



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

Conclusions of the 8th Meeting of the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes

27-28 May 2010, Madrid

1. Recalling the duty of each country to fight against impunity and to implement the principle of complementarity, the Members of the Network consider that the application of extraterritorial jurisdiction should be further explored by States. States should use the already available provisions on extraterritorial jurisdiction. Members of the Network will provide relevant information about their legal provisions on this matter, on the basis of the questionnaire distributed by the Spanish Presidency in order to compile a collective overview of legislation. In that context, the ongoing research on universal jurisdiction in the 27 EU Member States carried out by REDRESS-FIDH was welcomed.
2. States should exchange information on applicable procedures and cooperate to make sure that all available tools are used to the fullest extent possible. Based on functioning domestic examples, the Members of the Network encourage other States to implement similar procedures if and where possible. Whilst respecting confidentiality requirements, participants of the meeting reported on selected ongoing investigations, requests for extradition and on latest developments in national law and agreed on the usefulness of such an exercise.
3. Given the importance of effective and efficient international legal assistance in the fight against impunity of the offenders of crimes of genocide, crimes against humanity and war crimes, the Members of the Network consider that a detailed evaluation and assessment of the existing international framework for international legal cooperation in concluded and ongoing cases should be carried out and improvements suggested where necessary. While a legal framework for international legal assistance applicable to EU Member States already exists, the international framework for international legal cooperation with Third Countries seems to be insufficient.
4. Therefore, a global international instrument on procedural matters related to crimes of genocide, crimes against humanity and war crimes could be considered. The Network would be the appropriate forum to discuss and provide input from the practitioners' perspective, especially in the context of further discussions on this topic at the EU level.
5. The interplay between the prosecution by international criminal tribunals, particularly the International Criminal Court (ICC), and domestic prosecutions will be crucial in the future for the overall fight against impunity. An enhanced relationship between the two

levels will enable both the ICC and the Members of the Network to coordinate their work and to use their capacities in an efficient manner. Good domestic practices regarding information sharing with the ICC should be further explored and, where possible, taken as an example by other States.

6. The objective of supporting the prosecution of serious international crimes, provided for in the Stockholm Programme and the Action Plan, and the EU pledges to be made at the Kampala Review Conference shall be fully pursued. The revision of the Council Decision 2002/494/JHA shall be explored, in order to enable the Network to become even more effective in its work.
7. The Members of the Network welcome the efforts undertaken regarding the establishment of the Secretariat of the Network within Eurojust by early 2011. The Secretariat is expected considerably to improve the work and coordination of the Network in the future. The possible creation of an information sharing system shall be further explored along with the establishment of the Secretariat.
8. The Members of the Network consider the development of a trio programme an effective tool for further improving the work of the Network and to provide continuity in its work.
9. The Members of the Network recommend to have, as a rule, open sessions with the participation from other States, relevant institutions and NGOs. However, each meeting may also provide for a closed session.
10. Following the discussion on assembling a pool of agenda items for future meetings, the Members of the Network agreed on the importance of the following topics: identification of and access to witnesses, witness protection, issues related to victims, preservation of evidence, awareness raising amongst migrants, and the completion strategies of the international criminal tribunals and specialised courts. Therefore they should be included in the agendas of future meetings of the Network. The participants were invited further to contribute to the development of the pool of agenda items.