

INVESTIGATIONS INTO CIVILIAN HARM IN ARMED CONFLICT

**CENTER FOR
CIVILIANS IN CONFLICT**
RECOGNIZE. PREVENT. PROTECT. AMEND.



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ORGANIZATIONAL MISSION AND VISION

Center for Civilians in Conflict (CIVIC) is an international organization dedicated to promoting the protection of civilians in conflict. CIVIC envisions a world in which no civilian is harmed in conflict. Our mission is to support communities affected by conflict in their quest for protection and strengthen the resolve and capacity of armed actors to prevent and respond to civilian harm.

CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated on behalf of civilians affected by the war in Iraq and Afghanistan. Honoring Marla's legacy, CIVIC has kept an unflinching focus on the protection of civilians in conflict. Today, CIVIC has a presence in conflict zones and key capitals throughout the world, where it collaborates with civilians to bring their protection concerns directly to those in power, engages with armed actors to reduce the harm they cause to civilian populations, and advises governments and multinational bodies on how to make life-saving and lasting policy changes.

CIVIC's strength is its proven approach and record of improving protection outcomes for civilians by working directly with conflict-affected communities and armed actors. At CIVIC, we believe civilians are not "collateral damage" and civilian harm is not an unavoidable consequence of conflict — civilian harm can and must be prevented.

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EXECUTIVE SUMMARY

This paper provides an overview of investigations into civilian harm in armed conflict, identifies contemporary challenges and key issues related to investigations, and provides several recommendations to states for carrying out effective investigations.

Effective investigations into incidents of civilian harm in armed conflict are essential for establishing the legality of State actions and for ensuring accountability. They also serve as an essential stage in response to civilian harm for civilians themselves. While they cannot make up for the loss of a loved one or restore property, investigations can provide civilians with some answers about the cause and source of harm, recognition that harm has occurred, and open avenues for adequate reparations or amends.

The paper first provides a framework for investigations into civilian harm in armed conflict. It establishes the legal, policy, and strategic reasons to investigate civilian harm. It lays out the principles of an effective investigation and the various stages which may make up an investigative system.

The paper then proceeds to highlight how effective investigations can support the protection of civilians. Investigations are crucial for establishing violations of international law and enabling access to reparations for those harmed by violations. They also provide information to victims and their families, can serve to fulfill families' right to know what happened to their loved ones in armed conflict, and help clarify the fate of those killed. Investigations can also be a prerequisite for any amends processes and in planning how to mitigate civilian harm during future operations.

The paper also identifies several key issues related to investigations into civilian harm:

Issue 1 deals with the credibility of external allegations regarding civilian harm or possible violations. Assessing the credibility of an allegation is crucial for determining whether the information should be transmitted to the investigative process, yet criteria for such determinations need to be consistent and comprehensive to be effective.

Issue 2 addresses the challenges related to investigations into remote operations. States using remote methods of targeting must have a way of assessing the legality and the effects of the strikes, including post-strike investigations where necessary.

Issue 3 examines some concerns surrounding the independence and impartiality of military investigations. Investigations into civilian harm resulting from a violation of international law must be sufficiently independent and impartial to be effective. This means providing sufficient procedural safeguards and institutional oversight, among other things.

Issue 4 addresses some challenges surrounding investigations in multinational operation settings. The failure to effectively investigate can undermine the legitimacy of coalition operations to the civilian population affected by military operations and the sending States' populations. Multinational operations can cloak accountability for possible violations, disaggregation of responsibility, and questions about who should investigate.

Issue 5 examines some considerations surrounding the transparency of investigations. It may be unclear how much information investigators should or must release or what good practices for releasing information may be. Although the legal obligations surrounding transparency of investigations are evolving, there are good policy reasons to engage in good faith transparency practices.

