

ROLE AND LEGAL STANDARDS OF NGO EVIDENCE AT THE INTERNATIONAL CRIMINAL COURT

**Alexa sporner, Dominik Miklosi, Luna Djellout,
Miriam Schanz, Pauliina Majasaari, Roberta Moisuc**
ASIA TEAM – May 20th, 2026



© Cottonbro Studio, 'Evidence on a board' ([Pexels](#), 17 June 2021).



Rivervismarkt 5, 2513 AM The Hague, Netherlands



+ 31 62 72 41006



info@ghrd.org



<https://www.ghrd.org>

CONTENTS

1. INTRODUCTION	4
1.1. TOPIC OF RESEARCH	4
1.2. SCOPE OF THE RESEARCH	5
1.3. METHODOLOGY AND METHODS	5
2. LEGAL FRAMEWORK OF NGO SUBMISSION AT THE ICC	6
2.1. ARTICLE 15 COMMUNICATIONS	6
2.2. THE “REASONABLE BASIS TO PROCEED” STANDARD	6
2.3. JURISDICTION	7
2.4. ADMISSIBILITY REQUIREMENTS	8
3. EVIDENTIARY STANDARDS	8
3.1. TYPES OF EVIDENCE	8
3.2. ASSESSMENT OF RELIABILITY AND CREDIBILITY	9
3.3. RELEVANCE OF NGO DOCUMENTATION	9
4. ICC PRACTICE: CASE STUDIES	10
4.1. BANGLADESH/MYANMAR	10
4.2. PHILIPPINES	12
5. CHALLENGES AND LIMITATIONS OF NGO EVIDENCE	13
5.1. VERIFICATION	13
5.2. CHAIN OF CUSTODY	14
5.3. WITNESS PROTECTIONS	15
5.4. ARTIFICIAL INTELLIGENCE AND RISKS	16
6. RECOMMENDATIONS	17
6.1. STRUCTURE OF COMMUNICATIONS WITH THE COURT	17
6.2. EVIDENCE GATHERING AND ASSESSMENT	18
7. CONCLUSION	19

TABLE OF ABBREVIATIONS

AI	Artificial Intelligence
ICC	International Criminal Court
NGOs	Non-Governmental Organisations
NUPL	National Union of People's Lawyers
OHCHR	United Nations Office of the High Commissioner for Human Rights
OTP	Office of the Prosecutor of the International Criminal Court
PCICC	Philippine Coalition for the International Criminal Court
RPE	Rules of Procedure and Evidence of the International Criminal Court
RS	Rome Statute of the International Criminal Court
UN	United Nations
UNSC	United Nations Security Council

1. INTRODUCTION

1.1. TOPIC OF RESEARCH

International criminal justice has been highly reliant on information provided by non-state actors, such as civil society members and non-governmental organisations (NGOs), to document and expose serious violations of international law and human rights. In contemporary conflicts or post-conflict settings, state authorities are often unwilling or unable to investigate violations of international humanitarian law, leading to gaps in accountability even for serious crimes. In many contexts, NGOs have acted as the first stepping stone, taking on the role of primary factfinders.

NGOs play a crucial role in early documentation towards accountability efforts. Their work is often conducted under challenging circumstances and represents the first instances of engagement and documentation on the ground, even preceding competent investigative authorities. Due to their timely access to affected communities, organisations possess the ability to collect, share, and analyse information swiftly, putting them in an advantageous position to support investigations.¹ They collect information that may otherwise be lost by accessing, verifying, and analysing documentary information, electronic information, and online materials. In doing so, NGOs have the potential and are encouraged to support the evidentiary foundations of potential cases.²

The International Criminal Court (ICC) has been a primary body dedicated to achieving international accountability wherein it has openly collaborated with and accepted information from civil society actors and organisations. The use of information provided by external sources, such as NGOs, is governed by a specific procedural structure. The Rome Statute (RS) allows the Office of the Prosecutor (OTP) to receive and analyse information from external sources at the preliminary examination stage.³ A simple submission does not, however, guarantee the trigger of a further investigation by the prosecutor. Information must be evaluated in accordance with legal standards established under the Court's framework. This requires an assessment of the nature and probative value to determine whether the material available establishes a sufficient factual basis to proceed.⁴

The central legal issue arising out of these facts is how the information of civil society actors and organisations is assessed within the framework of the ICC. The RS provides legal basis for the submission of externally sourced information but does not prescribe the detailed

¹ Eurojust and International Criminal Court, Documenting International Crimes and Human Rights Violations for Criminal Accountability Purposes: Guidelines for Civil Society Organisations on Cooperation with the ICC (2022) <<https://www.eurojust.europa.eu/publication/documenting-international-crimes-and-human-rights-violations>> accessed 20 May 2026.

² *ibid.*

³ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90. (Rome Statute).

⁴ Office of the Prosecutor, Policy Paper on Preliminary Examinations (International Criminal Court 2013) <https://www.icc-cpi.int/otp-policy-pe-11_2013> accessed 20 May 2026.

criteria of how such material is evaluated in practice. This raises questions of which standards applied by the OTP determine whether NGO-submitted evidence can form a sufficient factual basis to proceed with an investigation at the preliminary stage. Therefore, a deeper assessment of the legal and evidentiary criteria governing these standards are required.

