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Anchoring Accountability for Mass Atrocities

The Permanent Support Needed to Fulfil International Investigative Mandates

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This brief draws insight from a 2022 study by the University of Oxford titled **Accountability for Mass Atrocities: The Permanent Support Needed to Fulfil UN Investigative Mandates** (published May 2022). The study is the culmination of over two and half years of rigorous academic research, led by **Federica D'Alessandra** and **Ambassador Stephen J Rapp**, with expert support by **Sareta Ashraph** and **Kirsty Sutherland**, aimed to understand the current international justice landscape and advise on how to best fulfil international investigative mandates moving forward. The research paper, which was published by the Oxford Programme on International Peace and Security of the Blavatnik School's Institute for Ethics, Law and Armed Conflict (ELAC), in partnership with the International Bar Association and the US Holocaust Memorial Museum Simon Skjodt Center for the Prevention of Genocide, is available at: <https://www.bsg.ox.ac.uk/sites/default/files/2022-05/Anchoring%20Accountability%20for%20Mass%20Atrocities%20Report.pdf>.

This brief also benefitted of input from **Ross Gildea**, **Gwendolyn Whidden** and **Brianna Rosen**, among other members of our research team. More generally, our project benefitted of the guidance of a distinguished Advisory Group comprising of international prosecutors, UN commissioners and monitors, diplomats and other practitioners from civil society. It built on the work of a Group of Practitioners on Fact-Finding and Accountability convened between 2015-2016, and chaired by Ambassador Rapp. More information on our project's history, methodology and structure is available at: <https://www.elac.ox.ac.uk/research/anchoring-accountability-for-mass-atrocities/>.

Anchoring Accountability for Mass Atrocities: The Permanent Support Needed to Fulfil International Investigative Mandates

Introduction

Since its revival in the late 1990s and early 2000s, the field of international justice might seem today to be experiencing one of its deepest moments of crisis. For the past decade, a sense of normative backsliding has been pervasive among those committed to pursuing justice for the world's worst atrocities. The almost complete impunity for the horrific crimes of the Syrian and Yemeni civil wars, the apparent genocide in Myanmar, and the appalling war crimes committed during the Russian invasion of Ukraine, among others, are but few examples underscoring this fact. Persistent gridlock within the UN Security Council, the limited jurisdictional reach of the International Criminal Court, and selectivity in the international community's response to atrocities around the world have only added to this deepening sense of crisis. These views, however, obfuscate a deeper and more nuanced reality: that **the global fight against impunity is resilient, and the international justice ecosystem is continuing to evolve in response to these challenges.**

These developments, which we discuss further below, have been both prompted and facilitated by what we have termed an **'accountability turn'**,¹ that is, an increased focus among stakeholders in the human rights and international justice communities – from local civil society actors to domestic jurisdictions and international institutions, including international courts and innovative international investigative mandates – on supporting accountability, including, where possible, of a criminal and judicial nature. As we will discuss in this brief, we consider these **developments to be central to the future of the international justice field**, and in dire **need of permanent institutional support.**

The reports of massive commission of international crimes in Ukraine, in particular, have also re-drawn international attention to the need for accountability, and have led to an outpouring of international support for investigations and prosecutions, including the mandating of a UN Commission of Inquiry.² At the same time, this response has crystallised the realisation that the resources committed to investigating serious violations of international law across the world are far from equal. This supports a truly global solution, ideally **the establishment of a standing, independent Investigative Support Mechanism (ISM)**, to address both issues of selectivity and the needs of various international justice constituencies. In this brief, we will further survey some of the trends, challenges and opportunities arising from the 'accountability turn' as a way to ground our case for building such a permanent support structure.

¹ D'Alessandra, F., 'The Accountability Turn in Third Wave Human Rights Fact-Finding', *Utrecht Journal of International and European Law*, 33(84) 2017, pp. 59–76.

² UN HRC Resolution A/HRC/49/L.1 (March 2022).

An Evolving International Justice Ecosystem

A recent study published in May 2022 by our team at the University of Oxford and partners,³ details at length a series of developments taking place over the past ten or so years which we believe, in contrast to the prevailing sense of crisis described above, **speak to the resilience of the global fight against impunity** and **paint a more hopeful picture for the future of international justice**.