RECOMMENDATIONS

- Investigations into serious violations of international law need to be sufficiently independent, impartial, thorough, prompt, and transparent to be effective. States must ensure they have a framework to conduct effective investigations into possible violations of international law in armed conflict, including extraterritorially. Amongst other things, this means making reasonable arrangements for foreseeable conflict-related challenges.
- Regulations should be clear on when investigations should be opened, including reporting requirements and assessment procedures. Possible violations of international law, including those causing civilian harm, must be investigated. There are also good reasons to investigate all civilian harm, even if such harm is the consequence of lawful acts.
- Investigations may examine possible criminal liability but should also, where relevant, assess State responsibility and possible systemic problems which led to civilian harm.
- External allegations of civilian harm or violations of international law may be assessed for credibility. Such credibility checks should not seek to determine whether the allegation indicates that a violation has occurred or not, but only whether the allegation itself is credible.
- If militaries use remote methods of targeting, such as remotely piloted aerial vehicle strikes, they must have a way of effectively investigating any incidents arising from such strikes and assessing their legality. This may include reviewing pre- and post-strike footage and the decision-making process, such as the quality and sources of intelligence used and the analysis of this information. Militaries should have appropriate mechanisms for receiving information and allegations from external sources and recognize the advantages of coordinating with NGOs and civilian society organizations to gather a fuller picture of the effects of their military operations.
- States should ensure that investigators are sufficiently independent and impartial to contribute to the effectiveness of an investigation in conflict settings. Those conducting investigations into possible severe violations of international law should have sufficient institutional safeguards to conduct their investigative functions independently. At a minimum, investigators into violations of international law should not be implicated in the incident under investigation. It is also essential that there be independent oversight of military investigation procedures.
- States partnering in multinational operations should ensure they conduct effective investigations in such contexts. States have the first responsibility to investigate and prosecute possible violations committed by their own armed forces in multinational operations, but they should seek investigative cooperation in relevant agreements. Standardizing investigation procedures, including reporting and credibility assessment criteria, can aid coalition cohesion.
- States should take reasonable initiatives to encourage coalition partners to respect international law and conduct effective investigations. It is in the interest of multinational operations and the individual States involved to provide transparency on investigation procedures and outcomes. Those affected by multinational operations should know how to make allegations of possible violations without necessarily identifying the individual State responsible.
- States must provide sufficient information surrounding investigation procedures and outcomes to those affected by military operations and the public. What investigative transparency looks like will depend on each case, but it must serve the overall effectiveness of the investigation. When credible allegations of violations of international law are made, public interest in disclosure will be stronger.

- States should publicize information on investigative procedures, including the triggering process. Procedures to submit allegations should be accessible.
- States should devote specific attention to communicating with victims of possible violations, including next-of-kin.
- Information regarding investigations may be legitimately restricted or redacted for reasons of a fair trial, national security, and to safeguard other ongoing judicial proceedings. However, States may not impose blanket restrictions on all information regarding investigations on national security grounds. States should have policies regarding releasing and redacting information surrounding investigations to preclude arbitrariness.

INTRODUCTION

Effective investigations into incidents of civilian harm in armed conflict are essential for establishing the legality of State actions and ensuring accountability. They also serve as an essential stage in response to civilian harm for civilians themselves. While they cannot make up for the loss of a loved one or restore property, investigations can provide civilians with some answers about the cause and source of harm, recognition that harm has occurred, and open avenues for adequate reparations or amends.

The law and practice surrounding investigations of possible violations in armed conflict are evolving. This paper considers specific key issues and recommendations surrounding investigations into civilian harm in armed conflict. These key issues are not meant to constitute an exhaustive analysis of the topic but are instead illustrative of important, contemporary issues.

Effective investigations are but one part of the broader framework of States' response to civilian harm in armed conflict. They need to tie into other processes such as the recording of military operations, documentation of civilian harm, prosecution of violations, disciplinary action, and the provision of amends and reparations.

FRAMEWORK AND PROCESS FOR INVESTIGATIONS INTO CIVILIAN HARM

Why investigate?

States have an international legal obligation to conduct effective investigations into serious violations of international humanitarian law (IHL) and international human rights law (IHRL).¹ If States do not conduct effective investigations into possible war crimes, they may see members of their armed forces facing prosecution in other States under universal jurisdiction or from international criminal tribunals.² Furthermore, there are policy and strategic reasons to investigate all forms of civilian harm.

Investigations enhance a State's operational effectiveness by maintaining discipline within the armed forces and cultivating a culture of self-inquiry and accountability. Investigating the effects of military operations can help the military assess the accuracy of their assumptions, intelligence, and targeting decisions.³ Investigations and civilian harm tracking can uncover patterns of problems to help militaries learn from mistakes and reduce civilian harm in future operations.⁴

If States regularly and effectively investigate credible allegations of civilian harm, acknowledge mistakes or violations, and take appropriate remedial action, they can also enhance the legitimacy of their actions during armed conflict.⁵

When to investigate?

