2. Article 1F in the Netherlands and in Europe

As mentioned in the introduction, the Netherlands can be characterised by a relatively proactive 1F exclusion policy, as well as its commitment to limiting impunity for international crimes. Before this study will turn to a close examination of the population of 1F-excluded asylum seekers in the Netherlands, the 1F policy and the efforts undertaken by the Netherlands to promote the criminal prosecution of 1F-excluded asylum seekers, this chapter will discuss some key characteristics of the Dutch exclusion policy, how this compares to 1F policies in other European states, and how and to what extent states (can) cooperate with respect to criminal prosecution of 1F-excluded asylum seekers.

2.1. Key characteristics of the Dutch 1F policy and their background

2.1.1. Background and rationale of the Dutch 1F policy

This study focuses on the Netherlands. For the reasons discussed in the previous chapter, the Netherlands can be regarded as a frontrunner where it concerns the application of Article 1F. But the Netherlands also offers a particular case. Whereas internationally the increased attention for Article 1F, as mentioned earlier, is often linked to the crises in the former Yugoslavia and Rwanda and the terrorist attacks in the United States on 11 September 2001, the increase in the attention for and use of the exclusion clause in the Netherlands specifically were set in motion a few years before 2001 and in relation to another group of alleged perpetrators of international crimes.1

Already in 1994 and 1995, questions were asked in the Dutch parliament on how the government dealt with asylum applications by alleged leaders of the former Afghan communist regime.2 Early 1995, the Dutch Council of State ruled in one case that there was not enough concrete evidence that Hasjmoetoella Kaihani, an alleged public prosecutor at the revolutionary court during the 1980s communist rule, had

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1 The following is not a complete overview of all relevant early 1F case law in the Netherlands, but rather a description of developments underlying the political and societal unrest that culminated in the formulation of a special 1F policy in 1997 (see below).

'blood on his hands'. A few years later in 1997, an article in the Dutch magazine *Vrij Nederland* led to a public outcry because it listed thirty-five senior leaders from the former Afghan communist regime who resided in the Netherlands, some in possession of an asylum status, while their involvement in war crimes had reportedly not been thoroughly investigated. Out of discontent over this situation, members of the Afghan community in the Netherlands, including victims who had reportedly encountered their tortures on the streets in the Netherlands, drew attention to the presence of these former senior officials and formed a working group to collect evidence against them. In the *Vrij Nederland* article, the then head of the Dutch Immigration Service’s executive branch (and former UNHCR employee) Peter van Krieken, called for a new approach to Article 1F and the standard of proof to be employed in 1F cases. Later that year, the Dutch government announced a special policy for 1F cases. In her letter announcing this policy, State Secretary Schmitz referred to the societal unrest:

In view of the many questions from parliament, the critical notes from society and the concerns from refugee organisations about the assessment of asylum claims of persons suspected of international crimes and violating human rights, I deem it appropriate to do justice to the intention of the Refugee Convention to protect those that flee from injustice, and not those who flee from justice. This means that where I [...] see reason to apply Article 1F, I will not hesitate. I will see to it that the possibilities to apply Article 1F [...] will be maximally utilized.

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4 J. Slats, ‘Het barst hier van de Afghaanse oorlogsmisdadigers’.

5 Slats reports, quoting Van Krieken, “In the past – see the Kahihi case – [the Ministry of] Justice has had many problems with the standard of proof with respect to Article 1F. But when you analyse the Refugee Convention, it says that you can deny someone when you can reasonably assume that this person has been guilty of certain crimes. The required standard of proof is much lower than you would expect,’ says Van Krieken. […] ‘If someone has had an important position for years at a security service of which it is known that it has in general been guilty of torture, you can assume that such a person at least is co-responsible. Of course this person needs to get a chance to prove that this is not the case. But the burden of proof rests with the other party, not with [the Ministry of] Justice.’ This ‘way of thinking’ has been elaborated in a report by a working group of the Ministry that is now on the desk of State Secretary Schmitz and will be sent to parliament shortly.” [translation by author]; J. Slats, ‘Het barst hier van de Afghaanse oorlogsmisdadigers’.


7 *Ibid.* [translation by author].
The State Secretary also quoted the international obligations:

It cannot be the case that where the Netherlands has on the one hand obliged itself morally and legally to prevent [war crimes, genocide and torture], it admits persons who have committed such crimes abroad as refugees on the other hand.

