

Conclusions of the 32nd meeting of the Network for investigation and prosecution of genocide, crimes against humanity and war crimes

The Hague
23 -24 November 2022

1. In the particular context of the ongoing war in Ukraine, the Czech 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 ('core international crimes').
2. The Network expressed its strong support to Ukraine and willingness to share the Network's expertise, best practices, and peer-to-peer access with Ukrainian practitioners. The Network members concluded to strengthen the engagement of the Genocide Network with Ukraine and invited Ukraine to attend future Open Sessions of the Network meetings as well as part of the Closed Sessions upon specific interest of Ukraine and agreement of all Member States. The Network supports Ukraine's effort to adhere to the Rome Statute. Further, the Network members will consider granting of Observer Status on an ongoing basis.
3. In the margins of the 32nd Genocide Network meeting, the Network members had the opportunity to discuss documentation gaps and potential cooperation with 16 civil society organisations ('CSOs') documenting core international crimes in Ukraine and pursuing accountability efforts during an *ad hoc* meeting of the Network organised on 22 November. CSO representatives also expressed their strong willingness to coordinate efforts and assist investigations and prosecutions of alleged core international crimes by national authorities, including war crimes and crimes against humanity, committed on the territory of Ukraine.
4. The Network members expressed their gratitude towards the Czech Presidency of the Council of the EU and the Network Secretariat for organising the meeting in person, allowing hands-on operational exchanges and discussions between practitioners.

5. The 32nd Genocide Network meeting was dedicated to the extension of Eurojust's mandate in relation to core international crimes, including the role of various stakeholders in support of accountability efforts in Ukraine, and to a recent conviction obtained in first instance in Sweden for war crimes committed in Iran in the 1980s.
6. The Network members welcomed the presentation of amendments to the Eurojust Regulation adopted in the aftermath of the Russian invasion of Ukraine (entry into force on 1 June 2022). The Network Members noted that the Eurojust Regulation now allows Eurojust to preserve, analyse and store evidence of core international crimes, with the understanding that submission of evidence by national authorities will be done on a voluntary basis.
7. The Network members appreciated a practical overview of Eurojust's project to set up a Core International Crimes Evidence Database ('CICED') in line with the amended Eurojust Regulation. The discussions led to a better understanding of steps taken and gave an insight on the technical set-up, intended purpose and functioning of the database, expected value for national authorities, and further phases for project implementation.
8. The Network members greatly appreciated the intervention of the Liaison Prosecutor for Ukraine at Eurojust, highlighting the role that Eurojust has played and continues to play in support to Ukrainian investigations and prosecutions. The Liaison Prosecutor acknowledged the importance of Eurojust to quickly bring together EU national authorities and the International Criminal Court from the early days of the war. Eurojust supported the establishment of the Joint Investigation Team ('JIT'), providing legal support in drafting and signing of the JIT Agreement and granting operational, financial, material and technical support (*e.g.* exchange of information, storage of evidence, special techniques for communication, car renting, and body protection equipment). Finally, the Genocide Network members noted the current focus of the Prosecutor General's Office of Ukraine on developing a prioritisation strategy.
9. The Network members expressed appreciation for the intervention of the Head of Europol's European Counter Terrorism Centre detailing information on the cooperation and coordination of tasks between Eurojust and Europol in support of national authorities. The participants received information on Europol's Analysis Project on Core International Crimes, which provides operational support to Member States and other operational partners investigating perpetrators of core international crimes, through the centralised collection, crosschecking, analysis, and sharing of information at EU level.
10. The Network members underlined the complementary functions of the Genocide Network, alongside Eurojust and Europol. The Network members stressed the value of

the Network as a unique and quickly responding platform where contact points can exchange experience and best practices, address legal challenges, progress understanding of international criminal law, enhance operational aspects and establish close links and collaboration with other authorities and partners such as CSOs.

11. The Network members highly appreciated the overview provided by the Swedish Prosecution Office of the recent conviction obtained, in first instance, in the first Iran-related case at EU level. The presentation focused on the historical, political and religious background of the case (from 1979 to the date of commission of crimes in 1988), the timeline of the case, support received from CSOs, the charges, procedural and legal issues, challenges and the verdict.

12. The Network members welcomed the intervention of the representative 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'), presenting the IIIM's Gender Strategy and Implementation Plan. The IIIM seeks to integrate gender considerations as part of the day-to-day work of the Mechanism. A gender analysis is a crucial tool for understanding how gender impacts the experiences, needs, power relations, rights and opportunities of individuals and communities affected by core international crimes. The Gender Strategy seeks to address the full extent of the harm suffered by victims and survivors in the Syrian context and develop appropriate responses and remedies. The IIIM pursues inclusive justice for victims and survivors, meaning that any disadvantage caused by gender should not reduce the prospects of justice.

13. 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, noted that diplomatic negotiations will take place in May 2023 in Ljubljana, Slovenia, and stressed the importance for practitioners to participate in the process as this new tool will ultimately be dedicated to them.

14. The Network members also welcomed the activities update provided by the Secretariat, in particular capacity-building efforts led with the European Judicial Training Network ('EJTN'), the European Commission and the EU Agency for Law Enforcement Training ('CEPOL'). In this respect, the executive workshops tailored for practitioners of states connected to the JIT on Ukraine are particularly significant. The Network members were also grateful for the launch of Eurojust/Genocide Network/International Criminal

Court - Office of the Prosecutor's (i) Guidelines for CSOs on documenting international crimes and human rights violations for criminal accountability purposes, and (ii) a Guidance document for national authorities on the identification of victims and witnesses of core international crimes.

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 expressed full support for a stronger partnership between national authorities and CSOs. CSOs urged national authorities to maintain their focus on other situations where core international crimes have been committed.

16. The Network members and observer states acknowledged the value of discussing ongoing investigations and sharing experience and best practices during the closed session. The closed sessions are essential in establishing a confidential environment for the exchange of information on current proceedings and, if appropriate, requests for extradition pertinent to the work of the Network. With this work the Network increases operational cooperation with a view to advancing cases for coordination meetings at Eurojust or setting up JITs.