



Institute for International Criminal Investigations

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# **GUIDELINES FOR INVESTIGATING CONFLICT-RELATED SEXUAL AND GENDER- BASED VIOLENCE AGAINST MEN AND BOYS**

29 FEBRUARY 2016

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# CONTENTS

<b>1. PURPOSES OF AND INSPIRATION FOR GUIDELINES</b>	<b>1</b>
<b>2. GUIDELINES</b>	<b>4</b>
2.1. OVERALL LEGAL, INSTITUTIONAL, STRATEGIC, POLICY, PROCEDURAL AND FINANCIAL FRAMEWORKS	4
2.2 INVESTIGATION POLICY	5
2.3 COMPOSITION AND FUNCTIONING OF RELEVANT INSTITUTIONS	5
2.4 CAPACITY-BUILDING AND AWARENESS-RAISING OF STAFF	6
2.5 INVESTIGATION: PRELIMINARY RESEARCH	7
2.6 INVESTIGATION PLANNING: GENERAL CONSIDERATIONS	8
2.7 IN-DEPTH PRE-DEPLOYMENT ANALYSIS	8
2.8 INFORMATION-AND EVIDENCE-COLLECTION PLAN	9
2.9 INVESTIGATION TEAM	10
2.10 THREAT AND RISK ASSESSMENTS, AND REFERRAL AVENUES	11
2.11 INTERVIEW STRATEGIES, TECHNIQUES AND PRACTICES	12
2.12 MEDICAL AND FORENSIC INVESTIGATIONS	14
2.13 CAPTURE, STORAGE, MANAGEMENT, CONFIDENTIALITY AND DISCLOSURE OF INFORMATION AND EVIDENCE	15
2.14 ANALYSIS OF INFORMATION AND EVIDENCE	15
2.15 REPORTING, PUBLIC RELATIONS, AWARENESS-RAISING AND ADVOCACY	15
2.16 BUDGETING	15
2.17 REDRESS	16
<b>3 NOTES ON CONCEPTS</b>	<b>16</b>
<b>4 METHODOLOGY</b>	<b>17</b>
<b>5 CONSULTED SOURCES</b>	<b>19</b>
<b>ACKNOWLEDGMENTS</b>	<b>21</b>
<b>ABOUT IICI</b>	<b>22</b>

# GUIDELINES FOR INVESTIGATING CONFLICT-RELATED SEXUAL AND GENDER-BASED VIOLENCE AGAINST MEN AND BOYS

## 1. PURPOSES OF AND INSPIRATION FOR GUIDELINES

- 1.1. These guidelines are designed to assist criminal-justice and human-rights investigators, reporters and monitors (“investigators”) around the globe to fully and properly monitor, document and investigate (“investigate”) sexual and gender-based violence (“SGBV”) against men and boys that may amount to war crimes, crimes against humanity and genocide and other egregious violations of international humanitarian, criminal and human-rights law (“egregious violations”). For the purposes of these guidelines, such SGBV is referred to as “conflict-related SGBV, or “CRSGBV”.<sup>1</sup> It is hoped that such investigations – conducted in a manner which respects and protects the security of victims or survivors (“victims”) and witnesses and their rights to truth, justice, remedy, dignity and privacy – will contribute to efforts to properly acknowledge and report, better understand and prevent, and ensure accountability and redress for such violations.
- 1.2. The guidelines are designed to *complement* existing relevant investigation frameworks and practices, including those that currently focus on CRSGBV against women and girls or children. Egregious-violation investigation agencies and individual investigators<sup>2</sup> whose investigations frameworks and practices may not fully integrate and be attentive to CRSGBV against men and boys, can consider, modify and use these guidelines as they see fit.<sup>3</sup> It is recommended that guidance concerning awareness of and sensitivity to CRSGBV against men and boys be systematically integrated in all facets and stages of egregious-violation investigations – and in associated institutional, strategic, policy, procedural and legal frameworks. Unless this is done, such SGBV, just like CRSGBV against women, girls and others, may not be spotted and properly investigated, documented and addressed.
- 1.3. The Institute for International Criminal Investigations (“IICI”) has developed the guidelines with both criminal-justice and human-rights investigators in mind. However, the framework and language used are likely to resonate most with criminal-justice investigators, and so may require some adaptation for non-criminal human-rights investigation contexts.
- 1.4. Existing accountability-focused egregious-violation investigation frameworks, guidance, training resources and the like do not address CRSGBV against men and boys comprehensively and in detail; most such resources either fail to mention it at all or merely mention it in passing.<sup>4</sup> This is unsurprising. The world’s recognition of the pervasiveness, scale, forms and seriousness of CRSGBV against men and boys, though growing, remains sensitive and controversial. The varied nature and impacts, and the prevalence of such violations, are not yet widely studied and understood.

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<sup>1</sup> On concepts and phrases used in these guidelines see section 3.

<sup>2</sup> Ranging from citizen investigators and human-rights non-governmental organisations (“NGOs”) to national criminal-investigation and human-rights monitoring authorities, the Office of the Prosecutor of the International Criminal Court (“ICC”) and the Office of the UN High Commission for Human Rights (“OHCHR”).

<sup>3</sup> With due acknowledgment to the Institute for International Criminal Investigations and this publication where possible.

<sup>4</sup> See paragraph 4.2 and section 5.

To illustrate, the December 2013 “Report of Workshop on Sexual Violence against Men and Boys in Conflict Situations” of the Office of the Special Representative of the UN Secretary-General on Sexual Violence in Conflict (“OSRSG-SVC Report”) notes that the women, peace and security agenda of the UN Security Council and the wider international community over the past 15 years:

*“has had considerable success in drawing attention to the issue of sexual violence against women and girls in conflict situations, but has been silent on the related question of conflict related sexual violence against men and boys. **Despite mounting evidence that this is a major issue in a number of conflict situations around the globe, such violence continues to be under-reported, under-documented and under-acknowledged, thereby preventing victims from being availed much needed assistance and from accessing justice [...].***

*Even though the existing policy infrastructure mentioned above was developed to address all victims of sexual violence, including women, men and children, there remains little acknowledgement of the issue of men as victims of conflict-related sexual violence. **There has also been limited understanding of the phenomenon itself, or of the different needs of male victims of sexual violence compared to female victims, needs which call for specific programmatic and strategic adjustments [...].***

***In the few situations where serious investigations into actual levels of sexual violence have been done, the disparity between levels of conflict-related sexual violence against women and levels against men is rarely as dramatic as one might expect, and raises questions about the usefulness of claims that women and girls are ‘disproportionately affected’ by sexual violence [...].***

***In addition, due to limited understanding of the phenomenon, the skills-sets for investigating sexual violence crimes against men and boys are under-developed.** Most investigations of sexual violence conducted in conflict and post-conflict situations have focused on documenting sexual violence against women and girls. In addition, most existing tools and guidelines for documentation and investigation are designed with a male perpetrator and a female victim in mind; they contemplate a female interviewer, and spaces that are women and girl friendly.*

***Situations in which it is known that men and boys have been subjected to conflict-related sexual violence have been documented around the globe. Since 2000, cases have been documented in at least 25 countries from Latin and Central America, through Africa, the Middle East and Asia. North America is not excluded, with notorious examples of sexual abuse by US military of male captives in Iraq.***

*One study in Liberia found that while 42.3% of women combatants and 9.2% of civilian women had experienced sexual violence during the conflict, the same was true for 32.6% of male combatants and 7.4% of male civilians [...]. Although it is often assumed that civilians are the primary victims of sexual violence, and that military structures are populated by perpetrators only, the Liberian case suggests high levels of victims of male-directed sexual violence within military settings. This is echoed in US military reports that in 2012, 53% of reported cases of sexual abuse within the US military were against men.”*

The report highlights the general failure of existing SGBV and related publications, training materials, tools, policies, laws and institutions to tackle this problem – even if and when they proclaim to be concerned with all victims of CRSGBV. (OSRSG-SVC Report dated 5 December 2013, pp 5, 7, 9 and 11. Emphasis added.)

