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

**PART III MODULE 4 – INDIVIDUAL CRIMINAL RESPONSIBILITY**

**FACT SCENARIO FOR EXERCISE ON**

**RECOGNISING ELEMENTS OF INTERNATIONAL CRIMES**

Your team has received information from a local NGO in Samiland that twelve women and girls of Egue ethnic origin reported to them that they were abducted in the Spring of 2017 by men wearing a combination of camouflage and civilian clothes. The men took them to a house in the hills after having burned all the huts in the campsite where they were hiding. The husbands and families of the women were either killed in the attack or managed to escape to nearby Aliberu after crossing the river separating the two countries, where many people drowned.

The women and girls were kept in a house, and from time to time were locked in a room or chained to the floor for up to two weeks at a time. They were made to cook and clean for the armed men. They were sexually assaulted every night, sometimes by more than one armed man.

|  |
| --- |
| **Tesha**  Tesha is an 18 year old illiterate mother of a very small child. Based upon NGO reports Tesha was said to have been abducted in Samiland from a campsite called Onakro, along with others, by armed men who spoke a “strange language.” Tesha was said to have fled to Onakro campsite with her family after her village had been attacked by supporters of the newly elected President Atobo, of Angor ethnic origin. The west of Samiland where the Egue people come from is rich in cocoa plantations and they were generally supportive of the former President Bobacalo, himself of Egue origin. President Atobo’s right hand man and now Chief of Army, General Dibe, had sent troops to west Samiland who had been terrorising the local population since the beginning of the electoral process.  Tesha was reportedly held in a house for 9 months where she was required to cook and clean weapons and boots for the armed men, sometimes totally naked. During this time, she was repeatedly raped and otherwise sexually assaulted, sometimes in the presence of others. Over time, one man who regularly raped Tesha and whom the others called “Commander” began to take her along with him to gatherings and bought her nice clothes and supplies. He also protected her from rapes by other armed men.  According to reports from the national NGO, Tesha reported that she heard the men talking about which village they wanted to live in once it was over. One night in particular, she reports having heard the “Commander” say that they were going to “squash these Egue dogs and burn all their villages”.  Tesha reportedly escaped during one of the attacks in the area of the house in the hills, and was on the run for more than 6 weeks, hiding as she fled. She managed to cross the river and arrived in Aliberu. Tesha is now living in a refugee camp in Aliberu.  Your investigative team has obtained permission to conduct interviews in this refugee camp. Consider what additional information Tesha might have, and how you would go about asking her the right questions in the right way to get her to share that information with you. |

**ELEMENTS OF INTERNATIONAL CRIMES EXERCISE**

Your are a team of investigators/documenters conducting a fact-finding mission in relation to events in Samiland in the past 4 years. This exercise is focused on evidence and elements of international crimes.

For the purpose of this exercise, imagine that you have already conducted a hypothetical interview with Tesha. Based upon the information/evidence you would reasonably have obtained from Tesha through this hypothetical interview, you will now need to organise the evidence you have gathered according to the Evidence Workbook (International Protocol Annex 1).

The evidence you have gathered through Tesha’s statement in your hypothetical interview with her will form the basis of your presentation to the chairperson and other leaders of the mission who will be testing your conclusions.

In interviewing Tesha, your team would have used the Evidence Workbook to ensure you have gathered evidence to satisfy every element of the crimes you believe may have been committed, including specific, common and linkage elements/modes of liability of that crime. The findings in this exercise should be based solely on the above information and Tesha’s hypothetical testimony and the evidence which she would have been capable of providing as a victim and witness in your interview.

You will split into three groups and you will have 90 minutes to prepare your findings. Each group will be in charge of identifying evidence to satisfy the specific, common and linkage elements of an international crime. Each team will choose or be assigned a specific international crime, a specific category of crime and a specific mode of liability. Each group will then present their findings and will have to advocate for them upon questioning by the mission leaders. The presentation and advocacy for each team will be 10 minutes.

The primary purpose of this exercise is to show your understanding of the kind of evidence (facts) which could prove the elements of particular crimes. An additional benefit is to give each team the opportunity to advocate for their findings under circumstances where their conclusions might be challenged.

**1. Specific Elements of underlying crimes**

What crimes under international law do you think might be relevant to those facts?

Please choose one of these crimes and identify what evidence supports each element of this specific crime. Remember that we are looking for facts from the scenario or facts which were reported to you during your interview with the victim/witness. *The facts from her and/or from the scenario are the evidence.* Think about questions you might have asked to get this evidence.

**2. Common Elements of category of crime**

Which categories of international crimes do you think might be relevant to those facts?

Please select one category (war crimes, crimes against humanity, or genocide) and identify what evidence from Tesha would satisfy each element of the category of crime selected. Remember that we are looking for facts from the scenario or facts which were reported to you during your interview with the victim/witness. *The facts from her and/or from the scenario are the evidence.* Think about what questions you might have asked her to get this evidence.

**3. Modes of Liability/Linkage Elements**

Please identify what evidence Tesha might have to satisfy each element of the mode of liability for holding accountable President Atobo’s Chief of Army, General Dibe. Choose one mode of liability (for example, command responsibility, or ordering). Remember that we are looking for facts from the scenario or facts which were reported to you during your interview with the victim/witness. *The facts from her and/or from the scenario are the evidence.* Think about what questions you might have asked her to get this evidence.

**Use the Evidence Workbook as a guide. You cannot change the facts you have but you can reasonably add to them for the purpose of this exercise.**