



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



Conclusions of the 30th meeting of the Network for investigation and prosecution of genocide, crimes against humanity and war crimes

The Hague and via videoconference 9-10 November 2021

1. The Slovenian 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 noted the challenges in organising the 30th Network meeting due to the restrictions caused by the COVID-19 pandemic, and expressed their gratitude towards the Slovenian Presidency of the Council of the EU and the Secretariat for organising the event, for the first time, in a hybrid format. The Network greatly appreciated the commitment demonstrated by the meeting participants, with approximately 60 participants attending the meeting in person at Eurojust premises in The Hague, the Netherlands, and 100 participants joining via videoconference.
3. The Network granted Associate status to the UN Independent Investigative Mechanism for Myanmar (IIMM), providing opportunities for closer cooperation with national authorities.
4. The Network members discussed the management of the Network, specifically the membership of the Steering Board, according to paragraph 5.2 of the Guidelines on the Functioning of the Network. The Network members restated the decision obtained via written procedure to nominate Mr Jeroen Stad (the Netherlands) as new member of the Steering Board following the departure of Ms Nicole Vogelenzang (the Netherlands) earlier this year. Further, the Network members renewed the membership of Mr Gérard Dive (Belgium) for a second term of two years effective retroactively from May 2021.



Finally, the Network members nominated Ms Duscha Gmel (Germany) and Mr Jean-Pierre Chemaly (France) as new members of the Steering Board in replacement of Mr Christian Ritscher (Germany) and Mr Nicolas Le Coz (France). The Network members reiterated their appreciation for the dedication of Ms Vogelenzang, Mr Ritscher and Mr Le Coz as former members of the Steering Board.

5. The Network members expressed their high interest for the focus of the open session on cooperation of national authorities with the Office of the Prosecutor of the International Criminal Court ('ICC-OTP') and United Nations ('UN') investigative mechanisms:

- 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');
- the Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL ('UNITAD'); and
- the Independent Investigative Mechanism for Myanmar ('IIMM').

6. The presentations highlighted the various ways in which the ICC-OTP and UN investigative mechanisms can support national jurisdictions in their investigations and prosecutions of core international crimes, and, vice versa, possibilities for national authorities to support the ICC and UN investigative mechanisms in fulfilling their respective mandates, thereby putting the principle of complementarity in action.

7. The Network members appreciated the intervention of the new ICC Chief Prosecutor, Mr Karim Khan, sharing the perspective of the ICC-OTP on cooperation with national authorities. The Preamble of the Rome Statute stipulates that effective prosecutions of core international crimes entail the implementation of measures at national level and effective international cooperation. To ensure the effectiveness of the principle of complementarity, the ICC and the Network should continue to nurture a strong and vibrant partnership. The Network members observed the existing and developing synergies between national investigations and assistance provided by the ICC-OTP in existing cases, also in relation to broader crime areas (e.g. migrant smuggling, human trafficking, money laundering). The Network members shared very positive experiences on support received by the ICC-OTP and best practices implemented at national level for responding to requests for assistance submitted by the ICC-OTP. They reiterated the importance of efficient cooperation between national judicial authorities and the ICC.

8. The Network members welcomed the presentation made by the Special Adviser and Head of UNITAD, Mr Christian Ritscher, on the support provided to domestic authorities



in holding ISIL members accountable for their crimes. The Network members observed with great interest the growing number of requests for assistance received by UNITAD since the end of 2020, and took note of the innovative investigative activities undertaken by UNITAD in order to build its evidence base. These activities notably include the exploitation of battlefield evidence, the digitisation of documentary material, crime scene analysis through virtual reconstruction, the excavation of mass graves, and use of artificial intelligence to identify and extract relevant information. The Network recognised the high value of the work undertaken by UNITAD, particularly for national investigations and prosecutions of foreign terrorist fighters. Some members shared their experience from national cases, noting that input and support received from UNITAD was often critical in the proceedings, either at the investigative or trial stage (identification of victims and witnesses, verification of evidence credibility).

9. The Network members were grateful for the presentation of Ms Catherine Marchi-Uhel, Head of the IIIM (Syria) on cooperation with national authorities. The Network members appreciated the focus on cumulative investigations and prosecutions of terrorist crimes and core international crimes in the work of the IIIM. Similarly, they took note of the importance of establishing two-way cooperation frameworks, whether formal or informal, between national authorities and the IIIM, so that information can be shared and received by all parties. The Network members were highly appreciative of the proactive efforts deployed by the IIIM to develop and share analytical products (evidentiary modules, legal briefs, timelines, reports) with national authorities. They reiterated the significance of information sharing with the IIIM given the complex nature of crimes committed in relation to the Syrian conflict.

10. The Network welcomed the presentation of Mr Nicholas Koumjian, head of the IIMM (Myanmar), who shared the difficulties met by the IIMM due to the absence of cooperation from the government of Myanmar, and highlighted the need for cooperation with states in order to locate and meet potential witnesses for in person interviews. Beyond political support, states can cooperate in meaningful ways, such as allowing the travel of IIMM representatives within their territory or providing witness protection.

11. The Network was grateful for receiving a detailed update on the development of activities led by the International Accountability Platform for Belarus ('IAPB'), a coalition of independent Belarusian and international non-governmental organisations aiming to collect evidence of alleged grave human rights violations, including torture, committed by Belarusian authorities in the context surrounding the 2020 presidential election and its aftermath. Of specific interest was the information provided on the Platform's objective and program of work aimed at supporting national authorities and



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accountability bodies, including by making available evidentiary and analytical products that may be used in criminal proceedings.

12. The Network members expressed their appreciation for the update on the *Initiative for a new Treaty on Mutual Legal Assistance and Extradition* for domestic prosecution of the most serious international crimes. The second round of informal consultations on the *Draft Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, and War Crimes* will take place online on 29 and 30 November 2021. The Network highlighted the importance, for practitioners, to be involved in these consultations.

13. The Network members took note of the update on the Secretariat's administrative matters and its activities to raise awareness on themes and situations in focus in relevant fora, as well as to improve support for the fight against impunity on national and international levels.

14. The Network members were highly appreciative of the presentations delivered by representatives of civil society organisations regarding their ongoing work and projects. The Network acknowledged the importance of cooperation between national authorities and civil society organisations.

15. The members of the Network reiterated the need for a regular meeting of the Network per EU Presidency, according to the legal basis, with an open and closed session. 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.