Returning to the different functions that Article 1F can fulfil, it seems that the ‘no safe haven’ notion was (at least presented as) an important rationale for the policy that has resulted in the relatively frequent invocation of Article 1F in the Netherlands, as it originates from societal unrest about alleged former senior members of the Afghan communist regime who were in possession of an asylum status.8 A decade later, the ‘no safe haven’ notion echoes vividly in a letter from the minister of Justice to parliament accompanying an advisory report on the Dutch 1F policy by the Advisory Committee on Migration Affairs (Adviescommissie Vreemdelingenzaken, ACVZ).9

It is our conviction that the Netherlands should not be a safe haven for those persons [excluded under 1F]. It is in the interest of the Dutch society and the international legal order that they are not granted a residence permit. The position of the victims of these persons who have found protection in this country is at stake. We believe it is equally important that these persons do not escape the (international) penal consequences of their acts. For this reason, we strive to let justice take its course as much as possible with respect to persons to whom Article 1F Refugee Convention applies, here or elsewhere [...].10

The most recent annual report on the efforts in relation to the criminal prosecution of international crimes confirms that this is currently still an important aspect of how the Dutch government sees the function of Article 1F:

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8 Speckmann (2011: 5) argues that the coming into being of a "tough, invigorated" 1F policy in the Netherlands should also be understood from public discontent over increasing asylum inflow since the mid-1980s and developments in the EU, that led to a – in the words of the Dutch government – “fast” and “sober” asylum policy, eventually culminating in the adoption of the Aliens Act (Vreemdelingenwet) of 2000.

9 The ACVZ is an independent Committee that advises the Dutch government and parliament on immigration law and policy. It was installed in 2001 as a result of the coming into force of the Aliens Act 2000 and reports on immigration policy issues. The advisory reports are directed primarily at the government. See https://acvz.org/en/organisatie/.

10 Kamerstukken II 2007/08, 31200 VI, no. 160, 13 June 2008, a letter accompanying a report of the Advisory Committee on Immigration Affairs (ACVZ, 2008) [translation by author].
The core of the 1F policy is that there is protection for the victims, not the perpetrators. [...] The starting point is that the Netherlands does not want to be a safe haven: 1F-excluded individuals do not qualify for legal residence and have to leave the Netherlands. Applying Article 1F is inherent to warranting the integrity of and the societal support for the system of international protection for refugees [translation by author].

2.1.2. Guiding principles and distinctive elements of the Dutch 1F policy

In its 1997 letter announcing the Dutch 1F policy, the State Secretary formulated three guiding principles. The first is that, considering inter alia the consequences of exclusion and consistent with UNHCR guidance, Article 1F is to be interpreted restrictively. According to the State Secretary, this warrants careful investigation of possible 1F cases and thorough motivation of 1F decisions. The second guiding principle, which seems to contradict the first to some extent, is that the opportunities to apply Article 1F must be maximally utilized; in other words, Article 1F is applied as often as possible. To make this possible, the investigation and decision in relation to the applicability of Article 1F was made the exclusive responsibility of a designated unit within the immigration service, whose staff receive special training in e.g. international humanitarian law. In 1998, the Netherlands became one of the first countries to designate a specialised unit dedicated to Article 1F cases within the immigration service. The third and final guiding principle is that further consequences are to be connected to any exclusion on the basis of 1F. For this reason, in the Netherlands Article 1F does not only entail exclusion from refugee protection, but excluded individuals are declared persona non grata and have to leave the territory. Furthermore, the public prosecutor is notified of all 1F-decisions. The prosecutor assesses the feasibility of criminal prosecution on the basis of inter alia

11 Kamerstukken II 2016/17, 34550 VI, no. 105, 8 March 2017, 5.
13 Ibid.
14 In Canada, specialized sections within police, prosecution and immigration services were already existing for a few years, within the Royal Canadian Mounted Police and the Department of Justice since 1987 (which initially dealt with alleged war criminals from the Second World War) and the Department of Citizenship and Immigration since 1996 (Rikhof, 2001).
15 According to a Human Rights Watch report (2014: 33), in 2001 the IND transformed the team into an International Crimes Unit, referred to as the ‘1F unit’. “As of 2014, the 1F unit has a full-time staff of 25, most of whom are senior immigration officers with years of prior experience.”
16 Kamerstukken II 1997/98, 19637, no. 295, 28 November 1997, 3. In practice, not all 1F decisions are submitted to the prosecutor, but only those that possibly concern international crimes; cases that (exclusively) concern ‘common’ crimes are not submitted by the IND (personal communication with representative of the Dutch public prosecution service, 10 October 2017).
the 1F case file submitted by the immigration service. In this way, an assessment of the feasibility of criminal prosecution was made an inherent component of the 1F-policy. Besides these three guiding principles, the State Secretary’s letter announced another distinctive element of the Dutch policy that has remained until today, namely the fact that refugee status determination on the basis of Article 1A Refugee Convention would no longer take place before an assessment of the applicability of Article 1F. In other words, from that moment on, exclusion under 1F would be considered before inclusion under 1A.

