



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

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

**21-22 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 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, specializing in core international crimes. Investigation and prosecution of core international crimes present similar challenges to all practitioners; therefore it is important to share best practices, experiences, knowledge, know-how as well as 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 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, such as 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, which is a development they warmly welcome. They also note with appreciation the significant increase in the number of core international crimes cases that are investigated and prosecuted by the Members of the Network and observer States.
5. The Network support endeavours to bring more attention to sexual and gender based violence 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 sexual violence due to the

sensitivity of the topic, social stigma of crimes, shame and humiliation of victims and witnesses, privacy of the crimes, potential re-victimization and further traumatisation during the criminal process, etc. In addition, these crimes require skilled investigators and prosecutors with sufficient training and knowledge to ask appropriate questions to identify 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 to look at sexual violence crimes from the attack perspective and not from the opportunistic perspective as well as to look for 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 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 done by the ICTR, including its Manual for the Investigation and Prosecution of Sexual Violence Crimes, comprising experiences learned by 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 from 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 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. The Members of the Network look forward to receiving the proposal and an invitation for input and to continuing discussions on this matter at future opportunities.
10. The Network recognizes the importance of cooperation with the ICTY, 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 further steps in achieving 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 in 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 training of investigators and prosecutors on the various topics relating to investigation and prosecution of core international crimes. In addition, it recognizes the significance for training of judges on the crime of genocide, crimes against humanity and war crimes.
1. 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 situations of conflicts, adding to the identified topics from the 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).