



Conclusions of the 33rd Meeting of the Network for investigation and prosecution of genocide, crimes against humanity and war crimes

The Hague

19 – 20 April 2023

1. The Swedish 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') underlined 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 members expressed their gratitude towards the Swedish 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. They appreciated the commitment demonstrated by all participants, with approximately 150 contact points of the Network attending the meeting in person at Eurojust premises in The Hague, the Netherlands.
3. In the particular context of the ongoing war in Ukraine, and as decided by the Network Plenary during the 32nd Genocide Network meeting in November 2022, the Network members reiterated their strong commitment to engage with their peers in Ukraine. They greatly welcomed the participation of Ukrainian representatives to the Open Session of the meeting.
4. The 33rd Genocide Network meeting was dedicated to the issue of corporate criminal accountability for core international crimes and associated challenges. The first part of the Open Session addressed the general legal framework for such liability in various Member States, recent cases, experiences and trends, outstanding challenges, as well as expert views on how corporate liability can be addressed. The second part of the Open Session was dedicated to various updates on ongoing accountability initiatives led by Eurojust, the Prosecutor General's Office of Ukraine, the UN OHCHR Sri Lanka accountability project, the Initiative for a Multilateral Treaty for MLA and extradition for domestic prosecution of the most serious international crimes, as well as a presentation of activities conducted by the Network Secretariat and civil society.

5. The Network members welcomed the opening presentation that outlined the rationale behind the prosecution of corporate actors, clarified what kind of cases may be prioritised and strategically prosecuted, and highlighted modalities to pursue corporate actors through concrete case illustrations.
6. The Network members highly valued in-depth discussions on the experiences and insights from various national authorities. These presentations highlighted legal issues and challenges, with a focus on the increasing recognition of the involvement of legal persons in core international crime cases.
7. The Network members expressed great interest in suggested approaches to hold companies headquartered or operating in Member States jurisdictions accountable as enablers of human rights violations or core international crimes. Investigating corporate crimes is complex and raises challenges for both investigative organisations and law enforcement, but new online and open-source research tools can help investigators overcome some of these obstacles. Experiences show that prosecutorial strategies can include the following elements: (i) the presence of evidence in Member States, (ii) the possibility to add corporate elements to structural investigations, and (iii) potential overlaps with sanction regimes investigated by other national agencies.
8. The Network members concluded that addressing corporate behaviour may have a deterrent effect, as companies would prefer to stop operating in a certain zone rather than being associated to serious violations of human rights or even becoming complicit in the commission of core international crimes.
9. The Network members stressed the important role of the civil society in corporate liability cases. The civil society contribution can be relevant in three pillars: (i) triggering investigations by filing criminal complaints, notifying national authorities, or acting as civil parties; (ii) providing information and access to evidence; and (iii) bringing forward innovative legal arguments with regard to international crimes and linked corporate accountability.
10. The Network members were highly appreciative of the update presented by the Head of the Department for International Legal Cooperation, Prosecutor General's Office of Ukraine, on cases pursued by Ukrainian investigators and prosecutors.
11. The Network members appreciated the introduction of United Nations OHCHR's Sri Lanka Accountability Project covering its mandate, background, institutional setting, and four main pillars of work as well as strategic action plan.

12. The Network members were grateful for the regular activities update provided by the Secretariat, in particular in relation to capacity-building efforts led with the International Committee of the Red Cross ('ICRC'); the European Judicial Training Network ('EJTN'); the European Commission and the EU Agency for Law Enforcement Training ('CEPOL'). The Network members particularly welcomed the translation efforts into French, Spanish, Arabic and Ukrainian of the Eurojust/Genocide Network/International Criminal Court - Office of the Prosecutor Guidelines for CSOs on documenting international crimes and human rights violations for criminal accountability purposes.

13. The Network members expressed their appreciation for the final update on the Initiative for a new Treaty on Mutual Legal Assistance and Extradition for domestic prosecution of the most serious international crimes, supported by 77 States. The members took note that the *Diplomatic Conference for the Adoption of the Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes against Humanity, War Crimes and other International Crimes (MLA Convention)* will take place in Ljubljana, Slovenia, from 15 to 26 May 2023.

14. The Network members were highly appreciative of the presentations delivered by representatives of the civil society regarding their ongoing work and projects, including the latest edition of the Universal Jurisdiction Annual Review published by TRIAL International in collaboration with Civitas Maxima, CJA, ECCHR, FIDH and Redress. The Network expressed full support for a stronger partnership between national authorities and civil society organisations.

15. 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.

16. In the margins of the 33rd Genocide Network meeting, the Network members had the opportunity to attend an *Advanced Workshop on international humanitarian law and counter-terrorism for national investigators and prosecutors*, co-organised by the International Committee of the Red Cross (ICRC), the Genocide Network Secretariat, and the Eurojust Counter-Terrorism Working Group on 18 April. The workshop was designed around a fictitious case and focused on interlinkages between the two realms of law and potential legal issues faced by investigators and prosecutors dealing with crimes committed during armed conflicts involving terrorist organisations.