication to fight impunity for the crime of genocide, crimes against humanity and war crimes, the Network encouraged all members to participate in the process.

16. The members of the Network took note of the presentation of civil society organisations regarding their work and developments. The Network underlined the crucial support of NGOs to national authorities in fighting impunity for core international crimes and ensuring justice for victims. The Network took note of the joint letter that a group of 10 NGOs has submitted to the MLA Initiative, advocating for the position of victims and witnesses to be strengthened in the MLA treaty on international cooperation for domestic prosecution of the most serious international crimes. They motivated civil society to further develop projects as a contribution to an effective fight against impunity of perpetrators of core international crimes and further encouraged their close cooperation with Member States.