First, if today many of the world's atrocities continue to occur beyond the jurisdictional reach of the International Criminal Court, a **number of international and domestic courts are now actively pursuing accountability for mass atrocities**. For example, a growing number of jurisdictions are now pursuing international crimes cases domestically, as demonstrated by the recent landmark convictions in German courts for genocide and crimes against humanity against ISIL militants and former Syrian officials.⁴ Similarly, a growing number of international courts and tribunals are now being seized of issues of State responsibility for mass atrocities. Examples of this are various proceedings before the European Court of Human Rights⁵ and proceedings initiated by The Gambia and Ukraine (against Myanmar and the Russian Federation, respectively) before the International Court of Justice alleging violations of the UN Genocide Convention, as well as recent announcements by various countries of their intention to join or initiate additional proceedings before the International Court of Justice.⁶

Second, **victims' demands for justice have not abated** and, today, a **growing number of civil society actors**, including groups hailing directly from the affected communities, are **undertaking documentation efforts to an unprecedented scale and level of professionalism**, indicating ongoing commitment to the principle of accountability. Civil society investigations have, in no small part, been facilitated by the **rise of digital and documentary technologies**, which today allow very detailed investigations to be carried out remotely,⁷ and by the proliferation of resources aimed to guide civil society documentation of atrocities on the ground.⁸ Our research indicates indeed that civil society organisations are both prioritising criminal accountability measures to an unprecedented scale, and striving to improve their documentation methods to comply with criminal procedural standards. To be sure, considerable differences persist in the documentary capacities of the various civil society groups active in documentation efforts on the ground. This notwithstanding, **today more and better-quality information concerning the commission of atrocity crimes is readily available**, fuelling consistent victims demands for justice.⁹

Third, precisely in response to victims' growing demands for accountability, and as a direct result of the gridlock within the UN Security Council, supporters of international justice within the UN

³ D'Alessandra, F., Rapp, S., Sutherland, K. and Ashraph, S., 'Anchoring Accountability for Mass Atrocities: The Permanent Support Needed to Fulfil UN Investigative Mandates', Oxford Institute for Ethics, Law and Armed Conflict, May 2022.

⁴ Higher Regional Court of Hamburg, Decision against Jalda A., 27 July 2022; Higher Regional Court of Frankfurt, Decision against Taha A.-J., 30 November 2021; Higher Regional Court of Koblenz, Decision against Anwar Raslan, 13 January 2022. In addition, at least the following domestic jurisdictions have initiated international crimes cases domestically: The Netherlands, Germany, Sweden, Norway, United Kingdom, Finland, Canada, Belgium, Denmark, Switzerland, United States of America, Ukraine, France, Argentina. And some domestic jurisdictions are pursuing civil liability cases concerning mass atrocities. See, for example: Wickrematunge v. Rajapaksa, US District Court Central District of California, Case No. 2:19 CV02577-R-RAO.

⁵ See, for example: Government of the Netherlands, The Netherlands Brings MH17 Case Against Russia before European Court of Human Rights, Ministry of Foreign Affairs, 10 July 2020; European Court of Human Rights, 'New Inter-State application brought by the Netherlands against Russia concerning downing of Malaysia Airlines flight MH17', 213 ECHR (2020), 15 July.

⁶ Most notably, on 29 July 2022, New Zealand filed a declaration of intervention under Article 63 of the ICJ Statute in the case *Ukraine v. Russian Federation*; on 18 September 2020, The Netherlands announced its decision to hold Syria responsible for gross violations of international law, specifically invoking its responsibilities under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On 4 March 2021, Canada did the same.

⁷ D'Alessandra, F. and Sutherland, K., 'The Promise and Challenge of New Actors and New Technologies in International Justice,' *Journal of International Criminal Justice*, 19(1) 2021, pp. 9-34.

⁸ 'Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organizations' International Criminal Court & Eurojust, July 2022. Also see: D'Alessandra, Couch et al., 'Handbook on Civil Society Documentation of Serious Human Rights Violations', Public International Law & Policy Group, 2016, and other resources listed at Annex 3 of the ICC Guidelines.

