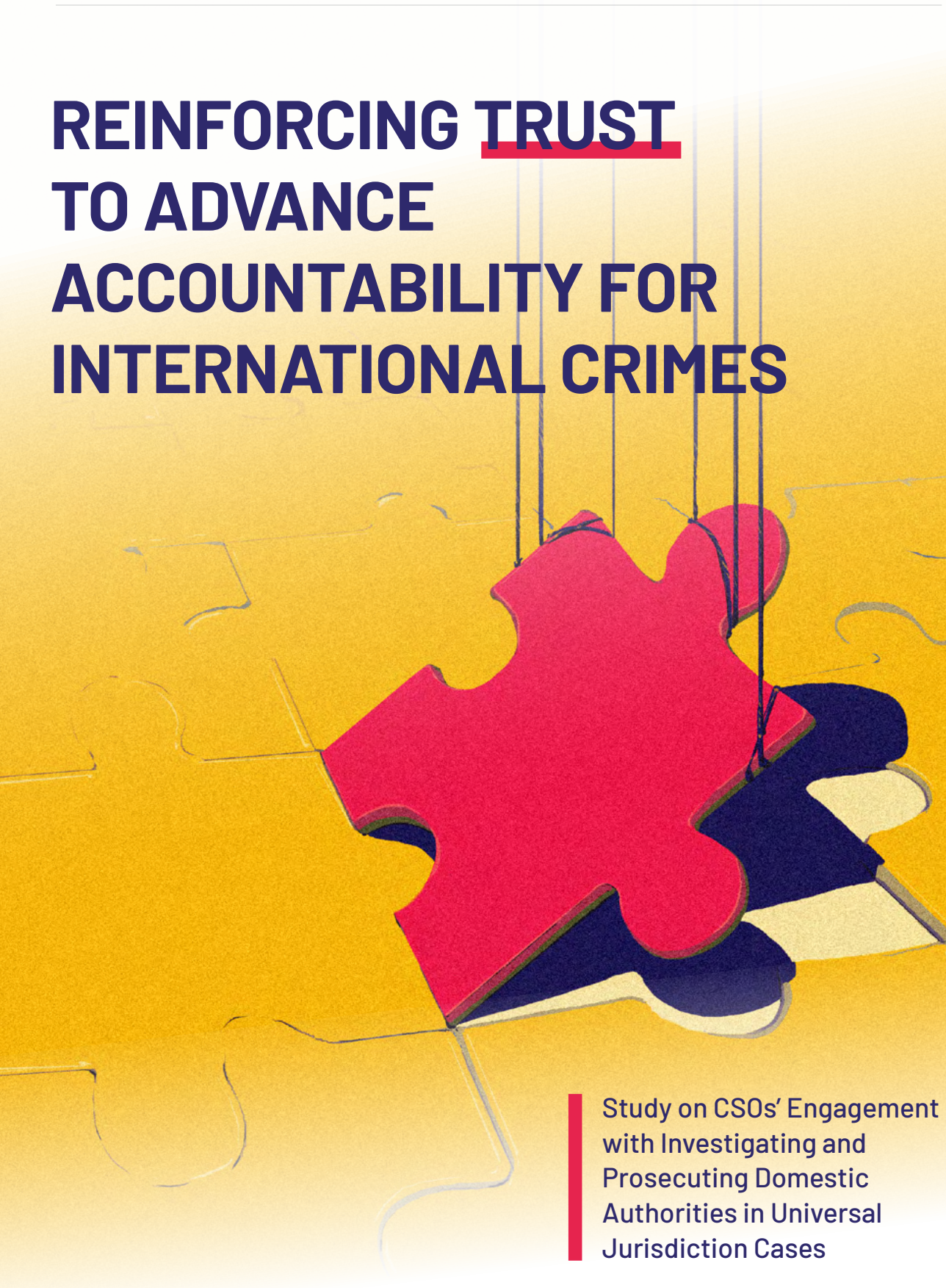


REINFORCING TRUST TO ADVANCE ACCOUNTABILITY FOR INTERNATIONAL CRIMES



Study on CSOs' Engagement
with Investigating and
Prosecuting Domestic
Authorities in Universal
Jurisdiction Cases

P U B L I S H E D

2026

C O V E R

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**Global Initiative
Against Impunity**
Making Justice Work



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the European Union**

Reinforcing Trust to Advance Accountability for International Crimes

Study on CSOs' Engagement with Investigating
and Prosecuting Domestic Authorities in
Universal Jurisdiction Cases



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TABLE OF CONTENTS



Forewords	i
Executive Summary	iii
PART I: INTRODUCTION	1
a. Methodology	3
b. Background: Understanding CSOs' Engagement	5
c. Structure of the Report	8
PART II: PROVIDING INFORMATION TO AUTHORITIES	9
a. To Whom Information Can Be Provided	11
b. How Information Can Be Provided	12
c. How Information Should Be Presented	18
d. What Information to Provide	21
i. Victims' and Witnesses' Accounts	22
ii. Information Provided by 'Insiders'	24
iii. Open-source Information	25
iv. Expert Evidence	26
e. Contributing to Domestic Authorities' Investigations: Selected Challenges and Opportunities	27
i. Confidentiality	27
ii. CSOs as a Party to Proceedings	27
iii. Structural Investigations	28
iv. CSOs' Testimony in Court	29
PART III: PROVIDING SUPPORT TO VICTIMS AND WITNESSES	32
a. Victims' Access to Legal Representation	33
b. Victims' Participation: Operational Realities	36
i. Administrative and Logistical Support	39
ii. Psychosocial Assistance	43
iii. Security Risk Mitigation	46
iv. Witness Support	49
v. Interpretation and Translation	50
c. Engaging Affected Communities in Accountability Efforts	54
i. Communication and Outreach Activities during Proceedings	56
ii. CSO's Additional Outreach Activities	60
CONCLUSIONS AND RECOMMENDATIONS	62
1. Promoting Opportunities for Dialogue, Mutual Understanding and Experience-Sharing	64
2. Strengthening Transparency	65
3. Improving the Sharing of Responsibilities and Efforts in Supporting Victims and Witnesses	66
4. Increasing Specialised Resources	67
5. Committing to Long-Term Relationships and Impact	68
6. Advocating for Enhanced Frameworks	69
Annex I – List of Interviews	71
Acknowledgements	73
Who We Are	75

Foreword by

Mazen Darwish

General Director, Syrian Center for Media and Freedom of Expression (SCM)

Recent advances in the use of universal jurisdiction have demonstrated the powerful role that civil society organisations (CSOs) can play in domestic investigations and prosecutions of international crimes. In a growing number of cases, effective engagement between CSOs and national investigative and prosecuting authorities has directly contributed to tangible accountability outcomes. These successes reflect a broader shift: civil society is no longer peripheral to domestic justice efforts, but an essential partner in making them possible.

CSOs have become crucial actors in documenting violations, preserving evidence, supporting victims and helping ensure that accountability processes remain connected to the lived realities of affected communities. Their proximity, expertise and long-term engagement often enable them to reach victims and witnesses where state authorities cannot. For many domestic jurisdictions, CSO involvement is not only beneficial but vital to advancing credible investigations and meaningful justice.

Efforts to investigate and prosecute international crimes at the domestic level depend on sustained, meaningful engagement between national authorities and CSOs. This report highlights how such collaboration, when built on trust, clear frameworks and long-term commitment, can strengthen accountability processes and make justice more accessible to those most affected.

In many jurisdictions, cooperation between authorities and CSOs developed cautiously: authorities are hesitant to rely on civil society documentation and CSOs are uncertain about how their contributions would be received. Yet experience shows that consistent, transparent and reliable engagement gradually builds the mutual trust needed for effective collaboration. Over time, this trust is strengthened through communication, clarity of roles and follow-through on both sides.

As cooperation matures, some degree of formalisation and official recognition become essential to ensure legitimacy. Written requests, official correspondence, memoranda of understanding where possible, or structured coordination mechanisms help embed collaboration within institutional practice. These tools provide legitimacy and predictability, enabling authorities to integrate civil society contributions more effectively while giving CSOs clearer guidance on expectations and procedures.

Sustained impact, however, requires moving beyond *ad hoc* cooperation. Investigations and prosecutions of international crimes are long-term, multi-year undertakings, and CSOs are often involved across various stages of these processes. National authorities should therefore treat engagement with civil society as an integral, ongoing component of domestic justice efforts, rather than as case-specific cooperation. Donors, for their part, should view support to civil society as a long-term investment rather than short-term, project-based funding. Stable and sustainable resourcing enables CSOs to carry out their work safely, responsibly and consistently over time.

A cornerstone of effective cooperation is a victim-centred approach. CSOs play a critical role in enabling victims' meaningful participation, including through psychosocial support, logistical assistance and outreach that makes proceedings accessible to affected communities. In practice, this support frequently fills gaps where domestic mechanisms are absent or insufficient, underscoring the indispensable role CSOs play in making victim participation possible. Ensuring this work is adequately and sustainably funded is essential to maintaining justice processes that are both credible and connected to those most affected, and to avoiding the loss of hard-won expertise when CSOs are forced to scale back or dismantle their work due to funding gaps.

Finally, civil society's contribution is strongest when organisations coordinate with one another. Ethical documentation practices, clear division of roles and cooperation between local and international organisations reduce duplication, strengthen collective credibility and enhance the overall contribution of civil society to justice mechanisms. Unhealthy competition weakens these efforts; principled coordination fortifies them.

The findings in this report show that when national authorities and civil society work together openly, sustainably and with victims at the centre, domestic accountability efforts become more effective, legitimate and inclusive. Such partnerships are essential to advancing justice for international crimes and ensuring it is pursued in close connection with the affected communities.

Foreword by

Matevž Pezdirc

**Head of the Genocide Prosecution Network
Secretariat, Eurojust**

The pursuit of accountability for core international crimes primarily rests with national authorities and is supported by the international community and CSOs. This study highlights the indispensable role CSOs play in supporting national authorities in advancing justice. It offers a timely reflection on the many ways in which their contributions shape effective and successful investigations and prosecutions.

Operating on the frontlines of justice, CSOs document violations, preserve and share critical information, support victims and witnesses, and contribute expertise throughout judicial proceedings. Their proximity to affected communities and deep, context-specific knowledge enables them to act as trusted partners. In doing so, CSOs not only strengthen individual cases but also help bridge the gap between national authorities and the communities they serve.

From the outset, CSOs have been an integral part of the international justice ecosystem. Their engagement with the Genocide Prosecution Network and their support was essential in its early days, helping to shape emerging practices, foster dialogue and build effective cooperation. Over time, this interaction has matured into dynamic and increasingly structured partnerships with national authorities. It is grounded in trust, shared purpose and a growing recognition of their complementary strengths. This model of cooperation and partnership between CSOs and national authorities has become an inspiration for other regions around the world, and promoted by the National Authorities Against Impunity project.

It is therefore a pleasure to observe how this relationship has deepened and expanded. Additionally, with the growing numbers and professionalism of CSOs, many cases would not be possible without their contributions. Currently we see CSOs bringing specialised expertise, ranging from open-source investigations and financial tracking to highly localised knowledge of specific regions and communities. By complementing one another's strengths in analysis, access and litigation, they help develop high-quality files that advance accountability.

This study underscores that meaningful accountability cannot be achieved in isolation, and it offers valuable insights and practical recommendations to further strengthen this cooperation. Only through such collective and sustained efforts can the promise of accountability for core international crimes be fully realised.

Executive Summary

Drawing on **74 interviews** with **more than 100 participants** across **12 jurisdictions**, *Reinforcing Trust to Advance Accountability for International Crimes* provides a comparative analysis of the engagement of civil society organisations (CSOs) with domestic authorities in criminal proceedings based on extraterritorial jurisdiction for international crimes. It examines how these relationships can be strengthened **to advance justice for victims and survivors**.

The study suggests that the establishment of **trust-based relationships**, grounded in mutual respect for each actor's role and the applicable legal frameworks, is a necessary foundation for effective cooperation.

Whilst the nature and structure of CSO engagement with domestic authorities vary across the jurisdictions considered, interviewees consistently identified **opportunities to strengthen these relationships**. These findings are reflected in the **six main recommendations** below, which translate the study's findings into practical **guidance** aimed at improving the quality and consistency of practice, making better use of available expertise and resources, and addressing gaps in victim and witness support.

1. **Promoting Opportunities for Dialogue, Mutual Understanding and Experience-Sharing**

To establish and maintain such trust-based relationships, regular opportunities for dialogue are essential. Domestic authorities should organise regular exchanges with CSOs, designate clear contact points and provide accessible information on how to engage with specialised investigation and prosecution units. For their part, CSOs should map their expertise, mandates, geographical focus and operational capacities in a secure and structured way, enabling authorities to identify relevant organisations and understand how they may contribute to their work.

2. **Strengthening Transparency**

Transparency is widely recognised as an important factor in fostering mutual trust between CSOs and domestic investigating and prosecuting authorities. CSOs should systematise their practices by keeping clear records of documentation methodologies, including contacts with victims and witnesses and the support provided. Domestic authorities should establish clear channels of communication with CSOs and provide greater clarity on their procedures, expectations and constraints. They should also explore formal arrangements for cooperation.

3. **Improving the Sharing of Responsibilities and Efforts in Supporting Victims and Witnesses**

Victims and witnesses should be at the heart of universal jurisdiction proceedings. In many instances, cases would not be possible without their participation. Ensuring that they receive the support needed to participate meaningfully and effectively is therefore essential.

To address what is widely recognised as an excessive or disproportionate burden on CSOs, responsibilities for victim and witness support should be shared more fairly. By allocating dedicated resources and developing appropriate legal and institutional frameworks, domestic authorities should assume greater responsibility in this area and ensure that the measures available go beyond minimum procedural requirements.

Domestic authorities and CSOs should also develop clear yet adaptable arrangements for coordinating assistance to victims and witnesses, with roles clarified in advance and adjusted to the specific circumstances of each case.

4. Increasing Specialised Resources

Domestic authorities should allocate dedicated financial and human resources to proceedings based on universal and other forms of extraterritorial jurisdiction, including by creating specialised police and prosecution units in countries where they do not yet exist. For their part, CSOs should strengthen their expertise and improve coordination among themselves and with lawyers to avoid duplication, share knowledge and make the best use of available capacity.

5. Committing to Long-Term Relationships and Impact

Universal jurisdiction cases often unfold over many years and require sustained cooperation among multiple stakeholders. Domestic authorities should therefore view their relationships with CSOs as a long-term component of accountability efforts rather than as a need arising only in individual cases.

Meaningful impact also depends on ensuring that affected communities can follow and understand proceedings taking place abroad. Sustained and targeted outreach and communication are therefore essential if the cases are to contribute to meaningful societal, political and legal change. CSOs should continue to prioritise outreach, including by building partnerships with community-based organisations and local media. Domestic authorities, in turn, should help create the conditions for proceedings to be accessible and understood beyond the country in which they are taking place.

6. Advocating for Enhanced Frameworks

CSOs should undertake sustained and coordinated advocacy for reforms addressing legal and institutional barriers identified in practice. Domestic authorities should strengthen the legal and regulatory environment for victim and witness support, including by ensuring access to specialised services such as psychological assistance. Legislation should also allow for courtroom interpretation and the remote transmission of hearings, helping affected communities follow and engage with proceedings. States should ratify and implement the Ljubljana–The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes.

PART I

Introduction

This report is the result of an in-depth study on the engagement of civil society organisations (hereinafter, ‘CSOs’) with investigating and prosecuting authorities in criminal proceedings based on extraterritorial, including universal, jurisdiction for international crimes.¹ It provides a **comparative analysis of existing or developing practices and methodologies** related to CSOs’ engagement with those authorities, and critically examines the role of CSOs within these accountability processes in different jurisdictions around the world.

The lessons learnt from these practices, discussed below, may inform the work of CSOs and authorities when interacting with one another to support their shared objective of ensuring accountability for international crimes. Conclusions and recommendations addressed to both CSOs and domestic authorities are included at the end of the report. Their goal is to **promote more efficient and effective CSO engagement**, in accordance with victim-centred, gender-responsive and trauma-informed approaches, **to advance justice for victims and survivors**.

CSOs have played an instrumental role in the fight against impunity for international crimes.² In recent years, according to public information, CSOs have been involved in more than half of active cases of this kind, including by filing complaints, collaborating with or providing information to investigating and prosecuting authorities, supporting victims and plaintiffs, and

participating as civil parties.³ They are recognised as “crucial partners for national authorities in the fight against impunity.”⁴

The number of international crimes cases opened before national jurisdictions under universal and other forms of extraterritorial jurisdiction has increased sharply over the past decade and continues to rise.⁵ CSO engagement with domestic authorities, which also reflects the increasingly prominent role of victims and survivors in demanding accountability, is far more consistent than in the past. CSOs are not only important partners; they are core operational actors in accountability processes. In many contexts, these cases do not meaningfully progress without them. However, challenges and gaps persist in their relationship with authorities. This report seeks to address these challenges to promote a more effective interaction between CSOs and domestic authorities, grounded in respect for their respective roles, a clear understanding of each other’s expectations and constraints, and mutual trust.

The number of countries exercising universal and other forms of extraterritorial jurisdiction, or at least collecting evidence to support such cases,

¹ Readers will find clarifications on the use of key concepts, including extraterritorial and universal jurisdiction, international crimes, investigating and prosecuting authorities, and CSOs, in the Methodology section at p. 3.

² In this regard, see, for instance, Federica D’Alessandra, “The Ten-Year Revolution, Civil Society Documentation in International Criminal Justice,” *Journal of International Criminal Justice*, Volume 22, Issue 2, May 2024, pp. 311–327; Luca Gervasoni, “Enabling jurisdiction: Unravelling the global pursuit of justice for international crimes”, *Questions of International Law*, 31 May 2024, para. 3.5; Florian Jeßberger and Leonie Steinel, “Strategic Litigation in International Criminal Justice, Facilitating a View from Within”, *Journal of International Criminal Justice*, Volume 20, Issue 2, May 2022, pp. 379–401; John M. B. Balouziyeh and Stephen J. Rapp, “The Role of Civil Society in Promoting Corporate Accountability for International Crimes”, *Journal of International Criminal Justice*, Volume 22, Issue 2, May 2024, pp. 365–384; Danya Chaikel, Priya Pillai and Pubudu Sachithanandan, “Civil Society and International Accountability Mapping the Terrain”, *Journal of International Criminal Justice*, Volume 22, Issue 2, May 2024, pp. 287–309.

³ TRIAL International et al., *Universal Jurisdiction Annual Review (UJAR) 2024*, p. 13; TRIAL International et al., *UJAR 2026*, p. 11. The UJAR includes cases based on universal jurisdiction and the principles of active and passive personality in which judges or prosecutors have initiated criminal investigations into international crimes (genocide, crimes against humanity, war crimes, torture and enforced disappearances).

⁴ Eurojust and the Network for Investigation and Prosecution of Genocide, Crimes Against Humanity and War Crimes, *20 years on: Main developments in the fight against impunity for core international crimes in the EU*, May 2022, p. 25.

⁵ According to figures collected by Eurojust, between 2016 and 2021, the number of new cases regarding core international crimes opened in European Union countries increased by 44% (Eurojust, *New investigations on core international crimes increase by 44% since 2016*, Press release, 23 May 2022). For the past years, the UJAR recorded a steady increase in the global number of international crime cases pursued through extraterritorial, including universal, jurisdiction: 36 new cases were opened or made public both over the course of 2023 (TRIAL International et al., *UJAR 2024*, p. 11) and 2024 (TRIAL International et al., *UJAR 2025*, p. 10) and 34 new cases were opened or made public in 2025 (TRIAL International et al., *UJAR 2026*). According to TRIAL International’s *Universal Jurisdiction Interactive Map* (hereinafter, ‘UJIM’), out of the 137 decisions recorded from 2006 to 2025, 129 were handed down in the last decade and only 8 between 2006 and 2015.

also continues to grow.⁶ In this regard, the report offers useful guidance and reflections to further develop relevant practices in countries beyond those examined here.

The ongoing direct attacks on, and wider undermining of, international criminal justice⁷ call for a stronger, collective and renewed commitment by all actors to pursuing accountability for the most heinous crimes. In these complex times, the need to reaffirm the centrality of coordination and to reinforce cooperation between CSOs and domestic authorities is even more pressing.-

This publication, designed and coordinated by TRIAL International, is produced and published in collaboration with Civil Rights Defenders (CRD), the European Center for Constitutional and Human Rights (ECCHR), the International Federation for Human Rights (FIDH), and REDRESS. It is part of the “[Global Initiative Against Impunity for International Crimes and Serious Human Rights Violations: Making Justice Work](#)”,⁸ a global civil society-led programme co-funded and supported by the European Union (hereinafter, ‘EU’), whose goal is to promote inclusive, integrated, comprehensive justice and accountability for serious human rights violations worldwide.

⁶ In addition to Argentina, Belgium, Finland, France, Germany, the Netherlands, Sweden, Switzerland, the UK, and the US (and to a lesser extent Austria, Canada, Norway, and Spain), where cases have been recorded in the UJAR since 2015, additional countries which have started exercising extraterritorial, including universal, jurisdiction since 2021. These include Lithuania (see TRIAL International et al., [UJAR 2022](#)), Australia (see TRIAL International et al., [UJAR 2024](#)), Portugal (see TRIAL International et al., [UJAR 2025](#)), Kosovo, Peru, Poland and Türkiye (see TRIAL International et al., [UJAR 2026](#)).

⁷ See, for instance, Global Initiative Against Impunity (GIAI), [EU Day Against Impunity](#), Joint Statement, 23 May 2025.

⁸ The GIAI is a consortium of eight leading human rights CSOs: International Federation for Human Rights (FIDH), Civil Rights Defenders (CRD), European Center for Constitutional and Human Rights (ECCHR), Impunity Watch, Parliamentarians for Global Action (PGA), REDRESS, TRIAL International, Women’s Initiatives for Gender Justice (WIGJ), as well as the Coalition for the ICC (CICC).

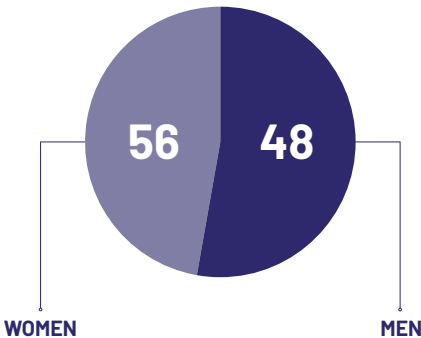
a. **Methodology**

The analysis draws on qualitative data gathered through semi-structured interviews with CSOs’ representatives, investigating and prosecuting authorities, and lawyers. The five organisations collaborating on the publication conducted 74 interviews with 104 participants (56 women and 48 men) mainly between August 2024 and October 2025. Among the interviewees, 27% were state representatives (investigating or prosecuting authorities), 59% were CSO staff and 14% were lawyers.

5
organisations

74
interviews

104
participants:



Twelve jurisdictions, among those most active in exercising universal and other forms of extraterritorial jurisdiction, were selected for the research. These are **Argentina, Belgium, Finland, France, Germany, Lithuania, the Netherlands, Spain, Sweden, Switzerland, the United Kingdom** (hereinafter, 'UK') and the **United States** (hereinafter, 'US'). These countries were chosen based on recent or ongoing investigations or prosecutions of international crimes in which CSOs are involved. The selection also sought to represent both common law and civil law legal systems, as well as regional representation.⁹ While most interviews focused on one specific jurisdiction, several CSO representatives spoke about their experience in two or more of the selected countries.

The study followed a structured, multi-step methodology. It began with desk research and the development of a detailed questionnaire to guide data collection. Potential participants were identified through the existing professional networks of the five organisations partnering in this publication, as well as through additional contacts provided by interviewees. Contacts among investigating and prosecuting authorities were also obtained through the participation in meetings of the Genocide Prosecution Network. Individuals who accepted to participate were engaged through semi-structured interviews, conducted either in person or via audiovisual platforms. All participants signed a consent form and specified their preferred form of identification. Interviews were recorded or documented through detailed notes and subsequently transcribed to ensure accuracy. Semi-structured interviews were chosen for their flexibility: they allow researchers to explore emerging themes while ensuring comparable information across participants, enabling an in-depth exploration of varied experiences and perspectives. The experiences, perspectives and reflections of all five organisations engaged in this initiative were also incorporated.

Interviewees were asked to describe practices, assess potential advantages and disadvantages, and share suggestions for improvement. By interviewing individuals with different roles and, in some cases, opposing perspectives, the study aims to provide a comprehensive overview and analysis of the topic. The information collected was systematically analysed to identify patterns, trends and key insights, and complemented by additional desk research to support references to legislation and formalised practices. Based on this analysis, a draft report was prepared, and the information provided by each interviewee (notably, quotations and citations), was shared with them for review and verification, ensuring the reliability and accuracy of the findings.

The study faced several limitations. Not all the CSOs, lawyers and authorities contacted were available to participate. While other contacts who could provide similar perspectives were identified, this might have narrowed the range of views captured. Moreover, the availability of information varied across regions and countries, resulting in an uneven coverage across jurisdictions. Nevertheless, for each jurisdiction addressed in this report, at least one state representative, either from an investigating or prosecuting authority, was interviewed and their perspective incorporated, ensuring that an institutional position was always included.

Additionally, the findings of the report reflect the information reported by interviewees and do not necessarily offer an exhaustive account of perspectives and practices in every jurisdiction. Finally, the need to maintain confidentiality may have further restricted the information that could be collected and publicly shared.

For the purpose of this study, key concepts are defined as follows:

⁹ Regional representation is only guaranteed for regions where countries have exercised extraterritorial jurisdiction, including universal jurisdiction, over the past decade, namely Europe and the Americas. For more information, please refer to TRIAL International's [UJIM](#).

Extraterritorial jurisdiction enables a State's courts to hear and adjudicate cases concerning crimes that were committed outside the territory of the prosecuting State. **Universal jurisdiction** is a specific form of extraterritorial jurisdiction that allows a State to investigate and prosecute international crimes committed abroad by non-nationals and against non-nationals, in the absence of any link with the prosecuting State.¹⁰ Depending on the legislation of the country in question, certain requirements, such as the presence of the alleged offender within the territory of the prosecuting State, must be fulfilled for its exercise.¹¹ Other grounds of extraterritorial jurisdiction include the principles of active personality (when the perpetrator is a national of the prosecuting State) and passive personality (when the victim is a national of the prosecuting State).

For reasons of brevity, and because the principle is more widely known, the report sometimes refers to 'universal jurisdiction'; this should, however, be understood as a broader reference to cases involving the exercise of extraterritorial jurisdiction.

The **international crimes** considered in this report are genocide, war crimes, crimes against humanity, as well as torture and enforced disappearance as autonomous crimes.

The term CSO is used in the study to refer to "all forms of social action carried out by individuals or groups who are neither connected to nor managed by state authorities."¹² It partially overlaps with and is sometimes used interchangeably (including by some of the interviewees) with the term non-governmental organisations (hereinafter, '**NGOs**'), which generally refers to legally registered CSOs established to pursue a defined mission. In this report, no distinction is made between international CSOs and community-based CSOs, which are often composed of, or more directly linked with, survivors and members of affected communities. Representatives of both international CSOs and community-based CSOs were interviewed in the framework of this study.

¹⁰ The term "universal jurisdiction" is used in the report according to this definition, even when it is not labelled as such within the national legislation of the relevant prosecuting country.

¹¹ In this regard, see, for instance, TRIAL International and the Open Society Justice Initiative's [Universal Jurisdiction Law and Practice Briefing Papers](#) series.

¹² EUR-Lex, "[Civil society organisation](#)".

Domestic authorities relevant to this study are mainly those responsible for investigating and prosecuting international crimes on the basis of universal and other forms of extraterritorial jurisdiction. To avoid repetition, this group is often referred to as 'domestic authorities' or 'authorities'.

Whenever possible, the report uses the combined term **victims and survivors** to recognise and underline the agency and self-determination of these individuals. The term 'victims and survivors' – or, exceptionally, 'victims' for brevity – refers to individuals who have suffered harm, directly or indirectly, as a result of international crimes, regardless of whether they hold procedural status in domestic proceedings (for example, as injured parties, joint plaintiffs or civil parties). The term **witness** is used to encompass individuals providing testimony to investigating or prosecuting authorities, acknowledging that, in some cases, such individuals may also be 'victims'.¹³

b. Background: Understanding CSOs' Engagement

"I think there is a circle: the local organisation, the international NGO, and the authorities. All we need is to work together and create our own harmony, because whenever there is competition between these three actors, the circle breaks and we all lose. Sometimes we need to identify our respective areas. Each actor must know where their own role lies."

Mazen Darwish, General Director, Syrian Center for Media and Freedom of Expression (SCM)

While the prosecution of international crimes remains a State's prerogative, CSOs contribute in numerous and effective ways to the pursuit of justice and accountability in situations of mass atrocities.

¹³ The distinction between victims, whether or not they have a formal role as party to the proceedings, and witnesses varies across jurisdictions. In the UK and the US, the only formal role victims can have in criminal proceedings is that of a witness (although they may also have the opportunity to provide a victim impact statement at the sentencing stage).

