



Network for investigation and
prosecution of genocide, crimes
against humanity and war crimes

Conclusions of the 13th Meeting of the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes

7-8 November 2012, The Hague

1. The Cyprus Presidency and the European Network of Contact Points for the investigation and prosecution of genocide, crimes against humanity and war crimes (hereinafter, 'the Network') highly appreciates the endeavors undergone by the Secretariat in the analysis and compilation of the replies to the questionnaire on "Access to immigration files and data by investigation and prosecution services". It notes that there is no common approach between the Members of the Network regarding the duty to report 1F cases to law enforcement and prosecution authorities. Some States have a strong, integrated approach in ensuring that 1F cases are reported, which the Network considers to be a recommendable practice that should be followed in order to ensure close collaboration and better identification of perpetrators, witnesses and victims of international core crime. Access to immigration files is granted on a general basis, but in the majority of the cases it is only granted on the basis of an ongoing criminal investigation. The Network finds this topic should be further studied and evaluated.
2. The efforts of the European Asylum Support Office (hereinafter, 'EASO') are considered to be very valuable by the Members of the Network. The Network sees a great opportunity to combine synergies with EASO with a view to sharing knowledge and best practices in this matter. In this respect, the Network finds it important to work together with EASO in regards to the European Asylum Curriculum, in particular to the modules related to exclusion. The Network would like to be involved in knowledge sharing on Country of Origin Information (COI), be included in the Consultative Forum of EASO as well as in the trainings organized by EASO.
3. The Members of the Network reiterate their appreciation of further work with EASO in finding possibilities for enhanced cooperation between immigration officials and law enforcement and prosecution authorities in the identification of perpetrators, witnesses and victims. In this regard, the Network encourages drafting recommendations or guidelines on this matter, taking into account Articles 12 and 17 of the Qualification Directive 2011/95/EU.
4. The Members of the Network take note of the work and endeavors done by the civil society and NGO's in the identification of suspects, witnesses and victims. The Network recommends law enforcement and prosecution services to work closely with NGO's in efforts to strengthen the relationship between them. Moreover, it strongly recommends following the example of UK in the establishment of community panels, which consist of

organized dialogue between law enforcement and prosecution authorities and the civil society and others.

5. The Members of the Network value the work of the UN International Commission of Inquiry on Syria in collecting information on the crimes committed in that area. They also take note of the establishment and mandate of the Syrian Commission for Justice and Accountability. The Network acknowledges the difficulties and the challenges they are facing, given that the conflict in Syria is still ongoing. It stressed the importance of providing States with information/evidence that could be used in further national investigations.
6. The Members of the Network agree that establishment of Joint Investigation Teams (JITs) between the States with a similar situation could present a great added value and therefore encourage the use of this tool in investigating and prosecuting international core crimes. In particular, the Network acknowledges the benefits of establishing JITs, such as the support of Eurojust, Europol and the funding by the EU; avoiding double work and double costs; saving personal and financial resources; spreading of tasks; and providing a legal basis for swift and flexible exchange of information.
7. The Members of the Network stressed the importance of the ICJ judgment on the case concerning the “Questions relating to the obligation to prosecute or extradite” (Belgium v Senegal). They emphasised the relevance of the ICJ judgment for the interpretation of the obligation relating to the exercise of the universal jurisdiction and the principle of “aut dedere aut judicare” stipulated in the 1984 Convention against Torture, Inhuman or Degrading Treatment or Punishment, as well as its consequences on other international conventions of criminal law.
8. The Members of the Network recall the conclusions of the 12th 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.
9. The Network expresses continued support to the initiative of The Netherlands, Belgium and Slovenia for a new instrument on mutual legal assistance and extradition in cases of genocide, crimes against humanity and war crimes. It welcomes further cooperation and looks forward to collaborate in future outreach activities.
10. The Members of the Network have acknowledged the effort of the Secretariat in organizing a seminar in respect of core international crimes and the duty to prosecute, which has proven to be enlightening, thus allowing to deepen the knowledge and understanding of international core crimes, both from an academic and a practical view. The Members of the Network call for further organization of similar trainings on investigation and prosecution of core international crimes (such as international immunities, responsibility of legal persons in committing crimes, methods for financial investigation of persons responsible for the relevant crimes, concurrence of core international crimes with organized crime, witness support and protection).