

## **Conclusions of the 31<sup>st</sup> meeting of the Network for investigation and prosecution of genocide, crimes against humanity and war crimes**

*The Hague and via videoconference  
6-7 April 2022*

1. The French 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 to as the 'Network') reiterated the relevance of the Network as a forum for practitioners to exchange information, facilitate cooperation, and enhance national investigations and prosecutions in the fight against impunity for the crime of genocide, crimes against humanity and war crimes (also referred to as 'core international crimes').
2. The Network members deplored the Russian aggression and violations of international humanitarian law in the ongoing armed conflict on the territory of Ukraine. The Network members were thankful for the opportunity to discuss the situation in Ukraine in presence of key stakeholders during two *ad hoc* meeting of the Network on 11 March and 5 April. Specifically, they expressed their strong support and willingness to share expertise and assist investigations and prosecutions of alleged core international crimes, including war crimes and crimes against humanity, committed on the territory of Ukraine.
3. The Network members expressed their gratitude towards the French Presidency of the Council of the EU and the Network Secretariat for organising the meeting in a hybrid format, thus making it possible for a large number of participants to join. The Network greatly appreciated the commitment demonstrated by the participants, with approximately 130 participants attending the meeting in person at Eurojust premises in The Hague, the Netherlands, and 100 participants joining via videoconference.
4. The Network members expressed their high interest for the focus of the meeting on the notion and use of structural investigations in core international crimes cases and lessons learned from the Koblenz trial. The discussions led to a better understanding and applicability of the concept of structural investigation in the context of core international crimes cases. The presentations of the use of structural investigations by several

delegations (Germany, Sweden, France, Canada, Lithuania) gave a general overview and offered advantages of such investigations and their value for improved investigations of core international crimes cases, in particular when exercising universal jurisdiction. Further synergies can be achieved by using structural investigations in the framework of a joint investigation team.

5. The Network members greatly appreciated the intervention of the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011 ('IIIM'), providing a comprehensive overview of the IIIM's structural investigation concept. The Network members took note of the challenges presented by the IIIM and addressed by its structural investigation, such as organising and centralising vast amounts of evidence; providing flexibility to establish contextual elements and associated crime categories and patterns; developing information management strategy; ensuring inclusive justice; making use of cooperation with other actors and avoiding duplication.

6. The Network members appreciated the ensuing exchange of views and showed great interest in the flexible, open-ended nature of structural investigations for the long-term purpose of prosecuting core international crimes. The historical Koblenz verdict illustrates how a structural investigation can lead to fruitful outcomes, all the more when supported by a JIT.

7. The Network welcomed with great interest the presentation made by the German Federal Police (BKA) on the complex investigation of the 'Caesar files' that ultimately led to two successful convictions. This success relied, for a large part, on preliminary investigations carried out as part of the German structural investigation on crimes in Syria, in particular on the early identification of witnesses and subsequent interviews. Cooperation with asylum authorities, other Member States, NGOs and the IIIM were of major importance in this case. However, the Network acknowledged challenges regarding the security risks that discouraged some witnesses from testifying.

8. The Network members were grateful to the Federal Public Prosecutor's Office of Germany for its thorough and systematic overview of the Koblenz trial. The presentation focused on the charges, the timeline of the case, procedural obstacles and challenges met (the trial took place entirely during the COVID-19 pandemic), and the final verdict. It stressed the tension between desirable public outreach and witness protection concerns, which deserves proper scrutiny for similar future trials. The importance of cooperation between national authorities, civil society and international partners is essential. In this respect the Network members acknowledged the support provided by Eurojust and the Genocide Network Secretariat in the case, as the central hub for coordination of efforts.

9. The Network members were impressed by the expert presentation delivered by the Director of the Institute of Legal Medicine in Cologne (Germany) offering detailed and precise overview of the forensic analysis presented in support of the case. On the basis of an in-depth analysis of photos contained in the 'Caesar files', which required 3.5 years to complete, forensic experts were able to corroborate witness statements describing the abuses suffered in detention and establish their systematic character.

10. The Network members appreciated the presentation of Eurojust's Head of Operations detailing the support granted, amongst other Units and Network Secretariats, by Eurojust's Casework Unit in the case. The presentation focused on key aspects of support, including financing of the JIT, tailor-made legal and judicial analysis, and consolidated analysis of witness statements.

11. The Network members welcomed presentations of the European Center for Constitutional and Human Rights (ECCHR) and Human Rights Watch. Interventions offered civil society perspective on the Koblenz trial, shedding light on support provided to the investigation, victims and witnesses. The Network took note of challenges and issues raised by civil society, specifically fears for witnesses' security, lack of access to trial proceedings in Arabic for the general public, and the missed opportunity to record the hearing despite its universal and historic dimension. Nonetheless, German authorities were commended for their willingness to adapt to the unique nature of this trial. The Network members, together with the civil society, emphasised that the Koblenz trial was a long-awaited steps towards justice and accountability for many Syrian victims.

12. The Network expressed thankfulness to the Director of the Syrian Center for Legal Studies and Research, sharing a powerful statement to explain what the Koblenz verdict means for the victims and the Syrian community. The conviction proves that even criminals in high positions of command will not escape justice and brings hope that other perpetrators may finally be held accountable for their acts.

12. The Network members expressed their appreciation for the update on the virtual consultations held by the *Initiative for a new Treaty on Mutual Legal Assistance and Extradition* for domestic prosecution of the most serious international crimes, and expressed continued support for the *Initiative*.

13. The Network members welcomed the update presented by the Exclusion Network of the EU Asylum Agency, and took note of potential synergies between the two Networks in relation to the upcoming activities.

14. The Network members took note of the update on the Secretariat's administrative matters and activities. The Network showed particular appreciation for pursued efforts

to raise awareness on themes and situations in focus in relevant fora, and to bolster support for the fight against impunity on national and international levels.

15. The Network members were highly appreciative of the presentations delivered by representatives of the civil society regarding their ongoing work and projects. The Network strongly emphasised, in particular given recent events, the importance of solid and structured cooperation between national authorities and civil society organisations.

16. The Network members and observers acknowledged the value of discussing ongoing cases and sharing experience and best practices in a confidential environment during the closed session.