In the years following the introduction of the Dutch policy in 1997, several other elements of the policy have developed from the abovementioned principles, that set the policy apart from the policies in other countries (see paragraph 2.2) and are relevant to discuss briefly here (these will also be addressed in subsequent chapters). The first is the categorical exclusion of certain designated groups. Membership of such a group is sufficient for the application of Article 1F. For people belonging to these groups, mere association with a certain position within a designated organization suffices as a basis for exclusion. In addition, the burden of proof in these cases is reversed: it is up to the individual concerned to prove that his case is an exception and that the categorical exclusion does not apply to his case (Wijngaarden, 2008: 410). The categorical exclusion applies for instance to persons in certain positions within the Afghan KhAD/WAD security service,20 the Hezb-i-Wahdat (Islamic Unity Party of Afghanistan) and the Sarandoy (Afghan police), high officials of the Iraqi security services under Saddam Hussein’s rule, and corporals and non-civilian

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17 The 1997 letter of the State Secretary (supra note 12) also mentions that the prosecutor has a discretionary competence and decides, on the basis of inter alia the 1F case file, whether or not it is ‘opportune’ to pursue a given case. Currently, this practice is still in place. Once the prosecutor receives a 1F file, there are several steps before a case could reach the level of a ‘suspection’ in the sense of Article 27 of the Dutch Criminal Procedure Code (Wetboek van Strafverordening) or formally reach the phase of prosecution. After an initial assessment of jurisdiction and the feasibility of the case among other things, the next step would normally be that the prosecutor requests the police to do an exploratory investigation; the majority of cases do not reach this phase e.g. because there is not enough concrete information, the information cannot (easily) be verified from other sources, or the individual is believed not to be in the Netherlands anymore. Subsequently, the prosecutor decides whether or not to start an investigation (personal communication with representative of the Dutch public prosecution service, 10 October 2017; Kamerstukken II 2008/09, 31200 VI, no. 193, 9 September 2008, 3; Kamerstukken II 2017/18, 34775 VI, no. 7, 10 October 2017). The State Secretary noted in the 1997 letter that “criminal prosecution is not a conditio sine qua non for the application of Article 1F”. As according to the Minister of Justice in 2006, Hirsch Ballin, the application of Article 1F is about “more than merely a suspicion of 1F crimes”, all the files would in principle qualify for investigation. See §5.6.

18 This reversal of the burden of proof seems to be the result of the departmental working group (supra note 5).

19 The KhAD (Khadimat-e Atal’at-e Dowlati was the Afghan state intelligence service from 1980 to 1986, its successor the WAD (Wazarat-e Amaniat-e Dowlati), the Ministry of State security, existed until 1992.

leaders of the Sierra Leonean Revolutionary United Front (RUF)\textsuperscript{21} The second is that individuals excluded from refugee protection are not only declared persona non grata or – since 2012 – receive an entry ban (Bolhuis & Van Wijk, 2015b: 17), but also by definition are considered to pose a danger to public order, because of the nature of the crimes they have allegedly been involved in.\textsuperscript{22} The third element is a blanket bar of 1F-excluded individuals to all residence statuses: because of the entry ban or persona non grata declaration, no other residence permit (for instance on the basis of family reunification) can be obtained by an excluded asylum seeker.

