



Conclusions of the 28th meeting of the Network for investigation and prosecution of genocide, crimes against humanity and war crimes

Via videoconference, 05-06 November 2020

1. The German Presidency of the Council of the EU and the European Network of Contact Points for the investigation and prosecution of genocide, crimes against humanity and war crimes (hereinafter referred as the 'Network') reiterated 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 (also referred as 'core international crimes').
2. The Network members noted the challenges in organising the meeting, due to the restrictions caused by the COVID-19 pandemic, and expressed their gratitude for making the event possible through video conference.
3. The members of the Network granted the Associate status to the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD), providing opportunities for further and closer cooperation with national authorities.
4. The Network members welcomed the European Asylum Support Office (Exclusion Network) as an Associate in the Genocide Network and restated decision obtained via written procedure.
5. The Network members nominated Ms Hanna Lemoine (Sweden) as a new member of the Steering Board after departure of Ms Aurelia Devos (France) and restated decision obtained via written procedure.
6. The Network members appreciated presentation of the UN Independent Investigative Mechanism for Myanmar (IIMM), mandated to collect information on crimes committed in Myanmar for the purpose of legal proceedings. With the number of refugees present in the EU, the Network stressed the importance of information sharing and cooperation with the IIMM.
7. The Network members expressed their appreciation for the topic relating to the accountability for the core international crimes committed in Libya. The presentations highlighted complex and volatile situation in this neighbouring country, including interlinkage of core international crimes with other crime areas, such as terrorism, violations of sanctions regime and illegal migrant smuggling.



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8. The members of the Network observed with great interest presentation relating to the classification of hostilities after the fall of the regime of Muhammad Gadhafi into several armed conflicts, considered as nationwide and localised armed conflicts. Complexity of the situation was noted concerning the parties to the conflict and organisation of various armed groups. Further difficulty relates to the attribution of responsibility for the crimes committed in Libya, despite many massive abuses of human rights and alleged war crimes and crimes against humanity. Next to fragmentation of national belligerents, the conflict is disarranged with forces from other countries. In addition to various war crimes between two main belligerent sides and many local affiliates, a particular concern relates to crimes committed against civilians, including murder, torture, enforced disappearances, and unlawful detention. Victims of these crimes are both Libyan nationals and migrants on their route to Europe.

9. The members of the Network noted that the situation in Libya are under investigation of the International Criminal Court (ICC) since 2011 and appreciated the update on the latest findings in this situation. They stressed that this crimes committed deserve the attention both of the ICC and national authorities and welcomed the ICC's offer for assistance in fighting impunity in Libya.

10. The members of the Network learned with great interest about the efforts of Italian and French authorities to investigate and prosecute crimes committed or connected with the situation in Libya. Presented cases related to crimes committed against migrants in Libya, such as torture, kidnapping, extortion, murder. While crimes have been committed in Libya, authorities could investigate and prosecute them as perpetrators and victims have been present in Italy.

11. The members of the Network took note of the interlinkages between core international crimes and other crime areas, such as migrant smuggling, trafficking in human beings, violations of sanctions regime, terrorism. In this connection, they stressed the challenges posed with the situation and opportunities for addressing accountability by prosecuting crimes committed in or connected with Libya as ordinary national crimes, transnational organised crime and core international crimes. An area requiring further attention relates to violations of sanctions regimes, imposed by the United Nations Security Council or the European Union. Despite political nature of these sanctions, they have binding force and offer further paths for prosecution as showed by the presentation of Italy.

12. The Network members expressed their appreciation for presentations on various sources for obtaining information on the acts committed in Libya and the active role that civil society organisations can play in this context.

13. The Members of the Network took note of the presentation of civil society organisations regarding their work and projects. 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 stated its thankfulness for the report Breaking Down Barriers – Access to Justice in Europe for Victims of International Crimes, produced by FIDH, ECCHR and REDRESS.



14. The Network members took note of the update on the Secretariat's activities and administrative matters. The members of the Network voiced 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.

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. Due to the applicable COVID-19 restrictions, the diplomatic conference had to be postponed and is now foreseen to be held in 2022. Written and virtual consultations are planned for 2021 on a redraft of the treaty.

16. The members of the Network reiterated the need for a regular meeting per EU Presidency, according to the legal basis, with an open and closed session. 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, and establish a confidential environment for the exchange of information on current investigations and, if appropriate, requests for extradition pertinent to the work of the Network. In addition, the Network members emphasized the necessity to ensure the option of additional ad hoc operational meetings on specific situations or cases. In this manner, the Network could increase operational cooperation with a view to advancing cases for coordination meetings at Eurojust or even joint investigation teams.