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**NOTE**

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From:	Presidency
To:	Permanent Representatives Committee
Subject:	Initiatives to support the collection of evidence for war crimes in Ukraine - Information by the Presidency

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*(Courtesy translation)*

The issue of collecting evidence of possible war crimes committed in Ukraine, and so avoiding impunity, was rapidly raised after the onset of the Russian military aggression in Ukraine. At the beginning of March, all EU Member States joined the request to the International Criminal Court (ICC) to open an investigation.

Ministers of Justice discussed the issue during their meeting on 4 March.

In their statement on the Russian military aggression against Ukraine, issued following the meeting in Versailles on 10 March, the Heads of State or Government of the European Union underlined that *‘Russia, and its accomplice Belarus, bear full responsibility for this war of aggression and those responsible will be held to account for their crimes, including for indiscriminately targeting civilians and civilian objects. In this respect we welcome the decision of the prosecutor of the International Criminal Court to open an investigation.’*

Apart from the investigation by the ICC prosecutor, the General Prosecutor of Ukraine has opened an investigation, and the authorities of several Member States have opened national investigations (including the setting up of a Joint Investigation Team)<sup>1</sup>.

Since then, EU initiatives to support the collection of evidence of possible war crimes, and so assist in the fight against impunity, have multiplied. They include cooperation with and support to the ICC; support by Eurojust and the European Network for investigation and prosecution of genocide, crimes against humanity and war crimes ('Genocide Network'); the preparation by the Commission of a legislative proposal to enlarge the competences of Eurojust concerning the storage, analysis and preservation of evidence of war crimes<sup>2</sup>; various types of support to Ukrainian authorities (including in the collection and preservation of evidence) and to civil society; and fighting disinformation. There are also several initiatives at global level.

In order to ensure good circulation of information and facilitate coordination, the Presidency, in cooperation with the Commission and the EEAS, has made the table set out in WK 5731/22, which maps the various initiatives.

In addition to the above, the Presidency has called meetings at expert level in order to share relevant information and to coordinate the various efforts. In particular, meetings have been held by the JHA Counsellors (on 15 and 23 March, and on 7 April) and by the Integrated Political Crisis Response (IPCR) round table (on 13 and 20 April).

The Presidency reminds delegations that it submitted two requests at the IPCR round table meeting on 20 April:

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<sup>1</sup> So far, 11 Member States have opened investigations (BE, CZ, DE, EE, ES, FR, LT, LV, PL, SE, SK). On 25 March 2022, the judicial authorities of PL and LT, together with those from UA, established a Joint Investigation Team (JIT) to enable the exchange of information and evidence and facilitate investigations into war crimes committed in Ukraine. Eurojust facilitated the establishment of the JIT, which other Member States may join later.

<sup>2</sup> The proposal is announced to be submitted on 25 April. As soon as it has been presented, the Presidency intends dealing with it in an urgent manner.

- The first request concerned information on additional financial support and operational support to the ICC. The Presidency has collected the replies by the Member States in the table set out in WK 5667/22. So far, 18 Member States have provided a reply; some of them need to be further specified. In line with the operational conclusions of the IPCR round table meeting, Member States that have additional information for inclusion in the table are invited to submit this **as soon as possible**.
- The second request concerns information on forensic and ballistic expertise (e.g. experts specialised in victim identification, evidence experts, explosive experts, mechanical experts, damages experts) to support the work of the General Prosecutor of Ukraine. Given the urgency of the situation, the Presidency invited Member States to communicate offers **at the latest by 26 April**. The Presidency has collected the replies received so far in the table set out in WK 5728/22. So far, two Member States have communicated their offers.

Where appropriate, the three tables mentioned above will be revised.

The Presidency intends to ensure, in close cooperation with the Commission and the EEAS, that good coordination between the various initiatives and players is maintained, so as to maximise our common efforts in the fight against impunity.