Some of the policy elements discussed above have been subject to substantial criticism from national and international observers. The UNHCR has for instance criticized the ‘exclusion before inclusion’ approach,\textsuperscript{23} and in relation to categorical exclusion, the reversal of the burden of proof, the lack of an individual assessment and the use of a country report issued by the Dutch Ministry of Foreign Affairs on the Afghan security and intelligence services.\textsuperscript{24} The reversal of the burden of proof and the lack of an individual assessment have also been criticized by the Dutch Section of the International Commission of Jurists (NJCM, 2008). The Dutch 1F policy has been evaluated on two occasions by the Advisory Committee on Migration Affairs, in 2001 and in 2008 (ACVZ, 2001; 2008). These advisory reports can be seen as consolidating the key elements of the Dutch policy formulated above. The ACVZ (2001) for instance concluded that considering exclusion before inclusion is a legitimate approach that should be sustained,\textsuperscript{25} and reached the same conclusion on the blanket bar to all other residence statuses. It also approved and called for strengthening the cooperation between the immigration service and prosecution.


\textsuperscript{22} Art. 3.77(1)(a) Vreemdelingenbesluit (Aliens Regulation) 2000 forms the basis for the policy. The Council of State has confirmed that acts listed in Article 1F by their nature represent a long term or even lasting “present threat affecting one of the fundamental interests of society” as required by CJEU jurisprudence, e.g. in decisions ECLI:NL:RVS:2008:BF1415 of 12 September 2008 and ECLI:NL:RVS:2015:2008 of 16 June 2015 (paras. 7.6 and 7.7). See Chapter 3.

\textsuperscript{23} UNHCR’s views on Dutch policy relating to the application of Article 1F of the 1951 Convention, 10 March 1998, as cited in ACVZ, 2001.

\textsuperscript{24} See ‘Note on the Structure and Operation of the KhAD/WAD in Afghanistan 1978-1992’ May 2008, available online at <http://www.refworld.org/docid/482947db2.html>, Letter of the UNHCR Deputy Regional Representative dated 9 July 2009 and Letter of the UNHCR Assistant High Commissioner dated 17 November 2009. This criticism has been dismissed e.g. by the Minister of Foreign Affairs; see Kamerstukken II 2009/10, 27925, no. 363, 2 October 2009 and Kamerstukken II 2009/10, 27925, no. 377, 7 January 2010.

\textsuperscript{25} Some authors have taken the same position. Kosar (2013: 88-89), for instance, argues that exclusion before inclusion is the correct interpretation of the Refugee Convention and that “the European Asylum Acquis endorses the ‘exclusion before inclusion’ position [...] even more overtly” than the Refugee Convention, and identifies a “growing consensus in the case law of top national courts, which has shifted significantly in favour of the ‘exclusion before inclusion’ position”.

service (ACVZ, 2008). In relation to the government’s country report on the Afghan security services, the ACVZ did however recommend further research. Furthermore, it called upon the government to only declare those excluded individuals *persona non grata* who have a realistic settlement alternative (ACVZ, 2008), a suggestion that was turned down by the responsible State Secretary.\(^\text{26}\) Finally, the *automatic* assumption that the conduct of someone who is excluded under Article 1F *forever* poses a “genuine, present and sufficiently serious threat affecting one of the fundamental interests of society” in the meaning of Article 27 Citizenship Directive,\(^\text{27}\) has been criticised for contradicting the notion that national authorities must base restrictions of the right of freedom of movement on a case-by-case assessment, having regard for e.g. the time that has passed and the likelihood that the individual will commit similar acts in the future (Bruin, 2015: 281; Beversluis et al., 2016).

**2.2. The Dutch 1F policy in a European context**

In order to be able to place this Dutch policy – which is central to this study – in a broader context, it is useful to assess whether policies of other European countries reflect the same elements that were described in the previous paragraph. So far, only limited research has been carried out in other European countries;\(^\text{28}\) as was already noted, not many governments in Europe are as open about the application of Article 1F as the Dutch government. In this section, use is made of the study by Bolhuis and Van Wijk (2015b), who compared policies and practices in relation to the application of Article 1F in six European states: Belgium, Denmark, the Netherlands, Norway, Sweden and the United Kingdom.\(^\text{29}\)

In relation to both the first and second guiding principle of the Dutch policy, it is difficult to assess to what extent the application of Article 1F is “restrictive” and/or whether the possibilities to apply Article 1F are indeed “maximally utilized”.\(^\text{30}\) The 1997 statement by the State Secretary does suggest a broad interpretation of Article 1F, which should result in a (relatively) high number of 1F exclusions. The study


29. These countries were selected because they are all known to have a specific policy with respect to 1F cases and/or have specially designated units within the immigration and/or law enforcement and prosecution services for these cases.