CSOs provide direct and multifaceted support to the investigation and prosecution of international crimes based on universal and other forms of extraterritorial jurisdiction. Different types of support correspond to the diverse expertise and specialisations of CSOs, which frequently work in partnership with one another. For example, CSOs with investigation skills or documentation expertise frequently collaborate with organisations that have strategic litigation mandates and knowledge of a specific domestic legal framework. Similarly, community-based CSOs often join forces with more structured organisations that have the possibility to bring initiatives at the international level. This support is not limited to specific cases or jurisdictions. According to a 2022 report by Eurojust, “a majority of Genocide Network Member States closely liaise and cooperate with CSOs.”¹⁴

“Civil society has incredible material as evidence or contextual elements, either relating to very specific abuses or knowledge of the context [...] Civil society, with its local contacts, finds it much easier to be on the ground and to document abuses [...] we have a wealth of information that is extremely valuable to us, which is held by civil society.”

Federal Magistrate, Federal Prosecutor’s Office of Belgium

First and foremost, CSOs play an important role in establishing trust with victims and survivors and in **bridging the gap between affected communities and prosecution services**, which are often geographically, culturally and linguistically distant from them. As CSOs often become aware of conduct that could qualify as international crimes before authorities do, they regularly bring cases to their attention, thereby assuming an important role through criminal complaints, information letters or other submissions.

“Without the support of CSOs, it would be very difficult to establish contacts in countries [where crimes were committed and/or victims are located], or even to bring certain situations to light, since we do not have access to them.”

Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France

CSOs can conduct open-source and/or on-site documentation, including in countries to which investigation and prosecuting authorities do not have access, often long before any formal investigating is initiated. They can **provide information and documentation to authorities** not only at the outset, but at different stages of the proceedings. Importantly, they also **offer crucial legal, logistical, psychosocial and medical support to victims, or referral pathways**, along the lengthy and challenging road to justice. They may also **participate directly in trials**, whether as witnesses, complainants or civil parties. Finally, CSOs conduct **outreach activities** that aim to bring justice processes, often taking place thousands of kilometres from where the crimes were committed, closer to affected communities.

6

The ways in which CSOs support international crimes cases and engage with domestic authorities may depend not only on their mandate and expertise, but also on the applicable legislation, including applicable procedural rights. In certain jurisdictions, CSOs may have a formal role in the proceedings, which gives them greater ability to support the investigation and prosecution and to interact with authorities.

However, differences in CSO engagement across the countries examined in this report go well beyond variations in legal framework and appear to be rooted in other factors as well. A few interviewees with experience in more than one jurisdiction noted that, in addition to the applicable legislation, **institutional culture within the justice system and regular or established practices of exchange** may also explain varying degrees of openness among authorities to interacting with CSOs.¹⁵ While the importance of the work carried out by CSOs in this field is increasingly acknowledged, a degree of mistrust sometimes persists.

¹⁴ Eurojust and the Network for Investigation and Prosecution of Genocide, Crimes Against Humanity and War Crimes, *20 years on: Main developments in the fight against impunity for core international crimes in the EU*, May 2022, p. 25. In this regard, see also Eurojust, the Genocide Prosecution Network and the Office of the Prosecutor of the International Criminal Court, *Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations*, 21 September 2022: “Civil society organisations are important partners for national authorities and international accountability mechanisms in our collective pursuit of justice for international crimes” (p. 3).

¹⁵ Interviews with Steve Kostas, Former Senior Managing Lawyer, Open Society Justice Initiative (OSJI), 24 February 2025; Bénédicte de Moerloose, Lawyer, 12 March 2025.

"In general, it is challenging to establish a relationship with prosecutors' offices in which they trust a CSO to provide the standard of evidence that is required in a court of law. Prosecutors are not generally used to collaborating with civil society. I think in general, across different countries, this is an issue."

Head and Lead Analyst, International Accountability Platform for Belarus (IAPB)

Lawyers can play an important role in this relationship. They legally represent victims, including those also supported by CSOs, before domestic authorities. In some cases, victims may be represented by lawyers who are themselves CSO representatives.¹⁶ Lawyers may also represent CSOs directly, especially in jurisdictions where CSOs can act as a party to proceedings. Where no formal status can be granted to CSOs, lawyers can still facilitate engagement with authorities and the transfer of information to them.

According to many participants in the study, authorities benefit from having a clear understanding of a CSO's work, including its mandate, expertise, level of training in documentation activities, and connections with diaspora communities and victims. More generally, mutual awareness – facilitated through opportunities to meet and present respective work – constitutes an essential preliminary step and a solid foundation for the subsequent development of trust-based relationships.

"It is very helpful if there is some sort of central place to start from [...] I think the biannual Genocide Prosecution Network meeting is a very good example of where to meet."

Investigating Authority of Finland

Many interviewees, both from CSOs and from state authorities, explicitly recognised the crucial role of the "European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes" (hereinafter, **'the Genocide Prosecution Network'**), based in The Hague and hosted by Eurojust. Created to

"enable close cooperation between the national authorities when investigating and prosecuting [...] core international crimes", it "provides a platform for practitioners to exchange operational information and share experience and best practice through biannual meetings."¹⁷ While only six CSOs are permanent associate members,¹⁸ others are occasionally invited to present their work at regular meetings and to take part in other activities organised by the Secretariat of the Network.¹⁹ REDRESS coordinates meetings with a large group of CSOs before each biannual Network meeting. These meetings aim to collect inputs which inform the CSO statement delivered by associate members at each Network meeting. The Genocide Prosecution Network is therefore a "recognisable point of entry and facilitator" of the CSO-authority interaction, offering "an important interface for national authorities and civil society representatives to establish contacts and share expertise."²⁰

It is worth recognising that CSOs' engagement with authorities is not always harmonious. CSOs do not merely provide support; they are autonomous actors capable of developing an independent perspective on the power dynamics that can arise in universal jurisdiction proceedings. As numerous examples demonstrate, the prosecution of international crimes under universal jurisdiction can be a highly politicised field. Ensuring the legitimacy of proceedings therefore also requires insisting on the equal application of the law, including when this runs counter to considerations of political expediency or alliance-building. CSOs play an important role in counterbalancing such power dynamics by applying pressure on authorities when they fail to act for political reasons, appealing against decisions not to investigate, critically monitoring their conduct and engaging in public scrutiny of judicial decisions. These are all essential elements of oversight within the justice system and help safeguard the independence and integrity of judicial processes.

¹⁷ Eurojust, "Genocide Prosecution Network".

¹⁸ These are Amnesty International, the CICC, FIDH, Human Rights Watch (HRW), REDRESS and TRIAL International.

¹⁹ In this regard, see, for instance, Eurojust and the Network for Investigation and Prosecution of Genocide, Crimes Against Humanity and War Crimes, *20 years on: Main developments in the fight against impunity for core international crimes in the EU*, May 2022, pp. 18, 25–26.

²⁰ *Ibid.*, p. 25.

¹⁶ On this topic, see *infra*, Part III, a.

In this sense, CSOs' engagement can unfold as a productive – and at times adversarial – dialogue that ultimately contributes to the development of legal practice and to advancing justice and accountability.

Finally, although an analysis of these relationships falls outside the scope of this work, CSOs also regularly engage with other key actors operating in the international criminal justice field. Where possible and relevant, they engage with domestic authorities investigating and prosecuting international crimes committed on their own territory.²¹ They also interact with a range of other stakeholders, including the International Criminal Court (hereinafter, 'ICC');²² UN investigative mechanisms such as the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (commonly known as 'IIM'), and the Independent Investigative Mechanism for Myanmar ('IIMM'); UN Commissions of Inquiry ('Cols') and Fact-Finding Missions ('FFMs'); and agencies such as Europol.

c. Structure of the Report

The report is structured around **two key forms of CSO engagement with domestic authorities** in criminal proceedings concerning international crimes based on universal and other forms of extraterritorial jurisdiction: **the provision of information on alleged international crimes** and **the provision of support to victims and witnesses**. These two themes reflect important ways in which CSOs contribute, in practice, to the functioning, effectiveness and legitimacy of such proceedings.

²¹ In this regard, see, for instance, UpRights, *The Congolese Justice System and Crimes against the Peace and Security of Mankind: Progress, Challenges and Prospects*, March 2025.

²² On CSOs' engagement with the ICC, see, for instance, FIDH and the CICC, *Civil Society and the International Criminal Court, Pathways to Collaborative and Genuine Engagement*, December 2024.

Following the introduction, **Part II** addresses the first pillar of engagement: how CSOs provide information to domestic investigating and prosecuting authorities. It identifies the relevant recipients and examines the practices governing how such material is transmitted and presented. It then analyses the types of information that may be submitted (such as victims' and witnesses' accounts, information provided by 'insiders', and open-source material), as well as the standards and formats according to which information should be presented. Finally, it discusses selected challenges and opportunities related to CSOs' contribution to investigations conducted by domestic authorities.

Part III examines practices concerning the provision of support to victims and witnesses during the investigative and trial phases of universal jurisdiction proceedings. It focuses in particular on measures intended to facilitate their meaningful and effective participation, including administrative and logistical support, psychosocial and medical assistance, mitigation of security risks, and interpretation and translation. It also explores communication and outreach initiatives aimed at fostering broader engagement with affected communities.

Across these two Parts, the report highlights thematic insights that complement the main analysis. These serve two distinct purposes:

"Comparing practices": this section compares similarities and differences across jurisdictions at specific stages of proceedings;

"Defence perspective": this section reflects the views expressed by defence lawyers, who are also key actors in universal jurisdiction cases.

Building on the main findings and concrete suggestions brought forward by interviewees, **Part IV** sets out **six overarching recommendations** aimed at strengthening CSO engagement with domestic authorities in universal jurisdiction cases, focusing on promoting dialogue, transparency, shared responsibilities in victims and witnesses' support, increased specialised resources and coordination, as well as the need for long-term partnerships and improved legal and institutional frameworks.

The list of participants in the study can be found at the end of the report.

PART II

Providing Information to Authorities

Providing information to investigating and prosecuting authorities, including by putting them in contact with victims and witnesses, is one of the main ways in which CSOs and authorities interact in the framework of universal jurisdiction cases.

Three preliminary observations merit attention. **First**, the information transmitted to authorities often stems from documentation work carried out by CSOs. Generally speaking, anybody can report information concerning alleged international crimes, as with any other offence. However, the **proper documentation** of such crimes **requires specific training**, as well as sufficient **familiarity with relevant international standards**.

Key instruments and tools include, among others, the Guidelines for civil society organisations on Documenting International and Human Rights Violations for Criminal Accountability Purposes (hereinafter, '[Guidelines for CSOs](#)') developed by Eurojust, the Genocide Prosecution Network and the Office of the Prosecutor of the ICC; the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (known as the [Istanbul Protocol](#)); the [International Protocol on the Documentation and Investigation of Sexual Violence in Conflict](#); the Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence (known as the [Murad Code](#)); and the [Berkeley Protocol on Digital Open Source Investigations](#).²³

If documentation is carried out without regard to existing professional and ethical standards, it may be unusable in legal proceedings, or even undermine justice efforts, and it may also cause harm to the individuals concerned. The question of when, and even whether, to initiate the documentation of alleged international crimes requires careful consideration, taking into account each CSO's mandate, expertise and capacity to adhere to relevant international standards.

²³ For a more complete list of useful resources, see Eurojust, the Genocide Prosecution Network and the Office of the Prosecutor of the International Criminal Court, [Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations](#), Annex 4, 21 September 2022, pp. 58-59.

Second, CSO engagement with authorities of a given country presupposes sufficient **knowledge of that country's legal system**, including its evidentiary and legal standards, as well as the basic requirements for the exercise of universal and other forms of extraterritorial jurisdiction.²⁴ While some representatives of domestic authorities who took part in this study expressed their willingness to provide guidance to CSOs that are planning to transmit information,²⁵ a basic understanding of key legal aspects remains necessary. This knowledge could be acquired by contacting CSOs or lawyers with expertise in the country in question.

Third, accountability efforts must fully respect the **right to a fair trial**, including the principle of equality of arms and the presumption of innocence. Admittedly, CSOs do not normally collect exculpatory material in the same way as investigating and prosecuting authorities. According to a defence lawyer interviewed for this study, "if we're talking about fair trial rights, and that is something that most CSOs are, in fact, committed to, there is a serious imbalance if, as a CSO, you are willing to work with the prosecution [...] but not with the defence. So, there is an issue there [...] where the focus on supporting justice does not always effectively translate into a focus on fair trial."²⁶ It is therefore crucial for CSOs not to undermine defence rights and keep defence lawyers' perspective firmly in mind when engaging with domestic authorities. According to one of the lawyers interviewed, providing authorities with potentially exculpatory information could increase CSOs' credibility.²⁷

²⁴ On the basic requirements for the exercise of universal and other forms of extraterritorial jurisdiction, see, for instance, TRIAL International's and the Open Society Justice Initiative's [Universal Jurisdiction Law and Practice Briefing Papers](#) series and Interjust's [Project Meridian: A Global Mapping Tool](#) (former Clooney Foundation for Justice's Justice Beyond Borders mapping tool).

²⁵ In this regard, see *infra*, Part II, b.

²⁶ Interview with Lawyer, The Netherlands, 5 March 2025.

²⁷ Interview with Henri Thulliez, Lawyer, France, 13 May 2025.

a. To Whom Information Can Be Provided

Several jurisdictions included in this study have publicly accessible websites where individuals can find information on how to contact the relevant authorities (including in urgent cases; details are provided in the table below). Such websites typically offer guidance on reporting cases, submitting evidence, or seeking further information from investigating or prosecuting authorities.

Although **accessibility needs to be improved** in some instances, publicly accessible websites enhance **transparency** and tend to make it easier to engage with the authorities. Alternatively, should States agree to it, specialised regional networks, including the European Genocide Prosecution Network, could host a **directory of domestic prosecution services**.

COUNTRY	TO WHOM TO SUBMIT	IN URGENT CASES:	WEBSITE
Argentina	Federal Courts or any Federal Prosecutor's Office	<i>Cámara en lo Criminal y Correccional Federal – Oficina de Sorteos</i> (Federal Court of Appeals – Case Assignment Office)	
Belgium	Public Prosecutor's Office or Police	Police recommended for urgent cases	
Finland	National Bureau of Investigation (Police)	National Bureau of Investigation (Police)	National Bureau of Investigation – Police
France	Police Central Office for Combating Crimes Against Humanity and Hate Crimes (OCLCH) or Prosecutor's Office	It is possible to submit information to the Police first to ensure that the case file is sufficiently robust before being forwarded to the prosecutor. In urgent cases, however, information should be transmitted directly to the prosecutor.	L'Office central de lutte contre les crimes contre l'humanité et les crimes de haine (OCLCH) – Gendarmerie nationale
Germany	Federal Public Prosecutor's Office	It is possible to contact either the Prosecutor's Office or the Police in urgent cases.	Federal Public Prosecutor's Office
Lithuania	Public Prosecutor's Office or Police	Police recommended for urgent cases	
The Netherlands	Public Prosecutor's Office or Police	Information may be transmitted to the War Crimes Unit of the Police; however, it will ultimately be referred back to the Public Prosecutor's Office.	International crimes – Public Prosecution Service
Spain	Public Prosecutor's Office	It is recommended to submit information to the Police first, to ensure the case file is sufficiently robust before being forwarded to the prosecutor.	
Sweden	Police War Crimes Unit	Police War Crimes Unit	Krigsbrott Polismyndigheten
Switzerland	Office of the Attorney General of Switzerland (OAG)	OAG or Police	Reports of criminal offences – OAG
United Kingdom	Police War Crimes Team (S015)	Email to: S015Mailbox.WarCrimesTeam@met.police.uk	Report a war crime – Metropolitan police
United States	Human Rights Violators and War Crimes Center	The Homeland Security Investigations Tip Line is a 24/7 hotline for reporting urgent cases relating to war crimes and associated human rights violations. To report a violation, call 1-866-347-2423 (US/Canada) or 1-802-872-6199 (outside the US).	Human Rights Violators and War Crimes Center

In **France**, the OCLCH serves as the **point of contact for CSOs**. All contact and communication with this investigating authority therefore take place through this Division. This specific structure ensures that investigators are not in direct contact with CSOs, including those that may be a civil party in the proceedings, thereby helping preserve the impartiality of the investigation.²⁸ In the **US**, the Human Rights Violators and War Crimes Center (hereinafter 'HRVWCC') plays a comparable role. All CSOs' interactions start with the HRVWCC. Investigators within the HRVWCC then assess incoming information and, where appropriate, connect CSOs to local field agents in the jurisdiction where the prosecution will take place.²⁹

b. How Information Can Be Provided

The ways in which CSOs can transmit information to domestic authorities vary considerably from one country to another, depending on the recipient authority and the applicable legislation. The transfer of information may also be influenced by the CSO's choices; for example, whether or not to assume a formal role in the proceedings. Information may be shared through a denunciation, a complaint (on behalf of victims or in the CSO's name), a letter of information, or other types of submissions and reports. This decision also depends on the procedural stage of the case, including whether an investigation has already been initiated. In some cases, CSOs have a direct relationship with authorities, while in others a lawyer acts as intermediary.

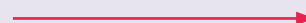
Information may be submitted by CSOs with close involvement of victims and survivors, but it could also be submitted by CSOs who have not, or not yet, identified victims and survivors linked to the material in their possession. The submission of information without the direct involvement of victims and survivors can serve to minimise the burden on them, while also encouraging investigations and prosecutions of international crimes.

Often, though not invariably, CSOs consider it useful and would recommend, where possible, **reaching out to authorities before making a formal filing**. This preliminary contact may help strengthen the submission, lay the groundwork for the case, or clarify practical issues and next steps. In any event, a case-specific assessment is required before contacting the authorities, according to the legal and advocacy strategy the CSO intends to pursue.



Comparing practices: contacting the authorities before a formal submission

In all but one of the countries considered in this report, it is **possible – and often encouraged by the authorities themselves – to contact investigating or prosecuting authorities prior to a formal submission**. Such preliminary engagement appears to support the effective management of the case at a later stage. In all cases, this preliminary contact does not prejudice the decision of the judicial authority on whether to open an investigation.



²⁸ Interview with Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025.

²⁹ Interview with Mark Shaffer, Former Director of the Human Rights Violators and War Crimes Center at the US Department of Homeland Security, 22 May 2025.

In the **US**, CSO engagement generally starts informally and, depending on the support provided by the CSO, it can then become more formal.³⁰ Similarly, in the **UK**, “the earlier the CSO engages with the War Crimes Team the better [...] Early contact with the War Crimes Team will ensure that the CSO can be advised which investigative steps, if any, it should take, and how material can be collected, recorded and provided.”³¹ In addition, the UK Crown Prosecution Service welcomes informal engagement, including in relation to finalised or developing field reports prepared by CSOs, to share best practices or discuss challenging situations. This engagement aims to find solutions that will strengthen CSOs’ information-sharing as well as authorities’ investigations and prosecutions, including their understanding of practical challenges faced on the ground.³²

In **Belgium**, a preliminary contact and discussion before a formal filing is accepted and reflects an existing practice regarded as positive.³³ Likewise, in **Germany**, authorities consider it beneficial for CSOs to provide advance notice.³⁴ In the **Netherlands**, it is also recommended to reach out to the Dutch Police International Crimes Team beforehand.³⁵ Similarly, in **Finland**, authorities consider it beneficial for CSOs to reach out to them before a formal filing and even discourage submissions without such preliminary contact. Finnish authorities have an obligation to guide anyone approaching them, and an early contact can help clarify the prerequisites and requirements for opening a case.³⁶

In **France**, authorities are open to such discussions in advance of formal submissions.³⁷ **Spanish** authorities are also open to preliminary exchanges, during which they can provide some guidance on the most appropriate way to present the documentation and on the steps to follow.³⁸ In **Lithuania**, if CSOs reach out before filing a complaint, the prosecutor can provide useful indications, including on what additional information may be needed to open an investigation.³⁹

In **Argentina**, where there is no specialised unit for international crimes, cases are assigned by draw to the competent court once a formal complaint has been received.⁴⁰ Before this draw, it is not possible to know which specific prosecutor’s office will be in charge of the case, and, therefore, direct contact with that office is not possible. That said, the prosecuting authorities interviewed for this study expressed their openness to providing explanations and guidance, including on procedures for the formal transmission of information.⁴¹

In **Sweden**, the Police War Crimes Unit welcomes engagement with CSOs as early as possible, in order to provide guidance on how data should be collected and presented.⁴² By contrast, CSOs should not reach out to Swedish prosecuting authorities prior to any formal filing, unless solely to provide a preliminary advance notice that may be helpful for purposes of resource planning and allocation.⁴³

Conversely, in **Switzerland**, authorities generally discourage preliminary contact on the grounds that such contact is not expressly permitted by law.⁴⁴ A possible alternative, however, is to involve lawyers as intermediaries.⁴⁵ It is possible to alert the Office of the Attorney General if a time-sensitive denunciation is to be filed, for example just before a weekend or public holiday, with the sole purpose of informing the Office of the upcoming transmission of information.

³⁰ *Ibid.*

³¹ Interview with UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025.

³² *Ibid.*

³³ Interview with Federal Magistrate, Federal Prosecutor’s Office of Belgium, 26 February 2025.

³⁴ Interviews with Regional Prosecutor’s Office in Germany, 16 May 2025; State Authority Representative of Germany, 22 May 2025.

³⁵ Interview with Victim Support Unit, Police’s International Crimes Team of the Netherlands, 14 February 2025.

³⁶ Interviews with Prosecuting Authority of Finland, 14 February 2025; Investigating Authority of Finland, 6 March 2025.

³⁷ Interviews with Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

³⁸ Interviews with Investigating Authority of Spain, 12 June 2025; Prosecuting Authority of Spain, 26 June 2025.

³⁹ Interview with Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General’s Office of Lithuania, 27 March 2025.

⁴⁰ In this regard, see also TRIAL International and Open Society Justice Initiative, *Universal Jurisdiction – Law and Practice in Argentina*, Briefing Paper Series, April 2025, p. 21.

⁴¹ Interview with Eduardo Taiano (Prosecutor), Hernan Kleiman (Deputy Prosecutor) and Florencia Zrycki (Court Clerk), Federal Prosecutor’s Office of Argentina, 25 April 2025.

⁴² Interview with Head of the Police’s War Crimes Unit of Sweden, 17 September 2024.

⁴³ Interview with Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024.

⁴⁴ Interview with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024.

⁴⁵ *Ibid.*

Information may also be shared by CSOs in response to a **formal request from domestic authorities**. Such requests generally follow an initial outreach by CSOs, aimed at introducing the organisation and explaining its mandate and activities, including the contexts in which it works. If the authorities consider that the CSO can provide useful support, they may formally invite them to share information.

CSOs regularly following this practice found it particularly helpful to provide authorities with detailed information on how they can concretely support the investigation or prosecution, including by clarifying the type of information and analytical products that can be submitted.⁴⁶

“For prosecutors, it may not always be obvious what CSOs are able to provide. It is really a conversation about what would be useful for the prosecution authority and what we have or could gather.”

Head and Lead Analyst, International Accountability Platform for Belarus (IAPB)

Responding appropriately to a request from the authorities can be challenging for CSOs – receiving clear explanations from the authorities, preferably in writing, on what type of information is needed is therefore important. In this regard, at least two CSOs have developed specific tools, such as a booklet or a “template for request” to guide authorities in preparing formal requests.⁴⁷

In **France**, authorities send what they call a “request for assistance” or a “request for information” to CSOs, which are similar to requests for mutual legal assistance.⁴⁸ Although the process is less formal, it is issued as a dated and signed

document, which is later filed in the case record. It specifies the authorities’ request, including the types of documents, testimonies and videos that would be useful to them. It also contains a brief summary outlining the subject matter of the investigation in order to facilitate the handling of the request by CSOs.⁴⁹

During an investigation, domestic authorities might also seek clarifications from CSOs that have transmitted information. If contacted by authorities, CSOs’ responses to requests for information are most useful if provided in a timely manner.⁵⁰

Finally, in the **Netherlands**, while CSOs may provide information about a case at any time, authorities recommend that, once a submission has been formally filed, CSOs refrain from conducting further documentation activities unless these are duly coordinated with them.⁵¹ Effective coordination is considered necessary to allow authorities to pursue their own investigative leads without interference.⁵²

Several CSOs participating in the study raised the possibility of developing **memoranda of understanding** with authorities. Such memoranda could contribute to formalising the relationship and provide a clearer framework for CSOs sharing confidential and sensitive information. They could include details on what may be shared and how the information will be treated. Alternatively, one CSO raised the possibility of proceeding through “an exchange of letters” between the CSO and the prosecution service, to clarify expectations on both sides and how important matters, such as the security of evidence and the confidentiality of communications, should be handled.⁵³ At this stage, these options appear not to have been adequately explored. It is worth mentioning that memoranda of understanding already exist between CSOs and investigative mechanisms such

⁴⁶ Interviews with Head and Lead Analyst, International Accountability Platform for Belarus (IAPB), 5 February 2025; Lawyer, Civil Society, the Netherlands, 2 April 2025; Natia Navrouzov, Director, Yazda, 3 April 2025.

⁴⁷ Interviews with Head and Lead Analyst, International Accountability Platform for Belarus (IAPB), 5 February 2025; Natia Navrouzov, Director, Yazda, 3 April 2025. See, for instance, the “Guidance Note 1: Submitting Requests for Assistance”, developed by the IAPB.

⁴⁸ Mutual legal assistance (hereinafter, ‘MLA’) “in criminal matters is a process by which States seek for and provide assistance to other States in servicing of judicial document[s] and gathering evidence for use in criminal cases.” (UNODC, SHERLOC, “Mutual Legal Assistance”).

⁴⁹ Interview with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

⁵⁰ Interview with UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025.

⁵¹ Interview with Victim Support Unit, Police’s International Crimes Team of the Netherlands, 14 February 2025.

⁵² *Ibid.*

⁵³ Interview with Head and Lead Analyst, International Accountability Platform for Belarus (IAPB), 5 February 2025.

as the IIM.⁵⁴ Importantly, these memoranda can not only govern the official sharing of information, but can also facilitate the transfer of knowledge, the provision of feedback and CSO training.⁵⁵

Regarding **the practical transmission of information**, methods vary across jurisdictions but tend to be relatively flexible. Commonly used channels include email; post services, including for USB memory sticks; and secure links or platforms. In most instances, CSOs and authorities discuss and agree on the preferred method of transmission in advance. Postal delivery remains in use in Germany, Switzerland and France, although it appears to be rare or entirely absent in other jurisdictions. In these three countries, despite a consistent preference for hard copies sent by post, digital options are also used.



In the **Netherlands**, authorities provide **secure links for the transmission of files**.⁵⁶ These links are **encrypted** and specifically **designed for sharing sensitive information**. This is not the only accepted method of submission: interviewees also reported using email, Signal (an end-to-end encrypted messaging application), Tresorit (an end-to-end encrypted cloud-storage service) and USB memory sticks. However, Dutch authorities confirmed that their secure platform, or alternatively Tresorit, should be used whenever possible.⁵⁷ This approach was identified as a model of good practice by several interviewees. A system of secure links, together with clear guidance on how information should be transmitted, is particularly valued and regarded as highly effective by multiple stakeholders.

Switzerland has a platform which allows CSOs to register and transmit information.⁵⁸ Authorities in **Argentina**, **Lithuania** and the **UK** also allow online platforms as one option for transmitting information,⁵⁹ but the study did not reveal their consistent use by CSOs. **France** and **Germany** also have platforms, but their use is restricted to lawyers.⁶⁰ In any event, these platforms are not always well-suited for sharing information related to international crimes, due to restrictions on large file uploads.⁶¹

In **urgent cases**, such as situations in which an alleged perpetrator is only temporarily present on a State's territory, CSOs reported a general trend of availability and responsiveness on the part of authorities, noting that officials can typically be reached by phone or email and that, in some instances, dedicated emergency channels exist. However, authorities consistently underscored the complexity of handling such situations. While acknowledging the value of CSOs' efforts, officials emphasised that substantial information is required to satisfy the legal threshold necessary to proceed with an arrest. In most urgent cases, this information must be collected within very short timeframes, which is particularly challenging.

"The threshold is very high because we can decide to take somebody into custody, but we will have to convince the courts that there are reasonable grounds to think that they are the perpetrator and if the [evidentiary] basis is too thin, the court will not grant it."

Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland

In light of the importance of time in these situations, one interviewee suggested that information allowing authorities to assess jurisdiction and other preliminary factors could be shared as early as possible, while complementary

⁵⁴ Interview with Mazen Darwish, General Director, Syrian Centre for Media and Freedom of Expression (SCM), 8 July 2025.

⁵⁵ *Ibid.*

⁵⁶ Interviews with Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Dmytro Koval, Co-Executive Director, Truth Hounds, 10 February 2025; REDRESS, 1 June 2025.

⁵⁷ Interview with Victim Support Unit, Police's International Crimes Team of the Netherlands, 14 February 2025.