⁹ 'The Future of Accountability Mechanisms: Twenty Recommendations', International Commission of Jurists, December 2021.

system have increasingly looked **to Geneva-based institutions to play a role in ensuring accountability for such crimes**. Since 2011 circa, UN investigations mandated by the Human Rights Council have consistently been asked to look beyond their traditional role as human rights monitors and perform functions in support of accountability for mass atrocities, or what we termed an 'accountability turn'. Starting in 2016, this trend was further underscored by the **consecutive establishment of three independent investigative mechanisms with criminal 'case-building' responsibilities** tasked to 'collect, collate and preserve evidence of international crimes' committed by ISIL/Daesh (2017), and by all parties to the conflicts in Syria (2016) and Myanmar (2018) respectively, and to make it 'available to domestic and international prosecutors' among other justice authorities.¹⁰

Against this background, our data reveal that as more actors and mandates operate within the same areas of interest, a clear **need for better coordination** has emerged. At the same time, our data reveal that a **growing symbiosis is emerging among these various justice actors**, with prosecuting authorities now looking to both civil society actors and UN investigative mandates for collaboration. Similarly, evidence providing organisations in civil society increasingly leverage other investigative authorities, and perhaps most directly UN mandates, in support of their search for justice. Our data indicate the emergence of a landscape in which information emanating from civil society actors and intended for use in court is often fed into or received by UN investigative mandates, processed by the latter in some form, and then expected by an increasing number of relevant actors to reach justice authorities once jurisdiction is triggered. In other words, our data paint the picture of an **evolving international justice ecosystem** with **international investigative mandates now sitting at the heart of the 'lifecycle' of information and evidence**, emanating **'upstream' from civil society documenters** and increasingly expected to reach **domestic and international justice authorities 'downstream'** with a view to contributing directly to accountability processes.¹¹

Yet, almost without exception, the additional responsibilities laden upon UN investigative mandates (particularly, those mandated by the Human Rights Council and supported by the Office of the High Commissioner for Human Rights) have not been accompanied by additional resources or capacity. To the contrary, both the High Commissioner's own budget and the specific budgets of appointed mandates are constantly slashed by the UN Advisory Committee on Administrative and Budgetary Questions. This raises important issues in terms of what realistically can be asked of these mandates, and how they can be best supported moving forward. Notable exceptions have been **the independent investigative mandates which – thanks to their performance and the far greater investment they have attracted – have overhauled perceptions about the role that Geneva can play in the overall international justice ecosystem**. At the same time, the existence of the three ad hoc investigative mechanisms has not extinguished the need for a more comprehensive solution that might serve the interest of all victims of mass atrocities, nor of the existence of more traditional human rights monitoring bodies. Our data also reveal that *all* mandates, including initially the investigative mechanisms, have continued to face similar bureaucratic and institutional challenges which mar the overall system with inefficiency and, as we discuss below, support directly our case for establishing a permanent investigations support structure.¹²

Seizing on the Accountability Turn

'Accountability turn' refers to a trend, markedly since 2011, to include international justice requirements in the mandates of UN investigations. I.e., expressly tasking investigations (chiefly but not exclusively mandated by human rights bodies, such as the Human Rights Council) with, inter alia, determining whether the violations they document might constitute crimes under

¹⁰ UNGA Resolution A/71/248 (2016) establishing 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 (IIIM); UNSC Resolution 2379 (2017) establishing the Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD); and UN HRC Resolution 39/2 (2018) establishing the Independent Investigative Mechanism for Myanmar (IIMM).

¹¹ D'Alessandra, F., Rapp, S., Sutherland, K. and Ashraph, S., 'Anchoring Accountability for Mass Atrocities', p. 22.

¹² *Ibid.*, pp. 30-45.

international law; identifying individuals who are suspected of responsibility; and recommending measures to promote accountability, including – in some recent cases – having criminal case-building responsibilities. The inclusion of these requirements has had very important consequences for the mandates' work, which are fully detailed in our report.¹³ As mentioned, since 2016, the establishment of independent investigative mandates with criminal case building responsibilities for Syria, Da'esh/ISIL, and Myanmar has further entrenched this trend. Unlike more traditional investigations supported by the Office of the High Commissioner, the **three mechanisms have been underpinned by greater capacity, independence and investment, resulting, as our data suggests, in far more profound and impactful contributions to accountability.**

This further shift towards criminal case-building however has neither extinguished the need for human rights-focused investigations (which remain crucial for the proper functioning of the international human rights regime and ought to be seen as complementary to investigations focused on accountability) nor implied that all new accountability-focused mandates will operate like the independent investigative mechanisms. Nevertheless, the mechanisms' impact on the international justice ecosystem raises important questions about what can be learned from their work.