The clearest obligation under international humanitarian law is to effectively investigate possible war crimes, including those causing civilian harm.⁶ This includes the deliberate targeting of civilians, disproportionate civilian harm, and the torture or cruel, inhuman, or degrading treatment of those in custody.⁷

There is also an established obligation to conduct some form of effective investigation into other possible violations of international humanitarian law, including those that may have caused civilian harm.⁸ Such violations could include a failure to take feasible precautions in an attack or a violation of regulations regarding detainees but which do not amount to a war crime.⁹

In light of the obligation on States to respect and ensure respect for IHL and to prevent violations, States should monitor their military operations for patterns of problems,¹⁰ including investigating all forms of civilian harm, even if the consequence of lawful acts. Such investigations should assess unexpected results (e.g., civilian casualties) and help accurately plan future operations.¹¹

How to investigate?

Investigations into violations of international law need to be sufficiently independent, impartial, thorough, prompt, and transparent to be effective.¹² An effective investigation will determine whether the law was violated, identify individuals or other factors that contributed to an incident, and lay the ground for any remedial action required.¹³ States must ensure they can effectively investigate violations of international law in armed conflict, including extraterritorially. This means making reasonable arrangements for foreseeable conflict-related challenges.

Investigations into international law violations that harm civilians can be criminal or non-criminal (administrative). While all possible war crimes must be criminally investigated, States implement international law differently at a domestic level and often criminalize a much broader range of offenses than international crimes.¹⁴

However, it is clear that for many violations of international law, it is insufficient for a State to focus on the criminal aspect of a possible violation. An effective investigation may also need to consider broader contextual elements and State responsibility.¹⁵ Investigations can also discover patterns or systemic problems that involve neither State nor individual liability but which can help suppress similar incidents of the future.¹⁶ Civilian harm in armed conflict does not necessarily arise from the commission of war crimes but may involve other violations of IHL, such as a failure to take feasible precautions in an attack.¹⁷ For this reason, the focus must not be solely on criminal liability, but investigations must also address the planning of operations and possible systemic problems to mitigate civilian harm in future operations.

Investigation processes vary significantly from State to State, but the following illustrates the recommended stages of an investigative system.¹⁸

- 1 **Recording:** Collecting information on military operations is necessary for many investigations and, in general, serves operations' effectiveness.¹⁹
- 2 **Actions on the scene of an incident:** The role of the on-scene commander in such contexts is crucial,²⁰ and they may need to take specific steps at the scene of an incident to safeguard potential future investigations.²¹
- 3 **Internal reports and external allegations:** internal reporting procedures or external sources usually bring Information regarding incidents of civilian harm to the attention of investigative authorities.²² There need to be effective procedures for receiving and processing such information.
- 4 **Assessment:** Assessing information regarding incidents is necessary to decide on the response,²³ to "determine whether an investigation is needed and, if so, establish the type that should be opened or, depending on the circumstances, whether more facts may be needed in order to decide on the launching of an investigation and its type."²⁴ An assessment may involve checking the credibility of external allegations.²⁵
- 5 **Opening an investigation:** An assessment will lead to a decision on opening an investigation. Depending on the nature and circumstances of the incident, the appropriate authorities may initiate a criminal or administrative investigation.²⁶
- 6 **Follow-up action:** Conduct follow-up actions such as prosecution, trial, disciplinary action, reparations, or amends once an investigation is finished.

How do investigations protect civilians?

Effective investigations can support the protection of civilians differently, whether the civilian harm results from a violation of international law or not.

