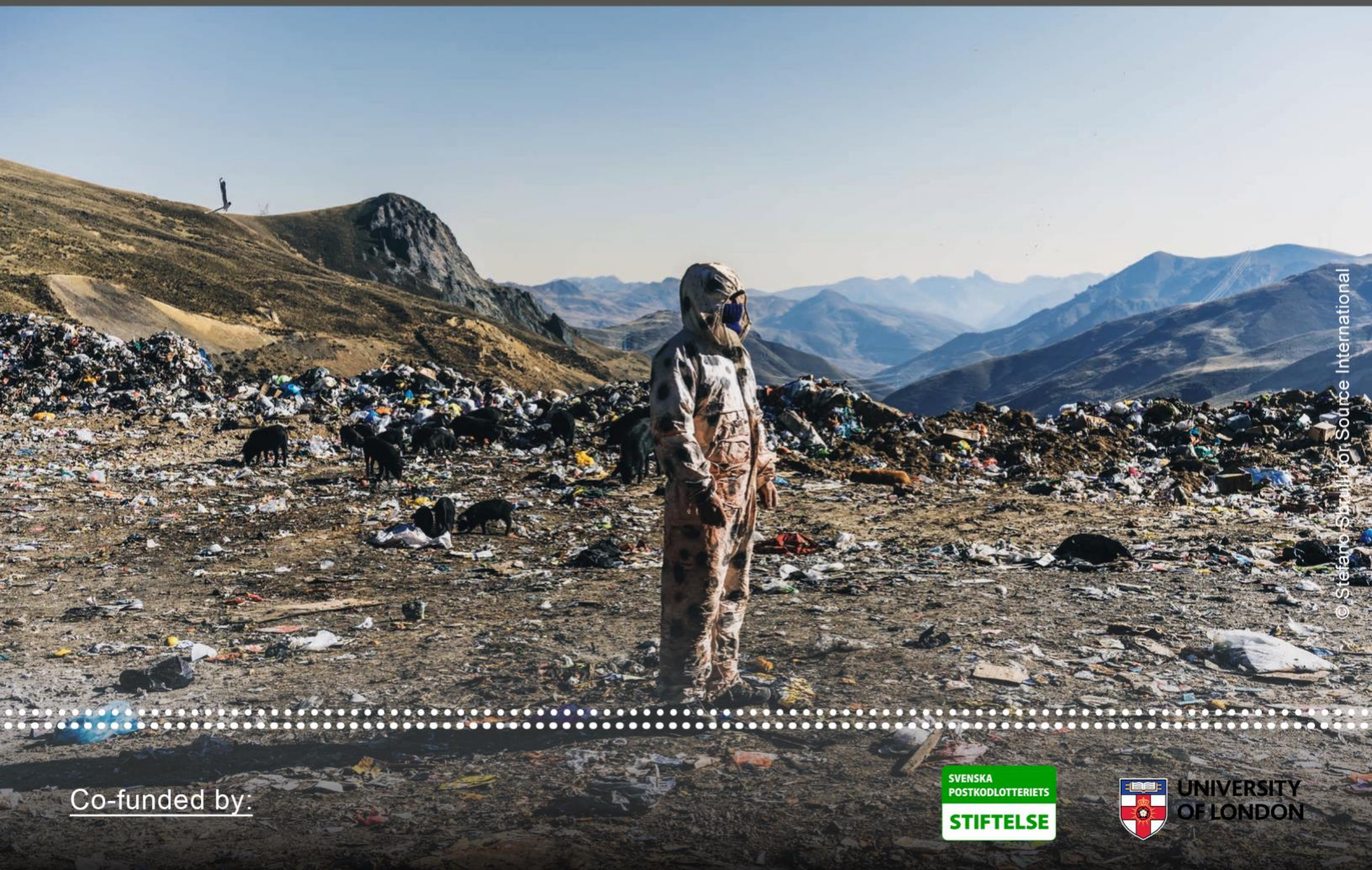


# GUIDELINES ON THE DOCUMENTATION AND INVESTIGATION OF ENVIRONMENTAL INTERNATIONAL CRIMES

REPORT OF THE EXPERT CONSULTATION CONDUCTED IN GENEVA  
ON 17<sup>TH</sup> JUNE 2025



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On 17<sup>th</sup> June 2025, more than 40 legal practitioners, scientists, human rights defenders, civil society representatives, academics and other international and grassroots stakeholders met in Geneva for a one-day Expert Consultation on the development of practitioner-focused Guidelines on the Documentation and Investigation of Environmental International Crimes (“the Guidelines”). This report synthesises the key findings and insights from the participants during the Expert Consultation.

The diverse network of experts recognises the urgent need for a comprehensive and coordinated response to the perpetration of crimes under international law committed by means of, or resulting in, environmental damage (hereafter referred to as “environmental international crimes”). Together, they launched a joint initiative to develop practical, multidisciplinary Guidelines for documenting and investigating environmental international crimes.