- 1.5. The situation sketched above generally is as relevant today as it was in December 2013. It requires, among other responses, the whole-scale review of existing widely-held and institutionalised assumptions about the roles and experiences of men and boys in conflict. It also requires the re-assessment of existing frameworks and practices concerning accountability-focused investigations of CRSGBV that may amount to egregious violations. This in no way suggests any reduction in the attention given to CRSGBV against women and girls. On the contrary, it calls for increased attention on the diverse ways in which CRSGBV targets and impacts women, men, girls, boys and other sexual and gender identities, including lesbian, gay, bisexual, transgender/trans\* and intersex people. It also demands analyses of the different ways in which gender norms and gender identities underpin CRSGBV against all those categories of people.
- 1.6. A cursory examination of existing criminal-justice and human-rights investigation frameworks, practices and related materials on CRSGBV generally shows that their main focus, as far as victims are concerned, is on women and girls. They give insufficient attention to the possibility of men and boys

(or other sexual and gender identities) as victims. Further, they show little appreciation for the need to examine, in the context of specific investigations, what links and differentiates the experiences and needs of women, men, girls, boys and, importantly, of relevant sub-groups within those groups, such as women, men, girl and boy victims of different ages, physical and mental abilities, and national, ethnic, religious and cultural backgrounds. Current investigation frameworks and practices generally do not sufficiently alert investigators to the seeming probability of the existence of SGBV against men and boys in most (if not all) conflict-related contexts, or to the need to look for, investigate and document such violations. They also fail to highlight relevant, likely and often unique investigation pitfalls and challenges, or they do not provide sufficiently detailed guidance on how to address them.

- 1.7. These guidelines, intended to fill the noted gaps<sup>5</sup> in accountability-focused investigation frameworks and practices, were developed by IICI with the assistance of experts in SGBV, including experts on SGBV against men and expert human-rights and criminal-justice investigators, and with financial support from the Preventing Sexual Violence Initiative (“PSVI”) of the UK’s Foreign and Commonwealth Office. Section 4 contains a list of experts who assisted with the guidelines’ development; it also sets out the methodology used, and highlights gaps in the range of consulted expertise (including concerning CRSGBV against boys<sup>6</sup>).
- 1.8. Users of the guidelines should critically assess their potential modified applicability in different institutional, national, international and other relevant contexts. Some guidelines might have to be revised in the future as understanding of the nature, scale, impact and other aspects of CRSGBV against men and boys – including of the importance for investigations of differences flowing from the intersections between sex, gender and, for example, age, and ethnic and religious backgrounds – improves, and as experience accumulates in properly investigating such violations for the purposes of ensuring accountability.
- 1.9. It is assumed that the main intended audience of this document already is familiar with one or another set of egregious-violation investigation approaches and practices, including SGBV-investigation approaches and practices, as well as related legal, policy, institutional and procedural frameworks. As the guidelines are meant to be complementary to existing relevant investigation frameworks and practices, users should not expect a comprehensive, step-by-step guide to investigating CRSGBV against men and boys. By and large, that which is or should be standard or common to accountability-focused investigations into other forms of egregious violations (including SGBV against women and girls) is not repeated in these guidelines.
- 1.10. The guidelines contain little explanation and commentary, as it is assumed that the main intended audience of this document would not require such explanation and commentary on every point, or that they would familiarise themselves with the necessary additional detail. For those unfamiliar with CRSGBV against men and boys (including its global scale, the numerous forms of such violence, the impacts of such violence on victims, and misconceptions about the sexual and gender identities of victims and perpetrators), useful starting points for gaining the understanding necessary to critically reflect on these guidelines and to craft tailored investigation guidelines would include several of the sources listed in section 5.<sup>7</sup>

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<sup>5</sup> But, see paragraph 4.7.

<sup>6</sup> Evidence and statistics concerning conflict-related SGBV against men are scarce; for boys, they are almost absent. See eg Dolan Briefing Paper, p 2.

<sup>7</sup> Sources worth singling out are the OSRSG-SVC Report referenced above; and C Dolan, “Into the mainstream: addressing sexual violence against men and boys in conflict, A briefing paper prepared for the workshop held at the Overseas Development Institute, London, 14 May 2014” (Dolan Briefing Paper).

## 2. GUIDELINES

### 2.1. OVERALL LEGAL, INSTITUTIONAL, STRATEGIC, POLICY, PROCEDURAL AND FINANCIAL FRAMEWORKS

- 2.1.1 All legal, institutional, strategic, policy, procedural and financial frameworks for egregious-violation investigations, both at macro and micro levels,<sup>8</sup> should explicitly promote and facilitate the proper investigation of (and pursuit of accountability and redress for) CRSGBV against men and boys<sup>9</sup> (and women, girls and other sexual and gender identities). All facets and stages of such investigation frameworks, and processes arising from such investigations should be attentive to CRSGBV against men and boys and be appropriately aligned.
- 2.1.2 Where such frameworks require modification but such changes would take time, potential alternative or interim means for pursuing the proper investigation of CRSGBV against men and boys should be explored, including through the creative interpretation of existing frameworks. For example, where the law defines rape in a manner that excludes males as potential rape victims (and/or females as perpetrators) it may be possible to investigate the said conduct as forms of serious violations (other than rape) that include men and boys as victims.

A recent survey of the national laws of 189 countries found that: “**90 per cent** of men in conflict-affected countries are in situations where the law provides no protection for them if they become victims of sexual violence; **62 countries**, representing almost two-thirds of the world’s population, only recognize female victims of rape; **67 states** criminalise men who report abuse; [i]n **28 countries** only males are recognised as perpetrators of sexual violence – not females.” (See Dolan Briefing Paper, page 6. Bullets removed.)

- 2.1.3 Relevant frameworks – and related management decisions – should be in conformity with international law, including concerning the rights of children. They should also reflect the principles of inclusivity and impartiality.
- 2.1.4 Depending on the specifics of the context and issue at hand, relevant frameworks may have to use gender-inclusive language (e.g., “women, men, girls, boys and/or other sexual and gender identities”) rather than gender-neutral language (“persons”).
- 2.1.5 Where necessary or appropriate, relevant frameworks should be attentive and responsive to differences between different ages of men and boys and other forms of diversity within such (sub-) groups. These can include national, ethnic, racial, religious, class and cultural diversity, as well as diversity that may relate to different sexual and gender identities.