1.2. SCOPE OF THE RESEARCH

This report will examine the legal framework governing the submission and assessment of information provided by NGOs before the ICC at the preliminary examination stage. The analysis will establish how externally sourced information is received and evaluated by the OTP within the framework of Article 15 communications. The report will consider the legal threshold of a “reasonable basis to proceed” under Article 15 and Article 53(1) of the RS as well as the jurisdictional and admissibility requirements set out in those articles, including complementarity, gravity, and the interests of justice.⁵

The research will also explore the evidentiary standards applied to such information, focusing on the types of material submitted and the criteria used by the Prosecutor to assess the probative value of information at the preliminary examination stage. Additionally, to showcase how such standards are applied in practice, the report will examine ICC case law, with a focus on how NGO evidence was used and treated in the Court’s decisions.

Lastly, the report will address the challenges that arise from evidence provided by NGOs including issues of verification, chain of custody, witness protection, and digital risks. Based on the overall analysis of the practice problem, the report will offer recommendations on how NGOs can structure their communications with the ICC and improve internal practices on how to gather evidence. These recommendations will provide the guidance to support effective engagement with the Court.

1.3. METHODOLOGY AND METHODS

This research will adopt a **doctrinal methodology**, focusing on the analysis of the legal framework governing the assessment of externally sourced information at the ICC.⁶ The report will examine relevant provisions of the RS, the Rules of Procedure and Evidence (RPE), and guidance provided by the OTP through policy papers. The research methods shall consist of **desk research**.⁷ Primary legal sources will be analysed alongside secondary academic literature to identify the relevant legal standards. In addition, selective case law materials will be reviewed to showcase how these standards are applied in practice.

⁵ International Criminal Court, Rules of Procedure and Evidence (2013), rule 48.

⁶ Nick Moore, *How to Do Research: The Practical Guide to Designing and Managing Research Projects* (3rd edn, Facet 2018).

⁷ *ibid.*

2. LEGAL FRAMEWORK OF NGO SUBMISSION AT THE ICC

2.1. ARTICLE 15 COMMUNICATIONS

In the past, NGOs were actively collaborating with states and state organisations, as well as being actively involved in international decision-making and in the enforcement of international law. However, as NGOs are not direct subjects of international law and they do not have a recognised status under its principles, their participation is highly restricted. In the proceedings of the ICC, NGOs can participate under Article 15 of the RS, but with certain limitations.

Under Article 15(1) of the RS, the Prosecutor can initiate a *proprio motu* investigation on the basis of received information within the jurisdiction of the ICC.⁸ A *proprio motu* investigation is an investigation that is initiated by the Prosecutor of the Court and the Pre-Trial Chamber, and not the United Nations Security Council (UNSC) or the ICC Member States. Article 15(2) states that the Prosecutor may request additional information for the investigation from the United Nations (UN), international organisations, or NGOs.⁹ Under the RS and particularly, Article 15, unlike State Parties or the UNSC, NGOs cannot directly refer a case to the ICC, and instead they need to submit communications to the OTP. However, the Prosecutor is not obliged to initiate an investigation based on the reports of the NGOs, and those submissions must undergo a thorough examination before the Prosecutor opens a case.

In those proceedings, several organisations submit human rights reports on the relevant situations, such as international NGOs, domestic NGOs (from one or more countries involved in the specific case), and the UN “fact-finding reports”. The purpose of these submissions is to provide the OTP with detailed information regarding the challenges arising in a particular situation, and to offer analysis of the methodological challenges and sources that could be relevant in the proceedings.

Additionally, besides Article 15 of the RS, NGOs are allowed to appear before the ICC as victims under Rule 85 of the Rules and Procedure and Evidence given their legal status as legal persons, and under the requirement to have suffered harm within the jurisdiction of the ICC.¹⁰ As victims, under Article 15(3) of the RS, they are also allowed to take part in the proceedings and provide information and evidence for the OTP.¹¹

2.2. THE “REASONABLE BASIS TO PROCEED” STANDARD

⁸ Rome Statute, article 15(1).

⁹ Rome Statute, article 15(2).

¹⁰ International Criminal Court, Rules of Procedure and Evidence (2013), rule 85.

¹¹ Rome Statute, article 15(3).

The threshold set out by the RS in shifting from a preliminary to a full-scale investigation is referred to as a “reasonable basis to proceed”.¹² It is present in Article 15(3), (4) and (6) of the RS concerning *proprio motu* (on the own initiative of the ICC Prosecutor) investigations, along with Article 53(1) of the RS and Rule 48 of the RPE.¹³ The central provision is Article 15(4) of the RS, which explicitly prescribes this relatively low evidentiary threshold.¹⁴ In the context of this standard, the information provided to the Chamber does not necessarily have to be conclusive or exclude alternative interpretations.¹⁵ As opposed to this, before commencing an investigation, the “Pre-Trial Chamber must be satisfied that a reasonable or sensible justification exists for the belief that a crime(s) within the ICC’s jurisdiction is being or has been committed”.¹⁶

2.3. JURISDICTION

Article 15 of the RS allows NGOs to submit information to the Prosecutor regarding alleged crimes which can help trigger investigations and, in some cases, support ongoing proceedings. In fact, Article 15(1) empowers the Prosecutor to initiate investigations based on information relating to crimes falling within the jurisdiction of the ICC.¹⁷ Article 15(2) further specifies that the Prosecutor may request information from NGOs during preliminary examinations and defines them as “reliable sources”.¹⁸ Thus, the RS does not confer official status on NGOs nor do they trigger jurisdiction, instead they function as informational inputs to assist the Prosecutor in determining whether there is a basis to proceed.

