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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Battlefield Evidence: Key insights for judicial practitioners

Delegations will find attached the introduction of a booklet drafted by Eurojust on the issue of battlefield evidence. The full booklet is available on Eurojust's [website](#).

Introduction to Eurojust's booklet on 'Battlefield Evidence: Key insights for judicial practitioners'

Battlefield evidence

Accountability for terrorist offences and core international crimes (CIC), i.e. genocide, crimes against humanity and war crimes, is a priority for the European Union (EU). Such heinous crimes committed within the EU and outside EU borders pose a threat to our security and well-being. Investigating and prosecuting these acts is complex and challenging, not least because evidence may be located in or obtained from an armed conflict situation, or in other words, the battlefield.

Battlefield evidence is used increasingly in counter-terrorism, CIC and cumulative prosecutions for both types of crimes, and many cases in which battlefield evidence played a decisive role have already successfully been tried. Several EU Member States and partner countries have pending investigations and prosecutions that depend on battlefield evidence.

The use of battlefield evidence, however, comes with some challenges and for several years now, Eurojust has collected experiences and best practice of national authorities in obtaining and using battlefield evidence. Other organisations, including the Council of Europe, the United Nations and NATO have provided guidance to and mapped the experiences of national authorities in collecting and using such evidence in investigations and court proceedings.

In view of the anticipated rise in the number of cases relying on battlefield evidence brought before the courts across the EU and partner countries in the near future, judicial practitioners have expressed a **need for further experience sharing and capacity building on this topic**. This includes examining ways to improve how battlefield evidence is used in criminal cases, while carefully safeguarding fair trial standards and other human rights, and ensuring robust protection of victims' rights.

It is in this context that Eurojust has prepared this document, which is based primarily on reports drawn up in cooperation with the Genocide Prosecution Network and a meeting held in April 2024, as well as on the expertise gained by the Agency on the topic. Eurojust has extracted **practical and illustrative information that will bring judicial authorities up to speed on battlefield evidence** as a concept, how to access such information and how to use it in court. Additionally this document addresses new technologies and provides additional resources.