<sup>8</sup> Macro-level frameworks are those at the national, (sub-)regional and international levels. Micro-level frameworks are those of investigation agencies, divisions or mechanisms themselves (including national police investigators, investigation wings of prosecution offices of international and hybrid criminal courts, victims’ counsel of such courts, UN or (sub-)regional commissions of inquiry and fact-finding commissions, and human-rights monitors of the UN and NGOs), and of other relevant components of justice systems (including prosecution services and their case-selection policies, and judiciaries).

<sup>9</sup> The phrase “men and boys” is used for practical reasons. That does not mean that all relevant investigations should focus on both men and boys; some may focus on either men or boys. Also see section 3.

## 2.2 INVESTIGATION POLICY

- 2.2.1 Egregious-violation investigation policies (at macro and micro levels) should expressly prioritise SGBV against men and boys (and women and girls, and other sexual and gender identities). See also paragraphs 2.1.4 and 2.1.5. Unless SGBV against men and boys (and other sexual and gender identities) is specifically prioritised, it risks being missed, ignored or not given the necessary attention.
- 2.2.2 For example, in relation to criminal-investigation mechanisms, micro-level investigation policies should guide investigators, analysts, prosecutors, legal advisers, victims' counsel and management to specifically consider CRSGBV against men and boys at every step of the pre-investigation, investigation and post-investigation process. (At the ICC, this guideline would extend to the preliminary-examination phase.)
- 2.2.3 Egregious-violation investigation policies should underscore that perpetrators of SGBV violations against men and boys can be men, women, boys and/or girls, and that perpetrators' forms of participation or involvement in such violations can range from direct physical perpetration and aiding and abetting of the prohibited conduct to remote perpetration, including by civilian superiors and military commanders who fail to prevent or punish such conduct. As a matter of law, the most responsible and/ or high-level perpetrators can in principle be as implicated in such violations as lower-ranking perpetrators or "foot soldiers". Such policies should guide investigators to gather information and evidence vis-à-vis all potentially legally relevant forms of participation or involvement, up and down chains of command.
- 2.2.4 As in relation to other kinds of egregious violations, investigation policies should underscore that evidence and information concerning CRSGBV violations against men and boys may be secured from a wide range of sources, including from victims and witnesses, social-science research, social media and other internet sources, NGO reports, reports of and other information held by the UN and similar international organisations,<sup>10</sup> demographic data and medical reports.

## 2.3 COMPOSITION AND FUNCTIONING OF RELEVANT INSTITUTIONS

- 2.3.1 The vertical composition of all relevant institutions, units and teams, including investigation and management teams, should facilitate and support the proper and full investigation of CRSGBV against men and boys (and others). This includes how they are structured and the diversity, background and expertise of their staff. Relevant components and staff would range from investigators, analysts and prosecutors to interpreters, translators and senior managers. In considering the composition of any institution, unit or team, particular attention should be paid to gender, age, nationality, ethnicity, religion, language skills and the like. Also see paragraph 2.9. Depending on the circumstances, this may both maximise their credibility to respondents in a given investigation, as well as their capacity to properly investigate the violations.
- 2.3.2 Depending on various factors, it may or may not be advisable to create or maintain temporary or permanent special units comprised of SGBV and psycho-social experts – which should include expertise on CRSGBV against men and boys – to advise and otherwise assist investigators, prosecutors, analysts, managers and others within the institution. The potential challenges and pitfalls of having such units (including concerning their powers vis-à-vis other institutional components, and their general as opposed to conflict-specific expertise) need to be carefully considered and addressed. The

<sup>10</sup> In this regard, assuming that access can be secured, information collected through the monitoring and reporting mechanism (MRM) on children and armed conflict may be helpful.

foregoing also applies to the employment, or the ad hoc use of, in-house or outside special advisers on CRSGBV against men and boys.

- 2.3.3 Recruitment policies and rules should be attentive to CRSGBV against men and boys. Recruitment of new staff (broadly defined to include ad hoc consultants, and ranging from investigators to interpreters, as noted in paragraph 2.3.1) should include appropriate assessments of their awareness of and attentiveness to SGBV against men and boys. Their contracts should be subject to their satisfactory completion of relevant competency assessments (see paragraph 2.4), and include anti-discrimination and anti-exclusion clauses.
- 2.3.4 Other staff policies and rules, including concerning gender, working with children, anti-discrimination and performance evaluations, should be attentive to SGBV against men and boys.
- 2.3.5 Organisational and strategic reviews should include assessments concerning the above issues.

## 2.4 CAPACITY-BUILDING AND AWARENESS-RAISING OF STAFF

- 2.4.1 All investigators and other relevant staff members (broadly defined to include short-term consultants, and ranging from, as relevant, senior management to medical examiners, intermediaries, interpreters, translators and drivers) should participate in tailored and well-designed awareness-raising and capacity-building programmes. At institutions such as international or hybrid criminal courts and in national criminal-justice systems, relevant components and staff would include judges, defence-team members and victim/witness-support staff. Other organisations, including human-rights NGOs and truth commissions, should also ensure the necessary cross-system/organisational awareness-raising and capacity-building.

“Internalised feelings of shame, fear of stigmatization, and legal frameworks and social services that do not recognise men as victims prevent the majority of victims from reporting to the authorities. Gendered assumptions, which for centuries obscured the rape of women and girls, continue to operate to mask what is happening to men and boys; where rape is construed as a violation of women who are regarded as the **property** of men it is difficult to see men as victims. Where women remain **essentialised** as submissive, weak and vulnerable it is difficult to acknowledge that they can be perpetrators. When a ‘real man’ is defined as strong and in control and invulnerable, it is easy to assume that if he was engaged in a same-sex act, then surely **‘he must have wanted it’**. And where understandings of sexuality and physiology are limited, it is not surprising that if a victim has a physiological response such as an erection, this is mistakenly taken to mean that he was enjoying it.” (Dolan Briefing Paper, page 2.)

- 2.4.2 As appropriate and necessary, the content of awareness-raising and capacity-building programmes should address issues such as:
- legal and other principles and rules concerning, and the investigation-relevant practicalities of, non-discrimination, informed consent, victims’ agency, the “do no harm” principle, confidentiality, and, in relation to boys, the “best interests of the child” standard
  - the varied nature and scale of CRSGBV against men and boys (and of the potential relevance of other differences relating to, for example, age, religious and ethnic background, physical and mental abilities, and in the case of boys, different levels of dependency on family and communities), including societal influences on and red-flag locations of such violence
  - dealing with potential governmental, community and other non-governmental opposition to investigating and addressing CRSGBV against men and boys



- associated physical, mental, social and economic harms suffered by different victims of such violations, including with reference to victims of, for example, different ages, national, ethnic and religious backgrounds, and mental and physical abilities
- myths, preconceptions and stereotypes concerning such SGBV, including in relation to sexual identity and orientation, gender identity, the incidence and prevalence of SGBV against men and boys during peacetime and conflict, and that such SGBV are not always crimes of opportunity
- physiological and other responses to CRSGBV, including involuntary erections that men or boy victims may experience in coercive circumstances (see also paragraph 2.11.7)
- relevant substantive, evidentiary and procedural law
- potential signs or indicators of CRSGBV against men and boys (see paragraph 2.10)
- perpetrators' perspectives and motives
- how to make it easier for men and boy victims to disclose and talk about the sexual violence which they have endured or witnessed
- how to investigate, document, analyse and otherwise respond to allegations of CRSGBV against men and boys
- related psychological responses of investigators and other staff to SGBV against men and boys.