Finally, as set out in Article 15(1), the relevance of NGO submissions is contingent on whether the situation in question already falls within the Court’s jurisdiction.¹⁹ It is defined in Articles 5, 11, 12 and 13 of the RS and is composed of three cumulative elements: material, temporal, and territorial jurisdiction. First, Article 5 limits the Court’s material jurisdiction to the core crimes of genocide, crimes against humanity, war crimes, and the crime of aggression.²⁰ Second, under Article 11, the Court’s temporal jurisdiction is restricted to crimes committed after July 1st, 2002, or after the statute’s entry into force for a given state.²¹ Finally, Articles 12 and 13 establish territorial and personal jurisdiction, requiring that crimes be committed on the territory of, or by a national of, a state party.²² Jurisdiction may be

¹² Karel de Meester, *The Investigation Phase in International Criminal Procedure: In Search of Common Rules* (1st edn, Larcier 2015).

¹³ *ibid.*

¹⁴ Manuel Ventura, ‘Proprio motu investigation by the ICC Prosecutor’ (The Peace and Justice Initiative) <<https://www.peaceandjusticeinitiative.org/implementation-resources/proprio-motu-investigation-by-the-icc-prosecutor>> accessed 13 April 2026.

¹⁵ *ibid.*

¹⁶ *ibid.*

¹⁷ Rome Statute, article 15(1).

¹⁸ Rome Statute, article 15(2).

¹⁹ Rome Statute, article 15(1).

²⁰ Rome Statute, article 5.

²¹ Rome Statute, article 11.

²² Rome Statute, article 12.

established through a UNSC referral under Article 13(b) or a state declaration submitting to the Court's jurisdiction under Article 12(3).²³

2.4. ADMISSIBILITY REQUIREMENTS

Article 69 of the RS discusses general rules of evidence before the ICC, including admissibility requirements.²⁴ In particular, Article 69(3) states that the evidence submitted must be relevant to the given case.²⁵ Simultaneously, the Court is vested with the authority to request the submission of all evidence that it deems essential to establish the truth.²⁶ Moreover, Article 69(4) of the RS is the most direct rule covering admissibility.²⁷ It sets out that

*The Court may rule on the relevance or admissibility of any evidence, taking into account, inter alia, the probative value of the evidence and any prejudice that such evidence may cause to a fair trial or to a fair evaluation of the testimony of a witness.*²⁸

For added clarity, probative value determines the closeness of the link between the presented evidence and the disputed fact.²⁹ If the evidence is overly prejudicial and may undercut the trial's fairness, thereby outweighing its probative value, it must be excluded by the Court. Article 69 of the RS must be applied in conjunction with Rule 64 of the RPE, which details the procedure *vis-à-vis* the relevance or admissibility of evidence.³⁰

Furthermore, Article 69(7) of the RS lays down the grounds for the exclusion of evidence, providing that evidence obtained in violation of the statute or of international human rights law, shall be deemed inadmissible in two instances.³¹ Notably, these are: “(a) The violation casts substantial doubt on the reliability of the evidence; or (b) The admission of the evidence would be antithetical to and would seriously damage the integrity of the proceedings”.³² Lastly, in terms of admissibility conditions, national provisions on evidence do not apply to the ICC, a principle affirmed by the Court in *Prosecutor v. Lubanga* in 2009.³³

3. EVIDENTIARY STANDARDS

²³ Rome Statute, article 13(b) and 12(3).

²⁴ Bartłomiej Krzan, ‘Admissibility of evidence and international criminal justice’ (2021) 7 (1) *Revista Brasileira de Direito Processual Penal* 169, 170 <<https://doi.org/10.22197/rbdpp.v7i1.492>> accessed 20 May 2026.

²⁵ Rome Statute, article 69(3).

²⁶ *ibid.*

²⁷ *ibid* (n 24).

²⁸ Rome Statute, article 69(4).

²⁹ David Hamer, ‘Relevance, Probative Value, and Admissibility in the Criminal Trial: Atomism, Holism, and Incoherence in the High Court’ (2024) 47 (3) 842 *UNSW Law Journal* <<https://doi.org/10.53637/efap4355>> accessed 20 May 2026.

³⁰ International Criminal Court, ‘Rules of Procedure and Evidence’, rule 64.

³¹ Bartłomiej Krzan (n 24), 170; Rome Statute, article 69(7).

³² Rome Statute, article 69(7) (a) and 69(7)(b).

³³ *Prosecutor v Thomas Lubanga Dyilo* (Judgement Pursuant to Article 74 of the Statute) ICC-01/04-01/06 (March 14, 2012); Bartłomiej Krzan (n 24), 171.

