Eurojust: collection, preservation and analysis of evidence relating to genocide, crimes against humanity and war crimes

2022/0130(COD) - 25/04/2022 - Legislative proposal

PURPOSE: to enable Eurojust to collect, preserve and analyse evidence relating to genocide, crimes against humanity, war crimes and related criminal offences and, where necessary and appropriate, to exchange it or make it available to the competent judicial authorities, at national or international level.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: on 24 February 2022, Russia launched a military aggression against Ukraine. There are reasonable grounds to believe that crimes against humanity and war crimes have been and are being committed in Ukraine. Given the seriousness of the situation, the EU should urgently take all necessary measures to ensure that those who committed these crimes in Ukraine are held accountable.

As the European Union's platform for judicial cooperation in criminal matters, Eurojust provides support to national authorities investigating and prosecuting serious crime within its competence. Among others, genocide, crimes against humanity and war crimes are crimes that fall within the competence of Eurojust.

National authorities are currently collecting evidence of international crimes allegedly committed in Ukraine. Due to the ongoing hostilities, the evidence cannot be safely stored in Ukraine, which requires that a back-up/storage location be urgently found by the Union.

Therefore, in order to coordinate the ongoing efforts of Member States to collect evidence, there is a need for the **rapid establishment** of a central storage system, where evidence collected by EU agencies and bodies as well as national and international authorities or third parties such as civil society organisations can be stored.

In order to carry out its tasks, Eurojust has set up a Case Management System, which contains non-personal data and personal data as referred to in Annex II of the Eurojust Regulation. Recent events related to the Russian aggression against Ukraine have demonstrated the **urgent need to go beyond the existing Eurojust case management system**. Indeed, the current data processing architecture within Eurojust does not allow Eurojust to collect, store and analyse evidence on major international crimes, including those suspected to be committed in Ukraine.

CONTENT: the proposal aims to improve Eurojust's ability to achieve its objectives as set out in the Eurojust Regulation by establishing an updated technical solution within Eurojust to assist Member States' authorities in dealing with genocide, crimes against humanity and war crimes.

To this end, the proposal aims to **enable Eurojust to collect, store, analyse and exchange evidence relating to major international crimes** by setting up an automated data management and storage facility outside the case management system. This information and evidence (physical and electronic) could be used both for criminal cases before national courts and for prosecutions by the International Criminal Court or any other court or mechanism established for this purpose.

However, the proposal does not aim to introduce any obligation on national authorities to share such information and evidence.

In view of the sensitive nature of the personal data involved, their processing, including collection, preservation, analysis and exchange, must comply with the highest standards of data protection and cyber security.

The proposal also aims to **extend the categories of data** that Eurojust can legally process to videos and audio recordings as well as satellite images and any relevant photographs.

BUDGETARY IMPLICATIONS: this proposal would have an impact on Eurojust's budget and its staff needs. It is estimated that further EUR 15.705 million would be needed for the period 2022-2027 to allow Eurojust to perform the tasks provided for by this proposal. This includes the costs for the setting up and management of the automated data management and storage facility (approximately EUR 500 000 per year) and for the necessary human resources to handle it.