## 2.5 INVESTIGATION: PRELIMINARY RESEARCH <sup>11</sup>

- 2.5.1 Generally, the actual or possible perpetration of CRSGBV against men and boys (just like CRSGBV against women, girls and other sexual and gender identities) should be an explicit component of preliminary (mainly, desk-based) research, even in situations where investigations have been triggered by allegations of CRSGBV against women and girls, or where there have been no SGBV allegations. This will help guide subsequent investigation activities, including the preparation of an investigation plan and the deployment of investigators to the field.
- 2.5.2 Reports and other information that such SGBV is being or has been committed, as well as indicators and circumstances (such as situations of detention, and other circumstances in which power can be exercised unaccountably and with impunity) that may suggest that such SGBV may be or have been committed, should be researched with a view to helping determine if and how the investigation plan should cover such allegations or possible violations. In this regard, also see relevant parts of paragraphs 2.6 and 2.11. The preliminary research should factor in the potential personal and structural biases of authors and publishers of reports on, and information-sharers of, CRSGBV.<sup>12</sup>
- 2.5.3 Another example of something that should be researched (where it has not already been done) is the physiological responses that male victims can experience during SGBV, such as involuntary or reflexive erections or ejaculation. See also paragraph 2.11.8.

<sup>11</sup> The preliminary-research phase, the preparation of the investigation plan (addressed in section 2.6) and the in-depth analysis to be undertaken prior to deployment to the field (addressed in section 2.7) are distinct phases.

<sup>12</sup> See eg Graduate Institute Report, p 2: “[Michele] Leiby argued that it is important to note the difference between what is being reported by the victim and what is being coded by the interviewer. Although it is often assumed that men do not report sexual violence, when they do talk about it, it is not uncommon that interviewers miss such stories, coding them a torture instead of sexual violence. Gender identities also affect coding: in her analysis, Leiby found that male interviewers were less likely to interpret stories as sexual violence than female interviewers.”

## 2.6 INVESTIGATION PLANNING: GENERAL CONSIDERATIONS

- 2.6.1 The written investigation plan<sup>13</sup> – a management tool prepared on the basis of preliminary research (developed in phases, and continuously reviewed as necessary) and used as an overall and consolidated guide for the effective, efficient and coordinated conduct of an investigation – should expressly include CRSGBV against men and boys. Relevant general components include the strategic objectives of the investigation, the information required to meet those objectives and how it is proposed that the investigation should proceed.
- 2.6.2 More specifically, when at issue and as appropriate, the investigation plan should enable investigation managers to communicate to investigators:
- which allegations of CRSGBV against men and boys to investigate
  - the potential crimes/violations, the applicable law, and related to that, the evidence they need to collect to satisfy the elements of those crimes/violations
  - the potential suspects
  - the critical witnesses and groups that may include victims and witnesses (for example, male victims of CRSGBV often are concentrated among refugees or internally displaced people, as well as among ex-combatants and detainees or prisoners)
  - other sources of information and evidence to target
  - the context-specific risks associated with investigating CRSGBV against men and boys (in this regard, see, for example, the eighth bullet of paragraph 2.7.2)
  - the tasks to be completed in the investigation (including in relation to securing any legally required consent from boys' guardians for them to be interviewed, which requirement often can entail difficulties in conflict and post-conflict contexts, including where boys have been separated from their family)
  - the investigation principles and practical guidelines that would guide how investigators go about their work, including in relation to: principles concerning informed consent; the capture, management and confidentiality of information and evidence; and referral avenues for victims
  - the resources (including skill-sets and financial resources) required to investigate those allegations.

## 2.7 IN-DEPTH PRE-DEPLOYMENT ANALYSIS

- 2.7.1 Prior to investigators' deployment to the field, in-depth research and analysis have to be undertaken on a range of issues, among which, subject to the objectives and other elements of the investigation (captured in the investigation plan), should be issues related to the investigation of CRSGBV against men and boys.
- 2.7.2 Issues relevant to the specific investigation that should be researched, analysed and understood in more depth include those highlighted in paragraphs 2.5.2 and 2.6. Additional issues are<sup>14</sup>:
- Broader context (including regarding gender and sexual roles and attitudes in the relevant community; and community attitudes to male victims of SGBV).
  - Broader language (eg, euphemisms and colloquialisms); body language; sounds; and other cultural, social, religious and historical markers and issues related to gender, sex, SGBV generally and SGBV against men and boys specifically (eg, some male victims may say things like "they made me a

<sup>13</sup> Not all criminal-justice and human-rights investigators prepare or are required to prepare and use a *written* investigation plan along the lines covered in these guidelines. Even so, all accountability-focused egregious-violation investigations would ordinarily proceed on the basis of some form of plan (written or unwritten), most of which would contain elements similar to those covered in these guidelines.

<sup>14</sup> Depending on the circumstances, some of these issues would not be specific to particular investigations.

woman/wife”, “they used me like a woman/wife/girl”, “I was homosexualised”, “they did terrible things to me”, etc).

- Crime/ violation patterns – or the absence of patterns – relating to factors such as age, gender, gender identity, gender diversity and sexual orientation in the context of the conflict.
- The various context-specific forms that CRSGBV against men and boys can take, including in relation to victims of different ages, backgrounds and the like.
- The sex of perpetrators.
- Complexities concerning victims who may also have perpetrated SGBV or who may perceive themselves to be perpetrators (some men or boys who have been forced to rape others may think that they are or would be seen by others and the law as perpetrators).
- Gaps in information and evidence related to CRSGBV against men and boys, and whether these are due to the absence of such violations or, for example, poor preliminary and later research, or personal biases.
- All potentially relevant components of national and/or international law. As far as the applicable legal framework of the particular investigation is concerned, such components would include likely violations/crimes; modes of liability or forms of participation; grounds for excluding liability; bars to the exercise of jurisdiction (criminal and other); procedural law; and evidentiary law, including concerning corroboration. Examples of other important legal-framework issues are that the law of numerous national jurisdictions does not recognise men and boys as potential victims of SGBV (ie, it defines SGBV in ways that cast only women and girls as potential victims of violations and crimes committed by men or boys); and criminalises same-sex sexual acts in ways that implicate male SGBV *victims* as perpetrators (thus constituting an obstacle to them coming forward to speak to investigators and exposing them to potential national investigation and prosecution should the evidence that they provide to investigators become known). As earlier noted, particulars of the applicable law on children (including concerning any requirement to secure the consent of guardians before interviewing them) must also be identified (see also paragraph 3.9).
- Suspected direct and indirect, physically present and remote individual perpetrators and implicated governmental and non-governmental groups and forces (including their command structure and gender composition).
- Comprehensive threat and risk assessments, including relevant referrals (see paragraph 2.10 for more detailed guidelines on this issue).
- Where relevant in relation to boys, the legality, advisability and practicalities of them testifying in any later court or other proceedings.

2.7.3 For investigation agencies requiring or recommending pre-interview screening of victims and witnesses to be interviewed, it would be important to consider that during this early a phase it is unlikely that such screening would generate disclosure of incidents of SGBV. In most instances this type of information will only be forthcoming in a face-to-face interview, conducted by an experienced interviewer, where a high level of trust has been developed between the interviewer and the interviewee. An experienced interviewer may be able to spot indicators or red flags that CRSGBV may have occurred during such screening.