3.1. TYPES OF EVIDENCE

The RS lays out three broad categories of evidence, including witness testimony, documentary evidence, and material and other evidence.³⁴ Article 69(2) specifically mentions oral or recorded testimony via video or audio technologies, along with transcripts or written documents, as forms of evidence.³⁵ However, Article 69(3) demonstrates a flexible approach towards evidence, stating that the Court may “request the submission of all evidence that it considers necessary for the determination of the truth”.³⁶ This provision demonstrates that the ICC does not operate with an exhaustive list of admissible evidence, but rather a classification arising from jurisprudence and case law before the Court, providing for a wide margin of evidence to be submitted.

3.2. ASSESSMENT OF RELIABILITY AND CREDIBILITY

While the assessment of reliability and credibility is central to the ICC’s evidentiary framework, including in relation to NGO submissions, these concepts are not expressly defined in the RS. Article 69(4) requires the Court to evaluate the probative value of evidence and any potential prejudice to fair proceedings, forming the basis for reliability assessments.³⁷ Rule 63(2) of the RPE provides further guidance by granting the Court full discretion in determining the credibility and reliability of all evidence.³⁸ Consequently, no type of evidence benefits from a presumption of reliability, and NGO submissions are appreciated under the same evidentiary framework as all other material.

In practice, they often serve as contextual or corroborative evidence, especially when supported by multiple independent sources. The ICC’s case law, especially when involving digital and technologically derived evidence, has confirmed this approach. In fact, these types of evidence are mostly available from news and media sources, and from humanitarian organisations and NGOs. In *Prosecutor v. Lubanga*, the Court relied on videos and witness testimonies to convict the defendant, highlighting the importance of careful scrutiny, consistency, and corroboration.³⁹ This position was furthermore confirmed on appeal, where it was concluded the judges had applied appropriate caution when considering the evidence.

3.3. RELEVANCE OF NGO DOCUMENTATION

Relevance is a threshold requirement under the ICC evidentiary framework, which determines whether NGO-submitted material can be considered in proceedings. As

³⁴ Oksana Kaluzhna and Kateryna Shunevych, ‘Evidence in the International Criminal Court – The Role of Forensic Experts: The Ukrainian Context’ (2022) 4 (2) Access to Justice in Eastern Europe 56 <<https://doi.org/10.33327/AJEE-18-5.4-a000435>> accessed 20 May 2026.

³⁵ Rome Statute, article 69(2).

³⁶ Rome Statute, article 69(3).

³⁷ Rome Statute, article 69(4).

³⁸ International Criminal Court, Rules of Procedure and Evidence (2013), rule 63(2).

³⁹ *Prosecutor v Thomas Lubanga Dyilo* (Judgement Pursuant to Article 74 of the Statute) ICC-01/04-01/06 (March 14, 2012).

mentioned previously, Article 69(3) of the RS establishes a flexible approach as it provides that “the Court may request or admit any evidence it deems necessary for the determination of the truth”.⁴⁰ Therefore, relevance is defined by the connection between the evidence and the elements of the alleged crimes, and it is left to the sole appreciation of the Court. Consequently, the ICC has consistently adopted a broad and flexible interpretation of the relevance requirement.

In *Prosecutor v. Katanga*, the Trial Chamber held that evidence is relevant if it assists in establishing any element of the crimes charged or contributes to the contextual understanding of the alleged conduct.⁴¹ Thus, relevance is not limited to direct proof of criminal liability but includes contextual and pattern-based evidence as long as it is directly probative of the legal element of crimes under investigation. This approach is particularly significant for NGO documentation, which often provides systematic reporting, pattern analysis, and contextual mapping of abuses as well as isolated incident-based proof.

4. ICC PRACTICE: CASE STUDIES

4.1. BANGLADESH/MYANMAR

As mentioned, NGOs assist the ICC by providing crucial documentation of various data, particularly for the purposes of triggering investigations. The role of NGOs was particularly evident in the situation concerning the Rohingya population in Bangladesh and Myanmar. On November 14th, 2019, the Pre-Trial Chamber authorised the opening of investigations into alleged crimes committed since October 9th, 2016, and continuing thereafter.⁴²

The use of the term “Rohingya” was contested, prompting several NGOs to submit reports clarifying its meaning and usage. According to reports prepared by the Irish Centre for Human Rights, International Crisis Group, and Amnesty International, the term Rohingya denotes an ethno-religious group.⁴³ Reports submitted by the UN Office of the High Commissioner for Human Rights (OHCHR) and Public International Law & Policy Group indicate that other ethnic groups in Myanmar disagree that the term Rohingya refers to an ethno-religious group.⁴⁴ While Burmese sources and a Fortify Rights report indicate that Myanmar’s government does not recognise the term Rohingya and have also denied the existence of the Rohingya as an Indigenous group, the Bangladeshi Home Minister has used the term, according to an Amnesty International Report.⁴⁵ Considering the use of the term Rohingya by the UN General Assembly in its resolutions as well as the other submitted

⁴⁰ Rome Statute, article 69(3).

