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

**PART V MODULE 12 – COLLECTING ADDITIONAL INFORMATION**

**Session objectives:**

By the end of the session, participants should be in a position to:

* Identify procedures for processing/recording documents and sites of violations
* Explain how to best photograph, video-record and sketch sites of violations, physical evidence and injuries
* Understand basic requirements for maintaining chain of custody

**Suggested duration of session:**  90 to 120 minutes

**Exercise:** None

**Relevant sections of International Protocol:**

Pages 186-201; Module 2 – Understanding Sexual Violence; Module 4 – Individual Criminal Responsibility; Module 7 – Do No Harm; Module 8 – Safety and Security; Module 9 – Planning; Module 10 - Types of Evidence of Sexual Violence; Module 13 – Storing and Handling Information; Annex 3 – Reasons not to Collect Physical Evidence; Annex 9 – Chain of Custody Form

This module builds on Module 10 (Types of Evidence of Sexual Violence) and provides the participants with detailed information on the correct way to process and record CARSV information with a view to enhancing its evidentiary value for accountability purposes. The trainer for this session must therefore have professional experience in dealing with evidence and, ideally, processing crime scenes or other sites of violations. The trainer should refer back to Module 7 (Do No Harm), Module 8 (Safety and Security) and Module 9 (Planning) to emphasise that the participants will have to carefully consider and plan for the types of information/evidence they may need to collect, and whether they have the necessary authority, staff and resources to do so without risking or causing unnecessary harm.

The trainer should also remind participants about the crucial principles of confidentiality and informed consent explained in Module 7 (Do No Harm) and the practical requirements outlined in Module 13 (Storing and Handling Information), and should make absolutely clear that the participants should not collect any evidence or information if that were unlawful, or which they cannot safely and appropriately store and maintain, potentially over a long period. The trainer should also research and highlight relevant information about the legal and evidentiary requirements under the law applicable to the work of the participants, and should flag to the participants what types of evidence or proofs of sexual violence need to be provided for civil or criminal claims and which organisations or individuals are permitted to collect or store it. The law on evidence and related procedures differs between jurisdictions.

It is made clear throughout this module, Module 10 (Types of Evidence of Sexual Violence) and Module 13 (Storing and Handling Information) that there are certain types of evidence – particularly physical and forensic evidence – which may require specific legal authorisation to collect and/or which should only be processed, handled or stored by trained professionals. If the participants do not have the necessary training or authority, they should not collect such information but may try to record or document it in other ways. The trainer should also emphasise that for many types of investigation and documentation (particularly those for advocacy or non-judicial purposes), it will not be legally or evidentially necessary to collect physical or forensic information, and that it may be possible to prove the same facts or elements using documents, photos or victim/witness testimony. The participants should understand that, although they may encounter physical evidence at crime scenes or other sites of violations in the field, they should only collect it in genuinely exceptional circumstances (such as if they have no other means of recording or documenting the evidence and if they believe it may be imminently removed or destroyed, and only provided that they can collect, transport, store and manage it properly and securely).

The trainer should remind the participants that if they are not able to process or store physical or forensic information safely and competently, or if they do not need to provide it as part of their legal or evidential requirements, they should not collect it. The trainer should encourage the participants to consider and discuss whether it is necessary for them to collect physical or forensic evidence as part of their investigation or documentation process, and whether they would have the relevant capacity, resources or authority to do so. In the vast majority of cases, although it may seem that a piece of physical evidence might be of evidentiary value, it will not in fact be of value if collected without the proper authority and technical means to protect and store the evidence.

The trainer should ask participants if they have any experience with documentary evidence or sites of violations, and should encourage them to share their professional experiences and any useful lessons they have learned. The trainer should bring the participants through the suggested procedure for processing and recording documents and sites of violations (slides 7-12) and ask them how this compares to their current practice. The trainer should make very clear that without a statement from the source or from someone who can give evidence as to the contents of a document, the document will have little evidentiary value.

Slides 13-18 deal with photographing, video-recording and sketching sites of violations, physical evidence and injuries. It should be emphasised that, in order to be relevant and useable, any photos or video-recordings must be clear, in focus and visually comprehensible. The trainer should provide examples of the three types of photos discussed in the Protocol – overall, context and close-up – to show how the combination of all three gives a better sense of the detail of the object and how it relates to its broader surroundings. Without including a scale or other means of measurement in the photo, it may not be possible to gauge the relative size or distance of objects or to properly represent the scene. The trainer should also include some examples of blurry, unfocussed or poorly composed photos and videos, to show the difference in the amount of useful or reliable information which can be identified depending on the clarity and consistency of the footage (i.e. a blurry photo of a four-legged creature could be a dog or a lion, an out-of-focus shot of a man wearing red could be Santa Claus or a member of the Arsenal football team). The participants should also be encouraged to find out more information about camera settings, light readings and using metadata from their photographs to maintain a photo log. Slide 16 provides additional guidance when photographing physical injuries, slide 17 deals specifically with video-recording and slide 18 covers guidance to sketch sites of violations as an alternative or in addition to taking photographs.

The last part of the module deals with chain of custody (slides 19-23). The trainer should ask participants if they know what maintaining chain of custody means, if this is a process that they are familiar with and to share their experience in that respect if appropriate. The trainer should explain that trained professionals who have the mandate to collect documentary and physical evidence need to be able to demonstrate the authenticity and integrity of a piece of evidence to ensure it is admissible in court and given its due evidentiary weight. In order to do so, they need to record (i) how a document or physical item was first collected (ii) and, as the case may be, whether and how such document or item was transferred between different individuals and/or organisations before coming in their possession. The aim is to show that the item/document is genuine and that it has not been tampered with or been contaminated.

The trainer should run participants through the key basic steps to follow in order to maintain chain of custody, while highlighting that participants collecting physical/documentary evidence need to be aware of applicable legal requirements concerning chain of custody in their jurisdiction - which may be different for different types of items.