## 2.8 INFORMATION-AND EVIDENCE-COLLECTION PLAN

- 2.8.1 An information-and evidence-collection plan, developed as part of the investigation plan and based on prior in-depth research and analysis, should comprise elements such as:
- the kinds of information or evidence required to prove or otherwise support allegations of CRSGBV against men and boys

- what that information or evidence “looks like”
  - where it is likely to be located
  - how can it be – properly – obtained.
- 2.8.2 Depending on the context, locating – and accessing – human or other sources on such violations is likely to be a challenge. As CRSGBV against men and boys generally is under-acknowledged and-reported and more hidden, extra effort might be required to craft a practically useful information- and evidence-collection plan that would help guide investigators to secure information and evidence concerning such violations.
- 2.8.3 Relevant information or evidence may include previous statements by victims and witnesses, given to, for example, the media, civil-society groups, academic researchers, first responders and other humanitarian-aid providers, and other investigating authorities.
- 2.8.4 As far as CRSGBV against men and boys are concerned, such a plan would generally have to provide for the distinct possibility of multiple interviews (and thus more overall time) per victim or witness. Establishing the atmosphere and trust necessary to elicit evidence of such violations can be time-consuming.
- 2.8.5 Related to this is the need to plan carefully for how such victims and witnesses would be approached and where interviews would be conducted. Generally, male victims in particular have heightened concerns about privacy and confidentiality. As mentioned earlier, in numerous countries male victims reporting SGBV may be criminally prosecuted. In many contexts where homophobia exists, communities or individuals would consider male victims of such violence to be homosexuals; in some countries, such suspicion may result in death or other serious consequences. See paragraph 2.10.
- 2.8.6 As already intimated, locating and accessing sources on such violations might, depending on the circumstances of each investigation, require different and sometimes additional resources when compared to that required for investigations concerning SGBV against women and girls. This may or may not be the case with a particular investigation, victim or witness.
- 2.8.7 An information- and evidence-collection plan needs to be periodically reviewed, including for the purposes of deciding when sufficient information or evidence has been obtained to conclude particular lines of inquiry. Extra care might have to be taken to avoid the premature closing down of inquiries into CRSGBV against men and boys, not least because of the risk that male victims of such violations would not later want to repeat or testify to the violations, and because other users of such information and evidence, including senior managers, judges or political actors, may be uncomfortable (or worse) about addressing the issue, in which case a significant volume of good-quality information and evidence may make it more difficult for them to ignore.
- 2.8.8 On pre-interview screening, see paragraph 2.7.3.
- 2.8.9 On the seizure, storage, management, confidentiality and disclosure of information and evidence concerning CRSGBV against men and boys, see paragraph 2.13.

## 2.9 INVESTIGATION TEAM

- 2.9.1 An investigation team, whose members must be appropriately qualified and attentive to CRSGBV against men and boys, must be carefully selected in good time. Depending on the circumstances, the team would include not only investigators, but also intermediaries, interpreters, translators, analysts, psychologists and other support staff such as fixers, administrative staff and drivers. The investigation plan should include relevant guidance concerning the vetting, appointment, pre-deployment preparation, management, supervision and debriefing of members of the investigation team. Also see paragraphs 2.3 and 2.4, including on staff diversity and capacity-building and sensitisation. Pre-

deployment briefings and sensitisation of investigations teams should cover, among other elements, general and context-specific issues concerning the investigation of CRSGBV against men and boys.

- 2.9.2 Ideally, teams would be diverse and large enough to allow interviewees a choice between, for example, female or male interviewers and interpreters. There seems to be no general preference among men and boy SGBV victims for male or female interviewers and interpreters, though those who do have such preference seem to feel strongly about it. There may generally be a preference among men and boy SGBV victims for older interviewers, but this impression requires further testing. Ultimately, some victims will prefer younger or similar-aged interviewers, or may not have strong views at all on this; the same applies to other factors such as ethnic or religious background.
- 2.9.3 Depending on the investigation circumstances, extra care should be taken with the vetting, selection and pre-deployment preparation of interpreters and intermediaries, so as to ensure their awareness of, attentiveness to and willingness to work on CRSGBV against men and boys.
- 2.9.4 Very importantly, during and after deployment, investigation teams should self-monitor and/or be professionally monitored for vicarious traumatisation, also in relation to them working on CRSGBV against men and boys.
- 2.9.5 Deployment and/or post-deployment debriefings should include a focus on the specificities of CRSGBV against men and boys, with the aim of improving the team's performance in investigating such violations and identifying lessons and good practices, not only for the team itself, but for the larger institution and, if possible, the international community at large.

## 2.10 THREAT AND RISK ASSESSMENTS, AND REFERRAL AVENUES

- 2.10.1 During investigation planning, and during later phases of an investigation, threat and risk assessments must specifically include a focus on threats and risks associated with investigating CRSGBV against men and boys. Threats and risks to be carefully analysed and planned for by putting in place risk-avoidance and management strategies and plans (with the necessary extra attention being given to the interests of boy victims and witnesses) include:
- Real and imagined security threats and risks to investigators and other members of the investigation team (including drivers, intermediaries and interpreters), victims and witnesses of SGBV against men and boys, as well as alleged perpetrators, including regarding their immediate family and community. Examples of such risks include:
    - Victims (and perpetrators) being assumed to be homosexual, which can result in them being abandoned by wives and children, excluded from families and community spaces (including from schools in the case of boys), exposed to public ridicule and humiliation from service providers and further sexualised attacks – and worse.
    - Depending on the context, investigators who talk to male victims may also be seen as “promoting homosexuality”, which can result in the investigation being blocked or hampered by, for example, authorities, communities, intermediaries or interpreters.
    - Where victims are living in close proximity to perpetrators (as is often the case in refugee/displacement settlements) the perpetrator may suspect that disclosure is occurring and seek to take reprisals against victims.
  - The medical, psychological and psycho-social condition of victims and witnesses of such SGBV (on pre-interview screening, see also paragraph 2.7.3).
  - The risk of vicarious traumatisation of investigators and other members of the investigation team.
  - The risk of unauthorised and accidental disclosure of the identity and other information concerning witnesses and victims.

- 2.10.2 During investigation planning, and during later phases of an investigation, previous, current and, if necessary, future medical, psychological, psychosocial, protection and legal support for male SGBV victims and witnesses should be noted and planned for, including any special care to be arranged for boys.
- 2.10.3 At present, such assistance services (ranging from emergency-humanitarian support and emergency medical care to longer term support) are unavailable or untailored and inaccessible for male SGBV victims in most conflict and conflict-affected environments. In some instances, this situation is exacerbated by the unwillingness or reticence of some donors and service and assistance providers to include male victims in their scope of work. Consequently, planning for possible referrals of male SGBV victims will present special challenges in such environments. Individuals, expert groups and organisations, and authorities and community groups, where they exist, should be mapped and vetted for their suitability as potential referral points for male SGBV victims, including in relation to their willingness and ability to assist them confidentially. The investigation plan should also include strategies, plans and guidance in the event that there are no suitable or potentially suitable referral points for male SGBV victims; depending on the circumstances, investigators may have to forego contact with such victims and witnesses until suitable referral points are in place.
- 2.10.4 In relation to boy victims in particular, extra attention should be given to such referral strategies and plans, including the question of whether or not to inform their immediate carers such as family, guardians and care-givers.