⁴¹ *The Prosecutor v. Germain Katanga* (Judgment pursuant to Article 74 of the Statute) ICC-01/04-01/07 (March 7, 2014).

⁴² *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar* (Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation) Pre-Trial Chamber III, ICC-01/19 (14 November 2019), para [5].

⁴³ *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar*, para [15].

⁴⁴ *ibid.*

⁴⁵ *ibid.*

clarifications on the use of the term, the Chamber decided to refer to the alleged victims as Rohingya.⁴⁶

Submissions made on behalf of alleged victims by representation of organisations, including those representing victims residing in refugee camps in Bangladesh, aided the Chamber with the decision on whether the merits of the Prosecutor's request on authorising investigations were accurate.⁴⁷ The Chamber noted the importance of victims' representation and testimonies, as it could have made the same decision to authorise investigations into the situation based on them, compared to the material provided solely by the Prosecutor.⁴⁸ Moreover, the use of victim representation by the Court to assess the full situation was pivotal.

In the present case, various forms of alleged coercive acts, which led to the Rohingya fleeing from Myanmar and living in refugee camps in Bangladesh, were identified through victims' testimonies.⁴⁹ Including alleged arbitrary arrests, destruction of houses and other buildings, discriminatory intent, infliction of pain and injuries, killings, and sexual violence. Based on submitted data the Court could identify the scope of the investigations.⁵⁰ Furthermore, indications on elements of brutality and cruelty refers to the gravity of the crimes allegedly committed and a unanimous interest by victims on authorisation of investigation by the Court.⁵¹

Contextual facts were further submitted to the Court by several NGOs. Amongst other issues, the "clearance operations" initiated by the Tatmadaw, resulting in the waves of violence in 2016 and 2017 were addressed. The International Fact-Finding Mission on Myanmar report confirms the ethnic diversity within Myanmar and Rakhine State, while noting that the Rohingya constitute a religious minority and the second largest ethnic group within the State.⁵² Reports submitted by Amnesty International and Human Rights Watch further indicate the waves of violence were targeted against Muslims, and mostly the Rohingya, leading to internal displacement.⁵³ To strengthen this argument, reports from Médecins Sans Frontières, Kaladan Press Network, OHCHR and Xchange have detailed the alleged attacks, also referred to as "full-fledged military operations" by Tatmadaw and local civilians to be concentrated around the Maungdaw Township villages, predominantly populated by the Rohingya.⁵⁴ These raids resulted in mass killings.⁵⁵

The vital importance of data and reports provided by organisations is evident. They can clarify the understanding of a situation at hand and act as important supporting material to the

⁴⁶ *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar*, para [17].

⁴⁷ *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar*, para [19].

⁴⁸ *ibid.*

⁴⁹ *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar*, para [28].

⁵⁰ *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar*, para [29-33].

⁵¹ *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar*, para [38].

⁵² *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar*, para [66].

⁵³ *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar*, para [68].

⁵⁴ *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar*, para [78].

⁵⁵ *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar*, para [82].

Prosecutor's case, allowing the Court to arrive at accurate conclusions. In this case, the Chamber concluded that there is a reasonable basis, considering the Prosecutor's claims and supporting evidence submitted by NGOs to believe that.⁵⁶

- A. widespread and/or systematic acts of violence, based on possible state policy, may have been targeted against the Rohingya, and
- B. Tatmadaw, together with other security forces and some local civilians, may have committed acts that could qualify as crimes against humanity of deportation.

4.2. PHILIPPINES

Much like in Myanmar, NGOs and civil society organisations in the Philippines played a crucial role, not only in documenting the “War on Drugs” but also in providing evidence to the ICC.⁵⁷ On September 15th, 2021, the pre-Trial Chamber approved that former President Duterte should stand trial for three charges for crimes against humanity, committed between November 1st, 2011, and March 16th, 2019. Despite the Philippines formally withdrawing from the RS in 2019, the Court still maintained jurisdiction over crimes committed while it was a State Party.⁵⁸ Duterte was arrested by the Philippine government in March 2025 and surrendered to the ICC. On March 14th, 2025, Duterte made his first court appearance. Since his arrest, he has been in ICC custody in the Netherlands awaiting trial.⁵⁹ His lawyers have challenged the Court's authority, his continued detention, and his fitness for trial.

Human Rights Watch and Amnesty International submitted evidence challenging the Philippine government's rhetoric that deaths occurred as a result of legitimate police operations where suspects resisted (nanlaban).⁶⁰ Amnesty International's report “They Just Kill”, detailed how police allegedly fabricated reports, planted evidence, and targeted the poor, indicating that the killings were part of a systematic and widespread assault on a civilian population rather than being an isolated incident.⁶¹ Similarly, the Chamber used information from Human Rights Watch that showed security forces had a “license to kill” to determine whether there was a “reasonable basis” to suspect crimes against humanity.⁶²

⁵⁶ *Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar*, para [92 and 110].

⁵⁷ *Situation in the Republic of the Philippines* (Decision on the Prosecutors Request for the Authorisation of an Investigation Pursuant to Article 15(3) of the Statute) Pre-Trial Chamber I, Case No ICC-01/21 (15 September 2021).