The 'accountability turn' certainly entails **important challenges, including risks of inconsistencies, selectivity and politicisation** over when and how mandates are conferred; the risk of overreliance on such mandates as the sole response to ongoing crisis situations; a persistent risk of 'divorcing' accountability from other transitional justice measures; and the risk of fragmentation, even such that there is a risk (or a perceived risk) that existing institutions may suffer a drop in necessary investment and support. Focus must be given to overcoming such potential challenges.

Affected communities should have ultimate agency over which form of accountability is best suitable to them. However, **given pathways to justice remain narrow and are often precluded in the short term, there is a need to collect and preserve today the evidence that might be used in justice processes at some later date.** Supporting the accountability turn seems today more important than ever. The proactive and sustained support of the international community in meeting these challenges is ever more urgent in light of the heavier responsibilities that come with the accountability requirements now prevalent in international investigative mandates.

Despite the many challenges they face, our data reveal that **UN mandates are optimally placed to assist the coordination of documentation efforts with a view to minimising duplication and helping civil society groups navigate the complex international justice landscape.** They can also play a crucial role in supporting the development and sharing of documentation best practices to the society. Indeed, based on our data, civil society organisations appear universally keen for the investigative mechanisms, in particular, to be more than a depository of information. They want them to proactively pursue the support of cases and engage with authorities to use their evidence and provide investigative guidance where appropriate.

In addition, respondents to our study highlighted that **UN mandated investigations could play a greater role in fostering exchanges among justice authorities,** including by creating opportunities for the sharing of best practices and by utilising secondments and field visits to institutions that collect, analyse, process and present the evidence in courts. Such exchanges would strengthen not only collaborative relationships among justice authorities themselves, but also improve relationships with the UN mandates and civil society organisations on which they rely.

Another theme emerging from our data is the **important role UN investigative mandates can play in conducting open-source investigations and leveraging other forms of digital and documentary technologies to support the work of those on the ground.** Although, as demonstrated by the work of the independent investigative mechanisms, performing such work requires cutting-edge technology and specific expertise with which mandates must be equipped. The predominant issues identified with regard to providing evidence to mandates centre around

¹³ See, Section II. Challenges Relating to the Creation of Mandates and Start-Up Phase of Operations; Section III. Needs Relating to the Collection of Information Phase; and Section IV. Challenges Relating to Information Analysis and Preservation, in D'Alessandra, F., Rapp, S., Sutherland, K. and Ashraph, S., 'Anchoring Accountability for Mass Atrocities'.

witness security, the security of transmitting material, and the security of premises and archives – all areas in which the independent mechanisms have made significant strides forward.

The view was also expressed that UN investigations could provide **straight-forward training in best practices to ensure that the probative value of the evidence collected is maximised** (with respect, inter alia, to witness identification; consent to be interviewed; consent to share data with judicial authorities; and metadata storage), and with respect to coordination and joint strategies for case prioritisation, materials and expert support being provided where possible and necessary.

Perhaps most clearly, many organisations emphasised the role **UN mandates could play in building capacity on the ground**. Respondents to our study suggested that focusing on legal capacity building would promote post-conflict resolution and rule of law while allowing local justice sectors to handle legal processes as and when circumstances permit. However, in our view, it remains an open question whether this particular form of support can and should be provided by UN investigative mandates directly, given the considerable resources it would require, as well as the implications for the relationship with and safety of those in receipt of such training. Alternative organisations providing suitable training and material include, for example, the Institute for International Criminal Investigations, Justice Rapid Response, the International Bar Association, and the International Commission of Jurists, among many others. Yet, finding ways for UN investigative mandates to better and more consistently cooperate with these organisations remains key to the overall performance of accountability actors.

At the same time, our data reveal that **important challenges persist in the operation of all mandates, particularly in their start-up phase**. These include: drawn-out recruitment processes (with full staffing generally taking several months and often longer to be achieved); budgetary issues; a disconnect between mandate lengths, UN budgetary cycles and recruitment protocols, which creates challenges to recruiting external candidates with high-level expertise, particularly for shorter mandates; knock-on challenges due to early-phase recruitment of staff without international criminal investigative, analytical, and/or legal experience (particularly in the context of human rights mandated investigations); lack of retention of institutional knowledge; duplication of efforts; and gaps in substantive work envisaged by the entities.

