



STRUCTURAL INVESTIGATION Q. & A.

What is a structural investigation?

A “structural investigation” is a framework used by a growing number of national war crimes units to address core international crimes (war crimes, crimes against humanity and genocide). At the international level, the International, Impartial and Independent Mechanism – Syria (IIIM), is also conducting a structural investigation designed to complement and reinforce the Syria-focused structural investigations in the national jurisdictions it assists.

Several national war crimes units, such as those in Germany, Sweden, France, Canada and Lithuania, use structural investigations for core international crimes cases, although the contours and approach differ somewhat between jurisdictions. A common feature is to create a hub for preserving evidence and sorting it into categories relevant for addressing core international crimes. Generally, no specific suspects are designated as part of the structural case. Rather the structural investigation is used as a melting pot for evidence that will progressively reveal an accurate and orderly picture of the situation under examination. It provides an effective exploratory framework for investigating matters before opening an individual case file. In the context of Syria, some national war crimes units have opened separate structural investigations focusing on different perpetrator groups. In most instances, the presence of a substantial refugee population or returned fighters from the situation country, along with the suspicion that a vast number of crimes has been committed, are triggers for opening a structural investigation in national jurisdictions.

Structural investigations are a particularly useful methodology for dealing with some of the specific challenges of core international crimes cases. For example, structural investigations provide an effective framework for dealing with:

- large scale crimes and complex crime patterns;
- the coordinated involvement of an array of different institutional (official and informal) structures in the crimes; and



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- the targeting of individuals and communities based on demographic, cultural and/or social characteristics (such as nationality, ethnicity, race, religion, age, gender, political affiliation).

The use of structural investigations at both the national and international levels is a promising new approach to the challenging task of establishing accountability for mass atrocities, particularly in protracted conflict situations.

How can the IIIM's Structural Investigation assist the work of national war crimes units?

The IIIM is using its Syria-focused Structural Investigation as a key tool for facilitating justice in the national jurisdictions it supports. The IIIM's Central Repository of Information and Evidence forms the backbone of the IIIM's Structural Investigation. It aggregates more than 3 million records drawn from hundreds of different sources (including other UN actors, such as the Commission of Inquiry (Syria)). On a regular basis, the Central Repository is used to feed relevant information and evidence into the structural investigations and/or individual case files developed in national jurisdictions, in response to requests for assistance or on a proactive basis.

In addition to the Central Repository, the IIIM's Structural Investigation consists of strategic lines of inquiry (SLINQs) that operate as analytical branches running through assembled information and evidence, resulting in high value analytical work product to facilitate justice. As the Central Repository grows, the IIIM aims to undertake focused analytical work to establish linkages between actors and crime patterns, enabling a clearer picture to be drawn from the complex and diverse evidence concerning the conflict. This analytical work is also increasingly being channelled to national war crimes units to inform their structural investigations and to assist the development of cases concerning core international crimes in Syria.

Through work on the SLINQs within its Structural Investigation, the IIIM seeks to address biases that can arise in the investigation and prosecution of core international crimes cases, undermining the objective of inclusive justice. The IIIM has taken proactive steps to integrate a victim/survivor-centred approach into the development of its Structural Investigation to ensure that it takes into account the views and perspectives of victims/survivors wherever possible. This approach also aims to ensure that



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the experiences of structurally disadvantaged and marginalized persons and groups and historically under-documented crimes, such as gender-based violence and crimes against children and youth, are sufficiently addressed.

How can structural investigations promote coordination among justice actors in different jurisdictions and between the national and international level?

Structural investigations are providing a flexible framework for coordinating efforts to prosecute core international crimes between different national jurisdictions and with international actors. In particular, joint investigation teams (JITs), established under the auspices of Eurojust, allow participating jurisdictions to fluidly share materials forming part of their respective structural investigations. International bodies, such as the IIIM and UNITAD, are also now being integrated into relevant JITs to deepen the cooperation possibilities and to leverage all available assistance. To date, two JITs have been established concerning core international crimes in Syria, one dealing with crimes allegedly committed by perpetrators associated with the Syrian government and one dealing with crimes allegedly committed by perpetrators associated with ISIL.

The IIIM's Structural Investigation is also operating as a key tool for promoting coordination and consistency across the 15 competent jurisdictions it assists. In particular, the analytical work product from the IIIM's Structural Investigation, now being shared with competent jurisdictions, is designed to facilitate consistency in the factual and legal arguments being made in diverse national courts concerning core international crimes in Syria.