



# The Protocol of Cooperation

## *In-depth information*

### Principles underlying cooperation

In line with its mandate, the IIIM will build on the work of Syrian civil society. In doing so, it can ensure that the efforts of Syrian individuals and CSOs, as well as other directly affected individuals and CSOs, significantly contribute to the fight against impunity for international crimes committed in Syria. By collecting, consolidating and preserving information and evidence relating to international crimes committed in Syria, the IIIM seeks to ensure that such evidence can be used in ongoing and future trials.

Recognising the importance of open, two-way communication, the IIIM is committed to engaging in an ongoing dialogue with Syrian and other directly affected CSOs, as well as discussing modalities for collaboration and proactive cooperation.

The IIIM is guided by a victim/survivor-centred approach that aims to ensure that the experiences, perspectives and priorities of a broad range of victims/survivors of the Syrian conflict inform the IIIM's accountability-related work, which in turn should promote their dignity.

The IIIM remains open to hearing feedback from Syrian and other directly affected civil society based on its future engagements and undertakes to continuously revise its approach as appropriate.

The signatory Syrian CSOs to the protocol recognise the importance of collaboration with the IIIM to further its mandate to achieve justice, accountability, and redress for crimes committed in Syria. They commit to cooperating fully with the IIIM, including responding to its requests and keeping it updated on relevant activities and projects, such as the filing of cases relating to crimes committed in Syria in national courts.

Besides receiving information, the IIIM may seek the assistance of Syrian CSOs to engage with potential witnesses.

The parties to the protocol understand that the IIIM, in line with its mandate, must retain its independence and impartiality as well as the appearance of the same. As a consequence, the parties recognise the limits inherent in the IIIM's mandate regarding collaboration with various stakeholders, including Syrian CSOs.

In particular, while the IIIM is committed to regular consultation and hearing the views of Syrian CSOs, it cannot take direction from any external actor regarding its strategy, selection of cases, preparation of files or any other aspect of its work.

### Transfer of data to the IIIM

The IIIM welcomes initiatives of Syrian CSOs to provide it with the information and evidence in their possession.

The IIIM uses advanced information technology tools, including state-of-the-art software, to ensure that all the material received is processed and stored safely, and is protected at all times.

### Transfer of data by the IIIM to investigative or prosecuting authorities

The IIIM is engaging further with CSOs regarding the issue of informed consent and how it applies in different contexts, including when CSOs reach out to individuals to seek their agreement for their information to be shared with the IIIM.

The IIIM will not disclose to any investigative or prosecuting authority material transferred to it by a CSO (or any other source) without the consent of the latter. In particular, if the CSO has a confidenti-



ality agreement with the source of the material, the IIIM will not disclose the material to any investigative or prosecuting authority unless the consent of the underlying source has been obtained.

## Protection of victims and witnesses

The protection of witnesses and victims is of paramount concern to both the IIIM and the signatory Syrian CSOs. The parties to the protocol are cognisant that many people have faced danger to secure information relevant to ongoing or future criminal proceedings and that continued risk may be involved in testifying before a court of justice.

## Protection of Personal Data

The IIIM and the signatory Syrian CSOs are responsible for ensuring that the material in their possession, in particular the personal data of individuals who have shared information with them, is collected, stored and processed safely and securely and with due regard to personal data protection principles.

The IIIM has put in place strong security measures to minimise risks in the transfer of material, to protect the confidentiality of data in its possession, and to maximise the safety and security of victims and witnesses, including those referred to it by the signatory CSOs.

Concrete measures are continuously being taken to ensure the safe storage of physical evidence, avert cyber security threats and process electronic data in a safe and secure manner.

## Physical protection

The IIIM is committed to following an integrated approach to witness protection and support, which envisages the involvement of witness security programmes within relevant jurisdictions.

Whilst the IIIM does not have the capacity to provide full-fledged protection, such as close personal protection or a relocation programme, according to the circumstances and based on a case-by-case assessment, States may agree to provide such forms of protection at the IIIM's request when the need arises.

When the IIIM identifies the need for special measures to ensure the physical protection of certain individuals, it may recommend that relevant States take such measures, for instance when it facilitates contacts between national prosecutorial or judicial authorities and individuals willing to testify before them.

## Support to victims and witnesses

The IIIM is committed to providing service referral pathways to assist victims with whom it interacts, including for medical and psychosocial support. While the IIIM is not mandated or resourced to directly provide such services, in accordance with its terms of reference, it has prioritised the development of cooperative arrangements that ensure it can direct witnesses to essential services, where they exist.

The IIIM is mindful of the risk of re-traumatisation that victims are exposed to when asked to provide an account of the facts they have witnessed. The IIIM is committed to minimising such risk. The IIIM's team includes a witness support officer with extensive experience in working with traumatised witnesses, including children.

## Public reporting

The Head of the IIIM submits reports to the General Assembly on the implementation of the IIIM's mandate. In compliance with its terms of reference, these reports do not include material or information shared confidentially with the IIIM or reveal confidential operational details concerning the IIIMs accountability-related work.

Whenever possible, and subject to operational constraints, protection concerns and confidentiality obligations, the IIIM will seek to share information about its progress, in particular with regard to information of a non-confidential nature with Syrian civil society and the wider public.



## **Feedback to Syrian CSOs that have shared information & evidence with the IIIM**

The IIIM, whenever possible, and subject to resource constraints, endeavours to provide feedback to sources that have submitted information and evidence, in order to allow them to build on lessons learned and also with a view to strengthening further collaboration with the IIIM.

Feedback may include, whenever possible, indications and recommendations on the type, quality, subject-matter and format of data submitted.

## **Ensuring continuous dialogue between the IIIM and Syrian civil society**

The IIIM is committed to ensuring a continuous dialogue with Syrian civil society. To this end, the IIIM commits to ensuring that the opportunity be given to Syrian NGOs to engage in a constructive dialogue with it on a regular basis, including in the context of a dedicated annual meetings.