Without a doubt, the High Commissioner's Office has made investment to the best of its abilities to address some of these challenges, supporting and deploying over 50 missions and commissions since 1992. Yet, at present, responsibilities for **supporting such mandates continue to be split across a variety of work units within OHCHR in line with their respective functions and expertise**.¹⁴ Our data reveal that it remains suboptimal to divide these related responsibilities.

Many core functions would instead significantly benefit of some form of centralisation under a standing investigative support structure that could act as a service provider to accountability mandates (and all UN investigations as relevant), by *assisting mandates in their deployment and start-up phase* (including by achieving efficiencies in recruitment, standardising best practices and drafting budgets and pre-deployment guidance); *playing a coordinating role and providing strategic advice to maximise mandates' interface with other justice actors* (and the most effective use of the information they gather); *providing the technical infrastructure and state of the art technology to better support the verification, analysis and preservation of the information mandates collect*; *acting as a repository of institutional memory* (including maintaining archives once mandates cease to operate); and generally 'anchoring' and supporting mandates so that they are best positioned to fulfil the important contributions to accountability with which they are now tasked.

¹⁴ These include: The Rule of Law and Democracy Section, which provides advice on the international legal framework for investigative mandates and serves as a resource on matters of law, including human rights law, humanitarian law and – increasingly – international criminal law, in order to support consistent application of legal approaches and norms; the Women's Human Rights and Gender Section provides guidance and support on gender integration in investigations and on investigating sexual violence and applying a victim-centred approach; the Methodology Education and Training Section (METS) which develops methodological standards, policy and guidance for human rights investigations, for use both by OHCHR and COIs/FFMs, and has published helpful guidance in addition to what is internal and accessible to staff. Other parts of OHCHR also support COI/FFMs, including the Senior Legal Policy Advisor and OHCHR's Emergency Response Section (ERS), which now includes an Investigative Support Unit (ISU), which manages what it describes as an 'internal roster of experienced staff ready to deploy on short notice and provide logistical and security support staff who can rapidly deploy in human rights and humanitarian emergencies, providing surge capacity to UN Human Rights field offices.

It is our view that, with due resources and support by States, all the above-mentioned contributions to accountability (as well as more, detailed in our study) could be delivered without compromising the core human rights function that many UN mandated investigations continue to perform. For we see all of these contributions as compatible with both human rights reporting and documentation as well as with international justice.¹⁵

The Need for a Permanent Investigations Support Mechanism¹⁶

This work is hard and contentious, not least because almost all recent UN investigations have been mandated in situations where a State's leadership or its allies are suspected of responsibility for the most serious violations of human rights. Thus, investigations are confronted by non-cooperation, resistance, denunciation and disinformation. However, failing to fulfil these mandates risks diminishing the overall capacity and effectiveness of the UN human rights apparatus. Most importantly, it betrays victims hopes and expectations that no impunity can exist for the most heinous international crimes. The international community can and must do more.

The current system is marred by inefficiencies posing important resource, bureaucratic and institutional challenges to mandates whenever they are established. In addition, the ad hoc nature of mandates and inconsistencies in their approach also risks fuelling perceptions of bias and mistrust both in such investigations as well as with respect of the international justice project as a whole. It is precisely to address these challenges that our study recommends the **establishment of a permanent, standing Investigative Support Mechanism (ISM) as a way of achieving efficiencies, supporting accountability, and addressing issues of selectivity moving forward.**¹⁷

The proposed Investigative Support Mechanism (ISM) would be **independent of OHCHR** in the same manner as the three investigative mechanisms and would perform two key functions.

As its **primary function**, the ISM would **act as a 'service bureau' in support of other mandates concerned with accountability**, including Commissions of Inquiry and Fact-Finding Missions when these are conferred by the Human Rights Council, precisely with a view to achieving efficiencies and addressing inconsistencies and selectivity issues which would otherwise continue to arise.