The Guidelines aim to equip investigators, prosecutors, civil society actors, affected communities, and other frontline actors who play crucial roles in responding to environmental harm with practical tools and methodologies for effectively documenting and investigating environmental international crimes. Their primary goal is to support strategic litigation and case-building efforts that advance accountability and justice in this critical field.

## **NEXT STEPS**

### Indicative timeline



Building on the conclusions of the Expert Consultation, the organizations leading the initiative will coordinate the collaborative development of the Guidelines. This process will be overseen by an Advisory Group composed of experts in this field and supported by a coalition of regionally diverse partners to ensure that the Guidelines are contextually grounded and locally owned.

Together with these partners, the organizers will launch the guidelines across all regions, accompanied by outreach and capacity-building efforts. In parallel, the initiative will support CSOs, communities, legal practitioners and other stakeholders in using the Guidelines to strengthen documentation, strategic litigation and accountability efforts addressing environmental international crimes.

**We warmly invite all participants to the Expert Consultation and interested stakeholders to remain engaged and to join us in shaping and supporting this collective process towards more effective, inclusive, and just responses to environmental international crimes.**



## **KEY FINDINGS OF THE EXPERT CONSULTATION**

Four roundtables framed the discussion around the following key themes:

- ⇒ The documentation of environmental international crimes and the role of potential Guidelines;
- ⇒ Best practices and challenges in investigating environmental international crimes;
- ⇒ Best practices and challenges in litigating environmental international crimes; and
- ⇒ Multi-sector scientific expertise for ready-to-court cases.

Discussions across all four roundtables highlighted several common and interconnected themes essential to advancing the fight against impunity for environmental international crimes. These themes provide the foundation for the forthcoming Guidelines and are summarised below:

1. **Practical and Inclusive Guidelines Development:** There is a pressing demand for specialised, accessible, and adaptable guidelines that reflect the diverse contexts and complex realities practitioners face. The development process itself must be participatory and inclusive, with strong engagement from Global South actors and affected communities to help build resilience. Addressing disparities in access to resources and ensuring horizontal knowledge exchange across regions and sectors is necessary to strengthen the legitimacy, effectiveness, and local ownership of the Guidelines. The Guidelines should be inspired by existing standards—such as the Minnesota and Berkeley Protocols—and made available in multiple formats (e.g., pocket guides, mobile applications, interactive platforms) and local languages to ensure usability in diverse contexts.
2. **Participatory Knowledge Exchange and Local Ownership:** The role of local communities and knowledge systems was repeatedly emphasised, alongside the importance of meaningful community involvement in both evidence collection and the design of remediation efforts. Accordingly, the Guidelines must prioritise co-developing protocols that ensure both the quality and legitimacy of investigations, while respecting relevant cultural frameworks throughout the documentation process. Participatory approaches should ensure that communities not only contribute knowledge but are empowered to use the Guidelines as tools for access to justice—including effective remedies.
3. **Structural Challenges and Barriers:** Participants identified significant and recurring obstacles to effective documentation, investigation and litigation of environmental international crimes, including:
  - Security risks and retaliation against affected communities, human rights defenders and investigators;
  - Fragmented and siloed approaches among stakeholders;
  - Limited jurisprudence and inadequate legislation;
  - Lack of resources and prioritisation;
  - Inadequate scientific infrastructure;
  - Challenges in attributing responsibility, particularly for corporate actors and armed groups;
  - Weak enforcement mechanisms across jurisdictions;
  - Limited clarity among CSOs on how to process the valuable information they hold or engage effectively with accountability mechanisms; and

- Jurisdictional fragmentation across national, regional, and international systems, which hinders the development of coordinated responses.
4. **Interdisciplinary and Victim-Centred Collaboration:** Effective responses to environmental international crimes require collaboration among legal experts, scientists, and local communities. Scientific expertise is essential for establishing causality and strengthening case-building, while partnerships with academia, civil society, and local communities ensure investigations are contextually grounded, culturally sensitive, and aligned with the needs of victims. Integrating interdisciplinary perspectives helps close gaps between sectors and ensures a more holistic and participatory approach to justice.
5. **Scientific Expertise and Causality Challenges:** Robust scientific methods and reliable data are fundamental to credible investigations and legal arguments. However, access to such expertise—particularly in conflict-affected or low-resource settings—remains uneven. Sustainable institutional frameworks and standards for evidence collection, analysis, and preservation are urgently needed. Establishing causality between environmental harm and responsible actors is challenging, especially when the harm is slow-onset or diffused. The Guidelines can help bridge the gap between scientific findings and legal standards of proof, promoting the use of innovative and context-appropriate evidentiary tools.
6. **Capacity Building and Legal-Sector Innovation:** Bridging the divide between legal and scientific disciplines requires substantial investment in capacity building. Judges, prosecutors, investigators, civil society actors and other frontline actors need targeted training to strengthen their understanding of environmental and scientific evidence. At the same time, scientists require support to improve how scientific findings are translated into legal processes and frameworks. Promising approaches include:
- Specialised environmental courts;
  - International expert networks;
  - Interdisciplinary expert panels;
  - Judicial education on scientific complexity; and
  - Scientific training on legal standards and procedures.
- These measures can be adapted and expanded globally to respond to the evolving nature of environmental harm and litigation strategies, including emerging areas like climate-related legal claims.
7. **Legal Definitions, Frameworks, and Remedies:** A key priority is clarifying and harmonising legal definitions of environmental international crimes. Participants highlighted the ongoing tension between anthropocentric and eco-centric legal philosophies. While many international justice systems focus on harm to humans, an increasing number of jurisdictions—and many Indigenous legal traditions—recognise nature as a rights-holder. This shift reflects a broader reframing of legal values in environmental justice, with profound implications for defining victims, assigning responsibility, and designing remedies. The Guidelines should support practitioners in navigating diverse legal systems and frameworks, including international human rights law, international humanitarian law and international criminal law, as well as anti-corruption tools, and financial crime mechanisms. They should also explore innovative remedies such as collective reparations,