⁵⁸ Amnesty International, ‘Philippines: Confirmation of Duterte Trial Offers Victims Prospect of Long-Awaited Truth and Justice’ (23 April 2026) <<https://www.amnesty.org/en/latest/news/2026/04/philippines-confirmation-of-duterte-trial-offers-victims-prospect-of-long-awaited-truth-and-justice/>> accessed 1 May 2026.

⁵⁹ Human Rights Watch, ‘Philippines: Duterte Arrested on ICC Warrant’ (12 March 2025) <<https://www.hrw.org/news/2025/03/12/philippines-duterte-arrested-icc-warrant>> accessed 1 May 2026.

⁶⁰ Carlos Conde, “Our Happy Family Is Gone” Impact of the “War on Drugs” on Children in the Philippines’ (*Human Rights Watch*, 27 May 2020) <<https://www.hrw.org/report/2020/05/27/our-happy-family-gone/impact-war-drugs-children-philippines>> accessed 20 May 2026.

⁶¹ Amnesty International, ‘Philippines: “They Just Kill”. Ongoing Extrajudicial Executions and Other Violations in the Philippines’ “War on Drugs” (8 July 2019) <<https://www.amnesty.org/en/documents/asa35/0578/2019/en/>> accessed 20 May 2026.

⁶² *ibid* (n 58).

Furthermore, local organisations like Karapatan and the Philippine Coalition for the International Criminal Court (PCICC) contended in their reports that the targets were victims of a systematic state policy.⁶³ Ultimately, the Chamber prioritised the legal status of the victims as civilians protected under the Statute, regardless of their alleged involvement in the drug trade.

Victim representation was central to the decision-making process of the Pre-Trial Chamber. Additional local organisations including the National Union of People’s Lawyers (NUPL) and the Rise Up for Life and for Rights facilitated the representation of victims through their submissions leading to a record number of victim submissions being processed in August 2021.⁶⁴ Due to the lack of domestic channels for accountability, the vast majority of victims requested ICC investigations. In evaluating the complementarity principle under Article 17, these testimonies provided the Court with evidence concerning the prevailing state of impunity, particularly on whether the state was unwilling or unable to actually prosecute.⁶⁵

The evidence provided by NGO reports has proven central in light of recent developments in 2026. On April 23rd, 2026, a full trial against former President Rodrigo Duterte became possible when the Pre-Trial Chamber confirmed all of the charges against him for crimes against humanity.⁶⁶ Due to the Philippine government’s continued refusal to provide the ICC with official police records or the findings of internal investigations, NGO data were central to the Chamber’s proceedings.⁶⁷ NGOs successfully filled the information gap created by the state’s non-cooperation by offering reliable sources as defined by Rule 104 of the RPE. This allowed the Court to determine that there were good reasons to suspect the crimes were carried out as part of a state-approved policy.⁶⁸

5. CHALLENGES AND LIMITATIONS OF NGO EVIDENCE

5.1. VERIFICATION

NGOs face various difficulties while gathering and submitting supporting material and evidence to the ICC. Verification issues emerge commonly within neutrality and bias in producing evidence, lack of adequate evidence collection techniques, as well as testimonies based on hearsay and its authentication.

⁶³ *ibid* (n 61).

⁶⁴ *Situation in the Republic of the Philippines* (Registry of Report on Victims Representations) Pre-Trial Chamber I, ICC-01/21 (27 August 2021).

⁶⁵ *ibid* (n 58).

⁶⁶ *ibid*.

⁶⁷ *Situation in the Republic of the Philippines* (Decision on the Prosecutors Request for the Authorisation of an Investigation Pursuant to Article 15(3) of the Statute) (n 64).

⁶⁸ *ibid* (n 58).

01

Neutrality and bias

While many NGOs aim to remain neutral in their operations, interference may arise from official and non-official governmental agencies, seeking to hide or influence the truth of criminal activity or human rights violations.⁶⁹ The impartiality of NGOs may be compromised where alliances have been formed with one of the parties to a conflict, or where political agendas influence NGOs' operations.⁷⁰ Such factors can easily lead to one sided or selective information gathering, and in that case the evidence would not be admissible in the Court due to the absence of impartiality and securing the rights of the accused in a trial.

02

Evidence collection techniques

The methods of evidence collection and documentation are rooted in different means and aims within human rights NGOs and the Court. The approach for NGOs lies in ending human rights violations as soon as possible and improving the conditions of individuals, while courts' criminal proceedings aim at long-term accountability and the protection of fair trial principles and due process, which rarely leads to immediate responses.⁷¹ Therefore, the methods of fact finding differ, NGOs generally prepare reports in a documentative manner, which differs from legal investigations and do not operate under the same standard of proof as the Court does.⁷²

Very few NGOs are trained to gather evidence in a manner that can be directly utilised in criminal proceedings. NGO reports commonly use oral testimonies, hearsay and anonymous sources.⁷³ The authentication and investigation of trustworthiness of such testimonies can be difficult for the Court. The verification of submitted evidence to the ICC is of vital importance, if chosen as evidence, these will act as part of the basis for the investigations and proceedings of a case in the future.