⁵⁸ Interviews with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; TRIAL International, 1 October 2025.

⁵⁹ Interviews with Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General's Office of Lithuania, 27 March 2025; REDRESS, 1 June 2025.

⁶⁰ Interviews with Legal Adviser, Reporters Without Borders (RSF), 16 January 2025; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025.

⁶¹ Interview with Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025.

information could be transferred subsequently.⁶² This would allow authorities to evaluate key factors, for example the existence of immunities, and to carry out contextual research and other preparatory work in advance. Providing these elements early not only facilitates a more efficient process, but also allows authorities to anticipate potential challenges, making urgent cases easier to manage.⁶³



Many of the CSOs interviewed stressed how **the foundation of effective and productive engagement lies in the establishment of a trust-based relationship with authorities, built over time and through regular contacts.**

“Slowly, through working together, through building trust, [the authorities] recognised that we work in a professional way and respect the rules. So, it has become a little bit easier.”

Mazen Darwish, General Director, Syrian Center for Media and Freedom of Expression (SCM)

“I think that it is definitely a good practice to stay in touch regularly, also in order to build that trust.”

Head and Lead Analyst, International Accountability Platform for Belarus (IAPB)

The same view was expressed by authorities. In order to get to know CSOs better and build trust, **Dutch** prosecuting authorities have undertaken extensive outreach and delivered presentations to CSOs on the applicable legal framework, their work and the functioning of their team.⁶⁴

“Also, during the preliminary investigation and information process, it is important for [CSOs] to know what we do, who we are, and to build a certain level of trust so that people will come to us with information.”

Prosecuting Authority of the Netherlands

Similarly, **Finnish** authorities consider that knowing more about CSOs – including their expertise, capabilities, resources and the type of information they regularly collect – can greatly facilitate interactions and cooperation.⁶⁵

In this regard, **the pursuit of dialogue remains key.** Some interviewees, including state representatives, identified the organisation of meetings, whether regular or *ad hoc* and in different formats, as a good practice. These meetings can take place bilaterally between a specific CSO and an investigating or prosecuting authority, or they can bring together relevant authorities of a country with a group of CSOs. While CSOs often regret the fact that information-sharing in these meetings is often unbalanced, as they share more than authorities, CSOs also recognise that the authorities are not always allowed, by law, to provide more information.

In the **UK**, the ‘War Crimes Network’ brings together government departments and a selected group of observer CSOs twice a year.⁶⁶ It “provides a platform to consult and inform each other on law, policy, practice and specific casework and prosecution issues in relation to core international crimes” and “ensures regular collaboration with CSOs on a national and international level.”⁶⁷

“The War Crimes Network, which brings together a selected group of CSOs and law enforcement bodies investigating international crimes in the UK on a six-monthly basis, when it was first set up [...], was somewhat unique in the world.”

CSO representative, UK

⁶⁵ Interview with Investigating Authority of Finland, 6 March 2025.

⁶⁶ The UK War Crimes Network consists of relevant agencies working on international accountability, including the National Crime Agency, the Foreign and Commonwealth Development Office, the Ministry of Defence, the Crown Prosecution Service, and the Metropolitan Police Counter Terrorism Command as well as NGO representatives (See REDRESS and Clooney Foundation for Justice, Global Britain, *Global Justice: Strengthening Accountability for International Crimes in England and Wales*, October 2023, p. 59). NGO observers at the UK War Crimes Network are REDRESS, Open Society Justice Initiative (OSJI), Human Rights Watch (HRW), the Clooney Foundation for Justice (CFJ), and the British Red Cross.

⁶⁷ Interview with UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025.

⁶² Interview with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

⁶³ *Ibid.*

⁶⁴ Interview with Prosecuting Authority of the Netherlands, 7 March 2025.

Besides the biannual meetings of the War Crimes Network, there have been other opportunities to enhance CSO engagement that constitute good practice. In particular, in 2024, the Counter Terrorism Policing War Crimes Team, the UK authority responsible for investigating core international crimes (also known as 'S015'), "instigated an annual engagement event with CSOs to share learning and to improve engagement."⁶⁸ S015 invited a group of CSOs to Scotland Yard for a full day to discuss their work, update them on public investigations and answer questions. This opportunity allowed CSOs to learn about how S015 works and to strengthen contacts with its staff.

"These sessions were very useful, and it would be good to see this practice regularised, ideally with a wider group of CSOs."

REDRESS

In **Sweden**, regular opportunities for CSO engagement can take different forms, depending on specific needs. These include a biannual meeting, held as part of a government-CSO network for international humanitarian law between the Swedish investigating and prosecuting authorities and a group of CSOs.

"I appreciate the authorities' openness. By openness, I do not mean a willingness to share information, but rather their readiness to engage, maintain an open-door policy and recognise the value of civil society participation."

Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD)

In **France**, prosecuting authorities have proactively strengthened contacts through information meetings. Initially, these meetings had a general scope and convened CSOs from a wide variety of backgrounds. Over the years, areas of specialisation have emerged, particularly by geographical region, and more specific gatherings with a geographical focus (for example on Syria or Ukraine) have been organised, according to authorities' needs.

These meetings allow authorities to deepen their knowledge of the different CSOs, including their work methodology and the difficulties they may face.⁶⁹

Similarly, in the **Netherlands**, authorities have developed networks with a thematic or geographical focus (for example in relation to Syria), in line with their investigative interests.⁷⁰ As noted above, presentations for CSOs were organised to help build these relationships.

While more limited in scope, meetings between CSOs and federal prosecuting authorities have also been taking place in **Switzerland**. These meetings mostly cover issues related to resources of the Office of the Attorney General's unit in charge of international crimes, as well as considerations about existing relevant legislation and possible reforms.⁷¹

As stated by several authorities' representatives and CSO practitioners, **the role of the Genocide Prosecution Network is pivotal in fostering dialogue and mutual understanding** between CSOs and domestic authorities, including where authorities do not have sufficient resources to maintain close bilateral contacts with CSOs.⁷² The Genocide Prosecution Network appears therefore to be the main forum where some of these contacts and discussions begin. However, it should be noted that only a very limited number of CSOs are present at these meetings,⁷³ and that participating States are limited to EU members, with the additional participation of representatives of Bosnia and Herzegovina, Canada, Norway, Switzerland, the UK, Ukraine and the US.

⁶⁹ Interview with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

⁷⁰ Interview with Prosecuting Authority of the Netherlands, 7 March 2025.

⁷¹ Interview with TRIAL International, 1 October 2025.

⁷² Interviews with Prosecuting Authority of Finland, 14 February 2025; Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025; Prosecuting Authority of Spain, 26 June 2025.

⁷³ For the list of CSOs, see *supra* note 18.

⁶⁸ Interview with UK Counter Terrorism Policing London, War Crimes Team, 6 June 2025. An event in 2025 was hosted by the British Red Cross – EUROPOL APCIC, the Crown Prosecution Service Counter Terrorism Division, the Counter Terrorism Policing War Crimes Team and the Centre for Information Resilience (CIR) all presented at the event.

“The setting of the Genocide Prosecution Network enables CSOs and national authorities to establish contact, to know the right person and to build a relationship through informal meetings and discussions. This trustworthy relationship facilitates access and cooperation when dealing with cases or sharing information.”

Matevž Pezdirc, Head of Genocide Prosecution Network Secretariat, Eurojust

Regional networks modelled on the European one might be created in the future and could similarly become key to reinforce cooperation among domestic authorities and CSOs.⁷⁴

c. How Information Should Be Presented

Regardless of the nature and type of information provided to authorities, several key aspects emerge from the study regarding how such information should be presented.

When sharing information with authorities, it is crucial to present it in a manner that allows them to **verify and assess both the information and how it was collected**.

French authorities particularly stressed that facts and statements be contextualised and properly referenced.⁷⁵ Clearly identifying the source of each item of information and each document attached to the complaint is essential, as it allows authorities to trace the original source of the material submitted to them.⁷⁶ Full respect for the chain of custody may also help anticipate any challenges by the defence.⁷⁷

⁷⁴ The EU Genocide Prosecution Network Secretariat has fostered cooperation by encouraging the creation of similar networks in other regions through its National Authorities Against Impunity Project. As a result, the [Pacific Justice Network](#) was established in 2024. Engagement with judicial actors in West, East, and Southern Africa was also strengthened in 2025 and 2026.

⁷⁵ Interview with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

⁷⁶ Interview with Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025.

⁷⁷ Interview with Jeanne Sulzer, Lawyer, France, and Clémence Witt, Lawyer, France and Spain, 17 April 2025.

“Elements which could potentially be used as evidence must be authentic and traceable, and they should be as uncontroversial and indisputable as possible.”

Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France

Information on the **methodology adopted to collect the material** should be fully integrated into its presentation. This is essential for two reasons: it supports the traceability of the information shared with domestic authorities, and it allows the assessment of the credibility and reliability of CSOs.

“It comes down to the value of every piece of evidence: what you are thinking to use, where it came from, how it was obtained and what we need to stay away from. Defence lawyers will question where and how information provided by NGOs comes from, and authorities will avoid using it unless necessary. And I think, to be honest, that it makes complete sense. We all need to be very clear about who we are, what we do, and try to improve our methodology and the quality of our work as much as we can.”

Lawyer, Civil Society, the Netherlands

One way for CSOs to ensure traceability, and record how documentation was obtained, could be to identify, for each piece of closed-source evidence provided to authorities, a witness who can testify to the document's origin and how it was obtained and created.⁷⁸

Documentation of the methodology used assumes particular significance in the **UK**, where “courts will require the process by which evidence has been obtained to be documented and to have sight of that documentation” in order for the evidence to be admitted.⁷⁹ For CSOs intending to work in this jurisdiction, particular attention must be paid to record-keeping, given that “to satisfy a court that

⁷⁸ Interview with Steve Kostas, Former Senior Managing Lawyer, Open Society Justice Initiative (OSJI), 24 February 2025.

⁷⁹ Interview with UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025.

evidence is reliable and fairly obtained, CSOs and those who work for them must always [...] ensure that a clear record of their actions and what has been produced is maintained”⁸⁰ and that it can be made available to the War Crimes Team and the Counter Terrorism Division, as well as to the court. In this sense, “continuity evidence for material collected by the CSO is key.”⁸¹ Furthermore, “if resources allow, a witness statement could be made by any person involved in the chain of custody, but otherwise a detailed log of continuity” is recommended.⁸²

Finally, one of the CSO practitioners interviewed stressed the importance of **organising information in a structured way**, especially when dealing with a large volume of material.⁸³ Similarly, **French** authorities suggest adding a **list of exhibits** when annexes are included in a submission.⁸⁴

⁸⁰ *Ibid.*

⁸¹ *Ibid.* Continuity evidence, also known as evidence of chain of custody, refers to procedures to record the handling of a piece of evidence. According to the UN International Residual Mechanism for Criminal Tribunals: “The existence of a documented chain of custody ensures that evidence is adequately preserved and not tampered with so that the court can be satisfied it has not been altered after being seized” (UN International Residual Mechanism for Criminal Tribunals, “[The Prosecution’s Evidence Collection](#)”)

⁸² Interview with UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025.

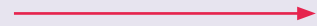
⁸³ Interview with Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024.

⁸⁴ Interview with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.



Comparing practices: language of submissions

Submissions should be made in (one of) the jurisdiction’s **official language(s)**. Several countries, however, accept submissions in other languages.



COUNTRY	LANGUAGE REQUIREMENTS / ACCEPTED LANGUAGES
Belgium	■ Submissions in English are admitted. ■ Formal complaints should be drafted in French, Dutch, German or English to allow for an initial assessment. Should the complaint lead to the opening of an investigation, translations may be arranged, if necessary, for any further documents subsequently submitted as part of the proceedings.⁸⁵ ■ Documents attached in support of the main submission should be submitted in the original language, preferably accompanied by a translation.⁸⁶
Finland	■ Submissions in English are admitted.⁸⁷ ■ Submissions in other languages other than the official ones or English are generally accepted but might delay the authorities' reaction.⁸⁸
France	■ Information can be shared with the OCLCH in any language, and an official translation will be made once the information is added to the file.⁸⁹ ■ Complaints filed with the prosecutor's office should be in French, including its annexes. Unofficial translations of documents that are not originally in French are admitted; certified translations will be made at a later stage in the proceedings.⁹⁰
Germany	■ For criminal complaints that are not submitted in German, authorities can request that they be translated into the official language.⁹¹ ■ If a submission in German constitutes a barrier for the CSO or the victim(s), contact with the authorities could be established beforehand to discuss this specific issue and determine whether another language can be accepted.⁹²
Lithuania	■ Submissions in other languages than the official one are generally accepted but might delay the authorities' reaction.⁹³
The Netherlands	■ Submissions in English are admitted.⁹⁴ ■ Submissions in other languages than the official one or English are generally accepted but might delay the authorities' reaction.⁹⁵
Spain	■ Languages other than Spanish may be accepted, but the official language is preferred and it facilitates the processing of the information.⁹⁶
Sweden	■ As far as the main submission is concerned, English is welcome.⁹⁷ ■ Documents attached in support of the main submission should be submitted in their original language, preferably accompanied by a translation.⁹⁸ Translation processes must be carefully documented, including the identity of the translator and the circumstances in which the translation was done.⁹⁹
Switzerland	■ The submission should be in one of the official languages. ■ Annexes can be submitted in any language that authorities may have familiarity with. In case of lengthy documents, adding an unofficial translation would facilitate the processing of information. If a document written in a foreign language is used in the proceedings, a certified translation will be prepared at a later stage.¹⁰⁰

CSO practitioners interviewed have noted that providing authorities with translations is both time- and resource-intensive, and that it must be carefully considered in the work planning. However, practice shows that submitting annexes only in their original language may lead to significant delays.

⁸⁵ Interview with Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025.

⁸⁶ *Ibid.*

⁸⁷ Interviews with Prosecuting Authority of Finland, 14 February 2025; Investigating Authority of Finland, 6 March 2025.

⁸⁸ *Ibid.*

⁸⁹ Interview with Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025.

⁹⁰ Interview with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

⁹¹ Interview with State Authority Representative of Germany, 22 May 2025.

⁹² Interview with Regional Prosecutor's Office in Germany, 16 May 2025.

⁹³ Interview with Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General's Office of Lithuania, 27 March 2025.

⁹⁴ Interview with Victim Support Unit, Police's International Crimes Team of the Netherlands, 14 February 2025.

⁹⁵ *Ibid.*

⁹⁶ Interview with Investigating Authority of Spain, 12 June 2025.

⁹⁷ Interview with Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024.

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ Interview with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024.

d. What Information to Provide

As already mentioned, the nature and the extent of the information that can be provided to domestic authorities vary considerably, depending, on the one hand, on CSOs' mandates and expertise and, on the other, on the diversity of domestic legal frameworks.

Information filed by CSOs may include victims' and witnesses' accounts, information from 'insiders' or experts, and open-source material (documents, videos, pictures, etc.). It is important to keep in mind that, in accordance with each actor's role and mandate, CSOs do not collect or share "evidence" with authorities, but rather "potential evidence" or "lead evidence", which may ultimately be transformed into evidence by competent authorities.

Thus, the authorities' preference for "raw evidence [...] in as an untampered form as possible"¹⁰¹ is explained with the need to minimise the risk of material being altered when not collected by an official authority.¹⁰² In this regard, several state authorities interviewed for this study made explicit reference to existing documentation guidelines – in particular the above-mentioned Guidelines for CSOs developed by Eurojust, the Genocide Prosecution Network and the Office of the Prosecutor of the ICC – as the general standard to be followed by CSOs when collecting potential evidence.

The documentation supporting each submission must be conducted in accordance with existing international standards.¹⁰³ This section should therefore be read in conjunction with those standards and does not seek to replace or establish new documentation requirements, but rather to provide additional recommendations focused on the reporting phase.

¹⁰¹ Interview with Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024.

¹⁰² Interview with Prosecuting Authority of Finland, 14 February 2025.

¹⁰³ See supra note 23.

"I think that, first of all, the work of NGOs must be sufficiently precise and well done so that the information provided can be used as effectively as possible by the prosecuting authorities. This means that care must be taken when interviewing witnesses to ensure that they are not influenced, and that any evidence provided is not tainted by problems in the chain of custody. There also needs to be a certain amount of trust on the part of the prosecuting authorities that NGOs have now gained a certain amount of experience and know how to do a job that allows them to be relied on to conduct proceedings. For me, these are the two main challenges, which are somewhat mirror images of each other."

Bénédict de Moerloose, Lawyer

Reported facts should be accurate, as precise and as exhaustive as possible, and should thoroughly and clearly set out alleged international crimes. As long as these qualitative standards are met, authorities welcome any material that can be relevant and useful.

Initial submissions should contain relevant information enabling an assessment of whether the **jurisdictional requirements** necessary to initiate proceedings on the basis of universal or other forms of extraterritorial jurisdiction are satisfied. Depending on the specific jurisdiction, this may include information about any existing link with the prosecuting country, including the alleged perpetrator's location and nationality; nationality of direct and indirect victims; and information regarding possible ongoing investigations into the same facts or confirming the absence of another jurisdiction better placed to investigate.

In terms of the information provided about the potential crime(s), several authorities recommended sharing any element that may enable them to determine whether they can take further steps to investigate and follow up on the submission.¹⁰⁴ For example, possible **access to potential evidence and victims**, including with the reporting CSO acting as facilitator, is an important aspect to highlight.¹⁰⁵

¹⁰⁴ Interviews with Head of the Police's War Crimes Unit of Sweden, 17 September 2024; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

¹⁰⁵ Interview with Eduardo Taiano (Prosecutor), Hernan Kleiman (Deputy Prosecutor) and Florencia Zrycki (Court Clerk), Federal Prosecutor's Office of Argentina, 25 April 2025.

“[What we have to establish], if we are considering taking up a case, is whether there is a reasonable expectation of a successful investigation and prosecution.”

Prosecuting Authority of the Netherlands

It can also be helpful to provide information on **potential witnesses** as well as means through which authorities have **access to relevant documents**.¹⁰⁶ Moreover, information concerning tracking and tracing or the whereabouts of high-level suspects can be particularly useful.¹⁰⁷

According to interviewed CSO practitioners, a complaint should be able to draw the attention of the prosecutor’s office and would therefore not be based exclusively on publicly available reports. Ideally, it should include a few testimonies, or at least identify potential witnesses who could be heard by authorities. Such lists of potential witnesses may include only names or aliases, a brief indication of their relevance to the case, and, where appropriate, contact details provided with the individuals’ consent.¹⁰⁸

Finnish authorities recommend initially sharing a “minimal package” of information as the best way to start the information-sharing process and possible subsequent cooperation, and to eventually provide additional information at a later stage.¹⁰⁹ Similarly, one lawyer strongly recommended focusing on “quality rather than quantity” with respect to **Germany**,¹¹⁰ while CSO practitioners advised keeping reports concise, ideally no longer than 10 pages, for the **UK**.¹¹¹

With respect to the amount of information shared, CSO practice varies significantly, not only from one jurisdiction to another and in line with authorities’ preferred practices, but also as a matter of strategy. In some cases, CSOs file all the information in their possession from the outset. In others, they prefer to start engaging with

domestic authorities on the basis of a relatively limited amount of information and, depending on the authorities’ response, they may share additional material at a later stage. Practitioners also underline that submissions can serve different purposes: short documents can aim to draw the authorities’ attention to a specific incident, suspect or crime, while longer documents may set out background information showing patterns of crimes that can draw attention to a broader situation.¹¹²

One interviewee reported that they generally collect – and share with authorities – sufficient information to build a solid case while making sure, when possible, “to leave a pool of evidence untouched.”¹¹³ This way investigating authorities may draw on evidence not presented by the CSOs themselves, which might be useful to corroborate their documentation.

i. VICTIMS’ AND WITNESSES’ ACCOUNTS

As recognised by all actors interviewed, connecting victims and witnesses with investigating or prosecuting authorities is one of the essential roles played by CSOs in accountability efforts. Thanks to their in-depth knowledge of local contexts, their access to affected communities and their ability to travel with fewer formalities than authorities to countries where victims and witnesses reside, CSOs are often able to effectively facilitate engagement between victims and witnesses and prosecuting authorities. Accounts of what individuals have experienced, heard, seen or have indirect knowledge of, may be included in a CSO’s submission.

Whether and to what extent CSOs should interview victims and witnesses remains highly debated because of possible harm this might cause, both to the individuals concerned and to any future proceedings. On the one hand, in order to connect victims and witnesses with authorities, CSOs need to identify them and obtain information about what they experienced and/or witnessed.

¹⁰⁶ Interviews with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025; State Authority Representative of Germany, 22 May 2025.

¹⁰⁷ Interview with Prosecuting Authority of the Netherlands, 7 March 2025.

¹⁰⁸ Interview with TRIAL International, 1 October 2025.

¹⁰⁹ Interview with Investigating Authority of Finland, 6 March 2025.

¹¹⁰ Interview with Lawyer, Germany, 29 November 2024.

¹¹¹ Interview with REDRESS, 1 June 2025.

¹¹² *Ibid.*

¹¹³ Interview with Emmanuelle Marchand, Senior Legal Counsel, 24 March 2025.

On the other hand, interviews conducted by CSO representatives who may lack appropriate training could cause re-traumatisation and create a risk of memory contamination, including through the use of leading questions, especially when collecting full statements.

Adequate training and a solid, well-documented methodology are essential to avoid both the real and perceived risk of tampering with victims' and witnesses' accounts and influencing their statements. In addition, the collection of full statements by CSOs may contribute to the risk of memory corruption. Repeated interviews of victims and witnesses in long legal processes may affect memory recall. At the same time, a witness's recollection of events may lose precision over time, which may become evident where authorities take a statement significantly later than when the CSO interacted with the individual. As a result, discrepancies may arise between interviews conducted by CSOs and those carried out by prosecuting authorities, potentially undermining the credibility of the testimony and adversely affecting proceedings.

23

"In general, the way evidence is collected [by CSOs] is becoming increasingly professional. We can see that NGOs are also aware of very high international standards; a lot of precautions are taken in terms of the chain of custody and knowledge of where the evidence comes from, etc. So that is a big positive point. That said, in our procedure, we will arrange an additional interview by investigators to ensure the strength and credibility of evidence. That interview will be included in the file along with the interview by CSOs for completeness."

Federal Magistrate, Federal Prosecutor's Office of Belgium

Most authority representatives participating in this study underlined that they are required to conduct their own investigations, including by interviewing witnesses and victims even though they might have already been interviewed by CSOs. Overall, authorities tend to prefer that CSOs provide **accurate but concise accounts** of what individuals have experienced, heard, seen or have indirect knowledge of, rather than full statements.

This appears to be regular practice for CSOs who often share **summary accounts**. Internal CSO guidelines on how to produce such summaries, as well as a summary template, already developed by at least one CSO,¹¹⁴ could be useful tools to ensure a coherent presentation of materials and facilitate their use and analysis by authorities.

As with any other source of information, **the methodology** used is important and should be well-documented. This includes keeping precise information about the date, the location, and the conditions under which the information was collected.¹¹⁵ It also includes **documenting any reimbursement** provided by CSOs to the individuals concerned. While it is normal for a witness to be reimbursed for loss of income and expenses incurred to meet with the CSO to share their account, it is crucial to ensure that this aspect is treated with full transparency. This helps avoid any potential challenge by the defence at a later stage that could cast doubt on the witness' credibility.¹¹⁶ In other words, it should be clear that the individual was neither encouraged to provide a particular version of events nor remunerated for telling their story.

Similarly, in addition to recommending that CSOs "provide full records kept of the procedure undertaken and any contact between the CSO and the witness," authorities in the **UK** specify that "any witness accounts taken should be provided to the War Crimes Team together with any information held about previous accounts given by the witness to any organisation or law enforcement agency elsewhere."¹¹⁷

Like domestic authorities in other countries, **Dutch** authorities recommend that CSOs avoid conducting full witness interviews¹¹⁸ and consider the Guidelines for CSOs developed by Eurojust, the Genocide Prosecution Network and the Office of the Prosecutor of the ICC to be the benchmark

¹¹⁴ See, for instance, the "Witness evidence summary guidelines", developed by IAPB. Interview with Head and Lead Analyst, International Accountability Platform for Belarus (IAPB), 5 February 2025.

¹¹⁵ Interview with Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025.

¹¹⁶ *Ibid.*

¹¹⁷ Interview with UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025.

¹¹⁸ Interview with Prosecuting Authority of the Netherlands, 7 March 2025.

standard.¹¹⁹ However, if interviews are conducted in accordance with professional standards, they would like the recording to be shared with them, as this “offers transparency on what the questions were, how they were presented [and ultimately] says something about the credibility of the witness’ statement.”¹²⁰ Beyond the information exchanged, they consider it particularly relevant to know who approached the witness, the nature of the communications between the CSO and the witness, and the manner in which the procedure was carried out, which can help them assess the integrity and reliability of the testimony.¹²¹

The **anonymity of witnesses and victims** is another crucial consideration for CSOs when sharing their accounts with investigating or prosecuting authorities, especially in their initial submission.¹²² Several CSOs reported that, where possible, they do not include identifying information at this stage, even when the interviewed individual gave explicit consent.¹²³ In these cases, if authorities indicate an interest in interviewing the individual concerned, the person is informed and asked to confirm whether they consent to their personal details being shared. This is done to safeguard the individuals heard, as the passage of time might have changed their circumstances and may therefore affect their continued consent to share identifying information.

“There is often a delay between when you submit a witness statement and when the witness is interviewed, and in that interval their circumstances might have changed. They might consider it riskier to testify in their own name or to have their name linked to an investigation. So, we try to ensure each witness can defer the decision to disclose their identity or to request protective measures until the time when they would be interviewed, rather than earlier in the proceedings.”

Steve Kostas, Former Senior Managing Lawyer, Open Society Justice Initiative (OSJI)

In this regard, **German** authorities stress the importance of clarifying from the outset whether the identities of witnesses communicated to them by the CSO may be included in the case file or must be kept confidential – for example, for security reasons.¹²⁴ This early clarification is important not only in Germany, but also in other jurisdictions such as **France**, the **Netherlands** and **Sweden**, as all information shared with the authorities – including within the framework of a structural investigation – could, by default or at a later stage, be included in the case file and become available to defence lawyers and defendants.¹²⁵

CSOs can only offer limited protection to victims and witnesses with regard to anonymity: their staff generally do not enjoy legal privilege or any exemption from the duty to testify and, if heard in court, may be required to disclose a person’s identity.¹²⁶

ii. INFORMATION PROVIDED BY ‘INSIDERS’

Although the information that an insider¹²⁷ may possess can be very valuable for the case, the Guidelines for CSOs developed by Eurojust, the Genocide Prosecution Network and the Office of the Prosecutor of the ICC state that “to preserve the integrity of information and to ensure the safety of members of their team, civil society organisations should seek to ensure that they conduct a **specific risk assessment** when considering whether to engage with a person they suspect of having committed a crime.”¹²⁸

¹²⁴ Interview with State Authority Representative of Germany, 22 May 2025.

¹²⁵ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Clémence Bectarte, Lawyer and Coordinator of FIDH’s Litigation Action Group, 11 February 2025; REDRESS, 1 June 2025.

¹²⁶ Interview with European Center for Constitutional and Human Rights (ECCHR), 18 March 2025. In this regard, see also *infra*, Part II, e, iv.

¹²⁷ For the purpose of this report, an “insider” is a person who might have access to relevant information because of their proximity to alleged perpetrators, and structure or events connected to alleged international crimes. Insiders might also be implicated in criminal conduct themselves.

¹²⁸ Eurojust, the Genocide Prosecution Network and the Office of the Prosecutor of the International Criminal Court, *Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations*, 21 September 2022, p. 25 (emphasis added).

¹¹⁹ Interview with Victim Support Unit, Police’s International Crimes Team of the Netherlands, 14 February 2025.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² In this regard, see also *infra*, Part III, b. iii. on Security Risk Mitigation.

¹²³ Interviews with Head and Lead Analyst, International Accountability Platform for Belarus (IAPB), 5 February 2025; Steve Kostas, Former Senior Managing Lawyer, Open Society Justice Initiative (OSJI), 24 February 2025.

The majority of CSOs interviewed lack an established practice of obtaining information from this type of source. CSOs' engagement with authorities seems to rarely involve the provision of information coming from potential insider witnesses. CSOs do not usually connect this type of witness with investigating and prosecuting authorities.

Among the difficulties that CSOs face when interacting with insiders is the fact that "it is not easy to build a relationship of trust with them."¹²⁹ The reasons underlying their decision to speak out may be manifold, which makes their potential testimony more vulnerable to challenges by the defence.

For **French** authorities, it is crucial to understand the person's background and profile as well as the process behind the decision to reveal information in their possession. This helps ensure that the testimony is credible and solid, including by anticipating possible arguments raised by the defence.¹³⁰

25

"[Insider information] can be very useful in proceedings, but only if we understand where it comes from and why."

Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France

While acknowledging that CSOs' contribution to identifying insiders could be helpful, **Finnish** authorities underline that they must be the ones to contact them and conduct the actual interview, as they would with any other potential witness.¹³¹

In any event, when considering whether to share information from insiders with authorities, CSOs should take into account the **risk of self-incrimination** that insiders might expose themselves to. An assessment of this risk by a lawyer fully independent from the CSO is essential.¹³² Several jurisdictions – including

Finland,¹³³ France¹³⁴ and Sweden¹³⁵ – cannot grant any form of immunity in exchange for the insider witness' testimony in proceedings.

CSOs with experience in engaging with insiders consider that, where there is a risk of criminal exposure, it is important to advise them to obtain **independent legal representation** to ensure that their interests are represented, as these may diverge from those of the CSO.¹³⁶

iii. OPEN-SOURCE INFORMATION

CSO submissions often contain publicly available information collected online, also known as open source. This may include, for example, material published by United Nations bodies, other CSOs, researchers, journalists and similar sources. As authorities confirmed, this material can provide useful background for understanding the context in which the alleged crimes took place.¹³⁷ Open-source material used to feed a submission may also include videos, pictures, satellite imagery and information published on social media.

As with any other source of information, this material should be presented with all available and relevant data, including metadata, to **facilitate authorities' verification and access to the primary source**.¹³⁸ The source should be clearly identified and information about its reliability should be provided.¹³⁹ CSOs should also carefully note when and where the information was collected, including by recording URLs.¹⁴⁰

¹²⁹ Interview with Bénédicte de Moerloose, Lawyer, 12 March 2025.

¹³⁰ Interview with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

¹³¹ Interview with Investigating Authority of Finland, 6 March 2025.

¹³² Interview with European Center for Constitutional and Human Rights (ECCHR), 18 March 2025.

¹³³ Interview with Prosecuting Authority of Finland, 14 February 2025.

¹³⁴ Interview with Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025.

¹³⁵ Interview with Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024.

¹³⁶ Interviews with Bénédicte de Moerloose, Lawyer, 12 March 2025; Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025.

¹³⁷ Interview with Investigating Authority of Spain, 12 June 2025.

¹³⁸ Interviews with Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025; Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General's Office of Lithuania, 27 March 2025.

¹³⁹ Interview with Prosecuting Authority of Finland, 14 February 2025.

¹⁴⁰ Interviews with Prosecuting Authority of Finland, 14 February 2025; Investigating Authority of Finland, 6 March 2025.

As web addresses can change over time and information can be removed, it is recommended to also provide soft copies (pdf files, screenshots) and hard copies, including of documents, videos and photos. **Dutch** authorities recommend using, whenever possible, tools that allow for the secure collection, preservation and documentation of digital material in a manner that protects its integrity, traceability and evidentiary value.¹⁴¹

Spanish authorities would also find it useful to receive the hash value¹⁴² of each public document collected, which is being increasingly requested by Spanish courts.¹⁴³ One CSO practitioner indicated that they regularly preserve the original data to ensure that, if the material later becomes unavailable online, the saved copy can be authenticated as an accurate preservation of content that no longer exists online.¹⁴⁴

Documenting the process followed to obtain open-source material is also highly recommended. For instance, regarding videos, CSOs should specify how they were captured from the internet (for example, downloaded or recorded using a specific tool), as this can help authorities trace all steps taken up to the moment the video was shared with them.¹⁴⁵ As far as the **UK** is concerned, a “continuity witness statement” – i.e. a statement which thoroughly explains when, how and by whom a certain element was collected – could be useful, as it can provide information about the evidential chain.¹⁴⁶ In addition, it was suggested that CSOs identify a possible witness who would be able to authenticate the open-source element and could testify about it at a later stage.¹⁴⁷

Finally, similarly to a list of exhibits, an index or **list of open-source items** provided could be helpful to authorities to analyse and process the material shared with them more effectively.¹⁴⁸ This could be presented as a table numbering each element and outlining its identification, including, for example, its source and a two-line summary of the type of material provided.¹⁴⁹

iv. EXPERT EVIDENCE

CSOs can also suggest that authorities hear individuals with relevant expertise, for example, on contextual or thematic aspects related to a given case, as expert witnesses. According to **UK** authorities, “recommendations of such experts are welcome” given that “it can be challenging to identify suitably qualified and experienced experts in niche areas.”¹⁵⁰ **Swedish** authorities consider that a CV highlighting the suggested expert’s relevant work could be useful for their assessment.¹⁵¹

In **France**, CSOs that are civil parties in the proceedings also have the possibility to call expert witnesses to testify. Conversely, in **Switzerland**, where all parties to the proceedings have to be informed and agree for an expert to be heard, if the suggestion has been made by CSOs, which cannot be parties to the proceedings, there is a risk that the defendant would oppose.¹⁵²

¹⁴¹ Interview with Victim Support Unit, Police’s International Crimes Team of the Netherlands, 14 February 2025.

¹⁴² The hash values are “calculations that can be run on any type of digital file to generate a fixed-length alphanumeric string that can be used as evidence that a digital file has not been modified. This string will remain the same every time the calculation is run as long as the file does not change” (*Berkeley Protocol on Digital Open Source Investigations*, p. 78; see also p. 59).

¹⁴³ Interview with Investigating Authority of Spain, 12 June 2025.

¹⁴⁴ Interview with Kate Vigneswaran, Director, Global Accountability Initiative of the International Commission of Jurists (ICJ), 26 March 2025.

¹⁴⁵ Interview with Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General’s Office of Lithuania, 27 March 2025.

¹⁴⁶ Interview with Angelina Nicolaou, Lawyer, UK, 3 March 2025.

¹⁴⁷ Interview with L. Kathleen Roberts, Co-Executive Director and Co-Founder, Partners in Justice International, 17 January 2025.

¹⁴⁸ Interview with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

¹⁴⁹ *Ibid.*

¹⁵⁰ However, it is worth specifying that it is for the Crown Prosecution Service and the War Crimes Team to assess and instruct experts in accordance with the rules and regulations (Interview with UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025).

¹⁵¹ Interview with Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024.

¹⁵² Interview with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024.

e. Contributing to Domestic Authorities' Investigations: Selected Challenges and Opportunities

CSOs' contribution to domestic authorities' investigations faces numerous challenges and also gives rise to important opportunities. Some of these challenges, such as admissibility issues, evidentiary standards, and legal and procedural constraints, are discussed throughout the study, including in this section. Others, such as potential intimidation, including Strategic Lawsuits Against Public Participation (known as SLAPPs) are not discussed in detail in this report. While such risks may affect CSOs' ability to engage in accountability work, they go beyond the report's narrower focus on the engagement between CSOs and investigating and prosecuting authorities.

i. CONFIDENTIALITY

27

All parties consulted recognise that **confidentiality** is a major challenge when it comes to possible CSO contribution. At the investigation stage, domestic authorities can reasonably be expected to share only limited information in order to preserve confidentiality. Even when CSOs could potentially provide important support to ongoing investigations, this proves difficult without insight into the investigation itself. This difficulty is largely overcome in cases where CSOs have a formal role in the proceedings. That being said, rules governing investigative secrecy vary from country to country. In Germany, for instance, even the victim's lawyers will – in practice – rarely have access to the case file until an indictment is issued.¹⁵³

CSOs underline that **understanding at least the broad scope of an investigation remains indispensable to making a meaningful and efficient contribution** to an ongoing investigation, including when responding to a request for information from authorities.

In this sense, as mentioned above, a few CSOs have developed specific tools to guide authorities on the information CSOs need to process a request properly.¹⁵⁴

The knowledge gap between domestic authorities and CSOs during an investigation not only affects CSOs' ability to contribute effectively, but may also lead to **unintended consequences** for the case itself. In particular, when filing additional potential evidence to supplement an initial submission, CSOs often do so without visibility over investigations that may have already been ongoing for years.

One crucial aspect CSOs and authorities should consider in these cases is **timing**. For instance, if authorities are about to close an investigation and send the case to court, the introduction of a new plaintiff could significantly prolong the investigative phase.¹⁵⁵ Possible unintended consequences should therefore be anticipated, and practitioners should weigh the introduction of new information against the delays this might entail in proceedings, especially in cases involving elderly defendants. Coordination with lawyers representing victims in the case, or with the authorities themselves when appropriate,¹⁵⁶ could help mitigate the risk that such submissions negatively impact the case. Conversely, regular, timely and proactive communication by authorities with CSOs, to the extent possible and permitted, can help prevent such situations from arising.

ii. CSOS AS A PARTY TO PROCEEDINGS

As mentioned, the obstacle posed by the confidentiality of investigations can be considerably reduced in the few jurisdictions where CSOs can have **a formal role in the proceedings**, such as **Argentina, Belgium, France and Spain**.

¹⁵⁴ See *supra* note 47.

¹⁵⁵ Interview with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024.

¹⁵⁶ In this regard, see *supra*, Part II, c.

¹⁵³ Interview with Lawyer, Germany, 29 November 2024.

In jurisdictions where a CSO defending the public interest can become a party to the proceedings, CSOs are able to contribute more actively – and, above all, more effectively – to the advancement of an investigation. As parties to the proceedings, CSOs gain access to the case file, enabling them to assess more efficiently whether and how to supplement the information that it already contains. A formal role also entails the attribution of specific rights and powers, including the possibility of requesting that the competent authority take certain investigative measures.

In **France**, CSOs that are accepted as civil parties enjoy the procedural rights associated with this status, including the right to be informed of the progress of the investigation at regular intervals, to access the case file and to request investigative acts.¹⁵⁷ Furthermore, the Public Prosecutor's Office or investigating judges regularly hold hearings with CSOs that filed a complaint in order to obtain more information, including on their methodology, their relationship with the victims and witnesses, and how they gathered the relevant information.¹⁵⁸ When such hearings are not initiated, CSOs can request them. This allows CSOs to formally provide any additional information in their possession or to clarify the nature of the material they might be able to submit, while ensuring that this is aligned with the authorities' ongoing work.

"CSOs can request this type of hearing, and these are generally accepted. There is a general practice, developed by the War Crime Unit since its creation more than ten years ago, of interacting with CSOs to move beyond the mere formal submission of a complaint and to understand the methodology and the complementary information that CSOs may possess."

Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group

¹⁵⁷ In this regard, see, for instance, TRIAL International and Open Society Justice Initiative, *Universal Jurisdiction – Law and Practice in France*, Briefing Paper Series, February 2019, pp. 19–20 and 28–29.

¹⁵⁸ Interview with Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025.

In **Belgium**, the law provides that any civil party may intervene in ongoing investigations to suggest investigative measures to be taken.¹⁵⁹ If the competent authority does not grant the request, the civil party has the right to appeal before the Indictment Chamber of the Court of Appeal.¹⁶⁰ This procedural avenue is also available to CSOs that have joined the proceedings as civil parties.

In **Spain**, the institution of *acusación popular* allows a CSO to take a leading role and participate in the proceedings under the same conditions as the Public Prosecutor. The CSO can participate in the investigative acts, request that such acts be carried out, bring an indictment and defend it at trial.¹⁶¹ Similarly, in **Argentina**, a CSO that defends collective rights may become a *querellante* (complainant) and exercise powers similar to those of the prosecutor at trial. In particular, it may submit evidence, propose and examine witnesses (including expert witnesses), question other participants in the proceedings, deliver a closing statement, and appeal decisions they consider unfavourable.¹⁶²

iii. STRUCTURAL INVESTIGATIONS

Several countries under consideration in this study, such as **France**, **Germany**, **Sweden** and **Lithuania**, have opened "structural investigations." Instead of focusing on an individual incident or suspect, a structural investigation "seeks to gather evidence on contextual elements of the crimes and structures or groupings of potential perpetrators operating" in a specific context.¹⁶³ Typically, the objective is to ensure the early preservation of evidence, identify suspects, command structures and patterns of crime, and prepare for the eventuality that an identified suspect falls within the jurisdiction of the competent authorities.

¹⁵⁹ Interview with Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025.

¹⁶⁰ *Ibid.*

¹⁶¹ Interview with Prosecuting Authority of Spain, 26 June 2025.

¹⁶² In this regard, see, for instance, TRIAL International and Open Society Justice Initiative, *Universal Jurisdiction – Law and Practice in Argentina*, Briefing Paper Series, April 2025, p. 30.

¹⁶³ Eurojust, *Key factors for successful investigations and prosecutions of core international crimes*, 23 May 2022, p. 2.

Established by practice and not explicitly regulated by law, in general, such investigations are ordinarily conducted in accordance with the code of criminal procedure of the relevant jurisdiction.¹⁶⁴

Structural investigations often constitute an opportunity for CSOs to engage with investigating authorities, provided that their focus and related investigative priorities are communicated to CSOs. They enable the submission of information concerning broader patterns of crimes and may also allow for authorities to take investigative measures – such as interviewing witnesses – even in the absence of an identified suspect.

“Regarding structural investigations, there is indeed a huge amount of documentation work to which CSOs contribute very effectively, including by identifying, locating and searching for witnesses and victims, which I would say is also very important.”

Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France

29

Sharing information about the existence of such investigations with relevant affected communities, including about the possibility to provide a statement to authorities, is particularly welcome and reflects a general practice at least in **Lithuania** – which, at the time of writing, conducts structural investigations into international crimes allegedly committed in Ukraine and Belarus.¹⁶⁵

At the same time, specific challenges emerge in relation to this type of investigation. First, the **open-ended nature** of structural investigations means that information submitted by CSOs is less likely to result in a tangible procedural outcome, unless it triggers an obligation to initiate a person-specific investigation.¹⁶⁶ This is an important consideration when advising survivors about

the possibility of providing a witness statement in the context of such investigations, in order to manage expectations and avoid disappointment if the proceedings do not ultimately result in a case against a specific suspect.¹⁶⁷

Second, several practitioners underlined a lack of clear understanding of what the opening of these investigations concretely means for victims and CSOs, and expressed the need for **further guidance from the authorities on how CSOs may contribute to them.**

In addition, a practitioner with experience in multiple jurisdictions pointed out that, in comparison with ordinary investigations, there is “no real understanding from civil society or victims in terms of what is happening with the information” submitted to investigating authorities, and that “CSOs and victims do not have standing in structural investigations that would allow them to learn how they are going.”¹⁶⁸

Despite these specific challenges, structural investigations represent an important opportunity to advance accountability and may enable quicker reaction by judicial authorities when a suspect is located within the jurisdiction conducting the relevant structural investigation.

iv. CSOS’ TESTIMONY IN COURT

Since CSOs play a critical role in documenting international crimes and submitting information to authorities for the purpose of investigations and possible judicial proceedings, an important question arises as to whether CSO representatives may be called to testify in court. This possibility may represent both a challenge and an opportunity, both for the CSO and for the case.

CSO representatives may be asked to testify about documentation methodologies, interactions with victims and witnesses, and issues related to evidence traceability. This possibility exists across all jurisdictions examined and is becoming

¹⁶⁴ Interview with European Center for Constitutional and Human Rights (ECCHR), 18 March 2025.

¹⁶⁵ Interview with Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General’s Office of Lithuania, 27 March 2025.

¹⁶⁶ Interview with European Center for Constitutional and Human Rights (ECCHR), 18 March 2025.

¹⁶⁷ *Ibid.*

¹⁶⁸ Interview with Steve Kostas, Former Senior Managing Lawyer, Open Society Justice Initiative (OSJI), 24 February 2025.

increasingly common in many of them. As a result, CSOs should take this possibility into account when carrying out documentation activities and **be prepared to respond to such requests** if they arise. This practice further underscores the importance of adequate documentation training, the use of clear standard operating procedures, and strict adherence to best-practice guidelines. These measures are essential not only for ethical and professional reasons, such as ensuring appropriate documentation practices and tailored victim support, but also to prevent potential evidence, and ultimately judicial proceedings, from being compromised.

According to interviewees, requests for CSO testimony most often originate from the defence, though they may also be made by the prosecution. Prosecutors in several jurisdictions emphasise that when CSOs collect potential evidence or testimonies, they must be prepared to **explain the methodologies used and the circumstances under which the information was obtained**, including during trial. Some practitioners viewed such testimony as an important opportunity for CSOs to clarify their working methods, share their contextual knowledge and explain their role in accountability processes. Having a CSO representative testify about the organisation's work can enhance both its credibility and its transparency.¹⁶⁹

¹⁶⁹ Interview with Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024.

The defence lawyer's perspective

One defence lawyer underscored the importance of CSOs being able to explain their documentation methods and underlying purposes as a means of **safeguarding the rights of the defence**. According to this position, the "problem" does not necessarily lie in the CSO's work itself, but rather on how the material was relied upon and evaluated in the case. In line with other interviewees, the defence lawyer considered that CSOs "should be heard to explain the work they have done in order to file a report or complaint, or in relation to their role in the proceedings, so as to explain the methods used, the purpose and the manner in which this work was carried out."¹⁷⁰

While the importance of defence rights and giving CSOs an opportunity to explain their work is generally recognised, many CSO representatives nevertheless highlighted persistent **concerns about the lack of legal clarity regarding any potential obligation to disclose information about their work and the resulting risks to the protection of CSO sources**.

CSO representatives who have gathered information may put individuals at risk if obliged to answer certain questions.¹⁷¹ It has therefore been suggested that authorities limit their questioning to CSO representatives should it become clear that answering would endanger sources, similarly to the approach taken with journalists, who may invoke source protection to avoid disclosing them.¹⁷²

Yet, CSOs cannot rely solely on the sensitive nature of the information they hold, or on confidentiality agreements with victims, witnesses or other sources to avoid being required to testify. Unlike certain actors, CSO representatives do not generally benefit from source-protection rules or legal privileges that would automatically

¹⁷⁰ Interview with Philippe Currat, Lawyer, Switzerland, 16 July 2025.

¹⁷¹ Interview with Bénédict de Moerloose, Lawyer, 12 March 2025.

¹⁷² *Ibid.*

exempt them from answering source-specific questions. Any exemptions would normally depend on the existence of a specific legal privilege and would be assessed on a case-by-case basis in accordance with the applicable law. For example, in those instances where CSO staff act as legal representatives of victims, their work may be protected by legal professional privilege, preventing them from being compelled to testify about privileged matters.

In jurisdictions where CSOs may participate in proceedings as civil parties, such as **France**, their representatives may be heard at the pre-trial or trial stage and asked to explain both their role in the specific case and the nature of the CSOs' work. In these circumstances, CSOs, as parties to the proceedings, retain the right to decide whether to disclose information or not.¹⁷³

In the **UK**, disclosure considerations are stricter. CSOs are therefore advised to keep a record of every contact and retain all notes and associated material, as these may need to be disclosed. Practitioners noted that, while CSOs do not have a specific legal obligation to disclose information, authorities themselves are subject to strict disclosure requirements. Therefore, authorities may ask CSOs to provide information to assist them in meeting those obligations.¹⁷⁴ This is considered a critical aspect of the working relationship between prosecuting authorities and CSOs in the UK. If a CSO has particular concerns, it may ask witnesses to report directly to UK authorities, which could mitigate disclosure-related risks for the CSOs.¹⁷⁵

Overall, CSO practitioners recommend **being transparent with sources** about the limits of confidentiality, including the possibility that information may have to be disclosed. Interviewees also emphasised the **need for clearer guidance** from authorities on how judicial procedures operate in this regard, including the options available to CSOs and the legal limitations that may apply.¹⁷⁶ CSOs may also decide to seek legal advice regarding the possibility of being called to testify, as well as the potential implications this may have for their working practices and strategies.

Finally, CSOs may also be called to testify as expert witnesses based on their experience and knowledge of a specific context or set of facts. This may occur regardless of whether the CSO itself submitted information to the authorities, and interviewees across jurisdictions reported this scenario as common.

¹⁷⁶ Interview with Kate Vigneswaran, Director, Global Accountability Initiative of the International Commission of Jurists (ICJ), 26 March 2025.

¹⁷³ Interview with Jeanne Sulzer, Lawyer, France, and Clémence Witt, Lawyer, France and Spain, 17 April 2025.

¹⁷⁴ Interview with UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025.

¹⁷⁵ Interview with REDRESS, 1 June 2025.

PART III

Providing Support to Victims and Witnesses

Providing support to victims and witnesses so that they can meaningfully participate in proceedings constitutes the second main area of engagement between CSOs and domestic authorities. This Part examines the practices related to the provision of such support. It also explores outreach efforts aimed to engage with affected communities.

Meaningful participation goes beyond the formal recognition of victims' or witnesses' procedural rights. It requires **conditions that enable individuals to engage safely, in an informed manner and effectively at all stages of the proceedings, while avoiding re-traumatisation**. The necessary accompaniment should be based on a holistic, survivor-centred and trauma-informed approach and should address the full range of needs that, if left unaddressed, could undermine victims' meaningful participation.

This typically includes culturally appropriate forms of support in accessing information, legal assistance, healthcare (including psychosocial support) and security measures. Effective participation during investigative and trial phases also requires administrative and logistical support, as well as access to interpretation and translation. Such an approach recognises that physical, psychosocial and legal needs are deeply interconnected and cannot be addressed in isolation. Importantly, holistic care should be conceived as a continuous and evolving process: needs may shift over time, and issues such as consent, security and well-being must be regularly reassessed as proceedings progress and victims' personal circumstances change.

Most CSO representatives interviewed understand their role as accompanying victims and witnesses throughout the accountability process. This is also facilitated by the trust and familiarity that CSOs may have already established. This role is complementary to that of the authorities and helps address gaps in the support available to victims and witnesses.

In this regard, the revision of the EU Directive on Victims' Rights strengthens victims' access to specialised support across EU Member States. While its implementation in domestic law is forthcoming, the revised directive will explicitly mention victims of core international crimes, who currently fall through existing institutional

gaps. The revised directive will recognise that they require specialised and integrated support, and broadly strengthens the Directive's provisions on communication, access to legal aid and compensation.¹⁷⁷

Beyond victims and witnesses directly or closely involved in universal jurisdiction proceedings, other individuals and groups often share a collective experience of victimisation linked to the crimes being prosecuted. Effective engagement should therefore also extend to those affected communities, in order to ensure that universal jurisdiction proceedings can contribute to meaningful change.

a. **Victims' Access to Legal Representation**

Across jurisdictions, CSOs are almost invariably the primary entry point for victims of international crimes seeking to engage in universal and other forms of extraterritorial jurisdiction proceedings.¹⁷⁸ As such, they play a key role in guiding victims through complex and unfamiliar legal systems and connecting them with qualified lawyers. Given victims' limited familiarity with foreign legal professionals, the small number of practitioners specialised in this type of proceedings, and the high cost of representation, victims often rely on CSOs to identify and secure legal representation.¹⁷⁹

CSOs frequently bear the costs of victims' legal representation because of the **limited scope of legal aid schemes**.¹⁸⁰ These limitations vary across jurisdictions. In some countries, legal aid depends on eligibility criteria, such as an individual's financial situation, their formal role in the proceedings and the procedural stage at which support is available.

¹⁷⁷ Directive (EU) 2026/1472 of the European Parliament and of the Council of 17 June 2026 amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

¹⁷⁸ Interview with Alexis Deswaef, Lawyer, Belgium, 10 April 2025.

¹⁷⁹ *Ibid.*

¹⁸⁰ For more information on legal aid, see also REDRESS, FIDH and ECCHR, *Breaking down Barriers*, September 2020.

In addition, accessing legal aid often requires substantial administrative effort, for which victims depend heavily on support from CSOs or lawyers. Even when legal aid is available, the hourly rates and the number of compensable hours are not always adequate, particularly given the intensity and complexity of universal jurisdiction cases. These cases are exceptionally time-consuming and demand extensive coordination, deep engagement with complex factual contexts, and the review of hundreds or even thousands of documents.

Two principal models of legal representation emerged from the interviews conducted. Under the first model, victims are represented by a lawyer external to CSOs who can practice in the relevant country. Under the second one, representation is guaranteed by CSO staff members who are qualified to practise as lawyers in the relevant jurisdiction (also referred to here as ‘in-house lawyers’).

Overall, the external lawyer model seems to be the most common in the jurisdictions considered in this study, where **most victims are represented by independent lawyers, often identified with the support of CSOs**. By contrast, representation by lawyers who are members of CSO staff seems to prevail in the **US**, where **representation of victims through in-house CSO lawyers** is not only legally permissible but also relatively common.¹⁸¹

In the **external lawyer model**, CSOs act as intermediaries between victims and their lawyers at the outset of their relationship.¹⁸²

“There is definitely a role there for CSOs to play [...] as a kind of ‘matchmaking’ intermediary, helping ensure the right match so that all parties are happy. This is an important role to keep playing.”

Lawyer, Civil Society, the Netherlands

To identify specialised lawyers, CSOs may rely on their own assessment, professional networks and recommendations from partners, often prioritising practitioners with expertise in international

criminal law.¹⁸³ Lawyers connected to victims in this way consistently described their relationship with CSOs as a partnership between experts. By enabling collaborative strategic thinking, this is viewed as a key strength of this model.¹⁸⁴

“We collaborate. We work together. It is often a partnership. [...] We think together, and we reflect on the strategy. Very often, they are foreign NGOs, and even if they are lawyers, they do not necessarily know the French system. We share our knowledge with them, and they also contribute a great deal to our understanding of the circumstances of the case.”

Jeanne Sulzer, Lawyer, France, and Clémence Witt, Lawyer, France and Spain

Challenges nevertheless exist, including occasional misalignment in communication practices and legal strategies between CSOs and lawyers.¹⁸⁵ While victims’ interests remain paramount, CSOs may favour pursuing bold and innovative legal strategies aimed at advancing the law. Lawyers, who are more attuned to judicial constraints, may prefer adopting more cautious approaches.¹⁸⁶ Interviewees also highlighted the under-compensation of lawyers, who expressed concerns about the long-term sustainability of pro bono work or remuneration through legal aid schemes.¹⁸⁷ Another significant challenge is that victims may struggle to navigate the different roles of the CSO and the external lawyer.¹⁸⁸ Building trust and clarity within this tripartite relationship emerged as a central task for CSOs.¹⁸⁹

¹⁸³ Interviews with Team Lead, HÁWAR.help e.V., Germany, 3 December 2024; European Center for Constitutional and Human Rights (ECCHR), 18 March 2025; Ignacio Jovtis, Director for Latin America, InterJust, 28 March 2025; Lawyer, Civil Society, the Netherlands, 2 April 2025; TRIAL International, 1 October 2025.

¹⁸⁴ Interviews with Bénédicte de Moerloose, Lawyer, 12 March 2025; Jeanne Sulzer, Lawyer, France, and Clémence Witt, Lawyer, France and Spain, 17 April 2025.

¹⁸⁵ Interviews with Lawyer 1, Switzerland, 11 September 2024; Lawyer, Germany, 29 November 2024; Henri Thulliez, Lawyer, France, 13 May 2025.

¹⁸⁶ Interviews with Lawyer, Germany, 29 November 2024; Simon Foreman, Lawyer, France, 20 January 2025; Henri Thulliez, Lawyer, France, 13 May 2025.

¹⁸⁷ Interviews with Alexis Deswaef, Lawyer, Belgium, 10 April 2025; Henri Thulliez, Lawyer, France, 13 May 2025.

¹⁸⁸ Interview with European Center for Constitutional and Human Rights (ECCHR), 18 March 2025.

¹⁸⁹ Interviews with Barbara Van Straaten, Lawyer, Prakken d’Oliveira, 25 February 2025; European Center for Constitutional and Human Rights (ECCHR), 18 March 2025; Tomás Ojea Quintana, Lawyer, Argentina, 30 April 2025.

¹⁸¹ Interview with Carmen Cheung, Former Executive Director, Center for Justice and Accountability (CJA), 14 March 2025.

¹⁸² Interviews with Ghita Hadding Wiberg, Lawyer, Sweden, 30 September 2024; Lawyer, Germany, 29 November 2024; Alexis Deswaef, Lawyer, Belgium, 10 April 2025.

“Victims may have some apprehensions about meeting a lawyer they don’t know. Often, it’s not the victim who chose the lawyer, but the organisation. It is then also important to show them that the organisation and the lawyers are working together to defend their rights.”

Alexis Deswaef, Lawyer, Belgium

Despite the challenges mentioned, multiple reasons explain why the external lawyer model remains the most common approach in most of the countries considered here. In some jurisdictions, a strict institutional separation exists between CSOs and legal representatives. For example, in **France**, rules adopted by the *Conseil national des barreaux* restrict lawyers from holding positions that may compromise their independence, which in practice prevents CSO staff from acting as lawyers.¹⁹⁰

Interviewees from various jurisdictions identified several other reasons for this choice, including the need for specialised expertise in the domestic jurisdiction,¹⁹¹ the resource-intensive nature of legal representation,¹⁹² and the willingness to keep a distinction of roles between CSOs documenting and supporting victims and lawyers representing them, thereby anticipating possible arguments regarding the credibility of victims and witnesses and the potential manipulation of their statements.¹⁹³ Maintaining institutional independence is paramount and, as highlighted by one CSO representative, it is considerably more challenging to keep full independence in the investigation, support and outreach work if also acting as legal representatives.¹⁹⁴

At the same time, case law and practice suggest that direct representation by CSOs’ in-house lawyers is not inherently incompatible with the other roles CSOs can have in universal jurisdiction cases. In **Switzerland**, the Federal Criminal Court ruled in the *Kosiah case* that, provided that a CSO acts within its statutory mandate and that no conflict of interest arises, representation of victims by CSOs’ in-house lawyers is not per se problematic.¹⁹⁵ Nevertheless, Swiss prosecuting authorities emphasised the need for caution, stressing that CSOs’ in-house lawyers must remain independent when representing victims.¹⁹⁶

Against this backdrop, some CSOs choose to **directly represent victims through in-house lawyers**. Interviewees highlighted several perceived benefits, including deeper knowledge of the case, greater control over legal strategy, and potential cost savings.¹⁹⁷ Authorities’ familiarity with CSOs’ in-house lawyers can enhance trust in the organisation’s work and thus also constitute a positive element of in-house legal representation.

