



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

Conclusions of the 4th Meeting of the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes

7-8 May 2007, The Hague

1. The Members of the Network welcome the Rwandan prosecutors' and courts' efforts and success in investigating and prosecuting the crimes committed in Rwanda in 1994. The Members of the Network are of the opinion that European countries should continue to offer support and assistance to the Rwandan judicial authorities in order to strengthen these efforts. The Members of the Network emphasize that legal assistance from Rwandan authorities is essential for successful prosecution. Therefore continued contacts with Rwandan authorities in investigative, prosecutorial and diplomatic levels could facilitate assistance.
2. The Members of the Network note that the problems arising from the completion strategy of the International Criminal Tribunal for Rwanda are not yet solved. The Appeals Chamber's decision on rule 11bis of the International Criminal Tribunal Rules of Procedure in the case against Bagaragaza outlined very clearly the possibility of referring a case to a national jurisdiction. National legislation on jurisdiction in several Member States of the European Union and the aforementioned decision of the ICTR limit the possibilities of referral.
3. Investigators and prosecutors in the Member States of the European Union face special challenges when investigating crimes committed in Rwanda in 1994. Therefore the Members of the Network deem it essential to co-operate and exchange knowledge, practical experience and best practices within the Network, with third countries, international tribunals and organisations. The Members of the Network concluded that they should meet on a regular basis and that meetings should focus on special situations or aspects of investigations or prosecutions as stated in the Council Decision of 8 May 2003 (2003/335/JHA). A future meeting should focus on specific methods of exchange of information between the members of the Network.
4. The Network appreciates the valuable contributions of NGOs to the investigation and prosecution of genocide, crimes against humanity and war crimes, in particular by identifying witnesses and victims of such crimes and encouraging them to co-operate with national authorities, taking full account of the local situation in the country, inter alia the situation of ethnic groups in the countries concerned. The Network also appreciates the participation of NGOs in the open part of the meeting and welcomes their participation in open parts of future meetings.

5. Victims and witnesses are essential participants in the investigation and prosecution of crimes committed in Rwanda. Therefore the protection of victims and witnesses is a priority issue. When the witnesses and victims are under potential threat they should benefit from adequate protection as long as necessary for their own safety. Information concerning procedures as regards the hearing of witnesses in Rwanda should be openly exchanged within the Network.