## 2.11 INTERVIEW STRATEGIES, TECHNIQUES AND PRACTICES

- 2.11.1 Parts of this section are more relevant to men than boys, and it may not cover specificities concerning the interviewing of boys. As with other components of these guidelines, users will have to ensure that they are familiar with relevant child-specific laws, practices and standards, and that all frameworks and practices, including concerning interviewing, are aligned accordingly.
- 2.11.2 In many contexts several factors, including cultural norms of masculinity, make it difficult for male victims of CRSGBV to talk with anyone about their ordeal. Consequently, investigators may find it very challenging and/or time-consuming to get such testimonial evidence. Therefore, extra care should go into planning and conducting interviews with such victims so as to secure the necessary evidence while fully respecting their well-being, privacy and other rights.
- 2.11.3 Aspects of planning and conducting interviews that may deserve special care include:
- Location/venue of interview, set-up of interview space and (longer) duration of interview(s): As noted earlier, male victims of SGBV generally are especially loath to talk about the violations they have been subjected to, thus generally requiring more time than seems to be the norm to establish the necessary trust and rapport with investigators; this may also necessitate multiple interviews. In relation to interviewing boys, depending on the particular context, a relevant consideration may be to have suitable toys at the interview; props such as dolls and drawing tools may also be useful.
  - Number of interviewees: Victims should be interviewed one at a time.
  - Number, age and gender of interviewer(s) (and any interpreter): Interviewees should be asked for their preferences on these factors, and investigation teams should have strategies and plans in place in case they cannot immediately respond positively to such preferences. (See also paragraph 2.9.2.)
  - Building trust and rapport.
  - Being prepared for the possibility of strong emotional or physical responses, including anger, tearfulness, prolonged silence, inability or unwillingness to continue the interview, dissociation

and/ or marked agitation. There can also be a sense of overwhelming relief at being able to talk about such crimes.

- Need for interviewer(s) to be wary of having, forming and conveying pre-conceived crime-labelling or violation-categorisation, and any preconceived ideas about what may or may not have happened to the victim and any related moral stance.
- Ensuring that questions posed and other remarks made by the interviewer are specific to SGBV against men and boys. (This would include the need to ensure that questions are gender-specific, as necessary.)
- Person-, age-group-, and community-specific language and euphemisms that victim interviewees may use to refer to SGBV that have been committed against them.
- As earlier noted, being aware of broader community views on SGBV by and against men and boys.
- Being forthright when discussing the conduct that may amount to SGBV, ie, do not use euphemisms for, for example, body parts (except as an interview technique to elicit a fuller or more accurate description of the conduct), and do not avoid asking victims for mechanical and detailed descriptions of the conduct which they have endured or what they were made to do to others.
- How to and in which format to record victims' statements.
- Issues concerning witness- and victim-protection (where applicable) and confidentiality, including confidentiality of evidence, and how any related concerns and requests by male victims should be addressed.
- As noted earlier, interviewers must be well prepared to handle issues concerning referrals of victims for protection, psychological and psycho-social, medical and legal support, including different referral pathways for men and boys.
- Expectation management.

2.11.4 Individuals, groups and communities may exhibit physical and non-physical indicators of SGBV against men and boys. Such indicators may vary between them, change depending on the specifics of each investigation, and change over time. Expert guidance on what such indicators may be should be secured prior to interviews, including in relation to boys. The presence or lack of indicators should prompt investigators to probe more, prior to and during interviews.

2.11.5 Examples of potential indicators sometimes exhibited by male victims are that they:

- have difficulty sitting and/or are constantly shifting in their seats
- smell of faeces or show other signs of incontinence
- continually take toilet breaks
- prefer to stand during interviews (and at other times)
- complain about lower-back pain
- sit with their heads down, hunched shoulders, and/or with crossed arms; avoid eye contact; and speak softly
- respond in agitation to questions about SGBV (eg, become restless and pace the interview space)
- demonstrate anger and irritability, including possible homophobia
- express strong preferences on the gender of interviewers and/or interpreters
- specify and accentuate the gender of perpetrators, such as making statements like "I was beaten by men" or "I was tortured by men" rather than identifying them as "soldiers", "rebels", etc
- use language or euphemisms such as "I was being made a woman/wife", "I was used like a woman/wife", "I was homosexualised", or "they did terrible things to me"
- have lacerations or other signs of possible self-harm.

- 2.11.6 Further examples of such indicators that investigators may not easily pick up during interviews with victims but which may appear during interviews with others or during other pre-interview research and analysis are:
- changes in family routines, sleeping patterns, or clothing preferences (eg, victims sleeping dressed when they used to sleep naked)
  - HIV and AIDS and sexually-transmitted diseases, anal fissures, faecal incontinence, long-running lower-back pain, injury to the genitals and hepatitis,
  - patterns of self-isolation or difficulty being with family or others, and social withdrawal – or social marginalisation and stigmatisation by communities
  - instances of deliberate self-harm and domestic violence
  - evidence of alcohol abuse, especially binge-drinking patterns
  - disinterest in sex
  - sexual dysfunction
  - existence of psychological conditions or responses such as depression, panic attacks, anxiety attacks, mood swings, etc
  - inability to do physical work.
- 2.11.7 Interviewing boys will generally require a special skill-set. For example, boys might be pre-sexual and use language different from adults to describe body parts and what they endured or witnessed. They might be unable to understand – and describe – the nature and extent of the physical and especially mental harm suffered. They might not think that they were wronged. They might be more reluctant to divulge information about superiors or adults, for fear of punishment or out of loyalty. Investigators should secure expert advice on such children-and boy-specific factors that are relevant to interviews (and other elements of investigations).
- 2.11.8 Some victims, regardless of sexual orientation or gender identity, may experience involuntary or reflexive erections and ejaculation during SGBV. This can cause significant harm to their sense of sexual identity, among other potential negative consequences. Evidence of such erections and ejaculation should as a matter of law and fact be irrelevant in the determination of perpetrators' liability for such SGBV. Such evidence does not suggest implicit or explicit consent nor should it raise any other possible defence or other ground to exclude criminal liability for SGBV in the circumstances of egregious violations. Moreover, interviewers need to be particularly attentive to how they respond to evidence of reflexive erections and ejaculation.

## 2.12 MEDICAL AND FORENSIC INVESTIGATIONS

- 2.12.1 As with other such crimes, medical examinations of victims and other forensic investigations may be useful and appropriate, and, in some national jurisdictions, may be legally required. Such examinations should only be conducted subject to the consent and rights of victims, and after consideration of any confidentiality and security concerns. Such examinations should only be conducted by physicians and other professionals with the relevant expertise, and only where there is the expertise and infrastructure to properly and safely analyse and store the results of any such examinations.<sup>15</sup> As with other such crimes, on its own the absence of any forensic evidence and physical signs of such SGBV does not mean that such violations have not taken place.

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<sup>15</sup> Many countries do not have the necessary forensic expertise and infrastructure. Moreover, in some countries only the state can authorise and process DNA sampling and testing, which, if such countries also outlaw same-sex sexual acts, may expose victims to the risk of investigation and prosecution, or worse.