“You first have to establish trust with the actors involved [...] There are some lawyers whom you know [...] and we assume that the NGOs have a serious background. [...] In cases where NGO representatives may also have a dual role, for example by representing potential joint plaintiffs, then this trust can of course be built up much more quickly, because the role is clear and there is no need to question it at length, unlike with foreign NGOs whose structures and working methods might not be known.”

Regional Prosecutor’s Office in Germany

¹⁹⁰ Interview with CSO representative, France, 28 January 2025.

¹⁹¹ Interviews with Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Project Officer, Ukraine Legal Network (ULN), 7 October 2024; Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025; Mazen Darwish, General Director, Syrian Centre for Media and Freedom of Expression (SCM), 8 July 2025.

¹⁹² Interviews with Team Lead, HAWAR.help e.V., Germany, 3 December 2024; Legal Adviser, Reporters Without Borders (RSF), 16 January 2025; Steve Kostas, Former Senior Managing Lawyer, Open Society Justice Initiative (OSJI), 24 February 2025; Alexis Deswaef, Lawyer, Belgium, 10 April 2025.

¹⁹³ Interview with TRIAL International, 1 October 2025.

¹⁹⁴ Interview with Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024.

¹⁹⁵ See Swiss Federal Criminal Court, *Judgment*, 18 June 2021, SK.2019.17, pp. 36–39 (available in French).

¹⁹⁶ Interview with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024. See also Swiss Federal Criminal Court, *Judgment*, 18 June 2021, SK.2019.17, pp. 36–39, (available in French).

¹⁹⁷ Interviews with Bénédict de Moerloose, Lawyer, 12 March 2025; Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025; Alain Werner, Director, Civitas Maxima, 29 April 2025.

b. Victims' Participation: Operational Realities

"If NGOs weren't there, there would be no victims [in the proceedings]. In international crimes trials, NGOs maintain contact with individuals, victims and witnesses throughout most of the proceedings. They facilitate their attendance, reassure them and also follow up with them after their testimony, as things can become very complicated once they return home. Without NGOs, it would be impossible for them to even be part of this."

Henri Thulliez, Lawyer, France

Across jurisdictions, **victims' meaningful participation requires early, comprehensive and sustained support**. Most interviewees, including representatives of authorities, agreed that support for victims' participation in proceedings, from the opening of an investigation until a final verdict, **should in principle be provided by the authorities** of the prosecuting country.¹⁹⁸ In practice, however, domestic authorities often lack sufficient resources and appropriate institutional frameworks to fulfil this role, requiring CSOs to fill existing gaps.

Victims' effective participation frequently depends on the financial and logistical support provided by CSOs, which themselves face severe resource constraints, particularly in the current context. From the outset of proceedings, CSOs act as trusted intermediaries between victims and authorities, in most cases in collaboration with victims' lawyers, and are instrumental in accompanying victims through explanations of procedures and management of expectations.

¹⁹⁸ Interviews with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; Lawyer, Germany, 29 November 2024; Simon Foreman, Lawyer, France, 20 January 2025; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Prosecuting Authority of Finland, 14 February 2025; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025; Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025; Alexis Deswaef, Lawyer, Belgium, 10 April 2025; TRIAL International, 1 October 2025; Courtney Urschel, Former Deputy Chief, Human Rights and Special Prosecutions Section of the US Department of Justice, 20 October 2025.

Besides the aforementioned key role in coordinating administrative and logistical arrangements for victims – and, to a lesser extent, witnesses – while conducting security risk assessments, CSOs also facilitate access to specialised external support, including the provision of psychosocial assistance and, in some cases and only to a certain extent, interpretation.

"There are three fundamental pillars to victims' support: information, victim safety and psychosocial support. Victims must know what is happening at all times, what the real chances of success are and what the process will look like. This is essential for informed consent. Safety can be a real concern in some cases. Any organisation involved in this work cannot ignore these key elements."

Ignacio Jovtis, Director for Latin America, InterJust

Several countries have **specialised units or associations** that provide support to victims in collaboration, including through formal partnership, with investigative and prosecuting authorities. In **Argentina**, prosecutors may contact the *Dirección General de Acompañamiento, Orientación y Protección a las Víctimas* (DOVIC – Directorate-General of Victim Support, Guidance and Protection) to provide assistance, support and advice to victims.¹⁹⁹ In **Belgium**, the *Service d'accueil des victimes* is a public service which operates at the request of the Public Prosecutor, providing reception, information, protection, court accompaniment, debriefing and referrals to medical or psychological care.²⁰⁰ In **Finland**, the association *Rikosuhripäivystys* (Victim Support Finland – RIKU) provides general victim support by accompanying victims during proceedings through a range of complementary support services and advice.²⁰¹

¹⁹⁹ General Guidelines for Action of the Public Prosecutor's Office of the Argentine Nation on Universal Jurisdiction, December 2024.

²⁰⁰ Interviews with Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025; Alexis Deswaef, Lawyer, Belgium, 10 April 2025.

²⁰¹ Interview with Prosecuting Authority of Finland, 14 February 2025. In this regard, see the [Rikosuhripäivystys website](#).

In **France**, the association *Paris Aide aux Victimes* (hereinafter, 'PAV') supports victims and witnesses summoned to appear at trial, offering airport reception, hotel and court accompaniment, administrative assistance and psychosocial support while acting as the key intermediary for booking and purchasing international flights.²⁰²

In **Sweden**, the nationwide general support association *Brottsofferjouren* (Victim Support Sweden) assists victims, witnesses and others affected by crime through trained volunteers, a hotline and presence in courts.²⁰³ In the **UK**, the Counter Terrorism Policing's War Crimes Team may engage with *Victim Support*, which is an independent charity dedicated to supporting victims of crime and traumatic incidents.²⁰⁴ In the **US**, specialised units within the federal prosecutor's offices work directly with victims and witnesses to provide them with support and information.²⁰⁵

In a few countries, such as **Switzerland** and **Germany**, authorities are seeking to expand the mandate and activities of their existing witness support units, moving beyond protection alone towards a more comprehensive support.²⁰⁶

These **dedicated services are considered good practice**, as they reflect greater State responsibility for supporting victims' effective participation in proceedings. However, limited financial and human resources, inadequate protocols and tools for supporting victims who do not reside in the prosecuting country, and a broad mandate not specialised in supporting victims of international crimes may significantly affect their effectiveness.²⁰⁷ Besides being limited to the State's territory, they often lack cultural sensitivity

and contextual understanding needed to support victims of international crimes effectively and, as a result, specialised CSOs' intervention remains necessary.²⁰⁸

"There are challenges in terms of understanding the cultural and logistical context, particularly when authorities do not have access to the territory or a clear picture of the constraints faced by victims. As a result, some requests can be unrealistic. For example, during the investigation, a judge once asked us whether the victims could be present the following Monday to be heard, without considering that they are located thousands of kilometres away. Even once people are in the prosecuting country, procedures are often difficult to understand. Explanations are not always delivered in an accessible way [...]"

TRIAL International

By explicitly referring to victims of core international crimes, the aforementioned new EU Victims' Rights Directive may contribute to improving the services provided by domestic authorities and state-mandated agencies or associations in this regard.

²⁰² Interviews with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025; TRIAL International, 1 October 2025.

²⁰³ Interview with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024.

²⁰⁴ Interview with UK Counter Terrorism Policing London, War Crimes Team, 6 June 2025.

²⁰⁵ Interview with Carmen Cheung, Former Executive Director, Center for Justice and Accountability (CJA), 14 March 2025.

²⁰⁶ Interviews with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; State Authority Representative of Germany, 22 May 2025. In this regard, see also *infra*, Part III, b, i.

²⁰⁷ In this regard, see also REDRESS, FIDH and ECCHR, *Breaking down Barriers*, September 2020, pp. 105 and following.

²⁰⁸ Interview with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Ghita Hadding Wiberg, Lawyer, Sweden, 30 September 2024; Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Henri Thulliez, Lawyer, France, 13 May 2025; REDRESS, 1 June 2025.



In the **Netherlands**, the Dutch Victim Support Unit was established in 2024 following the creation of a victim support protocol.²⁰⁹ The Unit maintains contact with victims, manages information flows, and coordinates protection and support measures according to victims' preferences.²¹⁰ While *Slachtofferhulp Nederland* (Victim Support Netherlands) serves as the nationwide victim support service, it is not equipped to support victims of international crimes.²¹¹ For this reason, the Nuhanovic Foundation, with more than a decade of experience in providing litigation support and legal advice to victims of international crimes, was designated as a focal point for supporting these victims. Within the framework of formalised cooperation, the Nuhanovic Foundation has assisted in various ways, such as providing victims and witnesses with lawyers and covering the costs of legal representation in the early stages of a case; assisting victims in obtaining visas; providing specialised legal expertise concerning the jurisdictions where the crimes under investigation were committed; and providing referral pathways for mental health support.²¹²

In light of the challenges faced by domestic authorities in ensuring effective victims' participation, **the involvement of CSOs is not only considered valuable but, in some cases, necessary.** Nevertheless, as several domestic authorities interviewed also emphasised, support provided by CSOs may be relied upon by the defence to challenge the credibility of victims or witnesses.²¹³

²⁰⁹ Interview with Police's International Crimes Team of the Netherlands, 15 March 2025.

²¹⁰ Interviews with Victim Support Unit, Police's International Crimes Team of the Netherlands, 14 February 2025; Police's International Crimes Team of the Netherlands, 15 March 2025.

²¹¹ REDRESS, FIDH and ECCHR, *Breaking down Barriers*, September 2020, p. 87.

²¹² Interview with Hope Rikkelman, Director, The Nuhanovic Foundation, 18 May 2026.

²¹³ Interviews with Lawyer, Germany, 29 November 2024; Dmytro Koval, Co-Executive Director, Truth Hounds, 10 February 2025; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Prosecuting Authority of Finland, 14 February 2025; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025; Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025; Investigating Authority of Finland, 6 March 2025; REDRESS, 1 June 2025; Courtney Urschel, Former Deputy Chief, Human Rights and Special Prosecutions Section of the US Department of Justice, 20 October 2025.

"I would prefer support to be provided by official victim support services rather than CSOs involved in the case [...] as the defence could argue that the victims had prior contact before the trial or even received support, which might affect the case."

Prosecuting Authority of Finland

"I believe prosecuting authorities must be able to organise [the travel to the prosecuting country]: it should not be left to CSOs, which are often parties to the trial. Otherwise, the defence could argue that CSOs are assuming a role that is not theirs [...] and that witnesses or victims brought by these organisations have been influenced or manipulated, thereby undermining their credibility."

Alexis Deswaef, Lawyer, Belgium

The defence lawyer's perspective

A defence lawyer also highlighted the need for transparency when CSOs intervene in the proceedings to assist one of the parties to cover their costs of appearing in court. This would avoid giving the impression that the victim is being manipulated in their statements, which could undermine the credibility of the proceedings.

"We would benefit from greater transparency in exchanges between civil society actors, whose role is perfectly legitimate, but is distinct from that of the prosecuting authority."

Philippe Currat, Lawyer, Switzerland

This highlights the need for **transparency, clear safeguards, coordination, and documentation of support measures.** Overall, these considerations underscore **the importance of developing clear frameworks** governing engagement between authorities and CSOs in relation to the issues addressed below: administrative and logistical support, psychosocial assistance, and interpretation.

i. ADMINISTRATIVE AND LOGISTICAL SUPPORT

Meaningful participation in proceedings is first and foremost realised through the opportunity for victims to be heard during investigations and to participate in the trial. Practice reveals **three main modalities** through which such participation is facilitated.

The first modality is **remote participation**, allowing victims to take part without the need to travel long distances, **either by telephone or through videoconference systems**. This is generally accepted in the countries examined in this report, but these practices vary significantly, both in terms of the specific requirements and the frequency of use, and with regard to the stage of the proceedings at which this is resorted to.

"In the investigative stage it is very common to do things remotely. It's actually becoming more common for trials to use remote testimony due to limited funding to bring witnesses to the prosecuting countries. In other cases, witnesses are willing to cooperate, but they prefer not to travel. However, investigators still prefer in-person meetings, as it is a much more fruitful experience."

Mark Shaffer, Former Director of the Human Rights Violators and War Crimes Center at the US Department of Homeland Security

The majority of jurisdictions – including **Belgium**,²¹⁴ **France**,²¹⁵ **Germany**,²¹⁶ **Lithuania**,²¹⁷ **Sweden**,²¹⁸

Switzerland²¹⁹ and the **UK**²²⁰ – restrict remote hearings to situations in which international judicial cooperation is possible and the hearing can take place on official premises (such as embassies or foreign prosecutors' offices), subject to safeguards designed to preserve procedural formality and evidentiary integrity.

For instance, in **Belgium** and in **France**, victims and witnesses have been heard before the Courts of Assizes via videoconference from a foreign prosecutor's office, in the presence of national authorities who certified the identity of the individuals.²²¹ For Belgium specifically, these videoconference hearings were exceptionally held for certain individuals who were unable to travel for health reasons or otherwise unable to attend, and whose testimony was particularly important at trial.²²²

"Remote hearings can be organised in the context of mutual [legal] assistance, and this is done fairly regularly. At the trial stage, however, the situation is different. From the Public Prosecutor's perspective, remote testimony does not have the same weight, and it is preferable to have a person testify before the criminal court rather than thousands of miles away behind a screen, which might have connection issues. [...] In practice, trials often combine both videoconference testimony with in-person hearings; it remains important that people are present whenever possible and that we facilitate their travel so that they can attend."

Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France

Authorities in **Argentina** have also organised remote hearings from one of their consulates abroad, at the request of the individual concerned, notably for security reasons.²²³ Some Argentinian

²¹⁴ Interview with Alexis Deswaef, Lawyer, Belgium, 10 April 2025.

²¹⁵ Interviews with Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

²¹⁶ Interviews with European Center for Constitutional and Human Rights (ECCHR), 18 March 2025; Regional Prosecutor's Office in Germany, 16 May 2025; State Authority Representative of Germany, 22 May 2025.

²¹⁷ Interview with Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General's Office of Lithuania, 27 March 2025.

²¹⁸ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Head of the Police's War Crimes Unit of Sweden, 17 September 2024.

²¹⁹ Interview with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024.

²²⁰ Interview with UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025.

²²¹ Interviews with Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025; Alexis Deswaef, Lawyer, Belgium, 10 April 2025.

²²² Interview with Alexis Deswaef, Lawyer, Belgium, 10 April 2025.

²²³ Interview with Eduardo Taiano (Prosecutor), Hernan Kleiman (Deputy Prosecutor) and Florencia Zrycki (Court Clerk), Federal Prosecutor's Office of Argentina, 25 April 2025.

authorities have also adopted a pragmatic approach during investigations and resorted to Zoom hearings to address resource constraints and avoid significant delays.²²⁴

In the **Netherlands**, despite a general preference for in-person interviews, remote interviews via videoconference are permissible for investigative judges within the framework of mutual legal assistance. By contrast, no legal basis exists for such interviews when conducted by police authorities.²²⁵

In certain countries, such as Lithuania and Spain, remote testimony at trial appears to constitute the standard practice. For instance, in **Lithuania**, authorities tend to make use of remote testimony at trial in order to avoid requiring witnesses to travel, while at the pre-trial investigation phase, they generally prefer hearings to take place in-country.²²⁶ In such cases, at trial, the primary objective is typically to have the statements previously given during the pre-trial investigation formally confirmed and admitted into evidence.²²⁷ In **Spain**, both during the investigation and trial phase, victims and witnesses who reside outside the country are generally heard remotely through international judicial cooperation mechanisms.²²⁸

Several interviewees underlined that hearing victims and witnesses only remotely may reduce the perceived impact of their testimony.²²⁹ A few state authority representatives explicitly noted that in-person interviews may be more valuable, particularly because of the need to establish

trust between the prosecuting or investigating authorities and victims.²³⁰ Remote participation is therefore not always regarded as a substitute for in-person testimony, but rather as a valid alternative where circumstances do not permit testimony to be given in person, whether in the prosecuting country or in the country where the victims and witnesses reside.²³¹

“For me, there is no substitute for live testimony: I think it remains the preferred approach. [...] But when the logistical or security constraints make travel difficult, remote testimony can serve as a good alternative.”

Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW)

The second modality is **in-person participation in the victims’ or witnesses’ country of residence** if international judicial cooperation is possible. Subject to such cooperation being in place, the authorities of most countries examined – including **Belgium**,²³² **Finland**,²³³ **France**,²³⁴ **Lithuania**,²³⁵ the **Netherlands**,²³⁶ **Sweden**,²³⁷ **Switzerland**,²³⁸

²²⁴ Interviews with Eduardo Taiano (Prosecutor), Hernan Kleiman (Deputy Prosecutor) and Florencia Zrycki (Court Clerk), Federal Prosecutor’s Office of Argentina, 25 April 2025; Maia Czarny, Former Assistant to a Federal Investigative Judge, Seventh Federal Criminal Court of Argentina, 11 June 2025.

²²⁵ Interviews with Victim Support Unit, Police’s International Crimes Team of the Netherlands, 14 February 2025; Police’s International Crimes Team of the Netherlands, 15 March 2025.

²²⁶ Interview with Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General’s Office of Lithuania, 27 March 2025.

²²⁷ *Ibid.*

²²⁸ Interview with Prosecuting Authority of Spain, 26 June 2025.

²²⁹ Interviews with Lawyer 1, Switzerland, 11 September 2024; Lawyer, Germany, 29 November 2024; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025; Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025; Jeanne Sulzer, Lawyer, France, and Clémence Witt, Lawyer, France and Spain, 17 April 2025.

²³⁰ Interviews with Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025; Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General’s Office of Lithuania, 27 March 2025; Mark Shaffer, Former Director of the Human Rights Violators and War Crimes Center at the US Department of Homeland Security, 22 May 2025.

²³¹ Interviews with Lawyer 1, Switzerland, 11 September 2024; Lawyer, Germany, 29 November 2024; Alain Gauthier, President, Collectif des Parties Civiles pour le Rwanda (CPCR), 3 February 2025; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025; Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025.

²³² Interview with Alexis Deswaef, Lawyer, Belgium, 10 April 2025.

²³³ Interviews with Prosecuting Authority of Finland, 14 February 2025; Investigating Authority of Finland, 6 March 2025.

²³⁴ Interviews with Simon Foreman, Lawyer, France, 20 January 2025; Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025.

²³⁵ Interview with Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General’s Office of Lithuania, 27 March 2025.

²³⁶ Interviews with Victim Support Unit, Police’s International Crimes Team of the Netherlands, 14 February 2025; Barbara Van Straaten, Lawyer, Prakken d’Oliveira, 25 February 2025.

²³⁷ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Head of the Police’s War Crimes Unit of Sweden, 17 September 2024.

²³⁸ Interviews with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; Lawyer 2, Switzerland, 28 November 2024; TRIAL International, 1 October 2025.

the **UK**²³⁹ and the **US**²⁴⁰ – may travel to the victims’ and witnesses’ place of residence in order to take their testimony in person and facilitate their participation in the proceedings.

In **Finland** and **Sweden**, entire courts, including judges, prosecutors, defence lawyers and court clerks, may relocate abroad if, for example, victims are concentrated in one location, in order to take their testimony and conduct hearings on official premises.²⁴¹

“We have a model in which we consider it would be best to hear the witnesses where they live, rather than requiring them to travel far away from their homes. We have used this approach several times in our proceedings.”

Investigating Authority of Finland

The third modality is for victims to participate **in person in the country conducting the prosecution**. This may require them to travel from distant locations to take part in the relevant proceedings, whether to be heard by investigating authorities or to participate in the trial.

While the extent of the assistance required may vary depending on the modality of participation, **victims’ meaningful engagement in proceedings almost invariably necessitates substantial administrative and logistical support**. Regardless of where and how victims are heard, domestic **authorities bear the primary responsibility** for enabling victims to effectively and safely provide their testimonies and meaningfully participate throughout the proceedings.

This assistance constitutes a fundamental prerequisite for victims’ in-person participation when they are required to travel to the country in which the proceedings take place, which is often culturally and linguistically unfamiliar.

Both during the investigation and trial phases, significant administrative and logistical efforts are necessary, including assistance in obtaining travel documents, security assessments, booking of flights and accommodation, daily accompaniment and support throughout the stay.

The scope and consistency of the assistance provided by authorities vary across jurisdictions. In most of the contexts analysed for this study, they are responsible for providing logistical support for travel and accommodation, including by covering relevant costs, **provided that victims’ presence in the prosecuting country is considered necessary by the authorities**.

In the **UK**, prosecuting authorities assist with the organisation and logistics of travel to the UK for individuals who are testifying in criminal proceedings.²⁴² In the **US**, it is often up to CSOs to organise and cover the costs of travel for those who are not testifying but wish to be present for the proceedings.²⁴³ Similarly, in the **Netherlands**, financial support for victim participation is formally regulated and tied to their inclusion on the indictment.²⁴⁴

Some States appear to be better equipped than others to provide the necessary support. This may depend not only on the availability of resources, but also on their practical experience in handling universal jurisdiction cases, which has enabled them, to varying degrees, to develop appropriate practices and put adequate structures in place.

In **Belgium**, victims and, where necessary, witnesses arriving from abroad are generally received at the airport by the police authorities and escorted to Brussels, where contact with the aforementioned *Service d’accueil des victimes* is promptly established.²⁴⁵ This service operates in coordination with the prosecutor in charge of the case.²⁴⁶

²³⁹ Interviews with Daniel Machover, Lawyer, UK, 29 November 2024; Mandira Sharma, Senior Legal Adviser, International Commission of Jurists (ICJ), 27 January 2025.

²⁴⁰ Interview with Mark Shaffer, Former Director of the Human Rights Violators and War Crimes Center at the US Department of Homeland Security, 22 May 2025.

²⁴¹ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Ghita Hadding Wiberg, Lawyer, Sweden, 30 September 2024; Prosecuting Authority of Finland, 14 February 2025; Alain Werner, Director, Civitas Maxima, 29 April 2025.

²⁴² Interviews with Daniel Machover, Lawyer, UK, 29 November 2024, mentioning the Victims’ Code; UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025.

²⁴³ Interview with Carmen Cheung, Former Executive Director, Center for Justice and Accountability (CJA), 14 March 2025.

²⁴⁴ Interviews with Barbara Van Straaten, Lawyer, Prakken d’Oliveira, 25 February 2025; Prosecuting Authority of the Netherlands, 7 March 2025; Police’s International Crimes Team of the Netherlands, 15 March 2025.

²⁴⁵ Interview with Federal Magistrate, Federal Prosecutor’s Office of Belgium, 26 February 2025.

²⁴⁶ *Ibid.*

In **France**, early and structured coordination among relevant actors facilitates victim participation at trial. This starts well in advance – typically five to six months beforehand – through regular meetings involving prosecutors, lawyers for civil parties and the defence, court presidents, the previously mentioned PAV, and relevant embassies’ representatives, where possible. These meetings allow participants to share information and coordinate on the number of victims attending the trial, hearing schedule, and related travel and logistical requirements. This contributes to a more effective planning and reinforces the complementary role played by CSOs alongside state authorities.²⁴⁷ With the support of PAV, authorities in France seek to ensure comprehensive care for victims from the moment of their arrival at the airport until their departure.²⁴⁸ This includes the provision of accommodation and meals, accompaniment to hearings, and psychological support when necessary.²⁴⁹

In **Germany**, authorities are working to extend traditional police witness protection to include witness support.²⁵⁰ This system, which already worked very well in several international crimes cases, provides 24/7 witness support even for several consecutive weeks and includes continuous accompaniment by police personnel throughout the entire period.²⁵¹ However, the increasing number of international crimes cases and the subsequent growing need for witness support is putting a strain on available staff resources and limiting the level of assistance that could be provided by the police.²⁵² Authorities in **Switzerland**, through the existing Witness Protection Unit, are also moving towards expanding the mandate of this service from protection only to support.²⁵³

²⁴⁷ Interview with TRIAL International, 1 October 2025.

²⁴⁸ Interview with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

²⁴⁹ *Ibid.*

²⁵⁰ Interview with State Authority Representative of Germany, 22 May 2025.

²⁵¹ *Ibid.*

²⁵² *Ibid.*

²⁵³ Interview with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024.

In States where the preferred modality of participation does not require victims to travel, structures and practices to support in-person participation may be less developed. For instance, in **Spain**, where victims’ presence is rarely required,²⁵⁴ authorities are not accustomed to covering travel and subsistence costs when they arise.²⁵⁵ In exceptional cases of particular gravity, judicial authorities may request the Spanish Ministry of Justice to provide financial assistance so that the victim can testify in Spain, and may ask the Spanish Embassy to authorise the issuance of the entry visa.²⁵⁶

Likewise, although Finland has a general victim support service through *Rikosuhripäivystys*, authorities do not have a specific practice or structure in place to assist victims in **Finland** as they generally hear victims either near their place of residence or remotely, while covering the associated costs.²⁵⁷

In addition to differences across jurisdictions, the scope and consistency of the support provided also vary **across procedural phases**. Support tends to be more systematic for participation at trial, while CSOs often cover or facilitate participation during the preliminary stages. This is the case, for instance, in **France**, where participation costs during the investigation phase must often be advanced or covered by CSOs.²⁵⁸ Similarly, in the **US** and in **Germany**, authorities provide assistance for victims travelling to participate in a trial, while CSOs have sometimes been in charge of facilitating victims’ travel to meet with investigators at the earliest stage of the proceedings.²⁵⁹

²⁵⁴ Interviews with Gema Gutierrez Hernandez, Saúl Castro Fernández and Jorge Peniche, Lawyers, G37 Centre, 21 February 2025; Prosecuting Authority of Spain, 26 June 2025.

²⁵⁵ Interview with Investigating Authority of Spain, 12 June 2025.

²⁵⁶ *Ibid.*

²⁵⁷ Interview with Prosecuting Authority of Finland, 14 February 2025.

²⁵⁸ Interviews with Simon Foreman, Lawyer, France, 20 January 2025; Alain Gauthier, President, Collectif des Parties Civiles pour le Rwanda (CPCR), 3 February 2025; Jeanne Sulzer, Lawyer, France, and Clémence Witt, Lawyer, France and Spain, 17 April 2025; TRIAL International, 1 October 2025.

²⁵⁹ Interviews with European Center for Constitutional and Human Rights (ECCHR), 18 March 2025; Regional Prosecutor’s Office in Germany, 16 May 2025; Mark Shaffer, Former Director of the Human Rights Violators and War Crimes Center at the US Department of Homeland Security, 22 May 2025.

Overall, interviewees – including domestic authorities – consistently emphasised that the **logistical and administrative support provided by state authorities to both victims and witnesses attending proceedings is often insufficient to fully address their needs**. CSOs were repeatedly identified as playing a critical, complementary and often indispensable role in filling gaps. Even when adequate structures and good practices exist, state support does not always cover the full range of needs, requiring intervention by CSOs to ensure that victims are able to participate without being re-traumatised. This support is particularly critical for victims travelling, often for the first time, from very different cultural contexts and economic realities.

“This is where CSOs are needed: people might have never been on an airplane, for example.”

Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland

CSOs regularly support victims with complex administrative and logistical arrangements, which also includes organising local travel, or travel to neighbouring countries to access the relevant embassy to obtain documentation. Authorities may only cover transport to and from the country of prosecution, and in some cases, CSOs advance funds.

Once victims are in the country of prosecution, CSOs provide day-to-day accompaniment and practical assistance in daily needs, including, when relevant, clothing appropriate to a climate different from the one victims might be accustomed to. Where allowed, representatives of CSOs may also act as support persons for victims who request it.²⁶⁰

Beyond enabling participation strictly required by proceedings, CSOs ensure broader and more inclusive victim engagement. This may include covering additional days of stay in the prosecuting

²⁶⁰ Interviews with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; Tomás Ojea Quintana, Lawyer, Argentina, 30 April 2025; State Authority Representative of Germany, 22 May 2025; TRIAL International, 1 October 2025.

country, as authorities generally fund only the period necessary for their testimony. This may also involve supporting victims who do not have a formal role in the proceedings but wish to attend trial hearings, participation during investigative phases and sentencing hearings (when not organised or covered by the authorities), or facilitating the presence of support persons.

