**INVESTIGATIVE WORK PLAN**

**INVESTIGATION FILE**

**INVESTIGATION FILE NUMBER: xxx/xxxx TITLE**

Team Leader:

Principal Investigator/s: Prosecutor/s:

**SUSPECT/ACCUSED(S) NAME:**

1. …………………………………… DATE OF BIRTH ..
2. …………………………… DATE OF BIRTH ..
3. ………………………………. DATE OF BIRTH ..

**CUSTODY DETAILS:**

1. **..**
2. ..
3. ..

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# Synopsis:

#### Background:

[Provide a brief report having regard to the following matters:

1. Background
2. Geographical area of alleged crime(s) committed;
3. Date of alleged crime(s)
4. Alleged international crimes (genocide, crimes against humanity and war crimes, including sexual violence crimes)
5. Alleged immediate perpetrator(s) and higher-level suspects, by name (if known), ethnicity, position of authority in relevant hierarchy
6. Alleged victims, age, gender, number, ethnicity, political, religious or other affiliation
7. Brief description of the crime(s) and the context in which they were committed.]

#### Potential Charges:

[This section should identify potential charges (genocide, crimes against humanity and war crimes, including sexual violence crimes), including a summary of legal elements and modes of liability.]

#### Linkages:

[This section should identify any linkages with existing or potential investigations and/or prosecutions.]

# Integrated Investigation Work Plan:

## Preliminary Investigation:

[Collate and assess all available information and evidence, including:

* Public records and reports
* Media – print/electronic
* Reports and other materials held by government agencies
* Reports and other materials held by non-government agencies
* Site visit(s)
* Information available from the Sexual Violence Coordinating Unit on sexual violence crimes

Conduct Preliminary Assessment to recommend whether further investigation is justified in accordance with office policy and available resources, having regard to the following matters:

* Potential charges, including sexual violence charges
* Likely perpetrators and higher-level accused
* Further evidence required
* Potential sources of, and means for obtaining, further evidence, see 2.2.2 to 2.2.5
* Potential lines of defence
* Input from the Sexual Violence Coordinating Unit on sexual violence crimes]

## Substantive Investigation:

[In the event that further investigation is approved following the Preliminary Assessment, enquiries should be made having regard to the matters identified in

* + 1. to 2.2.6.]

#### Documentary Evidence:

[With respect to documentary evidence collated during the Preliminary Investigation stage:

* + - * Identify the documentary evidence upon which it is intended to rely
      * Identify whether material is reliable and admissible
      * Identify requirements for admissibility, eg certification, attestation, via a witness
      * Where necessary, obtain a statement from the maker or a person able to produce the document as a business record

See also 2.2.3 below.

Identify further documentary evidence required, including potential sources, the enforcement and other measures required for obtaining it, eg via subpoena, and requirements for its admission:

* + - * Public records and reports
      * Media archives - print/television/radio and electronic
      * Reports and other materials held by government agencies
      * Reports and other materials held by non-government agencies
      * Other records, eg financial, telecommunication, immigration etc.

Refer to Manual para. [102] and seek input from the Sexual Violence Coordinating Unit.]

#### Site Visits:

[If not already done as part of the Preliminary Assessment, document the alleged crime site(s), through photo/video/sketch.]

#### Identification, Location and Engagement with Potential Victims and Witnesses:

[Identify:

Witnesses who may be able to provide contextual information regarding:

* The history, nature and extent of the conflict, including experts, journalists, NGOs, and others with expertise in the region.
* The role of various individuals and/or groups during the conflict, eg military, militia, the media etc.

Witnesses who may be able to assist with respect to the assessment and/or production of documentary evidence identified in 2.2.1.

Potential fact based Witnesses: Refer Manual III C & D regarding sexual violence matters.]

#### Conduct of Witness Interviews:

[Identify witnesses for interview in order of priority, ie in general terms with respect to:

* Production of documentary evidence – see 2.2.1 and 2.2.2
* Contextual evidence – see 2.2.3
* Fact based evidence
* Persons of Interest

With respect to fact based evidence from victims and witnesses of sexual violence:

* Conduct interview and record statements having regard to Manual Chapter III, E to G
* Refer to the Manual, Annex C, Table at para. [95] of the Manual, Annex E, Interview Checklist, regarding: potential offences; the elements of those offences; modes of liability; and evidence required to establish the same.
* Seek assistance from the Sexual Violence Coordinating Unit, as required.]

#### Forensic Evidence:

[Identify forensic evidence available and/or required.]

#### Potential Lines of Defence:

[Identify:

* Potential lines of defence, including alibi
* Evidence required to establish and/or refute the above.]

#### Evidence Analysis and Review:

[Available evidence should be collated and analyzed on an ongoing basis, with input from the prosecutor(s) assigned to the team, and the Sexual Violence Coordinating Unit with respect to sexual violence matters.

Refer to the Manual, Annex C, and the table at para. [95], regarding sexual offence charges]

#### Regular Report to Management:

[Reports on the progress of investigations should be provided to management on a regular basis.]

#### Further Matters for Investigation:

[As identified following 2.2.7 and 2.2.8.]

#### Record of Interview - Suspects:

[Before a decision is taken to formally charge a suspect, he/she should be offered the opportunity to participate in a record of interview. Any such interview must be conducted in accordance with the rights of suspects and procedural requirements in the relevant jurisdiction.]

## Time Line and Investigation Log:

[Identify key deadlines, eg Preliminary Assessment; Evidence Analysis and Review; Regular Report to Management, etc. Include daily log of investigative activities.]

## Resources and Challenges:

#### Resources:

[Identify any anticipated extraordinary expenses, eg travel overseas to interview witnesses; external expertise required, eg forensic experts, etc.]

#### Operational challenges

[Identify any anticipated operational challenges including security issues; availability of witnesses; access to records; etc.]

#### Legal challenges

[Identify potential legal issues, eg jurisdictional issues; applicable case law; applicability of international treaties in national context; anticipated claims of privilege with respect to the execution of subpoenas and other enforcement powers, eg public interest immunity, legal professional privilege etc.]

#### Any other issues:

[Identify any other issues which may impact on the investigation.