30. See §2.1.2 above.
referred to above confirms that the number of 1F exclusions in the Netherlands is higher (both in absolute and relative numbers) than in the other states. While in none of the other countries the average annual number of 1F decisions exceeds 20 (e.g. in the UK, Belgium, Sweden) or is even considerably lower (e.g. in Denmark and Norway; Bolhuis & Van Wijk, 2015b), the number of 1F exclusion decisions in the Netherlands averages 38 per year. Of these six countries, the Netherlands only ranks fourth when looking at the number of first instance decisions taken on an annual basis. It is therefore safe to say that the number of 1F invocations in the Netherlands, compared to other European countries, is exceptionally high. This is possibly partly because the Netherlands considers exclusion before inclusion, as was noted above. The handling of 1F cases by specialised staff is less exceptional, as also Norway and the UK have specialised and dedicated units for such cases. In contrast, in Belgium, Denmark and Sweden, exclusion cases are handled by officers from all asylum departments (Bolhuis & Van Wijk, 2015b: 22).

In relation to the third guiding principle and the consequences of 1F-exclusion, the study shows that only in the Netherlands and Belgium the application of Article 1F results in a blanket bar to other forms of residence statuses. All the other states provide temporary permits to 1F-excluded individuals who cannot be returned, and periodically assess whether return is possible. Remarkably, and in stark contrast to the Dutch situation, in Norway and Sweden, 1F-excluded individuals can under certain circumstances also successfully apply for other residence permits. With respect to an assessment of the possibilities for criminal prosecution as a follow-up to 1F exclusion, in all of the countries studied a strong cooperation has developed between the immigration, law enforcement and prosecution services. The approach differs per country, however. Where in Belgium, like the Netherlands, all 1F files are forwarded to the police or prosecution office, in the other states the immigration services make a selection of cases to forward to the prosecution (Bolhuis & Van Wijk, 2015b: 30). In Denmark and the UK, the selection is informed by formal or informal

31 See supra note 30, Chapter 1. It must be noted, that the average annual number of 1F decisions in the Netherlands has decreased over the last few years. Still, over the period 2013-2016, the number of decisions averages 32,5 (30 in 2013, 50 in 2014, 30 in 2015, 20 in 2016; see Kamerstukken II 2014/15, 34000 VI, no. 4, 25 September 2014; Kamerstukken II 2014/15, 19637, no. 1952, 3 March 2015; Kamerstukken II 2015/16, 34000 VI, no. 89, 23 May 2016; and Kamerstukken II 2016/17, 34550 VI, no. 105, 8 March 2017).

32 Between 2008 and 2016, the Netherlands ranked fourth in the absolute number of first instance asylum decisions: Sweden (364.280), UK (243.715), Belgium (173.955), Netherlands (155.830), Norway (107.305) and Denmark (52.065). Data retrieved from the Eurostat asylum statistics, available online at <http://ec.europa.eu/eurostat/data/database>.

33 This approach possibly pushes the numbers because persons who would not fall within the refugee definition of Article 1A are still excluded. In other countries, in cases where someone falls outside the Article 1A definition, the assessment whether Article 1F applies will not be carried out.
guidelines. In the UK, criminal prosecution will for instance not be considered if there is a possibility of removal (ibid., p. 31). In all of the states studied, however, law enforcement and prosecution services have full access to the immigration files, once there is a final decision that Article 1F is invoked (ibid., p. 32).

In short, there are similarities between the Dutch policy and the policies in the other European states, especially when it concerns the element of criminal prosecution as a follow-up to 1F exclusion: in all of the six states studied by Bolhuis and Van Wijk (2015b), there is cooperation between the immigration services and law enforcement or prosecution services, and the latter have access to the files underlying 1F decisions. In relation to the other elements, it is striking that in the Netherlands substantially more individuals are excluded and that only in the Netherlands and Belgium individuals become illegal aliens after they have been excluded; in the Netherlands, the individuals also are declared persona non grata. This shows that states enjoy considerable discretion on how to fulfil their obligations under international treaties and EU law, which results in a plethora of different 1F policies. These inconsistencies can have the effect of making one country more ‘attractive’ for alleged war criminals than other countries.