The defence lawyer's perspective

“Certain costs are covered to help some parties attend the trial. This is also a very concrete and, I believe, essential impact [of CSOs]. It is necessary for victims to be able to participate in the proceedings, to be heard in court, and to attend the entire trial, both at the first instance and on appeal. That’s something that seems obvious even to me, from the perspective of the defence. [...] This is a matter of fair trial and simply the right thing to do.”

Philippe Currat, Lawyer, Switzerland

ii. PSYCHOSOCIAL ASSISTANCE

“We have to do everything in our power to prevent secondary victimisation.”

Police's International Crimes Team of the Netherlands

The **risk of re-traumatisation** faced by victims, survivors and witnesses when engaging with criminal justice processes is widely known and acknowledged. Despite this, the provision of psychosocial and psychological support by domestic authorities remains limited. Across jurisdictions, interviewees consistently reported that authorities either fail to provide this type of support entirely, or offer it in a limited and restricted manner.²⁶¹

²⁶¹ For more information on this issue, see REDRESS, FIDH and ECCHR, *Breaking down Barriers*, September 2020.

While limited psychosocial support during criminal proceedings may be granted in some cases, a more sustained and holistic support, where available, is typically provided through the general public health system rather than being linked to victims' or witnesses' role in criminal proceedings, and is often contingent on residency or other eligibility requirements.²⁶² In practice, this leaves many victims, particularly those who do not legally reside in the prosecuting country, without access to the sustained and tailored care that could help **prevent** re-traumatisation and support long-term recovery and healing. Where authorities provide psychological support outside this framework, it is frequently confined to specific moments in the proceedings or to particularly severe or sensitive cases, such as when an individual is deemed to be in acute distress while giving testimony during the investigation or at trial.

Practices vary across jurisdictions. In countries where specialised units or state-sponsored associations collaborating with domestic authorities to support victims exist, these structures may, in some cases, also be responsible for providing or arranging psychological assistance for victims and, in certain instances, witnesses.²⁶³ These entities are, however, generally not adequately equipped to assist victims of international crimes. They may lack appropriate specialised expertise and training related to cultural specificities, or may have a narrow mandate or limited resources.²⁶⁴

In a few countries, including **France** and the **UK**, domestic authorities only offer psychological support at trial and not during the investigation phase.²⁶⁵

Another prevailing trend across jurisdictions is that **psychological assessments** are more readily available than support, as they are primarily used for the purposes of the proceedings – for example, to assess the harm suffered or a victim's capacity to testify – rather than addressing victims' broader psychological needs.²⁶⁶ While these assessments may provide a degree of assistance, they fall significantly short of a holistic, victim-centred model of support.

Argentina's legal framework provides, in theory, a notable exception in terms of psychosocial support for victims. State-run institutions can provide assistance before, during and after hearings, with courts able to order the presence of psychosocial professionals throughout the process.²⁶⁷ Interviewees highlighted that this trauma-informed approach ensures, at least in principle, that victims have systematic access to support, rather than receiving it only on a case-by-case basis, reflecting a comprehensive and victim-centred model.²⁶⁸ While this possibility has been used many times,²⁶⁹ the effectiveness of the national programme is severely limited by lacking resources and protocols for extraterritorial cases.²⁷⁰

Sustained psychosocial support and continuity of care are essential both for victims' well-being and for their ability to participate meaningfully in proceedings. In light of the limited and fragmented psychosocial support available through domestic authorities, CSOs play a central role in ensuring that victims and witnesses have access to appropriate and sustained psychosocial assistance.

²⁶² This is for example the case in Germany and Sweden. Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; European Center for Constitutional and Human Rights (ECCHR), 18 March 2025.

²⁶³ In this regard, see *supra*, Part III, b.

²⁶⁴ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Henri Thulliez, Lawyer, France, 13 May 2025; TRIAL International, 1 October 2025.

²⁶⁵ In France, support is provided through PAV. Interviews with Legal Adviser, Lawyers for Justice in Libya (LFJL), 7 November 2024; Simon Foreman, Lawyer, France, 20 January 2025; Mandira Sharma, Senior Legal Adviser, International Commission of Jurists (ICJ), 27 January 2025; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; International Centre of Justice for Palestinians, 13 February 2025.

²⁶⁶ Interviews with Head of the Police's War Crimes Unit of Sweden, 17 September 2024; Simon Foreman, Lawyer, France, 20 January 2025; Barbara Van Straaten, Lawyer, Prakken d'Oliveira, 25 February 2025; Henri Thulliez, Lawyer, France, 13 May 2025.

²⁶⁷ Interviews with Bénédicte de Moerloose, Lawyer, 12 March 2025; Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025; Tomás Ojea Quintana, Lawyer, Argentina, 30 April 2025.

²⁶⁸ *Ibid.*

²⁶⁹ Interview with Ignacio Jovtis, Director for Latin America, InterJust, 28 March 2025.

²⁷⁰ Interview with Maia Czarny, Former Assistant to a Federal Investigative Judge, Seventh Federal Criminal Court of Argentina, 11 June 2025.

While a few participants emphasised the importance of preserving evidence integrity and of demonstrating the highest possible degree of neutrality,²⁷¹ the vast majority of authorities across jurisdictions recognised the **key role played by CSOs in bridging the gap between victims' needs and the services available within state systems**, particularly for survivors of international crimes whose personal circumstances, trauma profiles and geographical location often fall outside the scope of available national services.²⁷²

"Support and assistance must be provided. NGOs can act as a guide or a pilot, especially for traumatised victims. At the same time, demand for support is constantly increasing, especially for victims of sexual assault, torture and similar abuses. [...] They should not have to relive the trauma through their testimony. Attentive psychosocial support is necessary and desirable, and this is where government agencies are also called upon to act. But when law enforcement agencies or a State reach their limits, then it is of course a great advantage if NGOs can step in."

Regional Prosecutor's Office in Germany

"Generally, that is a major role played by CSOs. Governments have a hard time to provide this support, and we're certainly not experts in that area. We will if we need to, and we're certainly cognisant of it, but NGOs tend to be more well-equipped to do that."

Mark Shaffer, Former Director of the Human Rights Violators and War Crimes Center at the US Department of Homeland Security

CSOs do not generally provide psychological care directly, as they rarely have in-house staff trained to deliver clinical psychological support, unless their mandate specifically focuses on providing psychological assistance to victims. Instead, when such assistance is required, CSOs typically **refer victims and survivors to specialised services or independent professionals**. While some of these providers are able to offer pro bono psychological support as part of their mandate, others need specific funding to do so and the costs are often covered by CSOs supporting victims. These services are often known directly to CSOs or by their partner organisations and are selected on the basis of their trauma-informed expertise, understanding of the specific context of international crimes, relevant language skills, and geographical and cultural proximity to victims.²⁷³

A defining feature of CSO engagement is their capacity and willingness to support victims **over extended periods of time**.²⁷⁴ Unlike state-organised referrals, which tend to provide psychosocial support only at specific procedural moments, CSOs are often able to maintain long-term engagement, sometimes spanning several years. This continuity of care is critical to victims' and survivors' well-being and to their ability to participate effectively in proceedings, particularly in lengthy investigations and trials.

The defence lawyer's perspective

"I think that the most significant role CSOs can play is in supporting victims during and around the process [...] by offering psychological support, or [...] accompany people to a hearing."

Lawyer, the Netherlands

²⁷¹ Interviews with Prosecuting Authority of Finland, 14 February 2025; Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025.

²⁷² Interviews with Head of the Police's War Crimes Unit of Sweden, 17 September 2024; Lawyers, International Committee for the Investigation of Torture in Belarus (ICIT), 17 February 2025; Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025; Investigating Authority of Finland, 6 March 2025; Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General's Office of Lithuania, 27 March 2025; Mark Shaffer, Former Director of the Human Rights Violators and War Crimes Center at the US Department of Homeland Security, 22 May 2025.

²⁷³ Interviews with Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Project Officer, Ukraine Legal Network (ULN), 7 October 2024; Head and Lead Analyst, International Accountability Platform for Belarus (IAPB), 5 February 2025; Gema Gutierrez Hernandez, Saúl Castro Fernández and Jorge Peniche, Lawyers, G37 Centre, 21 February 2025; Steve Kostas, Former Senior Managing Lawyer, Open Society Justice Initiative (OSJI), 24 February 2025; Kate Vigneswaran, Director, Global Accountability Initiative of the International Commission of Jurists (ICJ), 26 March 2025; TRIAL International, 1 October 2025.

²⁷⁴ Interviews with Steve Kostas, Former Senior Managing Lawyer, Open Society Justice Initiative (OSJI), 24 February 2025; European Center for Constitutional and Human Rights (ECCHR), 18 March 2025; TRIAL International, 1 October 2025.

One CSO interviewed employs psychologists from the same region as the victims as part of its staff. These psychologists hold two pre-interview meetings with each victim and their role is to assess whether the victim is ready to **speak** about what they have experienced. Only once this assessment has been completed can the victim's account be collected. This practice aims to transform the interview into "a healing space" that is both procedurally effective and psychologically supportive while minimising the risk of traumatisation.²⁷⁵

iii. SECURITY RISK MITIGATION

"The protection of victims and witnesses is a particular challenge. While we can and must ensure people's protection [...] as they are in our country, the problem arises when they return to their home abroad."

Federal Magistrate, Federal Prosecutor's Office of Belgium

Victims' participation in proceedings often requires a **careful and thorough assessment of the security situation** in each individual case. Security concerns can usually be more easily mitigated for witnesses and victims who are present in the prosecuting State, where domestic authorities are, in principle, better equipped to address these situations.

Security concerns can be more difficult to address if victims and witnesses live in a conflict or post-conflict setting, or one characterised by volatile security conditions, notably if they are required to travel to provide testimony. These concerns may also arise for the relatives of those who are testifying who do not reside in the prosecuting State. In such cases, authorities of the prosecuting country cannot enforce protective measures abroad for victims, witnesses and their family members.²⁷⁶ States are not able to deploy their police forces to provide protection to individuals

at risk beyond their own territory,²⁷⁷ because by definition state protection mechanisms are territorially limited, unless a witness protection programme is put in place.²⁷⁸

"It's very difficult to put protective measures in place because there is a lack of resources. [...] When someone needs protection, how can the prosecuting authorities put that in place? When victims live abroad, it's virtually impossible."

Alexis Deswaef, Lawyer, Belgium

The main measure that authorities in prosecuting countries can, in principle, adopt is **anonymity**. Depending on the jurisdiction, however, anonymity cannot be fully maintained at trial, or may only be available to witnesses but not victims. For instance, in **France**, civil parties cannot be anonymous.²⁷⁹ In **Finland**, while witnesses may be heard anonymously (subject to strict legal requirements and only under limited conditions), the identity of victims is disclosed to the suspect at a certain stage of the proceedings, although it may be withheld from public disclosure.²⁸⁰ Similarly, in **Sweden**, victims cannot remain anonymous throughout the proceedings and, at some point towards the end of the investigation, or once the indictment is made, their identity must be disclosed to the defendant.²⁸¹ Until recently, without exception, the identity of a witness also had to be disclosed to all parties to the proceedings.²⁸² Pursuant to the new legislation on Anonymous Witnesses in Criminal Proceedings which entered into force on 1 January 2025, witnesses may now, in certain circumstances, provide testimony under a pseudonym, both during the preliminary investigation and the main hearing.²⁸³ However, the application of this provision is subject to strict conditions and

²⁷⁵ Interview with Natia Navrouzov, Director, Yazda, 3 April 2025.

²⁷⁶ Interviews with Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025; Courtney Urschel, Former Deputy Chief, Human Rights and Special Prosecutions Section of the US Department of Justice, 20 October 2025.

²⁷⁷ Interviews with Investigating Authority of Finland, 6 March 2025; Courtney Urschel, Former Deputy Chief, Human Rights and Special Prosecutions Section of the US Department of Justice, 20 October 2025.

²⁷⁸ Interview with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024.

²⁷⁹ Interview with Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025.

²⁸⁰ Interview with Prosecuting Authority of Finland, 14 February 2025.

²⁸¹ Interview with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024.

²⁸² Interview with Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024.

²⁸³ Ibid.

the general rule remains that the identity of the witness must be disclosed to the parties, including the defendant.²⁸⁴

In several jurisdictions, including **Argentina**, **Lithuania** and the **Netherlands**, a defendant cannot be convicted solely or primarily based on anonymous testimony.²⁸⁵ Following a security assessment, authorities may therefore prefer not to engage with witnesses who may be at risk and whose protection cannot be ensured.²⁸⁶ Since various types of information, including apparently unrelated or inconsequential details, can enable the identification of witnesses, lawyers appointed with the help of CSOs can play an important role in safeguarding anonymity when witness statements are collected, including by ensuring that identifying information is not recorded.

“The only protective measure that we can work towards is anonymity. Given the cross-border aspect of almost all universal jurisdiction cases, it is often not possible, including for authorities, to protect the family members of witnesses who still live in conflict areas. That is why anonymity is, in most cases, the main protective measure. [...] Other possible measures, such as a complete change of identity, are granted only in exceptionally rare cases and are, in most instances, not desired by the witnesses because of their extreme impact on their lives.”

European Center for Constitutional and Human Rights (ECCHR)

²⁸⁴ Ibid.

²⁸⁵ Interviews with Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General's Office of Lithuania, 27 March 2025; Eduardo Taiano (Prosecutor), Hernan Kleiman (Deputy Prosecutor) and Florencia Zrycki (Court Clerk), Federal Prosecutor's Office of Argentina, 25 April 2025; REDRESS, 1 June 2025.

²⁸⁶ Interviews with Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General's Office of Lithuania, 27 March 2025; REDRESS, 1 June 2025.

The fact that authorities have very limited means to provide protection to victims and witnesses residing abroad regularly leads CSOs to step in, to the extent possible. Throughout the proceedings, CSOs generally conduct security risk assessments, including with the support of security experts, and regularly put preventive measures in place. This may include adopting safe communication practices and systematically integrating security considerations into travel arrangements.²⁸⁷

For instance, when absences or travel linked to participation in the proceedings may raise suspicions and possibly lead to the identification within their community, a “cover story” can be developed.²⁸⁸ In addition, CSOs can also refer the situation to international organisations (e.g. UNHCR, UN mechanisms) that can sometimes provide pathways for protection or resettlement,²⁸⁹ or can themselves support the relocation of witnesses.²⁹⁰ CSOs are often also limited by their own operational capacities and financial resources, especially when security measures require long-term and costly commitment.

Many domestic authorities generally welcome CSOs' role in mitigating security risks, given their intrinsic limits in ensuring protection abroad.²⁹¹

²⁸⁷ Interviews with Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Emmanuelle Marchand, Senior Legal Counsel, 24 March 2025; TRIAL International, 1 October 2025.

²⁸⁸ Interviews with Emmanuelle Marchand, Senior Legal Counsel, 24 March 2025; TRIAL International, 1 October 2025.

²⁸⁹ Interviews with Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025; Tomás Ojea Quintana, Lawyer, Argentina, 30 April 2025.

²⁹⁰ Interviews with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; L. Kathleen Roberts, Co-Executive Director and Co-Founder, Partners in Justice International, 17 January 2025; Mark Shaffer, Former Director of the Human Rights Violators and War Crimes Center at the US Department of Homeland Security, 22 May 2025; Mazen Darwish, General Director, Syrian Centre for Media and Freedom of Expression (SCM), 8 July 2025.

²⁹¹ Interviews with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024; Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025; Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025; Investigating Authority of Finland, 6 March 2025; Maia Czarny, Former Assistant to a Federal Investigative Judge, Seventh Federal Criminal Court of Argentina, 11 June 2025; Mark Shaffer, Former Director of the Human Rights Violators and War Crimes Center at the US Department of Homeland Security, 22 May 2025.



A widely recommended practice is to provide information on potential security risks directly to investigating or prosecuting authorities or to lawyers representing victims, so as to enable authorities to assume responsibility, make informed decisions, and adopt possible protection measures, or to engage with them to jointly identify solutions.²⁹²

“At the very least CSOs can act as providers of country knowledge and advise on what support may be possible. It is difficult for us to provide those measures because we do not know: we are far and we don’t have the necessary powers, and the issue could also be sensitive due to the sovereignty of countries concerned. CSOs can sometimes implement effective measures, including simple forms of support that can be very helpful.”

Investigating Authority of Finland

The study reveals that experiences regarding the effectiveness of CSOs’ engagement with domestic authorities on this subject vary significantly.

“[Regarding security measures] That’s something that we had hoped the authorities would assist with more. However, it did fall on our shoulders as the legal representatives of these individuals.”

Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW)

“There have been instances where authorities, when informed of situations where relocation was needed, worked with NGOs. Even if they do not carry it out themselves, they may at least assist with budgets and other forms of support.”

Emmanuelle Marchand, Senior Legal Counsel

²⁹² Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; L. Kathleen Roberts, Co-Executive Director and Co-Founder, Partners in Justice International, 17 January 2025; Simon Foreman, Lawyer, France, 20 January 2025; Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025; Investigating Authority of Finland, 6 March 2025; Emmanuelle Marchand, Senior Legal Counsel, 24 March 2025.

The protection of victims and witnesses who return to volatile security contexts after participating in proceedings abroad **remains one of the structurally weakest and most unresolved aspects of universal jurisdiction proceedings.**

Several interviewees believe that, despite the objective challenges, authorities should play a greater role in these situations.²⁹³ Others took a more pragmatic view, recognising that, in the absence of judicial cooperation with the country where victims and witnesses are located, authorities are unable to act, leaving CSOs as the only actors able to respond to these situations, despite important limitations.²⁹⁴

A few proposals have been put forward to address potential difficult security situations, although they present limitations. For instance, local embassies of the prosecuting countries could play a role, even if the protection of foreign nationals falls, in principle, outside their mandate.²⁹⁵ The creation of a local network that could be mobilised in case of need has also been mentioned as a possible way to respond to security threats.²⁹⁶

“It’s important to try to offer some form of protection or create a local network that can be mobilised if security issues arise.”

Henri Thulliez, Lawyer, France

A few interviewees also emphasised the importance of reflecting on how to address potential security concerns that may arise **after the end of the proceedings**, including in cases of acquittal or once convicted persons have completed their sentences and returned to their countries of origin, where victims and witnesses also often reside.²⁹⁷

²⁹³ Interviews with Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Barbara Van Straaten, Lawyer, Prakken d’Oliveira, 25 February 2025.

²⁹⁴ Interviews with Clémence Bectarte, Lawyer and Coordinator of FIDH’s Litigation Action Group, 11 February 2025; Tomás Ojea Quintana, Lawyer, Argentina, 30 April 2025.

²⁹⁵ Interviews with Simon Foreman, Lawyer, France, 20 January 2025; Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025.

²⁹⁶ Interview with Henri Thulliez, Lawyer, France, 13 May 2025.

²⁹⁷ Interviews with Emmanuelle Marchand, Senior Legal Counsel, 24 March 2025; Alain Werner, Director, Civitas Maxima, 29 April 2025.

"The only viable and responsible model, for me, is to have sustainable organisations that remain present and adequately funded to protect people."

Alain Werner, Director, Civitas Maxima

Further reflection and dialogue between CSOs and domestic authorities are needed to explore ways to effectively address possible threats and intimidation targeting victims, witnesses and their family members throughout lengthy justice processes, including during the post-proceedings phase.

iv. WITNESS SUPPORT

Across jurisdictions, interviews reveal a shared structural unease regarding direct interaction between CSOs and individuals who testify but are not formally recognised as victims or civil parties in the proceedings. The **main** concern is that such interaction may undermine the perceived impartiality and credibility of witness' testimony, which could be used by the defence.

Despite this general caution, interviewees also consistently stressed that the distinction between victims and witnesses is often blurred in practice.²⁹⁸ Individuals who testify may be direct or indirect victims of the relevant crimes – who either chose not to join the proceedings as formal parties or may be unable to do so because of legislative restrictions. They may nonetheless be deeply affected, traumatised or vulnerable due to their proximity to mass violence, and therefore in need of support.²⁹⁹

²⁹⁸ On definitions, see *supra*, Part I, a, including note 13.

²⁹⁹ Interviews with Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025; Alain Werner, Director, Civitas Maxima, 29 April 2025; Regional Prosecutor's Office in Germany, 16 May 2025; TRIAL International, 1 October 2025.

"In the end, the analysis is the same. [Whether you are talking about people affected who have a witness or a plaintiff status], we are talking about people: beyond any legal issues, they have their lives where they are and often find that participating in these processes creates disruptions. Sometimes those disruptions are minor, but sometimes they are very significant, particularly in terms of security. [...] If you are going to call a witness, you need to understand what risks that person faces, how their testimony will be given, and how it can be done without creating risks, or – if risks exist – how to minimise and mitigate them. All of this has to be part of the analysis. In practice, this often goes beyond the victims you formally represent and also includes other people."

Ignacio Jovtis, Director for Latin America, InterJust

Additionally, especially in the early stages of documentation, CSOs may talk to individuals not knowing whether they will become formal parties in the proceedings or be heard as witnesses.³⁰⁰

"It is difficult to assess [whether someone is a victim or a witness] during the preliminary investigation, and perhaps even later in the criminal proceedings. Someone who has heard, for example, that torture took place might have carried this knowledge as burden or a traumatic experience for years. It can be so serious that even if you were not directly the victim of this crime, you may still suffer from it and therefore need protection from such stressful situations. In the end, I wouldn't make such a strong distinction."

Regional Prosecutor's Office in Germany

Several interviewees emphasise that, in certain cases, some form of support is unavoidable. This is especially true when individuals who do not have the status of a party to the proceedings, and who are in a situation of vulnerability, are asked to travel internationally to give testimony, expose

³⁰⁰ Interviews with Gema Gutierrez Hernandez, Saúl Castro Fernández and Jorge Peniche, Lawyers, G37 Centre, 21 February 2025; TRIAL International, 1 October 2025.

themselves to risk, navigate unfamiliar legal systems or testify about traumatic events without adequate support from the authorities.³⁰¹

Yet, most interviewees agree that, as a matter of principle, CSOs should avoid or limit direct contact with witnesses when they have yet to testify – especially when the organisation is itself a civil party or otherwise involved in the proceedings.³⁰² The provision of financial support – such as travel costs, per diems, or accommodation – by CSOs to witnesses is seen by some as especially problematic, as it can easily be framed as an inducement to testify.³⁰³

The prevailing view is that witness support should, as much as possible, be institutionalised and handled by prosecuting or judicial authorities, with little or no support from CSOs, who may instead be more involved when it comes to victims who are formal parties, in order to avoid any appearance of influence.³⁰⁴

A general distinction should be made for the **US**, where a victim's role in the proceedings is limited to that of a trial witness. Contacts between CSOs and witnesses, and the provision of support, are therefore more generally accepted, provided that interactions are documented as much as possible.³⁰⁵

In some jurisdictions where state-sponsored victim support services exist and work in coordination with the authorities, witness support may also fall within their mandate, even though it can be more limited.

Reinforcing state-sponsored services and allowing them to effectively support witnesses coming from abroad could limit the need for CSOs to fill gaps. Another solution proposed across jurisdictions is for authorities to **provide clear methodology** that CSOs should follow when providing support to witnesses, and how to document it to ensure transparency.³⁰⁶

Some jurisdictions appear to allow greater flexibility. In addition to the **US** for reasons already mentioned, in the **Netherlands**, as noted above, only individuals recognised as “victims by law” are entitled to receive support from the competent authorities; however, in exceptional circumstances, CSOs have assumed responsibility for visas, travel expenses, and legal representation for both witnesses and victims.³⁰⁷ In **France**, providing support is considered acceptable.³⁰⁸ In **Germany**, domestic authorities explicitly recognise the indispensable role of CSOs in accompanying and supporting witnesses, particularly those from vulnerable backgrounds, while emphasising the need for professionalism and clear boundaries.³⁰⁹

v. INTERPRETATION AND TRANSLATION

In the vast majority of cases, criminal proceedings based on universal and other forms of extraterritorial jurisdiction occur in a language that victims and survivors do not understand. Interpretation and translation is therefore **essential to their meaningful participation**.

³⁰¹ Interviews with Emmanuelle Marchand, Senior Legal Counsel, 24 March 2025; Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025; Henri Thulliez, Lawyer, France, 13 May 2025; State Authority Representative of Germany, 22 May 2025; TRIAL International, 1 October 2025.

³⁰² Interviews with Simon Foreman, Lawyer, France, 20 January 2025; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Alexis Deswaef, Lawyer, Belgium, 10 April 2025; Jeanne Sulzer, Lawyer, France, and Clémence Witt, Lawyer, France and Spain, 17 April 2025; TRIAL International, 1 October 2025.

³⁰³ Interviews with Lawyer 2, Switzerland, 28 November 2024; Simon Foreman, Lawyer, France, 20 January 2025; Bénédicte de Moerloose, Lawyer, 12 March 2025.

³⁰⁴ Interviews with Lawyer 2, Switzerland, 28 November 2024; Simon Foreman, Lawyer, France, 20 January 2025; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Jeanne Sulzer, Lawyer, France, and Clémence Witt, Lawyer, France and Spain, 17 April 2025.

³⁰⁵ Interview with Courtney Urschel, Former Deputy Chief, Human Rights and Special Prosecutions Section of the US Department of Justice, 20 October 2025.

³⁰⁶ Interviews with Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Bénédicte de Moerloose, Lawyer, 12 March 2025.

³⁰⁷ Interviews with Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Prosecuting Authority of the Netherlands, 7 March 2025.

³⁰⁸ Interviews with CSO representative, France, 28 January 2025; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

³⁰⁹ Interviews with Regional Prosecutor's Office in Germany, 16 May 2025; State Authority Representative of Germany, 22 May 2025.

"That's part of their experience: seeing the person being tried, and it's obviously better if they understand what is being said. In the restorative aspect of the justice process, it's important that they see that a court – that justice – is taking into account what they experienced [...] it's important."

Alexis Deswaef, Lawyer, Belgium

However, when it comes to interpretation and translation, authorities in most countries seem to limit their practice to meeting the minimum procedural rights of the accused and testifying witnesses, who must be able to speak in the language of their choice and to understand questions put to them.³¹⁰ Beyond that, interpretation and translation become inconsistent, and constrained by the scarcity of qualified interpreters, particularly for minority languages.

While narrow practices are often dictated by limited resources (and the considerable costs of interpretation over several weeks), they heavily impact on the possibility of victims, survivors and affected communities to meaningfully engage with justice processes based on universal jurisdiction. One recurring issue is that **translation** of the entire file does not seem to be guaranteed.³¹¹ Throughout the proceedings, when translation is provided, only elements considered "essential" are translated.³¹² However, this notion is not clearly defined and may vary from court to court, sometimes being interpreted rather narrowly.³¹³

During interviews carried out in the **investigative phase**, interpretation is guaranteed for all individuals who do not speak the language in which the interview and proceedings are conducted.

At trial, interpretation for victims and witnesses is only guaranteed when they are called to testify.³¹⁴ This means that victims usually understand only the parts of the trial in which they actively participate and those in which the accused speaks, if they share the same language. As a result, victims may be left sidelined during debates, exchanges between lawyers and judges, and pleadings.³¹⁵



A welcome and more inclusive practice is observed in several countries: authorities in **Finland, Lithuania, the Netherlands** and **Sweden** ensure more extensive interpretation for victims who are formal parties in the proceedings and, in some cases, for witnesses as well.³¹⁶

A number of jurisdictions, including **France, Germany, Switzerland, the UK** and the **US**, use **official court-certified interpreters**.³¹⁷ While having the advantage of guaranteeing a greater actual and perceived neutrality towards the parties,³¹⁸ this does not seem to always guarantee adequate performance. Recurring problems include inaccurate or incorrect interpretation,

³¹⁰ For more information on this issue, see REDRESS, FIDH and ECCHR, *Breaking down Barriers*, September 2020.

³¹¹ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Ghita Hadding Wiberg, Lawyer, Sweden, 30 September 2024; Lawyer 2, Switzerland, 28 November 2024; Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025; Alexis Deswaef, Lawyer, Belgium, 10 April 2025; Prosecuting Authority of Spain, 26 June 2025.

³¹² Interviews with Ghita Hadding Wiberg, Lawyer, Sweden, 30 September 2024; UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025; Prosecuting Authority of Spain, 26 June 2025.

³¹³ Interviews with Lawyer 2, Switzerland, 28 November 2024; Lawyer, Germany, 29 November 2024.

³¹⁴ Interviews with Lawyer, Germany, 29 November 2024; Carmen Cheung, Former Executive Director, Center for Justice and Accountability (CJA), 14 March 2025.

³¹⁵ Interviews with Lawyer, Germany, 29 November 2024; Simon Foreman, Lawyer, France, 20 January 2025; Alexis Deswaef, Lawyer, Belgium, 10 April 2025; TRIAL International, 1 October 2025.

³¹⁶ Interviews with Ghita Hadding Wiberg, Lawyer, Sweden, 30 September 2024; Prosecuting Authority of Finland, 14 February 2025; Police's International Crimes Team of the Netherlands, 15 March 2025; Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General's Office of Lithuania, 27 March 2025.