5.2. CHAIN OF CUSTODY

⁶⁹ Harelimana Baptiste, 'The Role of Human Rights NGOs in Relation to ICC Investigations' (2008) <<https://doi.org/10.2139/SSRN.2230555>> accessed 9 April 2026.

⁷⁰ *ibid.*

⁷¹ Dr Dov Jacobs, 'Article 15 Communication: Methodological challenges relating to the use of third-party Human Rights Fact-Finding in Preliminary Examinations' (2019).

⁷² Susana SáCouto, 'Improving NGO and IGO Capacity to Gather Evidence' in Richard H Steinberg ed, *The International Criminal Court: Contemporary Challenges and Reform Proposals* (Brill/Nijhoff 2020).

⁷³ *ibid.*

Another challenge arises within the issue of Chain of Custody of gathered evidence by NGOs. The Chain of Custody refers to the documented record of the handling, transfer, storage, and location of evidence, including all individuals who have had possession of it before it reaches the Court.⁷⁴ Maintaining and recording the Chain of Custody is of vital importance to the Court, to ensure evidence is reliable.

01 **Verifying Chain of Custody of digital data**

The collection of digital evidence by NGOs, amongst others, for trials has increased within the recent years. While the generation of vast amounts of data by digital devices brings an advantage to the availability of evidence, challenges arise in its admissibility to Courts, as data in digital form can easily be manipulated and altered.⁷⁵ As mentioned, evidentiary standards are used by the Court to ensure evidence is authentic and reliable. However, due to lack of training and awareness of these standards by NGOs, the collected digital evidence can easily be rendered inadmissible.⁷⁶ Moreover, NGOs commonly use non-encrypted storing of data, creating room for interference with the data between sending and the receipt of the evidence by the Court.⁷⁷ Digital evidence submitted to the Court may not have originated directly from NGOs. For example, videos recorded by third parties, which may not be known, breaks the Chain of Custody.

5.3. WITNESS PROTECTIONS

Witness protection is vital within court proceedings, to ensure witness safety and well-being, during and after proceedings. Common challenges arise in the discrepancy shared between NGO resources and ICC Victims and Witness sections in ensuring the long-term safety of victims, as well as the contamination of witness testimonies.

01 **Discrepancy between NGO resources and ICC Victims and Witness Unit**

The discrepancy between NGO resources and the ICC's Victims and Witnesses Unit remains another major barrier to NGO-led evidence

⁷⁴ National Institute of Justice, 'The Chain of Custody' (7 June 2023) <<https://nij.ojp.gov/nij-hosted-online-training-courses/what-every-law-enforcement-officer-should-know-about-dna/officer-responsibilities/chain-custody>> accessed 20 May 2026.

⁷⁵ Sourapid Nath, Keb Summers and Jaeyong Baek et al., 'Digital Evidence Chain of Custody: Navigating New Realities of Digital Forensics' (6th International Conference on Trust, Privacy and Security in Intelligent Systems, and Applications, 2024) <<https://doi.org/10.1109/TPS-ISA62245.2024.00012>> accessed 10 April 2026.

⁷⁶ Andrew Lane, 'Atrocities on Camera: Solutions to Admissibility Issues with Digital Evidence at the International Criminal Court' (Student Bytes, 2021) <<https://bytes.scl.org/untitled/>> accessed 10 April 2026.

⁷⁷ *ibid.*

collection. As NGOs frequently work in high-risk areas, they lack the authority or resources to offer long-term protection, such as relocation or identity changes, to witnesses. According to Human Rights Watch, once an NGO leaves a region, witnesses may face “retaliatory violence” from state or non-state actors who see collaboration with international organisations as treasonous.⁷⁸

02

‘Contamination’ of witness testimonies

Moreover, a persistent legal obstacle is the “contamination” of witness testimony.⁷⁹ The subsequent testimony may lose its probative value in court if an NGO interviewer employs leading questions or disregards stringent psychosocial protocols. The Court requires clear, uncoerced accounts under Rule 68 of the RPE.⁸⁰ However, “witness fatigue”, caused by several interviews with various NGOs before the ICC Prosecution even shows up, can result in contradictory statements that the defence may use to undermine the credibility of the witnesses.⁸¹

5.4. ARTIFICIAL INTELLIGENCE AND RISKS

The integration of Artificial Intelligence (AI) into human rights documentation presents both an opportunity as well as a limitation for the ICC. While AI introduces risks of deepfakes⁸² and other fraudulent or inauthentic evidence creating a “verification crisis”, it also enables NGOs to process vast datasets (such as satellite imagery or social media feeds) with ease and efficiency.⁸³

01

Authentication

⁷⁸ Lily Sparks, ‘We Will Find You: A Global Look at How Government Repress Nationals Abroad’ (*Human Rights Watch*, 22 February 2024) <<https://www.hrw.org/report/2024/02/22/we-will-find-you/global-look-how-governments-repress-nationals-abroad>> accessed 20 May 2026.

⁷⁹ Crown Prosecution Service, ‘Witness Protection and Anonymity’ (12 March 2025) <<https://www.cps.gov.uk/prosecution-guidance/witness-protection-and-anonymity>> accessed 20 May 2026.

⁸⁰ International Criminal Court, Rules of Procedure and Evidence (2013), rule 68.