**2.13 CAPTURE, STORAGE, MANAGEMENT, CONFIDENTIALITY AND DISCLOSURE OF INFORMATION AND EVIDENCE**

- 2.13.1 The investigation plan should include principles and procedures concerning the capture, storage, management, confidentiality and disclosure of information and evidence.
- 2.13.2 Information-capture and management systems and programmes (including apps) should facilitate the entry, search and analysis of information and evidence specific to CRSGBV against men and boys.
- 2.13.3 Data-entry staff and analysts should also be included in the awareness-raising and capacity-building of staff mentioned in paragraph 2.4).

**2.14 ANALYSIS OF INFORMATION AND EVIDENCE**

- 2.14.1 Paragraphs 2.3, 2.4, 2.5, 2.7, 2.10 and 2.13, among others, apply to analysts, analysis systems and analyses. Accordingly, and in general terms, analysts, analysis systems and their analyses should be aware of and attentive to CRSGBV against men and boys. Information and evidence concerning such SGBV – including indicators of such violations – must be specifically looked for, and analysts and analysis systems should be appropriately geared to covering such information and evidence and flagging that for investigators, prosecutors or other relevant colleagues.

**2.15 REPORTING, PUBLIC RELATIONS, AWARENESS-RAISING AND ADVOCACY**

- 2.15.1 In accordance with earlier sections, those responsible for researching and preparing reports (confidential or public) on investigations into CRSGBV against men and boys should be attentive to the need to do so properly, ethically and in accordance with confidentiality obligations, the “do no harm” principle (or any higher standards) and international best practices and applicable laws.
- 2.15.2 The mentioned guidelines also apply to those responsible for public relations, awareness-raising and advocacy. Considering the general lack of information and awareness of the scope, scale and pervasiveness of such SGBV, there may be a special need to publicise and focus attention on the issue. Individuals and organisations should do so responsibly, in accordance with carefully considered principles. They should do so in a manner that would contribute to drawing attention to such SGBV without detracting from the ongoing urgent need to address CRSGBV against women and girls (and other sexual and gender identities). There may also be private and public opposition to and pushback against a focus on CRSGBV against men and boys – for which a response strategy and plan should be in place.

**2.16 BUDGETING**

- 2.16.1 Legal, policy, and institutional changes required to integrate CRSGBV against men and boys into investigations systems and processes will require budgetary changes and allocations. These adjustments should be timely and should be made system- and process-wide.
- 2.16.2 The possible budgetary implications of integrating such investigations include:
- investigation teams may have to be larger than the norm because they must comprise male and female interviewers and interpreters in case such victims prefer one or the other sex only
  - investigation teams may have to spend more time in the field than is usual because it may take them longer to establish the necessary trust and rapport with such victims

- the cost of legal, policy and institutional reviews, awareness-raising and capacity-building, and, where necessary, securing expert advice and opinion, including expert witnesses to assist during court proceedings, and promoting the establishment of suitable referral avenues.

## 2.17 REDRESS

- 2.17.1 Any relevant recommendations, decisions (including judgments), programmes, mechanisms, policies and laws for redress (including compensation and reparations) should expressly include redress for victims of CRSGBV against men and boys.
- 2.17.2 Where applicable, the design, implementation and follow-up of such recommendations and the like should be informed by, among other relevant considerations, views of victims.

## 3 NOTES ON CONCEPTS

- 3.1. Generally, the practicality of concepts for the purposes and in the context of these guidelines has trumped other considerations regarding their use. Given the purposes of these guidelines, it is unnecessary to clearly define concepts. Moreover, as used in these guidelines, the meaning of some concepts differs from that of the same concepts used in other contexts.
- 3.2. **Egregious violations** refers to the international crimes of genocide, crimes against humanity and war crimes, and other egregious violations of international humanitarian, criminal and human-rights law that do not amount to genocide, crimes against humanity and war crimes. **Violations** includes the crimes of genocide, war crimes and crimes against humanity.
- 3.3. Egregious violations, including SGBV, as understood in these guidelines, usually are committed in the context of and are linked in some way to a conflict of some form. **Conflict-related sexual and gender-based violence (“CRSGBV”)** is used in that general sense. However, to be clear, as a matter of general international law only war crimes and other violations of international humanitarian law (or the law of armed conflict), including SGBV as war crimes, must be committed in the context of and be linked to an *armed* conflict, while other categories of egregious violations can be committed during peacetime. For the purposes of these guidelines it is unnecessary to explore the meaning of **conflict-related** and to define it clearly.
- 3.4. The meaning and use of **sexual and gender-based violence (“SGBV”)** can be contentious. The same goes for “sex”, “sexual violence”, “sexual crimes”, “sexualised crimes”, “gender-based crimes” and “conflict-related SGBV”. Suffice to note that for the purposes of these guidelines it is unnecessary to clearly define and explain the use of SGBV or related concepts, except to highlight:
- paragraph 4.7
  - that, given the focus of these guidelines on CRSGBV (ie, SGBV that amounts to egregious violations as used here), **SGBV** is used broadly so that it *includes* conduct:
    - that targets men and boys because of their sex, sexual orientation and/or socially-constructed gender roles, regardless of whether that conduct also involves sexual violence or not
    - that does not necessarily take place during armed conflict
    - of a sexual nature involving no physical violence or contact.
- 3.5. The investigation of conflict-related **sexual violence** against men and boys has been the primary focus of this project. The **gender-based** dimensions of such violations have not been considered as fully. Consequently, these guidelines may well be less useful for investigations into gender-based aspects of such violations than into their sexual violence dimensions.

- 3.6. **Men and boys, and boys:** Depending on the context, “men and boys” must be read as “men or boys” or “men and/or boys”.
- 3.7. Notwithstanding the use of the phrase “men and boys”, proper investigation practices would consider, as relevant, the different experiences and needs of boys and men of different ages, ethnic, cultural, religious, class, etc, backgrounds, and of different mental and physical abilities, and any differences in the gender logic underpinning CRSGBV against them.
- 3.8. Paragraph 4.7 is related and important.
- 3.9. In most contexts, male persons who are under eighteen years of age will be considered as children or boys. Importantly, the law (whether national or international) often recognises children’s special rights, and provides for tailored protection for them; such laws may be of great significance for how investigations are conducted. The law differs between jurisdictions.
- 3.10. An assumption of this project is that the experiences and needs of boy victims of CRSGBV may differ from that of girl victims of such violations (even if they were targeted as children, and not as boys or girls), and that sound egregious-violation investigation practices would plan for and be responsive to any such differences. A special focus on children generally – rather than on boys and girls, and within those groups, on sub-groups such as different age groups – would in some if not most instances be unsound.
- 3.11. **Witnesses** can include witnesses who also are victims.
- 3.12. **Victims** can be substituted with **survivors**.
- 3.13. Unless otherwise indicated, **investigations** mainly refers to accountability-focused criminal-justice and human-rights investigations, including monitoring and documentation (which are concepts more commonly used in human-rights contexts), undertaken by national or international investigators into CRSGBV against men and boys. It includes investigations by national police investigators, investigative judges and civil-society investigators for the purposes of supporting criminal and non-prosecutorial forms of accountability, and efforts to establish the truth about and provide redress to victims of such violations. Criminal investigations include those of national, hybrid and international criminal courts such as the ICC. Other investigations include those of international and other commissions of inquiry, fact-finding mechanisms, international and other arbitration and civil-liability mechanisms, and bodies such as truth and reconciliation commissions. Such investigations can be aimed at determining the liability of states, individuals, corporations and other organisations.
- 3.14. **(Investigation) frameworks and practices** includes (investigation) frameworks, strategies, policies, approaches, techniques, skills and (good) practices vis-à-vis crimes against humanity, war crimes and other egregious violations.