³¹⁷ Interviews with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; Mandira Sharma, Senior Legal Adviser, International Commission of Jurists (ICJ), 27 January 2025; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Angelina Nicolaou, Lawyer, UK, 3 March 2025; Regional Prosecutor's Office in Germany, 16 May 2025; TRIAL International, 1 October 2025; Courtney Urschel, Former Deputy Chief, Human Rights and Special Prosecutions Section of the US Department of Justice, 20 October 2025.

³¹⁸ Interviews with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; Courtney Urschel, Former Deputy Chief, Human Rights and Special Prosecutions Section of the US Department of Justice, 20 October 2025.

delays in the identification of the interpreter and risks of conflicts of interest (such as the use of interpreters with ties to communities or individuals linked to defendants).³¹⁹

Interpreters who have not been exposed to similar cases and who were not recommended by other domestic authorities or CSOs may **lack familiarity with international crimes contexts** and may not always be sensitised to the type of testimonies they need to translate.³²⁰ This increases the risk of inaccuracies and heightens the risk of vicarious or secondary trauma, particularly where interpreters are not accustomed to hearing and translating such accounts.

In addition, virtually all jurisdictions report acute **shortages of interpreters for minority languages**, such as primarily oral languages and languages only spoken by relatively small groups.³²¹ Shortages may also affect more widely spoken languages with significant regional variations, such as Arabic or Swahili, where linguistic subtleties are often overlooked.³²²

³¹⁹ Interviews with Simon Foreman, Lawyer, France, 20 January 2025; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025; Lawyer, Civil Society, the Netherlands, 2 April 2025; Natia Navrouzov, Director, Yazda, 3 April 2025; Eduardo Taiano (Prosecutor), Hernan Kleiman (Deputy Prosecutor) and Florencia Zrycki (Court Clerk), Federal Prosecutor's Office of Argentina, 25 April 2025; TRIAL International, 1 October 2025.

³²⁰ Interviews with Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; TRIAL International, 1 October 2025.

³²¹ Interviews with Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025; Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025; Eduardo Taiano (Prosecutor), Hernan Kleiman (Deputy Prosecutor) and Florencia Zrycki (Court Clerk), Federal Prosecutor's Office of Argentina, 25 April 2025; TRIAL International, 1 October 2025.

³²² *Ibid.*

"There are very often problems with interpretation [...], including with interpreters that may not be sufficiently sensitised or supported in their knowledge of the specific nature of international crimes and therefore of the types of testimony they will be required to interpret. There are also languages for which there are no certified translators available, meaning that we, the NGOs, have to find them. I am thinking, for example, of Yazidi victims [...], for whom there was no Kurmanji interpreter available: we had to identify a Kurmanji interpreter who could translate their statements. This also happens a lot with Arabic: there are many dialects, and a Moroccan interpreter will not be suited to the testimony of a Syrian or Iraqi witness, and vice versa. [...] CSOs have a very important role to play in providing support and suggesting appropriate interpreters."

Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group

"Ideally, victims who are civil parties should understand everything that is said at trial and have access to an interpreter throughout the proceedings. But this is where we run up against the reality of the situation... In my experience, this often concerns languages for which there are very few interpreters. Sometimes we encounter proposed interpreters who have links with convicted individuals. Since we need people who are above suspicion, this disqualifies a number of candidates. In the end, we are already happy when we manage to find interpreters."

Simon Foreman, Lawyer, France

As noted in relation to other aspects of victims' support, CSOs, and sometimes victims' lawyers, play an important role in filling the gaps in interpretation.³²³ While authorities may welcome CSOs' support in certain cases, they also warn of the potential challenges raised by the defence if the interpreter involved in crucial moments, such as during investigative interviews or trial

³²³ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Legal Adviser, Reporters Without Borders (RSF), 16 January 2025; Mandira Sharma, Senior Legal Adviser, International Commission of Jurists (ICJ), 27 January 2025; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Alexis Deswaef, Lawyer, Belgium, 10 April 2025; TRIAL International, 1 October 2025.

testimony, was proposed by a CSO involved in the proceedings. Nevertheless, according to the interviewees, authorities appear open to receive suggestions of interpreters from CSOs, especially for minority languages, where no suitable interpreter is available.³²⁴

“Because we don’t have the means to support the victims in all the ways that they would need, like translating documents, we are very grateful for any help that is offered by CSOs. As long as it’s not interfering with the legal procedure and the investigation. [...] it has to be done by a professional interpreter or translator, so that they are not questioned in court.”

Head of the Police’s War Crimes Unit of Sweden



While accessible interpretation into a language spoken by the affected community remains uncommon during trials, **positive practices have been developing.**

The **Netherlands** has provided full courtroom interpretation in certain universal jurisdiction trials and made it available to parties as well as to the public.³²⁵ For instance, in the [Mustafa A. case](#), “Dutch authorities made significant efforts by offering in-court translation from Dutch to Arabic and vice versa for those observing the trial. This practical step greatly improves access to justice for attendees who do not speak the local language.”³²⁶

³²⁴ Interviews with Clémence Bectarte, Lawyer and Coordinator of FIDH’s Litigation Action Group, 11 February 2025; Lawyers, International Committee for the Investigation of Torture in Belarus (ICIT), 17 February 2025; Investigating Authority of Finland, 6 March 2025; Carmen Cheung, Former Executive Director, Center for Justice and Accountability (CJA), 14 March 2025; Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025; Henri Thulliez, Lawyer, France, 13 May 2025; Regional Prosecutor’s Office in Germany, 16 May 2025; TRIAL International, 1 October 2025; Courtney Urschel, Former Deputy Chief, Human Rights and Special Prosecutions Section of the US Department of Justice, 20 October 2025.

³²⁵ Interviews with Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Police’s International Crimes Team of the Netherlands, 15 March 2025. In this regard, see also *infra*.

³²⁶ The Nuhanovic Foundation, [Netherlands-based efforts to pursue justice and accountability in Syria: A Case Roundup](#), 4 September 2024.

In **Sweden**, live interpretation during trials is generally provided only for plaintiffs and defendants. However, in the [Hamid Noury case](#), the Stockholm District Court allowed Iranian press to sit in an adjacent room on important days and follow the proceedings through a video broadcast with audio from the interpreters’ microphone so that the entirety of the proceedings was interpreted. One outlet also received permission to broadcast live on YouTube with audio from the interpreters’ microphone throughout the proceedings.³²⁷

In **Germany**, interviewees pointed to the first criminal trial on torture in Syria ([Al Khatib case](#)) as a turning point in interpretation practice. In August 2020, after public criticism emerged regarding the lack of interpretation accessible to the public – including members of the affected Syrian community – in such a historic trial, the German Constitutional Court reviewed the previous practice and allowed interpretation to be provided for accredited Arabic-language journalists.³²⁸ In particular, following a constitutional complaint by a Syrian journalist and a representative of a Syrian NGO, the Constitutional Court ordered the lower court to ensure that Arabic-language journalists could follow the proceedings by enabling access to the Court’s translation system.³²⁹ In June 2024, the German Parliament reformed the *Gerichtsverfassungsgesetz* (Courts Constitution Acts), which, as amended, states that courts “may” allow recordings of proceedings of “outstanding contemporary significance” and “may” also allow media representatives who do not speak German to make use of whispered interpretation or to access existing interpretation.³³⁰

In **France**, similar dynamics were observed in recent cases. While interpretation has traditionally been limited to parties to the proceedings, a clear expansion in practice occurred during another

³²⁷ Interview with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024.

³²⁸ Interview with Legal Adviser, Reporters Without Borders (RSF), 16 January 2025 mentioning German Constitutional Court (BVerfG), [Beschluss der 2. Kammer des Ersten Senats](#), 18 August 2020, 1 BvR 1918/20, pp. 1–17 (available in German).

³²⁹ German Constitutional Court (BVerfG), [Beschluss der 2. Kammer des Ersten Senats](#), 18 August 2020, 1 BvR 1918/20, pp. 1–17 (available in German); ECCHR, [German Constitutional Court verdict in the Syria torture trial: Public is entitled to Arabic simultaneous interpretation](#), 19 August 2020.

³³⁰ Interview with Lawyer, Germany, 29 November 2024 mentioning the Section 169(2) and Section 185 of the reformed [Courts Constitution Acts](#).

high-profile Syrian trial ([Dabbagh case](#)) in May 2024, where headphones were distributed to the persons in the public who requested it.³³¹

Likewise, in **Switzerland**, in the appeal proceedings in the [Sonko case](#) in April 2026, interpretation from German, the language of the proceedings, into English was made available to all those who required it in the courtroom, including journalists.³³²

As highlighted by many, in several cases, **CSO-led advocacy** has been one of the strongest drivers of reform of authorities' widening provision related to interpretation.³³³

"Prosecutors can do what is written in their law. But prosecutors have limited ability to change the law. The law is changed by MPs, who are elected by public vote, and NGOs have influence on public opinion. CSOs have more power to initiate change than a prosecutor, whether you call it advocacy or lobbying."

Matevž Pezdirc, Head of Genocide Prosecution Network Secretariat, Eurojust

c. **Engaging Affected Communities in Accountability Efforts**

Ensuring the legitimacy and the transformative potential of universal jurisdiction proceedings requires not only the meaningful participation of victims and witnesses, but also the engagement of affected communities through sustained and targeted outreach and communication activities. Beyond victims and survivors directly or closely involved in the proceedings, **affected communities** include other victims, survivors and witnesses, their families, and individuals or groups who share a collective experience of victimisation linked to the crimes or to the context in which the crimes were committed. Although these communities may have a legitimate and direct interest in both

these processes and outcomes, the geographical distance of such proceedings from the affected communities means that they may not be aware of their existence.

"The very legitimacy of proceedings under the principle of universal jurisdiction depends, to a large degree, on affected people and communities – who normally are far away from where these proceedings take place – being able to know about them."

European Center for Constitutional and Human Rights (ECCHR)

Authorities interviewed recognised that proceedings conducted in their countries may be of significant importance to affected communities living abroad, and generally acknowledged the need for outreach programmes targeting these specific audiences. Some authorities framed outreach efforts not only as information-sharing but also as symbolic recognition of victims' suffering and as a way to reinforce the deterrent effect of universal jurisdiction by showing that perpetrators may not evade accountability by crossing borders.³³⁴ Some authorities also acknowledged the need to inform the public even when proceedings do not result in trial.³³⁵

"That is where we can make a symbolic mark. People need to know that, even though we should be doing ten times more if we had ten times more resources, the work is still being done."

Federal Magistrate, Federal Prosecutor's Office of Belgium

Making proceedings visible is also seen by some interviewees as essential to building confidence in those foreign judicial and prosecuting authorities, and, more broadly, in the international community. It may also encourage other victims and survivors to engage.³³⁶

³³¹ Interviews with Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025; Mazen Darwish, General Director, Syrian Centre for Media and Freedom of Expression (SCM), 8 July 2025.

³³² Interview with TRIAL International, 1 October 2025.

³³³ Interview with Matevž Pezdirc, Head of Genocide Prosecution Network Secretariat, Eurojust, 16 April 2025.

³³⁴ Interviews with Head of the Police's War Crimes Unit of Sweden, 17 September 2024; Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025; Regional Prosecutor's Office in Germany, 16 May 2025.

³³⁵ Interview with Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025.

³³⁶ Interviews with Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024; Head of the Police's War Crimes Unit of Sweden, 17 September 2024.

"We absolutely agree with the need for outreach because we are doing here the work that should be done elsewhere. The impact in the country of origin, where crimes were committed, should be greater than it is in Switzerland."

Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland

"[Allowing affected communities to know about accountability efforts abroad] will probably build trust for the future and give hope. [It may also] encourage them, in the future, to give evidence or to engage with law enforcement organisations wherever in the world. [It may] give the sense that the international community is interested in accountability and in bringing war criminals to justice."

Head of the Police's War Crimes Unit of Sweden

However, outreach and communication activities also raise some concerns, especially among authorities. The shared understanding, including among CSOs, is that information may be communicated publicly as long as this does not interfere with the proceedings.³³⁷ Several interviewees stressed that media coverage can pose risks, particularly where reporting might endanger witnesses, expose identities or affect testimony.³³⁸ In some contexts, security considerations may preclude outreach or awareness-raising activities altogether.³³⁹

Publicity may also have an ambivalent effect: while it can encourage some individuals to come forward, it may simultaneously discourage victims and witnesses who do not wish their story or involvement to become public.³⁴⁰ Another important limitation for outreach and communication activities, which was raised both by CSOs and authorities' representatives, is the fact that these activities can be resource-intensive and require significant financial and organisational capacity. Authorities have limited resources to conduct these activities, while CSOs' capacity to run outreach programmes is dependent on external funding, and existing needs often exceed the available resources.³⁴¹

A number of interviewees highlight how engagement with affected communities is one of those areas where CSOs' role is essential, and where further collaboration between CSOs and domestic authorities would be beneficial.

Authorities tend to frame outreach and information-sharing largely as responsibilities of CSOs, or as areas in which CSOs are more invested,³⁴² invoking institutional and resource constraints on their own outreach efforts.³⁴³ By contrast, some CSOs consider that engaging affected communities should also be understood as a key component of authorities' role, insofar as it gives concrete effect to the obligation to provide information that enables meaningful participation.³⁴⁴

³³⁷ Interviews with Lawyer, Germany, 29 November 2024; Anwar Al Bunni, Syrian Lawyer, Head of the Syrian Center for Legal Studies and Research, 14 March 2025; European Center for Constitutional and Human Rights (ECCHR), 18 March 2025; Regional Prosecutor's Office in Germany, 16 May 2025; Mazen Darwish, General Director, Syrian Centre for Media and Freedom of Expression (SCM), 8 July 2025; TRIAL International, 1 October 2025. On the "investigative secrecy", see also *supra*, Part II, e. i.

³³⁸ Interviews with Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024; Mandira Sharma, Senior Legal Adviser, International Commission of Jurists (ICJ), 27 January 2025; State Authority Representative of Germany, 22 May 2025.

³³⁹ Interviews with Mandira Sharma, Senior Legal Adviser, International Commission of Jurists (ICJ), 27 January 2025; State Authority Representative of Germany, 22 May 2025.

³⁴⁰ Interview with Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024.

³⁴¹ Interviews with Steve Kostas, Former Senior Managing Lawyer, Open Society Justice Initiative (OSJI), 24 February 2025; European Center for Constitutional and Human Rights (ECCHR), 18 March 2025; Lawyer, Civil Society, the Netherlands, 2 April 2025; Natia Navrouzov, Director, Yazda, 3 April 2025; Mazen Darwish, General Director, Syrian Centre for Media and Freedom of Expression (SCM), 8 July 2025; TRIAL International, 1 October 2025.

³⁴² Interviews with Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025; Police's International Crimes Team of the Netherlands, 15 March 2025; Regional Prosecutor's Office in Germany, 16 May 2025; State Authority Representative of Germany, 22 May 2025.

³⁴³ Interviews with Head of the Police's War Crimes Unit of Sweden, 17 September 2024; Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025; Prosecuting Authority of Finland, 14 February 2025; Police's International Crimes Team of the Netherlands, 15 March 2025; Regional Prosecutor's Office in Germany, 16 May 2025; State Authority Representative of Germany, 22 May 2025.

³⁴⁴ Interviews with European Center for Constitutional and Human Rights (ECCHR), 18 March 2025; REDRESS, 1 June 2025; TRIAL International, 1 October 2025.

Overall, lawyers and CSOs acknowledged increased openness on the part of authorities to engage in outreach and communication activities and noted improvements in cooperation and communication with CSOs on these issues.³⁴⁵ However, additional efforts are needed, and authorities could adopt a more proactive and sustained role in engaging affected communities.³⁴⁶ In particular, a number of CSO-led outreach and communication activities discussed below depend on whether authorities make documents and recordings available to the public.

i. COMMUNICATION AND OUTREACH ACTIVITIES DURING PROCEEDINGS

In the investigation phase, CSOs are often the primary point of contact for individuals interested in or affected by the case, making them the main source of information for affected communities on the progress of the proceedings.³⁴⁷ Authorities may also issue press releases at key moments of the proceedings, such as for arrests or indictments.

During the trial phase, domestic authorities tend to engage more actively in outreach and communication activities. These include, for example, disseminating information about proceedings through dedicated **press releases**,³⁴⁸ and, in some cases, **translated press kits**³⁴⁹ aimed at facilitating access to information for non-domestic audiences. Some jurisdictions have dedicated press units and disseminate information through official channels.³⁵⁰

CSOs amplify the reach of this information, translating it into languages spoken by victims and survivors and sharing it with journalists, including those reporting in countries where communities are based. CSOs also often carry out **trial monitoring**, either directly or in collaboration with partners, consultants or university students, and regularly publish communication material such as press releases and daily or weekly trial monitoring reports.³⁵¹ Alongside trials, CSOs have also organised community briefings, held either in person or online.³⁵²

Practices related to the recording of trials are quite different across jurisdictions. In certain contexts, such as **France** and **Belgium**, courts may authorise recordings for historical archive purposes. In **France**, recordings are taken directly by the court and are not disseminated, although they may become available 30 years after the trial; CSOs may, in exceptional circumstances, be granted access to the archives.³⁵³ In **Belgium**, for trials of historical relevance, courts may record proceedings or allow CSOs to do so, subject to strict limitations on dissemination.³⁵⁴ In **Germany**, audio recordings or audiovisual recordings of the proceedings may be authorised by the court for scientific and historical purposes if the proceedings are of outstanding contemporary historical significance.³⁵⁵

³⁴⁵ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025.

³⁴⁶ Interviews with European Center for Constitutional and Human Rights (ECCHR), 18 March 2025; TRIAL International, 1 October 2025.

³⁴⁷ Interviews with Jeanne Sulzer, Lawyer, France, and Clémence Witt, Lawyer, France and Spain, 17 April 2025; TRIAL International, 1 October 2025.

³⁴⁸ Interviews with Prosecuting Authority of Finland, 14 February 2025; Regional Prosecutor's Office in Germany, 16 May 2025; REDRESS, 1 June 2025; Prosecuting Authority of Spain, 26 June 2025.

³⁴⁹ Interviews with Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025; REDRESS, 1 June 2025.

³⁵⁰ Interviews with Regional Prosecutor's Office in Germany, 16 May 2025; Prosecuting Authority of Spain, 26 June 2025.

³⁵¹ Interviews with CSO representative, France, 28 January 2025; Alain Gauthier, President, Collectif des Parties Civiles pour le Rwanda (CPCR), 3 February 2025; Anwar Al Bunni, Syrian Lawyer, Head of the Syrian Center for Legal Studies and Research, 14 March 2025; European Center for Constitutional and Human Rights (ECCHR), 18 March 2025; Lawyer, Civil Society, the Netherlands, 2 April 2025; Natia Navrouzov, Director, Yazda, 3 April 2025; Mazen Darwish, General Director, Syrian Centre for Media and Freedom of Expression (SCM), 8 July 2025; TRIAL International, 1 October 2025.

³⁵² Interviews with Mazen Darwish, General Director, Syrian Centre for Media and Freedom of Expression (SCM), 8 July 2025; TRIAL International, 1 October 2025.

³⁵³ Interview with Former Country Office Coordinator, RCN Justice & Democracy (Rwanda), 4 June 2025.

³⁵⁴ Interviews with Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025; Former Country Office Coordinator, RCN Justice & Democracy (Rwanda), 4 June 2025.

³⁵⁵ See Section 169(2) of the reformed Courts Constitution Acts.

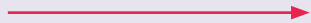


Comparing practices: allowing remote transmission of trial hearings

Video recording is not common practice in criminal trials. However, in light of the geographical distance between where the crimes were committed and where they are being prosecuted, **the possibility to broadcast trials would be among the most impactful ways to engage affected communities.** Some jurisdictions allow the remote transmission of hearings in formats that provide varying degrees of public and community engagement.

Linked to the possibility of broadcasting trials for remote audiences are considerations related to interpretation and translation,³⁵⁶ as the language used in proceedings constitutes a primary obstacle to community engagement. The availability or absence of interpretation can significantly shape how justice processes are understood and perceived by affected communities, whether present in the courtroom or not, and can influence the impact of outreach activities, including those carried out by CSOs.

Filming in the courtroom is not allowed in a number of jurisdictions included in this study.³⁵⁷ In some countries, the trial can, however, be broadcast in another room within the courthouse, such as a press room or an additional room for the public.³⁵⁸



³⁵⁶ On these issues, see also *supra*, Part III, b. v.

³⁵⁷ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024; Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025; Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General's Office of Lithuania, 27 March 2025; Regional Prosecutor's Office in Germany, 16 May 2025; TRIAL International, 1 October 2025.

³⁵⁸ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024; TRIAL International, 1 October 2025.

In **Switzerland**, for example, video streaming may be transmitted to a press room in the courthouse, enabling journalists to follow proceedings without sitting in the courtroom.³⁵⁹

In the **UK**, an emerging practice in very high-profile cases is that, following a conviction, sentencing hearings may be videorecorded and broadcast through authorised media outlets, subject to judicial approval.³⁶⁰

In the **US**, remote access to hearings was widely introduced during the COVID-19 pandemic. Today, the availability of this practice varies significantly across states, courts and even individual judges.³⁶¹ Access may take different forms, including dial-in telephone lines or video conference links; may be free of charge or constrained by the cost of international phone calls; and may be either publicly accessible or restricted to parties. CSOs have played an important role in advocating for the availability of remote access for international criminal proceedings as in the Correa case.³⁶²

Finnish authorities have shown openness to considering livestreaming trials outside of the courtroom, although this does not seem to have been done yet.³⁶³

In **Sweden**, courts have used video links to livestream hearings to different rooms within the courthouse: one transmitting in the language of the proceedings and another providing interpretation-only audio in the language spoken by victims, which allowed community-based journalists, researchers, civil society actors and members of affected communities, including diaspora members, to follow the hearings.³⁶⁴ While Swedish law prohibits the retransmission of courtroom images outside the court, it does not prohibit the dissemination of audio, a possibility that allowed CSOs to organise audio-only retransmission of hearings to the benefit of affected communities and diaspora not present in the courtroom.³⁶⁵

In **Spain**, since the COVID-19 pandemic, the Spanish National Court – which has jurisdiction over international crimes – regularly livestreams trials on its YouTube channel and may also broadcast them on national television, allowing anyone with an internet connection to follow the proceedings, unless security considerations require otherwise.³⁶⁶

³⁵⁹ Interview with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024.

³⁶⁰ Interview with Angelina Nicolaou, Lawyer, UK, 3 March 2025.

³⁶¹ Interview with Carmen Cheung, Former Executive Director, Center for Justice and Accountability (CJA), 14 March 2025.

³⁶² Interviews with Carmen Cheung, Former Executive Director, Center for Justice and Accountability (CJA), 14 March 2025; TRIAL International, 1 October 2025.

³⁶³ Interview with Prosecuting Authority of Finland, 14 February 2025.

³⁶⁴ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024.

³⁶⁵ Interview with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024.

³⁶⁶ Interviews with Gema Gutiérrez Hernández, Saúl Castro Fernández and Jorge Peniche, Lawyers, G37 Centre, 21 February 2025; Prosecuting Authority of Spain, 26 June 2025.



The **Netherlands** offers, so far, the most inclusive practices for community engagement. Dutch courts have allowed livestreaming of proceedings both domestically and abroad in multiple cases, while also providing interpretation in a language spoken by the relevant affected community.³⁶⁷ Thanks to authorities' openness, CSO efforts have been successful in effectively engaging affected communities, creating a complementarity of roles which has been praised by authorities themselves.³⁶⁸

For example, in the aforementioned Mustafa A. case, the District Court of The Hague set a "good precedent for other courts handling international crimes by allowing interested individuals to apply for access to a live stream of the proceedings. Acknowledging the importance of the case and the necessity for Syrian involvement, the Dutch authorities appear to be taking a thoughtful and practical approach to addressing the needs and concerns of the affected community."³⁶⁹

In the Hasna case concerning crimes committed against members of the Yazidi community, the Dutch authorities allowed the livestream of the first-instance trial hearing and verdict, as well as the appeal. This enabled the retransmission of the 2024 trial and the 2026 appeal hearings at Iraqi universities and in the offices of one of the CSOs involved in northern Iraq.³⁷⁰ Survivors were therefore able to follow the proceedings by listening to the translation provided in the courtroom by the authorities.³⁷¹ The initiative was tightly controlled to address privacy and presumption of innocence concerns: remote access was granted on an individual registration basis and neither the witnesses nor the defendant were shown on camera.³⁷²

Interviewees described these initiatives as particularly powerful in terms of accountability, symbolic reparation and visibility, as they effectively brought the courtroom closer to those most directly affected by the crimes.³⁷³

After the trial, some jurisdictions make **trial transcripts** available (in full or in part) and occasionally translate them. However, access is generally limited to formal parties to the proceedings³⁷⁴ or subject to payment.³⁷⁵ Swedish courts may also order translations of judgments into relevant languages.³⁷⁶ For certain key decisions in universal jurisdiction cases, the European Genocide Prosecution Network provides **translation of judgments into English**, although this database appears to be designed for practitioners rather than for victims and survivors.³⁷⁷

³⁶⁷ Interviews with Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Police's International Crimes Team of the Netherlands, 15 March 2025.

³⁶⁸ Interviews with Prosecuting Authority of the Netherlands, 7 March 2025; Police's International Crimes Team of the Netherlands, 15 March 2025.

³⁶⁹ The Nuhanovic Foundation, *Netherlands-based efforts to pursue justice and accountability in Syria: A Case Roundup*, 4 September 2024.

³⁷⁰ Interviews with Barbara Van Straaten, Lawyer, Prakken d'Oliveira, 25 February 2025; Lawyer, The Netherlands, 5 March 2025. For information related to the appeal, see also Yazda, *From the Netherlands to Sinjar and Duhok: Yazidi Survivors Follow the Landmark Hasna A. Appeal Hearings*, 12 February 2026.

³⁷¹ *Ibid.*

³⁷² For more information, see Natia Navrouzov, "Beyond the courtroom: making justice visible to the Yazidi community", Justice Info, 5 March 2026.

³⁷³ Interviews with Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024; Barbara Van Straaten, Lawyer, Prakken d'Oliveira, 25 February 2025; Lawyer, The Netherlands, 5 March 2025.

³⁷⁴ Interviews with Legal Adviser, Reporters Without Borders (RSF), 16 January 2025; REDRESS, 1 June 2025; TRIAL International, 1 October 2025.

³⁷⁵ Interview with REDRESS, 1 June 2025.

³⁷⁶ Interview with Head of the Police's War Crimes Unit of Sweden, 17 September 2024.

³⁷⁷ Interviews with Head of the Police's War Crimes Unit of Sweden, 17 September 2024 mentioning the **National jurisprudence database on core international crimes**; Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025.

ii. CSO'S ADDITIONAL OUTREACH ACTIVITIES

Broad dissemination of information is widely considered as more effective and meaningful when carried out in collaboration with journalists or CSOs working within affected communities.³⁷⁸ CSOs place strong emphasis on cultural tailoring in dissemination strategies and seek to identify the most appropriate channel used by affected communities to convey the information, such as radio,³⁷⁹ social media platforms³⁸⁰ or television.³⁸¹

"It would be really good having local CSOs lead the process. Because they know the terrain and they know the constituents that they are working with. Really supporting them, providing technical and financial support so they can lead the process and design the methodologies that would be used for the outreach programmes. [...] If there is a disconnect between the victims and the public from that country, then it's really not as impactful. [...] We have seen how the victims talk about that, wondering, not really appreciating the process because it seems so far away."

Sirra Ndow, Country Director, African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED)

Some CSOs also engage in in-person outreach, including visits to locations where affected communities reside.³⁸²

The participation of journalists reporting for audiences in the country where the crimes were committed is also critical. However, these journalists encounter significant logistical,

administrative, financial and linguistic obstacles when trying to cover universal jurisdiction proceedings and they usually do not receive any support from the authorities. Some authorities interviewed acknowledged that this is an area where CSOs may need to fill the gap.³⁸³

CSOs frequently facilitate their participation by supporting accreditation (when needed) and travel, connecting journalists with court press offices and providing background information, summaries or translations where authorities do not.³⁸⁴ At the same time, several interviewees stressed the importance of preserving journalistic independence and avoiding perceptions of influencing reporting.³⁸⁵ One solution envisaged by some interviewees is to rely on third parties – such as journalist associations or unions, or other CSOs not involved in the case – to support journalists' travel.³⁸⁶

For CSOs, outreach does not end with the delivery of a decision. Universal jurisdiction proceedings often involve appeals and extended timelines, requiring **sustained engagement over long periods**. Post-trial activities carried out by CSOs include translating judgments, disseminating summaries of proceedings and decisions, and producing retrospective materials to contextualise outcomes and their broader implications.³⁸⁷ CSOs

³⁷⁸ Interviews with Sirra Ndow, Country Director, African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED), 24 January 2025; CSO representative, France, 28 January 2025; Alain Gauthier, President, Collectif des Parties Civiles pour le Rwanda (CPCR), 3 February 2025; Carmen Cheung, Former Executive Director, Center for Justice and Accountability (CJA), 14 March 2025; TRIAL International, 1 October 2025.

³⁷⁹ Interview with TRIAL International, 1 October 2025.