recognition of non-human victims, and giving Nature legal rights including the ability to be represented in court.

8. **Technology and Evidence Integrity:** Modern technologies—such as satellite imagery, drones, and forensic analysis software—are essential for documenting and analysing environmental harm. These technologies must be operated and interpreted by qualified experts to ensure accuracy and legal viability. To be admissible, the resulting evidence must be collected, managed, preserved and archived using solid and transparent protocols. Maintaining a robust chain of custody is essential for ensuring evidence integrity throughout the investigation and prosecution process. The Guidelines should provide clear, practical tools for incorporating different types of evidence while safeguarding their reliability and probatory value.
9. **Institutional Support, Resources, and Funding Gaps:** Limited resources significantly constrain efforts to investigate and prosecute environmental international crimes. Participants emphasised the need for:
  - Long-term investment in legal and scientific infrastructure;
  - Integrated funding streams across disciplines;
  - Political commitment to environmental justice; and
  - Stronger institutional coordination at all levels.

Without sustainable resources and enabling frameworks, even the most sophisticated guidelines risk not achieving the desired result.

10. **Ethics, Protection, and “Do No Harm” Principles:** Ethical considerations are central to the effective documentation and investigation of environmental international crimes. The Guidelines must be grounded in the “Do No Harm” principle that prioritises the safety, dignity, and rights of affected populations. Given the risks faced by local defenders—including retaliation, intimidation, and legal harassment—the Guidelines must also include best practices for risk assessment, risk mitigation and response. Respect for diverse worldviews, cultural knowledge systems, and customary governance structures is equally essential. A victim-centred approach to investigations and prosecutions, that takes into account vulnerabilities of specific groups, is not only ethically necessary but also enhance the credibility and legitimacy of investigations and legal processes.

Together, these insights highlight the multifaceted nature of addressing environmental international crimes and the urgent need for comprehensive, coordinated, inclusive, and context-aware solutions that harness legal, scientific, and community-based expertise—empowering affected communities and advancing environmental justice.

The forthcoming **Guidelines** will be built collectively upon these conclusions and shared themes. They will aim to provide practical, adaptable tools that support legal, scientific, and community-based actors across multiple jurisdictions, legal systems, and worldviews in their pursuit of justice for people and the planet.



“ *Creating a guide to investigate environmental international crimes is very, very important. And it is needed now, not later. Because while we are here, many people around the world continue to survive with pollution, sickness, and silences. (...) This guide is a tool of justice. It gives power to the people. And this guide should be practical. It should speak to people like me (...) who are fighting every day for justice. And I believe with the right tools, with courage and truth, we can make a change.* ”

Mireya Sosa Navarro, 22-year-old activist, student and painter from Cerro de Pasco in Peru, one of the most polluted places on Earth. Mireya is a member of Red Interquorum Pasco, a youth volunteer organization that defends the environment and human rights.

# WHO WE ARE

## **TRIAL INTERNATIONAL**

TRIAL International is a non-governmental organization fighting impunity for international crimes and supporting victims in their quest for justice. The organization provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward.

[www.trialinternational.org](http://www.trialinternational.org)

## **JUSTICE RAPID RESPONSE**

Justice Rapid Response is the only global facility that provides rapidly deployable experts to investigate international crimes and serious human rights violations, and to enable a holistic, gender-sensitive, and inclusive approach to justice.

[www.justicerapidresponse.org](http://www.justicerapidresponse.org)

## **THE INSTITUTE OF COMMONWEALTH STUDIES**

The Institute of Commonwealth Studies leads impactful research, education, and collaboration to strengthen democracy, human rights, and the rule of law in the modern Commonwealth and globally.

[www.commonwealth.sas.ac.uk](http://www.commonwealth.sas.ac.uk)

## **PHYSICIANS FOR HUMAN RIGHTS**

Physicians for Human Rights (PHR) deploys scientific, medical, public health, and forensic technical expertise to document and seek justice for human rights violations and international crimes.

[www.phr.org](http://www.phr.org)

## **SOURCE INTERNATIONAL**

Source International is an organization that supports communities harmed by industrial pollution (especially extractive industries), providing scientific data, environmental & health monitoring, and legal tools so people can defend their environment and their rights.

[www.source-international.org](http://www.source-international.org)

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