***Training Materials on the International Protocol***

**PART 2 MODULE 8 – ADDITIONAL SOURCES OF INFORMATION**

**Session objectives:**

* Recognising different sources of information – physical, forensic, documentary
* Understanding the professional and ethical limitations on evidence collection
* Identifying procedures for processing/recording crime scenes and documents

**Suggested duration of session:**  90 to 120 minutes

**Exercise:** None

**Relevant sections of International Protocol:**

Pages 61-68; Module 1 – Understanding Sexual Violence; Module 2 – Sexual Violence as an International Crime; Module 3 – Preliminary Considerations; Module 4 – Key Planning Topics; Module 6 – Testimony; Module 9 – Storing Information; Annex 6 & 7 – Chain of Custody; Annex 8 – Guidance on Photographing and Sketching; Annex 10 – Sample Sexual Assault Medical Certificate

This module provides the participants with detailed information on both potential types of information/evidence and the correct way to process and record such information. The trainer for this session must therefore have professional experience in dealing with evidence and, ideally, processing crime scenes. The trainer should refer back to Module 3 on Preliminary Considerations and Module 4 on Key Planning Topics to emphasise that the participants will have to carefully consider and plan for the types of information/evidence they may need to collect, and whether they have the necessary authority, staff and resources to do so without risking or causing unnecessary harm.

The trainer should also remind participants about the crucial principles of confidentiality and informed consent explained in Module 6 on Testimony and the practical requirements outlined in Module 9 on Storing Information, and should make absolutely clear that the participants should not collect any evidence or information which they cannot safely and appropriately store and maintain, potentially over a long period. The trainer should also research and highlight relevant information about the legal and evidentiary requirements under the law applicable to the work of the participants, and should flag to the participants what type of evidence or proof of sexual violence needs to be provided for civil or criminal claims and which organisations or individuals are permitted to collect or store it. The law on evidence and related procedures differs between jurisdictions.

It is made clear throughout this module and Module 9 on Storing Information that there are certain types of evidence – particularly physical and forensic evidence – which may require specific legal authorisation to collect and/or which should only be processed, handled or stored by trained professionals. If the participants do not have the necessary training or authority, they should not collect such information but may try to record or document it in other ways. The trainer should also emphasise that for many types of investigation and documentation (particularly those for advocacy or non-judicial purposes), it will not be legally or evidentially necessary to collect physical or forensic information, and that it may be possible to prove the same facts or elements using documents, photos or survivor/witness testimony. The participants should understand that, although they may encounter physical evidence at crime scenes or in the field, they should only collect it in genuinely exceptional circumstances (such as if they have no other means of recording or documenting the evidence and if they believe it may be imminently removed or destroyed).

The trainer should warn the participants that, in many contexts, because the crimes were committed far in the past, because of deterioration or tampering with evidence, because of the lack of medical services during contexts of mass atrocities, or due to other factors, there may not be any documentary, physical, medical, or audiovisual evidence to collect.  This may be more common than not.  However, the trainer should also emphasise that an absence of documentary, forensic, physical, medical or audiovisual evidence does not necessarily mean that there can be no justice for those crimes.  It should be highlighted that in international courts such as the International Criminal Court physical and forensic evidence are not necessary to prove sexual violence as an international crime, and that international crimes can be established solely on the basis of survivor and witness testimony.  Even in jurisdictions where it is uncommon or would be a new practice, the relevant authorities may gradually evolve to accept witness testimony where no other evidence exists.  The trainer should urge the participants to look for additional corroborating evidence where possible (or where necessary, if the relevant legal system demands that), but also to consider information obtained directly from survivors and witnesses as a central and critical component of their investigation/documentation efforts.

In relation to forensic evidence, the trainer should underline two key points: 1) that relevant forensic information about sexual violence can be much broader than just biological or medical evidence, and can overlap with physical, documentary and even digital information (i.e. clothing, ropes/ligatures, photographs, mobile phone records, bullet casings); and 2) that the collection and proper storage of forensic evidence should only be done with the assistance of trained professionals, since physical or forensic evidence which has not been handled or stored properly may degrade and become useless or may not be admissible in subsequent court proceedings to help establish responsibility for sexual violence. If the participants are not able to process or store forensic information safely and competently, or if they do not need to provide it as part of their legal or evidential requirements, they should not collect it. The trainer should encourage the participants to consider and discuss whether it is necessary for them to collect physical or forensic evidence as part of their investigation or documentation process, and whether they would have the relevant capacity, resources or authority to do so.

The trainer should ask participants if they have any experience with crime scenes or documentary evidence, and should encourage them to share their professional experiences and any useful lessons they have learned. The trainer should bring the participants through the suggested procedure for processing and recording crime scenes and documents, and ask the participants how this compares to their current practice. It should also be emphasised that, in order to be relevant and useable, any photos or video recordings must be clear, in focus and visually comprehensible. The trainer should provide examples of the three types of photos discussed in the Protocol – overall, context and close-up – to show how the combination of all three gives a better sense of the detail of the object and how it relates to its broader surroundings. Without including a scale or other means of measurement in the photo, it may not be possible to gauge the relative size or distance of objects or to properly represent the scene. The trainer should also include some examples of blurry, unfocussed or poorly composed photos and videos, to show the difference in the amount of useful or reliable information which can be identified depending on the clarity and consistency of the footage (i.e. a blurry photo of a four-legged creature could be a dog or a lion, an out-of-focus shot of a man wearing red could be Santa Claus or a member of the Arsenal football team). The participants should also be encouraged to find out more information about camera settings, light readings and using metadata from their photographs to maintain a photo log.