Investigations are crucial for identifying whether an incident violates international law. This, in turn, affects civilians' access to reparations in the case of violations.²⁷ Without an effective investigation, it will not be possible to correctly identify individual or State responsibility, including potential criminal liability. Holding perpetrators accountable for violations of international law can matter to civilians affected by violations and can constitute part of adequate reparation.²⁸

Even if there is no violation of international law, investigations serve other purposes that can support the protection of civilians. Providing information on what happened can be important to victims and their families. Civilians harmed by military operations often want to know why they were harmed and receive acknowledgment of this harm.²⁹ Investigations can fulfill families' right to know what happened to their loved ones in armed conflict and help clarify the fate of those killed.³⁰ Investigations can also be a prerequisite for the amends processes, essential for mitigating civilian harm in armed conflict.³¹ Furthermore, different types of investigations assess the effects of military operations, including any unintended effects of attacks. These assessments are key for lessons-learned exercises and planning future operations to reduce civilian harm.³²

KEY ISSUES

KEY ISSUE 1

Credibility of allegations

Investigations usually follow an assessment of information received in response to an incident, whether through internal reporting mechanisms or external allegations.³³ This can involve assessing the credibility of allegations of civilian harm or possible violations.

Assessing the credibility of an allegation is crucial for determining whether the information should be transmitted to the investigative process. Credibility assessments should not seek to determine whether the allegation indicates that a violation has occurred or not, but only whether the allegation itself is credible.³⁴

The credibility of an allegation will always be context-dependent but may be determined based on the source of the allegation, the level of detail on the incident provided, or corroboration with other sources.³⁵ States must not rely only on their own information to assess the allegations' credibility. Mistakes or inconsistencies in recording operational data may occur, and civilians may bring to the attention of militaries information about operations they may be unaware of.³⁶ States should ensure regulations and guidance for assessing the credibility of external allegations exist to avoid arbitrariness in such determinations.

KEY ISSUE 2

Investigations into remote operations

Investigations into remote military operations can raise many practical and legal challenges regarding accessing the scene and gathering evidence.

States may use various targeting methods, such as remotely piloted aerial vehicle strikes, in areas or territories where they have no human presence on the ground. Such strikes are not necessarily unlawful in themselves, but a State using such techniques must have a way to assess the legality and effects of the strikes, including post-strike investigations where necessary.³⁷ While some may assert targeted remote strikes are a more precise and effective means of warfare, the credibility of this claim is moot if States cannot show they can monitor the lawfulness of their actions through effective investigations into mistakes or violations they may have committed.³⁸

Military investigations into remote strikes with no personnel on the ground may consist primarily of reviewing pre- and post-strike footage (video or satellite imagery) and reviewing the decision-making process, such as the quality and sources of intelligence used and the analysis of this information.³⁹ It is imperative to collect information “that may explain the gap between anticipated and actual outcomes.”⁴⁰

Military investigators may be unable to access the direct strike location or interview individuals on the ground.⁴¹ Nevertheless, militaries should recognize that without this information, the effectiveness of the investigation to establish the facts of what happened is limited.⁴² NGOs, civil

society, and journalists on the ground may conduct their own investigations of affected civilians, and there have been many documented discrepancies between what States report and what these actors report regarding civilian casualties.⁴³ Militaries should have appropriate mechanisms for receiving information and allegations from such external sources and recognize the advantages of coordinating with such entities to gather a fuller picture of the effects of their military operations.

KEY ISSUE 3

Independence and impartiality of military investigations

Investigations into civilian harm resulting from a violation of international law must be sufficiently independent and impartial to be effective.⁴⁴ Procedural safeguards for independent investigations vary from State to State, with different distribution of roles and procedural steps. States may use civilian or military personnel or hybrid military-civilian investigative systems.⁴⁵

Military investigators can contribute to the effectiveness of investigations if sufficient procedural and practical safeguards are in place to guarantee the investigations' overall independence and impartiality. Below are some of the factors to be considered.

Commanders have a crucial role to play at the scene of an incident. They must ensure that the first steps of any investigation are adequately safeguarded (within what is feasible), even if they do not carry out the investigation themselves.⁴⁶ Their role is crucial in conflict settings, where there may be no other investigative authority immediately available, especially in the context of possible war crimes where the actions taken will affect their liability under the notion of command responsibility.⁴⁷ States should ensure that there are sufficient safeguards, training, and incentives for commanders to be able to do the right thing during these initial steps.⁴⁸

Beyond the first steps, those conducting investigations into possible violations of international law should have sufficient institutional safeguards to conduct their investigative functions independently. The choice of investigator will, in part, depend on the nature of the possible violation. At a minimum, investigators should not be implicated in the incident under investigation.⁴⁹ Furthermore, the seriousness or complexity of an offense may warrant further expertise. Many domestic systems have dedicated special investigative branches (either military or civilian) that can support this stage of an investigation.⁵⁰

It is also essential that there be independent oversight of military investigation procedures. Effective oversight may be achieved through appeals mechanisms, inquiry and review procedures, legislative oversight, or ombuds.⁵¹ Independent oversight cannot replace the need for independent and impartial investigators but can help ensure accountability.