³⁸⁰ *Ibid.*

³⁸¹ Interview with Mazen Darwish, General Director, Syrian Centre for Media and Freedom of Expression (SCM), 8 July 2025.

³⁸² Interview with Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025.

³⁸³ Interview with Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025.

³⁸⁴ Interviews with Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024; Sirra Ndow, Country Director, African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED), 24 January 2025; Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025; Carmen Cheung, Former Executive Director, Center for Justice and Accountability (CJA), 14 March 2025; Alain Werner, Director, Civitas Maxima, 29 April 2025; Mazen Darwish, General Director, Syrian Centre for Media and Freedom of Expression (SCM), 8 July 2025; TRIAL International, 1 October 2025.

³⁸⁵ Interviews with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; Legal Adviser, Reporters Without Borders (RSF), 16 January 2025; TRIAL International, 1 October 2025.

³⁸⁶ Interviews with Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024; Gema Gutierrez Hernandez, Saúl Castro Fernández and Jorge Peniche, Lawyers, G37 Centre, 21 February 2025.

³⁸⁷ Interviews with CSO representative, France, 28 January 2025; Alain Gauthier, President, Collectif des Parties Civiles pour le Rwanda (CPCR), 3 February 2025; European Center for Constitutional and Human Rights (ECCHR), 18 March 2025; Lawyer, Civil Society, the Netherlands, 2 April 2025; Natia Navrouzov, Director, Yazda, 3 April 2025; TRIAL International, 1 October 2025.

often keep affected communities informed of any case developments and provide ongoing follow-up support over time.

Even more crucially, CSOs may **advocate for legislative changes** when these are needed to enable courts to engage communities more effectively, including by providing interpretation or retransmission of hearings.

“Courts have to follow the rules [...] and may reply that there is no legal basis. CSOs are in a better position to influence policymakers.”

Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland

In some contexts, sustained international and local media coverage may have contributed to political or legal developments in the country of origin, such as institutional reforms or the creation of accountability mechanisms. The outreach activities around universal jurisdiction proceedings – that took place in Germany, Switzerland and the US – coupled with the long-standing engagement of Gambian actors, might have generated a ripple effect in The Gambia which has since established a collaboration with the Economic Community of West African States for the creation of a tribunal to try international crimes formerly committed in the country.

Similarly, in Liberia, universal jurisdiction proceedings pursued in Europe and the US have challenged long-standing impunity for crimes committed during the civil wars. More than two decades after the end of the conflicts, when prospects for judicial accountability had largely receded from public debate in the country, these cases, made possible by the litigation and outreach efforts of international and Liberian CSOs, have contributed to renewed public debate and strengthened domestic calls for the establishment of a war and economic crimes court.

PART IV

Conclusions and Recommendations

This report is the outcome of a comparative study that examines practices related to CSO engagement with investigating and prosecuting authorities in criminal proceedings based on universal and other forms of extraterritorial jurisdiction in twelve countries. Its ultimate goal is to promote more efficient and effective engagement to advance justice for victims and survivors.

The study suggests that the establishment of trust-based relationships, mutual in nature and grounded in the respect of each other's role and applicable legal frameworks, are the necessary foundation for the effective engagement of CSOs with domestic authorities.

On the one hand, CSOs should not be regarded as mere “service providers” and victims, and survivors should not be regarded as mere “information providers.” CSOs’ expertise could be further valued and adequately funded, and victims’ participation should be increasingly facilitated by the relevant authorities. On the other hand, authorities’ practical and legislative constraints, including their inherent and essential impartiality, should remain central considerations in CSO engagement.

Whilst the nature and structure of CSO engagement with domestic authorities vary across the twelve jurisdictions considered, interviewees have consistently identified **opportunities for strengthening these relationships**. These are reflected in the **six main recommendations** presented below. These recommendations aim to provide **guidance for both CSOs and domestic authorities on working more cooperatively**, enabling CSOs’ information-gathering efforts to better align with authorities’ needs and allowing gaps in victim support to be addressed more effectively.



1. Promoting Opportunities for Dialogue, Mutual Understanding and Experience-Sharing

For domestic authorities

Create regular opportunities for exchanges with CSOs, designate clear contact points and provide accessible information on how to engage with specialised investigation and prosecution units.

For CSOs

Map their expertise, mandates, geographical focus and operational capacities in a secure and structured way, so that authorities can identify relevant CSOs and understand how they may contribute to their work.

To establish and maintain such trust-based relationships, it is crucial to increase opportunities for dialogue. The practice, already existing in some countries, of organising **annual or biannual meetings between investigating and/or prosecuting authorities and CSOs** should be further developed and adopted across jurisdictions. These meetings, which often take place in group settings and do not focus on ongoing cases, are instrumental for enhancing mutual understanding, including of each other's role, mandate, areas of expertise, expectations, needs and limitations. Such sessions could also be used to provide guidance to CSOs on how best to engage with domestic authorities, including the methodology to be followed; facilitate the sharing of lessons learnt and best practices, including those observed in other jurisdictions; and discuss challenges in order to identify mutually acceptable solutions.

The role of the **European Genocide Prosecution Network** is pivotal in connecting investigating and prosecuting authorities of States parties with CSOs. The expansion of the number of CSOs attending the biannual meetings would be a welcome development. Moreover, the establishment of similar networks in other regions should be further encouraged and pursued.

Significant value is also attributed to **structured peer-to-peer learning across jurisdictions and with other stakeholders**, such as UN investigative mechanisms, particularly with regard to CSO engagement models and the dissemination of good practices. In this regard, the IIM's approach to facilitating CSO engagement is widely regarded as a leading example.

Mapping relevant stakeholders, including by expertise and geographical areas of operation, would provide a useful basis for both CSOs and domestic authorities to establish contact. Securely disseminated CSOs atlases could help authorities identify relevant CSOs. Similarly, enhancing the visibility of specialised prosecution and investigation units would be highly beneficial for CSOs, including through the creation of a common directory managed by specialised regional networks, such as the European Genocide Prosecution Network, or through publicly accessible websites where relevant authorities' contact details are available.

2. Strengthening Transparency

For domestic authorities

Establish clear and transparent channels of communication with CSOs to facilitate and promote accountability efforts, and explore formal frameworks for cooperation.

For CSOs

Systematise transparency practices by keeping clear records of documentation methodologies, including contact with victims and witnesses as well as support provided.

Working transparently is widely seen as an important factor in fostering mutual trust between CSOs and investigating and prosecuting domestic authorities.

For CSOs, it requires maintaining clear and consistent documentation when gathering potential evidence, including records of the collection process and methodology used. Transparency should guide CSOs' engagement with victims and witnesses. They should keep records of the support provided throughout the accountability process, as it can contribute to safeguarding the interests of victims and witnesses, while also supporting the integrity of proceedings and respect for fair trial rights. Although many CSOs already apply such practices, the study suggests that they would benefit from being more systematically developed, and adapted to each jurisdiction.

Such practices may also assist authorities in assessing the credibility and reliability of information provided by CSOs, thereby facilitating constructive cooperation and reinforcing trust in their work.

Greater clarity and transparency in communication by the authorities, while respecting confidentiality and impartiality, would enable CSOs to contribute more effectively to authorities' efforts in advancing accountability for international crimes. This includes, where legally permissible, providing updates on the progress of cases or structural investigations in relation to criminal complaints or other information submitted by CSOs. The possibility of formalising CSOs' engagement with domestic authorities through memoranda of understanding or similar framework documents remains an open question that warrants further exploration, notably in cases in which CSOs cannot assume a formal role in the proceedings.

3. Improving the Sharing of Responsibilities and Efforts in Supporting Victims and Witnesses

For domestic authorities

Strengthen ownership of victims and witness support by increasing dedicated resources, developing appropriate legal and institutional frameworks and ensuring comprehensive measures that go beyond minimum procedural requirements.

For domestic authorities and CSOs

Develop clear but adaptable frameworks to coordinate the provision of support to victims and witnesses, with responsibilities clarified in advance and adjusted to specific circumstances of each case.

Victims and witnesses should be at the heart of universal jurisdiction proceedings. In most instances, there would be no case without them. Providing support to them so that they can **meaningfully and effectively participate** in these proceedings is therefore essential.

To move away from what is widely recognised as an excessive or disproportionate burden on CSOs, **responsibilities and efforts in supporting victims and witnesses should be shared more effectively.** This includes the provision of the organisational, administrative, logistical and financial support necessary to ensure victims' and witnesses' engagement with domestic authorities, whether in person or remotely, at all stages of the proceedings.

The provision of psychosocial support to victims and witnesses by domestic authorities also remains particularly limited and should be improved. Moreover, while recognising States' limited capacity to act beyond their borders, greater consideration should be given to the protection of victims and witnesses from intimidation and threats linked to their participation in the proceedings.

CSOs and lawyers considered **stronger ownership of victim and witness support by the authorities to be necessary**, supported by more adequate resources and embedded within appropriate national institutional and legislative frameworks. In particular, this should include the establishment or further development of **specialised state units and/or state-mandated associations** providing support to victims and witnesses of international crimes. This would allow authorities to go beyond what is strictly required by the proceedings and would ensure broader and more inclusive support for victim participation.

Developing clear frameworks to govern the engagement between domestic authorities and CSOs in relation to different forms of support, while allowing for adaptation to the specific circumstances of each case, could also provide the necessary transparency to prevent concerns regarding the credibility of victims and witnesses supported, and could encourage a more effective sharing of responsibilities. In line with an approach based on complementarity, the **development of practical guides** could improve engagement between CSOs and authorities and benefit victims and witnesses themselves. Such guides should be country-specific and set out a clear methodology for supporting witnesses' and victims' participation in the proceedings conducted in the prosecuting country, including how relevant processes and responsibilities are organised.

With regards to the provision of **support to victims and witnesses** required to **travel** in order to give testimony, advance coordination between CSOs, victims' and witnesses' lawyers and domestic authorities is also seen as best practice. Such **coordination** helps ensure that gaps are promptly identified and addressed, and that practices are aligned with the needs of victims and witnesses, as well as with the interest of the proceedings.

4. Increasing Specialised Resources

For domestic authorities

Allocate dedicated financial and human resources to universal jurisdiction cases, including through specialised investigation and prosecution units.

For CSOs

Strengthen specialised capacity and coordination among CSOs and lawyers to avoid duplication, share expertise and make the most effective use of limited resources.

The study highlights how universal jurisdiction proceedings heavily rely, in some aspects, on CSO resources and cannot be sustained without a significant increase in **specialised state resources**. A more proactive role from authorities is essential, particularly in those areas where excessive reliance on CSOs exists, such as support provided to victims and witnesses and in the engagement with affected communities.

Dedicated resources should be specifically allocated to proceedings based on universal and other forms of extraterritorial jurisdiction, starting with the creation of **specialised police and prosecution units** in countries where they do not yet exist. Adequately staffed and trained domestic “war crimes units” would not only enable a more efficient response to the growing number of universal jurisdiction cases, but could also have a significantly positive impact on the complementarity of, and on the engagement between, domestic authorities and CSOs. They would also help prosecuting countries ensure meaningful and effective participation of victims and witnesses in universal jurisdiction proceedings, while reducing reliance on CSO-led efforts. The **adoption of appropriate institutional frameworks, protocols and tools to support victims and witnesses**, especially those not residing in the prosecuting country, also requires adequate financial and human resources.

While CSOs remain instrumental in facilitating victims’ access to justice, their ability to address unmet needs is equally contingent on the availability of resources, which are increasingly limited and uncertain. Similar considerations apply to victims’ legal representatives, whose remuneration system should be adequate.

All actors involved in universal jurisdiction cases, including CSO personnel, staff from state specialised units and victims’ support services, could benefit from **greater capacity building opportunities**. These could include training on how to interact with specific groups of victims, such as children and victims of sexual and gender-based violence, as well as efforts to strengthen cultural sensitivity and contextual understanding. Specialised training for CSO personnel, which helps ensure adherence to the highest professional standards, is likewise dependent on limited and uncertain resources.

In a context of operational pressure, **stronger coordination among actors engaging with domestic authorities** in universal jurisdiction cases can support the more efficient use of available resources. In practice, various forms of collaboration have proven valuable and should be further strengthened: exchanges among specialised CSOs to share experiences and approaches; partnerships between international and community-based CSOs allowing their respective strengths to complement one another; and connections between CSOs seeking to submit information on international crimes in a given country and lawyers familiar with relevant legal and judicial framework.

5. Committing to Long-Term Relationships and Impact

For domestic authorities

Consider cooperation with CSOs as a long-term component of accountability work, rather than as a case-specific need. Plan the impact of the proceedings from the outset, including by investing in outreach that enables affected communities to understand and follow the proceedings.

For CSOs

Plan outreach and affected-community engagement, including nurturing partnerships with community-based organisations and local media.

Accountability efforts in universal jurisdiction proceedings take time and require stakeholders to **adopt a long-term perspective**. Investigations unfold over many years and depend on the sustained and continuous cooperation among various actors, such as authorities, CSOs, lawyers, and affected communities. For this reason, **it would be preferable to frame these relationships as long-term partnerships**, rather than as short-term engagements limited to specific cases. Such partnerships should be understood as relationships of constructive cooperation and dialogue while preserving the independence, impartiality and ability of each actor to maintain a critical perspective.

The development of relationships based on trust, and respectful of each other's expertise, roles, and mandates, requires time. This applies not only to the relationship between CSOs and authorities, but also to their engagement with affected communities, whose involvement is vital for documentation and outreach efforts. **Investing in sustained partnerships with CSOs**, especially those in contact with survivors, will crucially support proceedings and help ensure that relationships do not have to be repeatedly re-established. This also allows for the more efficient use of time and resources, which are often limited and precarious.

Engaging affected communities in accountability processes through sustained and targeted outreach and communication activities is paramount if universal jurisdiction proceedings are to contribute to meaningful societal, political and legal change.

Outreach activities, mainly conducted by CSOs to ensure that affected communities are aware of proceedings taking place abroad, are pivotal to harnessing the transformative potential of universal jurisdiction proceedings and also require long-term investment. For CSOs, this includes establishing and nurturing partnerships with community-based journalists and local media. For authorities, it entails **creating the conditions that enable the broad dissemination and understanding of the proceedings among audiences outside the country where they are taking place**. This includes, among other measures, identifying adequate and well-trained interpreters, providing interpretation in the courtroom, and enabling the remote transmission of hearings whenever possible, going beyond the prevailing practices, including by addressing legal and practical constraints where they exist.

6. Advocating for Enhanced Frameworks

For domestic authorities

Strengthen legal and regulatory frameworks to improve victim and witness support, including by ratifying and implementing the Ljubljana–The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes.

For CSOs

Carry out sustained and coordinated advocacy for reforms that address legal and institutional barriers identified in practice.

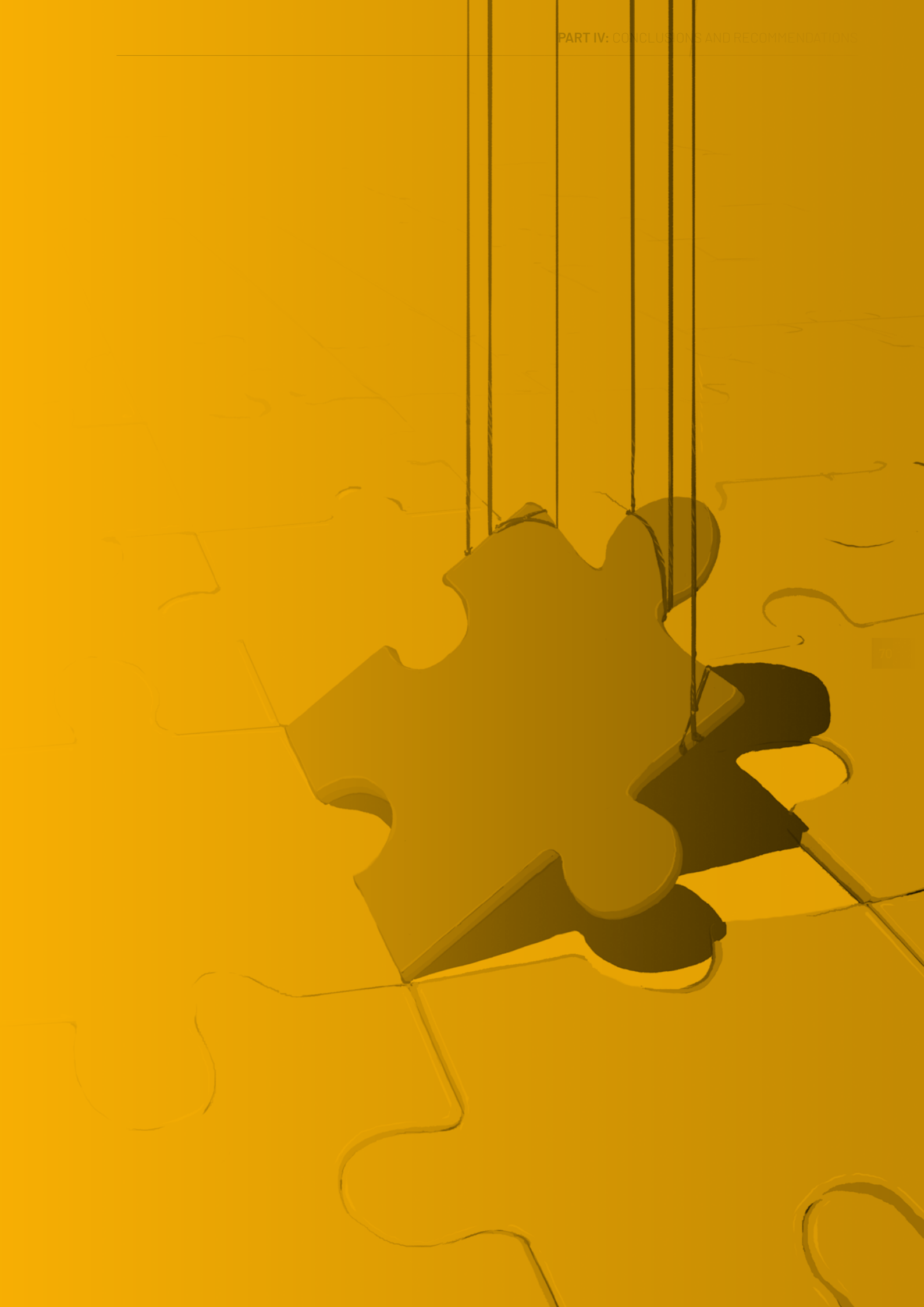
CSOs' advocacy can be particularly valuable where restrictive or inadequately tailored legal frameworks hinder the adoption and implementation of measures necessary to ensure effective universal jurisdiction proceedings. **All actors involved could play a role in asking for enhanced and more appropriate frameworks capable of effectively addressing the challenges posed by these proceedings.**

In particular, domestic legislations should create the conditions for victims and witnesses to engage safely, in an informed manner, and effectively at all stages of the proceedings, while comprehensively addressing their needs. This includes the possibility of providing for **broader specialist support mechanisms**, including access to psychological assistance, for victims and witnesses. Legislation should likewise be amended to permit the **provision of courtroom interpretation** and the **remote transmission of hearings**, both of which are essential to enable affected communities to meaningfully engage with proceedings.

The study shows that **the role of CSOs** in supporting universal jurisdiction cases and engaging effectively with domestic prosecuting authorities **appears to be strongest in jurisdictions where they are able to assume a formal role in proceedings.** States whose legal systems recognise civil party status should consider allowing CSOs defending the public interest to participate as a party in criminal proceedings for international crimes based on universal jurisdiction. This approach would help address some of the challenges identified in this report.

Finally, States should ratify or accede to the **Ljubljana–The Hague Convention** on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes. The Convention's entry into force and effective implementation could significantly improve cooperation between States on international crimes prosecution. Reliance on the Convention could address persistent challenges related to transnational aspects of investigations, providing tools for evidence sharing, extradition of suspects and the construction of robust cases in national courts.³⁸⁸

³⁸⁸ Adopted in May 2023, at the time of writing, the [Ljubljana–The Hague Convention](#) has been signed by 40 States and ratified by only one. Updated information can be found on [the website of the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium](#), the latter acting as the depositary.



Annex I

List of Interviews

(in chronological order)

1. Aida Samani, Senior Legal Adviser, Civil Rights Defenders (CRD), 15 August 2024
2. Andreas Müller, Federal Prosecutor, Office of the Attorney General (OAG) of Switzerland, 30 August 2024
3. Lawyer 1, Switzerland, 11 September 2024
4. Ulrika Bentelius Egelrud and Martina Winslow, Prosecutors, International and Organized Crime Unit of the Prosecuting Authority of Sweden, 16 September 2024
5. Head of the Police's War Crimes Unit of Sweden, 17 September 2024
6. Ghita Hadding Wiberg, Lawyer, Sweden, 30 September 2024
7. Hope Rikkelman, Director, The Nuhanovic Foundation, 7 October 2024 and 18 May 2026
8. Project Officer, Ukraine Legal Network (ULN), 7 October 2024
9. Legal Adviser, Lawyers for Justice in Libya (LFJL), 7 November 2024
10. CSO representative, UK, 11 November 2024
11. Lawyer 2, Switzerland, 28 November 2024
12. Daniel Machover, Lawyer, UK, 29 November 2024
13. Lawyer, Germany, 29 November 2024
14. Team Lead, HÁWAR.help e.V., Germany, 3 December 2024
15. Legal Adviser, Reporters Without Borders (RSF), 16 January 2025
16. L. Kathleen Roberts, Co-Executive Director and Co-Founder, Partners in Justice International, 17 January 2025
17. Simon Foreman, Lawyer, France, 20 January 2025
18. Sirra Ndow, Country Director, African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED), 24 January 2025
19. Mandira Sharma, Senior Legal Adviser, International Commission of Jurists (ICJ), 27 January 2025
20. CSO representative, France, 28 January 2025
21. Brigadier General, Head of Central Office for Combating Core International Crimes and Hate Crimes of France, 29 January 2025
22. Alain Gauthier, President, Collectif des Parties Civiles pour le Rwanda (CPCR), 3 February 2025
23. Head and Lead Analyst, International Accountability Platform for Belarus (IAPB), 5 February 2025
24. Dmytro Koval, Co-Executive Director, Truth Hounds, 10 February 2025
25. Clémence Bectarte, Lawyer and Coordinator of FIDH's Litigation Action Group, 11 February 2025
26. International Centre of Justice for Palestinians, 13 February 2025
27. Prosecuting Authority of Finland, 14 February 2025
28. Victim Support Unit, Police's International Crimes Team of the Netherlands, 14 February 2025
29. Lawyers, International Committee for the Investigation of Torture in Belarus (ICIT), 17 February 2025
30. Sophie Havard, First Deputy Prosecutor, Head of the International Crimes Unit of the National Counterterrorism Prosecution Office of France, 19 February 2025
31. Gema Gutierrez Hernandez, Saúl Castro Fernández and Jorge Peniche, Lawyers, G37 Centre, 21 February 2025
32. Steve Kostas, Former Senior Managing Lawyer, Open Society Justice Initiative (OSJI), 24 February 2025
33. Barbara Van Straaten, Lawyer, Prakken d'Oliveira, 25 February 2025
34. Federal Magistrate, Federal Prosecutor's Office of Belgium, 26 February 2025
35. Angelina Nicolaou, Lawyer, UK, 3 March 2025
36. Lawyer, The Netherlands, 5 March 2025
37. Investigating Authority of Finland, 6 March 2025
38. Prosecuting Authority of the Netherlands, 7 March 2025
39. Bénédict de Moerloose, Lawyer, 12 March 2025

40. Anwar Al Bunni, Syrian Lawyer, Head of the Syrian Center for Legal Studies and Research, 14 March 2025
41. Carmen Cheung, Former Executive Director, Center for Justice and Accountability (CJA), 14 March 2025
42. Police's International Crimes Team of the Netherlands, 15 March 2025
43. European Center for Constitutional and Human Rights (ECCHR), 18 March 2025
44. Emmanuelle Marchand, Senior Legal Counsel, 24 March 2025
45. Kate Vigneswaran, Director, Global Accountability Initiative of the International Commission of Jurists (ICJ), 26 March 2025
46. Analyst, Civil Society Organisation, US, 27 March 2025
47. Darius Šneideris, Prosecutor, Organised Crime and Corruption Investigation Department of the Prosecutor General's Office of Lithuania, 27 March 2025
48. Ignacio Jovtis, Director for Latin America, InterJust, 28 March 2025
49. Nick Leddy, Head of Litigation, Legal Action Worldwide (LAW), 28 March 2025
50. Lawyer, Civil Society, the Netherlands, 2 April 2025
51. Natia Navrouzov, Director, Yazda, 3 April 2025
52. Alexis Deswaef, Lawyer, Belgium, 10 April 2025
53. Matevž Pezdirc, Head of Genocide Prosecution Network Secretariat, Eurojust, 16 April 2025
54. Jeanne Sulzer, Lawyer, France, and Clémence Witt, Lawyer, France and Spain, 17 April 2025
55. Eduardo Taiano (Prosecutor), Hernan Kleiman (Deputy Prosecutor) and Florencia Zrycki (Court Clerk), Federal Prosecutor's Office of Argentina, 25 April 2025
56. Alain Werner, Director, Civitas Maxima, 29 April 2025
57. Tomás Ojea Quintana, Lawyer, Argentina, 30 April 2025
58. Tun Khin, President, Burmese Rohingya Organisation UK (BROUK), 2 May 2025
59. Henri Thulliez, Lawyer, France, 13 May 2025
60. Regional Prosecutor's Office in Germany, 16 May 2025
61. Mark Shaffer, Former Director of the Human Rights Violators and War Crimes Center at the US Department of Homeland Security, 22 May 2025
62. State Authority Representative of Germany, 22 May 2025
63. REDRESS, 1 June 2025 (Benjie Aquino, Legal Assistant; Julie Bardèche, Senior Legal Advisor; Holly Huxtable, Legal Officer; Natalia Kubesch, Legal Advisor; Caitlan Lloyd, Legal Officer; Katya Ravinska, Legal Officer; Rupert Skilbeck, Director)
64. Paola Garcia Rey, Deputy Director, Amnesty International Argentina, 3 June 2025
65. Former Country Office Coordinator, RCN Justice & Democracy (Rwanda), 4 June 2025
66. UK Counter Terrorism Policing London, War Crimes Team, 6 June 2025
67. UK Crown Prosecution Service, Special Crime and Counter Terrorism Division, 6 June 2025
68. Maia Czarny, Former Assistant to a Federal Investigative Judge, Seventh Federal Criminal Court of Argentina, 11 June 2025
69. Investigating Authority of Spain, 12 June 2025
70. Prosecuting Authority of Spain, 26 June 2025
71. Mazen Darwish, General Director, Syrian Centre for Media and Freedom of Expression (SCM), 8 July 2025
72. Philippe Currat, Lawyer, Switzerland, 16 July 2025
73. TRIAL International, 1 October 2025
74. Courtney Urschel, Former Deputy Chief, Human Rights and Special Prosecutions Section of the US Department of Justice, 20 October 2025

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The study reflects the collective insight of all those who contributed to it, and we are sincerely grateful for the trust they placed in this process.

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. TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable suffering. The organization provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward.

www.trialinternational.org

CIVIL RIGHTS DEFENDERS

Civil Rights Defenders (CRD) is a politically and religiously independent human rights organisation that partners with human rights defenders working in some of the world's most repressive contexts. Through strategic litigation and advocacy, the organisation seeks accountability and redress for core international crimes and serious human rights violations. Civil Rights Defenders also supports human rights defenders in securely and efficiently collecting, preserving and analysing information that can be used as evidence in judicial proceedings.

<https://crd.org/>

THE EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

The European Center for Constitutional and Human Rights (ECCHR) is an independent, non-profit organization based in Berlin that makes use of groundbreaking strategic legal intervention to challenge impunity, injustice and human rights violations worldwide. ECCHR aims to hold the responsible state and non-state actors accountable and to bring about political, economic, legal and social change. In order to achieve that, ECCHR works closely with partners from around the world.

www.ecchr.eu

THE INTERNATIONAL FEDERATION FOR HUMAN RIGHTS

The International Federation for Human Rights (FIDH) is an international human rights NGO composed of nearly 200 members – national human rights non-governmental organizations – from around the world. FIDH aims to defend all human rights as set out in the Universal Declaration of Human Rights, fight against impunity for international crimes and restore victims' rights. In close collaboration with its member organizations, FIDH documents and reports serious human rights violations and international crimes, advocates for change before relevant decision makers, and litigates in support of victims and survivors of these crimes, at national, regional and international levels.

www.fidh.org

REDRESS

REDRESS is a non-governmental organization that pursues legal claims on behalf of survivors of torture in the United Kingdom and around the world to obtain justice and reparation for the violation of their human rights. It empowers survivors to access justice through cases against governments, civil cases against individuals and cases where it advocates for law enforcement bodies to prosecute perpetrators under the principle of universal jurisdiction. REDRESS's approach is strategic, so that as well as representing an individual it targets the policy reasons that enabled the torture to take place, by building a campaign that uses advocacy, community engagement and communications to influence change.

www.redress.org