As part of this function, the ISM would assist with the development and standardisation of methodology, trainings and standard operating procedures for the collection, preservation and analysis of various forms of evidence (including witness, linkage, documentary, forensic and digital); and act as a central repository of institutional memory and secure repository of evidence (seizing on the investment already made in the three ad hoc mechanisms and eventually achieving 'economies of scale'). To fulfil such functions, the ISM would have stand-up expert rosters but also incorporate specific in-house personnel tasked to provide expert logistical and resourcing support across a range of responsibilities including: international criminal lawyers; information analysts and OSINT specialists; financial and grants personnel to handle all budgetary matters, including extrabudgetary contributions and external grants; data security and management personnel with technical (including forensic and analytical) expertise; personnel to maintain the security of archives at the closure of mandates and handle requests for assistance by relevant justice authorities; personnel to act as liaison with justice authorities and handle their requests for

¹⁵ D'Alessandra, F., Rapp, S., Sutherland, K. and Ashraph, S., 'Anchoring Accountability for Mass Atrocities', Section I. Permanent Investigative Support Structure is Needed to Anchor Accountability Within an Evolving International Justice Ecosystem, pp. 12-28.

¹⁶ Ibid., Section V. Building the Support Required for Effective Accountability, pp. 90-102.

¹⁷ The establishment of an ISM is one of two potential options we studied. The second option would be the establishment of an Investigative Support Division (ISD) within OHCHR that would bring together the various responsibilities currently divided across multiple units of work, as well as additional ones, under an individual recruited at the D-1 level with the requirement of prior experience in criminal investigations. However, consultations following the launch of our report have revealed a strong preference among experts in the field for the support structure to be independent of OHCHR as not to interfere with its traditional human rights function. For more details on our full set of recommendations, see, D'Alessandra, F., Rapp, S., Sutherland, K. and Ashraph, S., 'Anchoring Accountability for Mass Atrocities', pp. 96-104.

assistance; and personnel to act as liaison with the civil society, with private companies (including in the technology sector), and with other UN agencies and humanitarian actors.

As its **secondary function**, when triggered by a competent UN body, the ISM would **act as an investigative mechanism of its own**, under provisions like those contained in the establishing resolutions and Terms of Reference of the investigative mechanisms for Syria, Myanmar and Da'esh/ISIL. In addition, when given a case-building mandate, the ISM would also fulfil a coordinating role and provide strategic advice wherever multiple actors are pursuing investigations on the same situation, thus maximising the potential for making effective use of gathered materials.

Like the mechanisms, the ISM would be headed by an individual recruited at the Assistant-Secretary General level with prior experience in judicial accountability processes. While the ISM could provide services as to multiple situations, at the request of competent mandates including human rights investigations established by the Human Rights Council, it would be strictly limited to carrying out case-building investigations for those situations to which it is mandated by a relevant UN body.

Various potential triggers could be considered for such criminal-case building mandates, including a UN Security Council resolution. Where the UNSC failed to take appropriate measures, the UN General Assembly could do so through resolution offered by State(s) or the High Commissioner for Human Rights, with the latter having first submitted the question of whether a case-building investigation was warranted to a panel of independent experts. For the authorisation of case-building mandates by the UN General Assembly, approval by more than a simple majority vote could be required.

The ISM and the existing investigative mechanisms would be encouraged to share best practices and develop arrangements for common services, particularly in maintaining state-of-the-art expertise and capacity in the use of digital tools in investigations and analysis. **Once the work of each of the present investigative mechanisms reaches the completion phase, mandating bodies could also bring the remaining work of a mechanism into the ISM**, with staffing and budgets adjusted accordingly.

Importantly, it should be underscored that **such a mechanism would not detract from – but rather work in a complementary manner with – existing international justice institutions**. As mentioned, domestic jurisdictions and a variety of international courts are already looking to UN mandates for collaboration. It is also important to reiterate that most of these mandates are conferred in situations that fall outside of the jurisdiction of the International Criminal Court, thus such an investigative entity would fill an important gap in this regard. And even in the few instances where competencies may overlap, the experience of the IIMM and ICC with respect to some of the crimes taking place within the situation in Myanmar (such as the deportation of Rohingya and other ethnic minorities in the territory of Bangladesh) reveals that cooperation is indeed possible. Furthermore, given that **the ICC already relies on third party information in the context of its preliminary examinations**, having such information gathered, collated and analysed with greater consistencies and compatibility of standards would without a doubt benefit the overall delivery of justice.



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