Finally, exceptional circumstances may call into question the independence and impartiality of military investigators regardless of the institutional safeguards in place. A pattern of problems may indicate systemic issues with the administration of justice and warrant an independent review of the root cause of such problems. Similarly, a historical pattern of impunity for a specific type of offense may indicate that more independence is needed to achieve effectiveness. Furthermore, there are certain situations in which the use of military investigators may affect the perception of justice and create legitimacy challenges for the judicial process when reviewing the State's use of force. States may choose to mitigate such issues and improve trust in the system through additional guarantees of independence or further transparency.⁵²

KEY ISSUE 4

Investigations in multinational operations

Investigations into possible violations by multinational operations are just one of the interoperability challenges in these contexts. The practice surrounding investigations in multinational operations is evolving, but States involved in such operations should ensure that they and their partners have adequate procedures to conduct effective investigations into possible violations.

Working in partner operations can be an opportunity for positive influence on other States' compliance with their international legal obligations. The failure to effectively investigate can undermine the legitimacy of coalition operations among the civilian population affected by military operations and the States' populations. In some instances, State members of a coalition could be liable for aiding or assisting in the commission of internationally wrongful acts of that coalition.⁵³ It is, therefore, in the interest of all members for a coalition to comply (and to be perceived as complying) with its international legal responsibilities.⁵⁴ States should take reasonable proactive steps to influence coalition partners to respect international law and encourage them to conduct effective investigations.⁵⁵

Possible violations during multinational operations can create transparency issues if it is uncertain which State, or States, may be responsible for such a violation.⁵⁶ For civilians harmed by military operations, it may be very difficult or impossible to identify the State responsible for the harm.⁵⁷ This might create an apparent "cloak against accountability" in which political and military stakeholders feel they have fewer incentives to hold their forces accountable for their actions.⁵⁸ However, the failure to immediately effectively investigate possible violations will often lead to much more expensive and politically sensitive inquiries later on when it does come to light which States were involved.⁵⁹

A further difficulty lies in the potential disaggregation of responsibility for actions by multinational operations. A single airstrike may involve multiple States or other actors providing intelligence, technical assistance, carrying out the act, and decision-making.⁶⁰ This may also be the case in other conflict operations, such as in the transfer of detainees. Determining responsibility in such cases may be particularly complex.

States' first responsibility is to investigate and prosecute possible violations committed by their armed forces, and in practice, States that are members of a coalition will usually reserve the exclusive authority for the discipline and prosecution of their personnel.⁶¹ However, an effective investigation into incidents involving multiple States may require access to information from all of those involved.⁶² Cooperation amongst States (and potentially international organizations) may therefore be necessary. To this end, States engaging in coalition operations should seek to "regulate investigative cooperation in relevant agreements, such as SOFAs and MOUs, as a 'reasonable' or 'feasible' measure that aims to remove obstacles to the conduct of effective investigations."⁶³

Coalition-wide standardized guidance and procedures may also support cohesion in investigative processes, such as documentation and reporting requirements and triggers and credibility assessment criteria. Although few examples exist, a coalition-wide investigation team and procedures may facilitate cross-cutting access to information.⁶⁴

Transparency of investigations

When States do investigate possible violations, it may be unclear how much information they should or must release or what good practices for releasing information look like. Although the legal obligations surrounding transparency of investigations are evolving, there are good policy reasons to engage in good faith transparency practice.⁶⁵ Using advanced technology in military operations creates new opportunities for effective transparency by capturing high-quality information. However, it may also obscure accountability efforts because of the capacity to enhance secrecy in such cases and maintain such information exclusively in possession of States.⁶⁶ Releasing a reasonable amount of information on investigations is crucial for the legitimacy of State operations and for the State to have some control over the narrative.⁶⁷ If a State does not release information on the existence or process of investigations regarding alleged violations, such information may be released through other means over which they have less control.⁶⁸

