



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

Conclusions of the 11th Meeting of the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes

23-24 November 2011, The Hague

1. The European Network of Contact Points in respect of persons responsible for genocide, crimes against humanity and war crimes (hereinafter as the Network) welcomes the work already done by the Coordinator of the Network's Secretariat and appreciates its ongoing activities. In this respect the Network confirms further implementation of the list of tasks from previous meetings.
2. The Members of the Network have selected the logo for the Network, which is attached in the Annex II.
3. The Members of the Network welcomed presentation on the evaluation of Council Decisions 2002/494/JHA and 2003/335/JHA and its interim analysis by the European Commission. In this context the Network reminded the remaining States to provide answers to the Commission in order to conclude the evaluation. The Commission is invited to inform the Network on its further steps that would follow evaluation.
4. The Members of the Network took note of the developments at EU level in relation to the work of the Network and presentation of the Draft action Plan to follow up on the Decision on the ICC of 12 July 2011. They underlined the importance of the document for strengthening the relationship and communication between the Network and pertinent Working Parties within the Council of the EU.
5. The Members of the Network appreciated the information on the outcome of the expert meeting on the initiative for a new international instrument relating to international legal cooperation concerning crimes of genocide, crimes against humanity and war crimes held in the Hague on 22nd November 2011. The members of the Network were informed that further work will be done and that a side event on the subject will take place in the margins of the next Assembly of the States Parties to the Rome Statute in December. The members of the Network continue to express support for the initiative.
6. The ICC Legal Tools Project was presented to the Network. The ICC Legal Tools presents a vital element for research and as an information resource. The members agreed on its importance for sharing of experience, appropriate jurisprudence and obtaining relevant legal documents.

7. Witness protection in cases of crime of genocide, crimes against humanity and war crimes presents a major challenge for every national authority, especially when witnesses are located in the states outside the EU. The Network stressed the importance to implement the existing instruments of the UN, Council of Europe and the EU. Therefore it is of special importance to share lessons learned and best practices in this field (such as nature of precautions to take, location of discrete places for interview, psychological assessment, use of national authority of non-EU state and its reliability, advanced familiarity with the environment where the testimony or trial will take place, use of videolink, etc). For this purpose the Secretariat is invited to make available a compilation of existing best practices on witness protection and table on national legislation.
8. Witness protection presents a core tool for successful investigation and prosecution and should have all the necessary support at the national level, including by developing specialized witness protection programmes and standards among judicial authorities and law enforcement agencies.
9. The Members of the Network strive for an increase of training for investigators, prosecutors and judges as an essential part for effective proceedings in cases of crime of genocide, crimes against humanity and war crimes.
10. The closure of the ad hoc international tribunals and the principle of complementarity on which the ICC is established reinforce the primary responsibility of States to prosecute at national level. Therefore, the Network stresses the importance of strong national capabilities for investigation and prosecution.
11. During the 11th session of the Network, a roundtable on the state of play on ongoing investigations and requests for extraditions took place. The Members of the Network decided to continue to dedicate more time in closed session to exchanging information on current investigations and requests for extradition pertinent for the work of the Network and its participants. Therefore the Members of the Network invite the Secretariat to look into the possibility for creation of a database and/or a table on past and ongoing cases.
12. The Members of the Network took note of the Warsaw declaration and reiterate the purpose of the Network to enforce cooperation, share best practices and discuss questions of practical nature in investigating and prosecuting crime of genocide, war crimes and crimes against humanity.
13. The Members of the Network were informed that the incoming Danish and Cypriot Presidencies intend to organise meetings.

14. With the establishment of the Secretariat the Members of the Network recommend that administrative matters regarding the Network, including updating the list of contact points, shall be handled by the Secretariat.
15. For assembling a pool of agenda items for future meetings, the Members of the Network are invited to give additional contribution to the existing list of topics:
 - criteria for prioritisation of cases,
 - incorporation and linkage of facts in the legal case,
 - immunities of alleged perpetrators,
 - increase of cooperation between immigration and law enforcement authorities,
 - involvement of business people and legal entities in committing crimes,
 - identification of and access to witnesses,
 - issues related to victims,
 - preservation of evidence,
 - awareness raising amongst migrants,
 - the completion strategies of the international criminal tribunals and specialised courts,
 - extraterritorial jurisdiction and international immunities,
 - the system of confiscation of criminal assets from perpetrators.

ANNEX I

Annex - Logo of the Network for investigation and prosecution of genocide, crimes against humanity and war crimes

