



Council of the
European Union

**Brussels, 12 December 2023
(OR. en)**

16480/23

**COPEN 440
EUROJUST 48
ENFOPOL 534
COHOM 231**

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Conclusions of the 34th meeting of the Network for investigation and prosecution of genocide, crimes against humanity and war crimes (Eurojust, The Hague, 15-16 November 2023)

Delegations will find attached the above-mentioned conclusions.

Conclusions of the 34th Meeting of the Network for Investigation and Prosecution of Genocide, Crimes against Humanity and War Crimes

The Hague
15–16 November 2023

1. The Spanish 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”) have underlined the relevance of the Network as a forum for practitioners to exchange information, facilitate cooperation and enhance national investigations and prosecutions in light of the war in Ukraine, the Israeli-Palestinian conflict and other conflicts around the world. The fight against impunity for the crime of genocide, crimes against humanity and war crimes (“core international crimes”) requires cooperation among the Network’s practitioners.
2. Network members expressed their gratitude to the Spanish Presidency of the Council of the EU and the Network Secretariat for organising the meeting in person, which enabled practical operational exchanges and discussions between practitioners.
3. In the context of the ongoing war in Ukraine, Network members reiterated their continued and strong commitment to engage with their counterparts in Ukraine. They warmly welcomed the participation of Ukrainian representatives.
4. The 34th meeting of the Network was dedicated to the investigation and prosecution of core international crimes committed by ISIS against the Yazidi community. During the open session, speakers from a variety of backgrounds and with unique insights into the issue gave presentations on the legal complexities of the cases and ensured practical discussions.
5. Network members welcomed the opening presentation, which outlined the need for accountability for ISIS crimes against the Yazidi community. Accordingly, the EU should not be allowed to provide a safe haven to ISIS members. It is the responsibility of each Member State to investigate and prosecute its nationals for their role in ISIS and the crimes committed, in particular the crime of genocide against the Yazidis. Fulfilling this responsibility is particularly important as Iraq's legal framework is limited and does not cover core international crimes, while there are no avenues of accountability in Syria.
6. Network members underlined the important contribution of universal jurisdiction cases in countering the ideology of ISIS and bringing justice to survivors and the community.

7. Network members appreciated the insights on the importance of religious and cultural identity and its relevance in the commission of genocide against the Yazidis. Destruction of religious sites, sexual violence and slavery should be considered as essential components of genocide and taken into account in prosecution strategies.

8. Network members expressed great interest in the proposed approaches to hold ISIS members accountable in the jurisdictions of the EU Member States as perpetrators of national and international crimes, in particular slave trade, slavery/enslavement and trafficking in human beings.

9. Network members welcomed the in-depth discussion of the role of women and their intent in committing core international crimes. This aspect is often overlooked and not fully addressed. The role of women within ISIS encompassed both private and public functions and enabled the consequent commission of a variety of crimes and the enforcement of ISIL's ideology and indoctrination. The Network members stressed that prosecution strategies should take into account the full range of women's roles within ISIS.

10. Network members acknowledged the excellent and indispensable support provided by UN mechanisms — both UNITAD and IIIM — in specific product delivery, such as analytical reports or contextual elements, or assistance in obtaining witness testimony and identifying victims.

11. Network members acknowledged the legal and practical challenges of prosecuting crimes committed against the Yazidis at the national level, which requires cooperation between different national counter-terrorism, security intelligence and international crime agencies. Prosecutorial strategies require the use of cumulative prosecutions, i.e., charging individuals with both counter-terrorism offences and core international crimes. Successful national approaches to building cases against individuals have focussed on known foreign terrorist fighters (FTFs) and their links to victim testimony.

12. Network members followed with great interest the success in identifying perpetrators as a result of the work of a Joint Investigation Team (JIT) between Sweden, France, Belgium, and the Netherlands. The JIT also ensures the development of common strategies and reduces the risk of re-traumatisation of victims.

13. Network members appreciated the contributions of the Commission of Investigation and Gathering of Evidence (CIGE) to its mandate to investigate and gather evidence of the core international crimes committed against the Yazidis. Network members welcomed the Commission's stated aim to work with other partners at the international level to ensure justice for survivors.

14. Network members emphasised the important role of civil society organisations in the investigation and prosecution of core international crimes. This applies in particular to the identification of victims, the provision of assistance, the facilitation of translations and the provision of access to and collection of information on the ground about the crimes committed. In addition, publications such as the Yazda's survivor-informed Guide on interviewing Yazidis, as well as a number of other initiatives greatly assist national authorities in their work with survivors and consequently improve the investigation and prosecution of crimes committed against the Yazidi community.

15. Network members greatly appreciated the update on cases currently being pursued by Ukrainian investigators and prosecutors, which were presented by the Prosecutor General's Office of Ukraine.

16. Network members welcomed the update on Eurojust's Core International Crime Database (CICED). They were informed about the three components of CICED and the new functionalities, including the legal analysis related to core international crimes.

17. Network members expressed their appreciation for the achievements of the Secretariat, in particular with regard to its involvement in the drafting and adoption of the MLA initiative, the organisation of the 4th Ad Hoc Meeting on Ukraine (bringing together national authorities and civil society organisations) and the 8th edition of the EU Day against Impunity. Network members particularly welcomed the publication of two new expert reports and the efforts to translate national judgements which are published on the Genocide Network's website.

18. Network members highly appreciated the presentations of civil society representatives on their ongoing work and projects. The new interactive map published by TRIAL International will allow a better understanding of universal jurisdiction cases worldwide, while the Impunity Observatory, run by a consortium of civil society organisations, will seek justice and accountability through a multi-stakeholder approach supported by quality documentation, advocacy, and litigation.

19. Network members and observer States recognized the value of discussing ongoing investigations and sharing experiences and best practices during the closed session. The closed sessions are essential in providing a confidential environment for the exchange of information on ongoing proceedings and, where appropriate, extradition requests relevant to the work of the Network. Through its work, the Network enhances operational cooperation with a view to bringing cases forward at Eurojust coordination meetings or the establishment of joint investigation teams.