Generally, transparency in investigating may be understood as “the need for openness, communication and accountability in the investigative process.”⁶⁹ Transparency affects the information provided directly to civilians harmed by the military operations under investigation and the information provided to the general public.⁷⁰ In general, it is worth noting that the principle of transparency is subject to the principle of reasonableness and is not absolute.⁷¹ However, the principle of transparency must also serve the overall effectiveness of the investigation and must, among other things, clarify the facts and judicial truths of a situation.⁷² What investigative transparency looks like will depend on each case, but below are some ways in which enhanced transparency may serve the investigation’s overall effectiveness.

States should make information on procedures for carrying out investigations public, including the triggering process.⁷³ Procedures to submit allegations should be accessible.⁷⁴ Ideally, parties submitting allegations should receive information about their allegation and be informed whether action is being taken, including, where feasible, the reasons for any decision.⁷⁵ Providing information on ongoing investigations and their outcomes to the general public supports transparency and credibility of proceedings.⁷⁶

Communication with victims of possible violations, including the next-of-kin, requires specific attention. Although victim participation in judicial proceedings will depend on domestic jurisdictional matters, States should, where possible, provide information on an ongoing investigation to victims of violations. Parties to an armed conflict have specific obligations to provide family members with any information as to the fate and whereabouts of their relatives who are missing or dead due to armed conflict, and investigations can support the implementation of these obligations.⁷⁷ Information provided to victims can include confirmation of receipt of allegations, communicating information on ongoing investigations, information on an investigation’s findings, and decisions on further action to be taken or not.⁷⁸

Information regarding investigations may be legitimately restricted or redacted for reasons of a fair trial, national security, and to safeguard other ongoing judicial proceedings.⁷⁹ However, States may not impose blanket restrictions on all information regarding investigations on national security grounds.⁸⁰ Such restrictions must be balanced with other considerations, including a public interest in disclosure, the rights of those affected, and accountability for State actions.⁸¹ When victims make credible allegations of violations of international law, public interest in disclosure will be stronger.⁸²

Effective review processes for classification decisions may provide adequate transparency while safeguarding other legitimate concerns.⁸³ Information may also be released later, following the end of an operation or a conflict.⁸⁴ There is also a fundamental link between the principles of independence and transparency, as the need to restrict information on legitimate grounds weighs against the use of more independent investigators in order to enhance the credibility of the proceedings.⁸⁵

ENDNOTES

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- 6 McCormack, “Second Turkel Report”; Lubell, Pejic, and Simmons, “Guidelines on Investigating Violations of International Humanitarian Law: Law, Policy, and Good Practice”; “Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva,” 75 UNTS 31, Article 49 § (1949); “Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea,” 75 UNTS 85, Article 50 § (1949); “Geneva Convention (III) Relative to the Treatment of Prisoners of War,” 75 UNTS 135, Article 129 § (1949); “Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War,” 75 UNTS 287, Article 146 § (1949); “Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts,” 1125 UNTS Article 85 § (1977).
- 7 “Rome Statute of the International Criminal Court,” 2187 UNTS 3 § Article 8 (1998), <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>; Jean-Marie Henckaerts, *Customary International Humanitarian Law*, vol. 1, Rule 158 (Cambridge University Press, 2005); McCormack, “Second Turkel Report.” There is also a clear obligation to effectively investigate serious violations of international human rights law applicable in armed conflict. These violations may overlap with serious violations of international humanitarian law, such as the mistreatment of persons in custody or violations of the right to life. Lubell, Pejic, and Simmons, “Guidelines on Investigating Violations of International Humanitarian Law”; McCormack, “Second Turkel Report.”
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- 17 Margalit, *Investigating Civilian Casualties in Time of Armed Conflict and Belligerent Occupation*.
- 18 Lubell, Pejic, and Simmons, "Guidelines on Investigating Violations of International Humanitarian Law."
- 19 Ibid.
- 20 See below Key Issue D.3.
- 21 Lubell, Pejic, and Simmons, "Guidelines on Investigating Violations of International Humanitarian Law."
- 22 Ibid.
- 23 Ibid.
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- 25 See Key Issue D.1.
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