2.3. International cooperation and criminal prosecution
This study focuses on the role a single state of refuge plays in administering criminal justice to asylum seekers who have been excluded under Article 1F of the Refugee Convention. However, in order to contribute to the administration of criminal justice to excluded asylum seekers states of refuge do not act alone. Successful criminal prosecution of international crimes is often dependent on close cooperation between states of refuge and states where the crimes occurred, but also other states of refuge. Furthermore, information from exclusion cases and more generally from immigration cases in one state, may be relevant to criminal cases in other states, because they may for instance hint to witnesses. The criminal prosecution of excluded individuals could thus benefit not only from strong national, but also international cooperation. In the context of the European Union, different initiatives have developed to facilitate cooperation between in particular law enforcement agencies, with a view of facilitating the criminal prosecution of

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34 The European Council noted in its Decision 2003/335/JHA of 8 May 2003: “The relevant national law enforcement and immigration authorities, although having separate tasks and responsibilities, should cooperate very closely in order to enable effective investigation and prosecution of such crimes by the competent authorities that have jurisdiction at national level.”

35 It is for these reasons that the Advisory Committee on Migration Affairs (ACVZ, 2008) recommended to intensify international cooperation between national and international law enforcement and immigration services with respect to Article 1F cases and to create an international 1F register.
amongst others excluded individuals; the Netherlands has played an important role in these different initiatives.

A first initiative is the EU Genocide Network.36 This network of national contact points was initially set up to facilitate judicial cooperation, but its function was broadened to also exchange information and share best practices (Human Rights Watch, 2014). The network is part of Eurojust in The Hague and has met annually since 2004 and biannually as of 2014. Meetings are attended by representatives of most of the 28 EU member states, as well as Norway, Switzerland, Canada, and the United States as observer states. The meetings not only serve to exchange information, but in the margins, bilateral relationships between practitioners from these countries are created and sustained, which can be valuable in individual cases. Not only prosecutors but also police investigators and sometimes immigration officials attend the meetings (ibid.). A second initiative is the extension of the mandate of Europol to include genocide, crimes against humanity and war crimes through the new Europol Regulation that came into force on 1 May 2017 (Regulation (EU) 2016/794 of 11 May 2016).37 With this, a ‘focal point’ was created for these crimes, on the initiative of the Dutch war crimes unit (Human Rights Watch, 2014). The idea is that information is collected centrally, which makes it possible to see relations between pieces of information and increases the efficiency of investigations.38 According to Human Rights Watch (2014), this could take the form of a shared database that could facilitate confidential information exchange between police investigators.

A third initiative is the development of a Treaty on Mutual Legal Assistance and Extradition for domestic prosecution of the most serious international crimes (the ‘MLA initiative’), led by Belgium, the Netherlands, Slovenia, and Argentina, Mali and Senegal; final negotiations about this treaty are expected in the course of 2019,39 and by March 2018 the treaty was supported by 59 states according to the Dutch

36 Formally the Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes was set up by European Council Decision 2002/494/JHA and reaffirmed with Council Decision 2003/335/JHA to ensure a close cooperation between the national authorities in investigating and prosecuting international crimes. See <http://www.eurojust.europa.eu/Practitioners/networks-and-fora/Pages/genocide-network.aspx>.

37 Article 3(1) and Annex 1 of Regulation (EU) 2016/794.

38 Kamerstukken II 2016/17, 34550 VI, no. 91, 21 December 2016; Kamerstukken II 2017/18, 34775 VI, no. 7, 10 October 2017.

The purpose of the treaty is to make it easier and less time-consuming to obtain mutual legal assistance for the purpose of international crimes prosecutions.

Besides cooperation between law enforcement and prosecution agencies, there have also been suggestions to increase cooperation between immigration services in relation to 1F exclusion and criminal prosecution as a possible follow-up. Bolhuis and Van Wijk (2015b) show that the cooperation between (European) immigration services is currently much more limited than between law enforcement and prosecution services and that much is to be gained. One suggestion has been to create an EU immigration network (see e.g. Human Rights Watch, 2014; Bolhuis & Van Wijk, 2015b), consisting of focal points for matters relating to 1F exclusion, modelled on the EU Genocide Network. In its most recent strategy paper, the EU Genocide Network has endorsed this suggestion. The feasibility of such a network was explored in a study by Human Rights Watch (2014: 91) and by Bolhuis and Van Wijk (2015b). The latter concluded that there seemed to be no major obstacles for creating such a network. They did note, however, that a network offers a forum, but does in itself not offer an infrastructure, nor a legal basis for exchanging information. Again on the initiative of the Netherlands, a meeting was organised in 2016 to set up such a network. The network was established under the auspices of the European Asylum Support Office (EASO) in 2017.

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