#### 4 METHODOLOGY

- 4.1. In June 2014, IICI held a 3-day long expert-group meeting to develop draft guidelines for accountability-focused investigations of CRSGBV against men and boys. The attending experts<sup>16</sup> were:
- Mr Jean-Jacques Badibanga (Office of the Prosecutor, ICC)
  - Ms Gloria Atiba Davies (Office of the Prosecutor, ICC)
  - Dr Chris Dolan (Refugee Law Project, Makerere University School of Law)
  - Ms I Maxine Marcus (international criminal law and gender expert)
  - Mr David Onen Ongwech (Refugee Law Project, Makerere University School of Law)
  - Ms Georgina Mendoza Solorio (OHCHR)

<sup>16</sup> See disclaimer in paragraph 4.6.

- Ms Kim Thuy Seelinger (Human Rights Center, University of California Berkeley, School of Law)
  - Dr John Tobin (consultant psychiatrist)
  - Ms Patricia Viseur-Sellers (Oxford University; independent gender expert; Special Adviser for Prosecution Strategies to the ICC)
  - Mr John Ralston (IICI)
  - Mr Gabriël Oosthuizen (IICI)
  - Ms Niamh Hayes (IICI).
- 4.2. In preparation for the project generally and for the expert-group meeting, IICI undertook a rudimentary desk-based survey of potentially relevant public investigation frameworks, practices and other materials.<sup>17</sup> Most of them are listed in section 5. Generally, priority was placed on identifying and considering investigation resources designed for criminal-liability purposes and/or for criminal investigators. Some of the consulted sources make no reference at all to SGBV against men and boys. Some do, but merely acknowledge that men (and/or boys) can also be victims of SGBV. Of the sources that go beyond such mere reference, almost none provides more than general relevant investigation guidance. None seeks to address issues specific to CRSGBV against men and boys in relation to every relevant facet of investigations. Absent from the list of consulted sources, or poorly represented, are resources developed by or for the human-rights community, including civil-society investigators, and guidelines for the investigation of egregious violations against children. Another seeming gap in the list concerns online tools for the capture and management of data on human-rights violations and other relevant crimes/violations.
- 4.3. Guided by the outcomes of the expert-group meeting, IICI prepared a first draft of the guidelines, on which the core group of experts then commented. They also commented on a second draft.
- 4.4. The third draft of the guidelines, reflecting changes made by IICI on the bases of the input of the core group of experts, was then sent to external experts for comment. External experts<sup>18</sup> who commented and agreed to have their contribution acknowledged are:
- Prof Diane Marie Amann (University of Georgia School of Law (USA); Special Adviser to ICC Prosecutor on Children in & affected by Armed Conflict)
  - Ms Véronique Aubert (Save the Children)
  - Ms Erin Gallagher (ICC)
  - Ms Emily Kenney (UN Women)
  - Ms Siobhan Hobbs (UN Women)
  - Ms Alison Smith (No Peace Without Justice).
- 4.5. IICI subsequently prepared a fourth draft version, guided by the input of the external experts. That version was adopted as the final version.
- 4.6. The core group of experts as well as the external experts contributed to the development of these guidelines in their personal capacity. *Contributing experts do not necessarily agree with all aspects of these guidelines.*
- 4.7. There are some important gaps in the range of expertise covered by the core group of experts who contributed to the development of the guidelines. The guidelines may therefore reflect the same gaps, notwithstanding efforts by IICI to address such gaps with the assistance of external experts. Two important examples of such gaps are expertise on CRSGBV against boys, and against sexual and gender minorities such as people who can be described or who self-identify as homosexual, bisexual,

<sup>17</sup> Accordingly, neither case-law (including of the ICC and the UN international criminal tribunals for Rwanda (ICTR) and for the former Yugoslavia (ICTY)) nor, in general, academic literature, have been considered. Such sources may contain some relevant guidance. With some exceptions, the survey was completed around the time of the workshop.

<sup>18</sup> See disclaimer in paragraph 4.6.

transgender/trans\* and/or intersex. Also see paragraphs 3.6 and 3.9. Readers would have to be mindful of such gaps and seek to address them if necessary and as appropriate when tailoring these guidelines for their own use.

4.8. IICI is the author, copyright holder and publisher of these guidelines, and is responsible for its content.

## 5 CONSULTED SOURCES<sup>19</sup>

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## ACKNOWLEDGMENTS

IICI is grateful to all the experts who have helped to develop these guidelines (see section 4 for the names of the experts who have agreed to be identified), with special thanks to the core group of experts who have participated in the expert-group workshop in June 2014 and have since then helped to revise draft versions of these guidelines.

IICI is also grateful to Jennifer Easterday. She was the rapporteur of the said workshop and wrote the first draft of the guidelines. She also assisted IICI's Gabriel Oosthuizen to finalise the guidelines.

Georgia Papadimitropoulou has, among other contributions, assisted with the compilation of research materials for the project.

IICI is grateful to the Preventing Sexual Violence Initiative ("PSVI") of the UK's Foreign and Commonwealth Office for its financial support to this project.

## ABOUT IICI

The Institute for International Criminal Investigations ([www.iici.info](http://www.iici.info)) is an international not-for-profit NGO dedicated to training justice professionals and human-rights workers in the skills needed for the investigation of genocide, war crimes and crimes against humanity and other egregious human-rights violations, and to supporting international criminal justice, human-rights and fact-finding mechanisms through the training and deployment of multidisciplinary investigative teams to the scenes of such egregious violations.

Headquartered in The Hague in the Netherlands, and incorporated there and in the USA, IICI designs and delivers standing and bespoke capacity-enhancement projects in the Netherlands and abroad. It has delivered investigation trainings and technical assistance to police officers, prosecutors, judicial officers, other governmental and inter-governmental officials, human-rights workers and citizen investigators in, among other countries, Colombia, Uganda, Kenya, South Sudan, Rwanda, the Democratic Republic of Congo, Botswana, Qatar, Germany and Cambodia, and of international and hybrid criminal courts, including the International Criminal Court and the UN international criminal tribunals for the former Yugoslavia and for Rwanda.

IICI has been a partner of Justice Rapid Response for several years, designing and delivering its training courses. These include trainings co-hosted with UN Women on the investigation of SGBV as international crimes and other egregious human-rights violations.

IICI and the Preventing Sexual Violence Initiative of the UK's Foreign and Commonwealth Office have co-operated on SGBV-related projects in the past, including on the design and implementation of the "International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Basic Standards of Best Practice on the Documentation of Sexual Violence as a Crime under International Law" of June 2014. IICI's Executive Director, other staff and consultant trainers are among the most experienced international criminal and egregious-violation investigators.