⁸¹ Human Rights Watch, ‘Still Waiting: Bring Justice for War Crimes, Crimes Against Humanity, and Genocide in Bosnia and Herzegovina’s Cantonal and District Courts’ (10 July 2008), chapter VII <<https://www.hrw.org/report/2008/07/10/still-waiting/bringing-justice-war-crimes-crimes-against-humanity-and-genocide>> accessed 20 May 2026.

⁸² Jacobo Castellanos, ‘Fortifying the Truth in the Age of Synthetic Media’ (*WITNESS*27, August 2024) <<https://blog.witness.org/2024/08/fortifying-the-truth-in-the-age-of-synthetic-media/>> accessed 20 May 2026.

⁸³ OHCHR, ‘Berkeley Protocol on Digital Open Source Investigations: A Practical Guide on the Effective Use of Digital Open Source and Information in Investigating Violations of International Criminal, Human Rights and Humanitarian Law’ (3 July 2022) <<https://www.ohchr.org/en/publications/policy-and-methodological-publications/berkeley-protocol-digital-open-source>> accessed 20 May 2026.

A new phenomenon called the “Liar’s Dividend” is emerging, in which perpetrators of atrocities can discredit or even dismiss genuine evidence captured by NGOs as “AI generated”.⁸⁴

Some experts believe that the opportunities created by AI, when integrated ethically and thoughtfully, represent “unprecedented opportunities” to deepen impacts, operate more efficiently, and extend reach.⁸⁵ However, in the context of the ICC, evidence may be deemed inadmissible if NGOs lack the sophisticated digital forensics needed to demonstrate a file’s authenticity, such as confirming cryptographic hashes or metadata. Furthermore, NGOs’ use of AI algorithms to identify patterns of violence has been scrutinised for “algorithmic bias” in which the program may overrepresent certain groups or overlook others depending on the data it was trained on, potentially distorting the Court’s perception of the systematic nature of a crime.⁸⁶

6. RECOMMENDATIONS

6.1. STRUCTURE OF COMMUNICATIONS WITH THE COURT

01

Clarity in the communications with the Court

Having open communications between the OTP and the NGOs is essential for the preliminary assessment, as well as for the procedure, evidentiary support and reporting by the NGOs. Communications with the ICC have always been at the centre of the discussion regarding the involvement of NGOs, and in 2022, the OTP submitted guidelines for documenting and reporting international crimes for accountability, which included many key areas for communications, such as communications for a victim-centred approach. However, despite the guidelines, transparent communication is still a challenge between NGOs and the ICC. According to Janet H Anderson’s article, most preliminary submissions for the ICC by NGOs are outside of the Court’s jurisdiction, and only a couple has enough legal justification for the OTP to start an investigation.

⁸⁴ Zeve Zanderson, Solomon Messing, and Joshua A Tucker, ‘Misunderstood Mechanics: How AI, TikTok, and the liar’s dividend might affect the 2024 elections’ (*Brookings*, 22 January 2024) <<https://www.brookings.edu/articles/misunderstood-mechanics-how-ai-tiktok-and-the-liars-dividend-might-affect-the-2024-elections/>> accessed 20 May 2026.

⁸⁵ Chris Daniel Wong, Nicole Foo, and Stephen T Homer et al, ‘AI Unlocking the Potential of NGOs’ [2025] *International Journal of Research and Innovation in Social Science* <<https://dx.doi.org/10.47772/IJRIS.2025.907000419>> accessed 20 May 2026.

⁸⁶ OHCHR (n 83).

It is therefore essential for NGOs to have a clear legal basis before they submit their communications for the ICC, and to have clarity in their submissions.

02

Transparency and NGO involvement/monitoring

NGOs play a crucial role in promoting transparency of the ICC, as they serve as external partners to the Court allowing the ICC to be an open, transparent, and accessible institution in the international community. However, despite its necessity, many NGOs and civil society organisations report a lack of transparency in their interactions with the ICC and the OTP. One of the reasons for this appears to be the challenges regarding the direct communication with the ICC which reportedly can lead to misunderstanding between the partners even though NGOs try to engage in the proceedings. As NGOs are more accessible for the general public with regards to information, and in many cases, NGOs are viewed as representatives of the public interest, keeping them in the proceedings would lead to a more transparent communication with the Court.

Like in other cases, such as the Kyoto Protocol, which permits NGOs to attend international environmental negotiations as observers and provide technical advice or expertise to interested parties, enables NGOs to keep the public informed of ongoing issues and harness the public interest into negotiations.⁸⁷ By adapting a similar approach, participation in proceedings would ensure that NGOs are recognised by the ICC and other public institutions, and allow for the NGOs to represent the public interest before the Court.

03

Victim centred approach and confidentiality

As provided in the guidelines, when NGOs gather evidence, they should focus on a victim-centred approach, ensuring security and confidentiality for the persons. It is important for NGOs to ensure the protection of the people involved in the communications, and to make sure the “information on the documentation activities” are protected and shared only on limited occasions. Additionally, field engagement of NGOs enhances the communication with victims, and ensures a more personal and “trust-based” communication with the Court.

⁸⁷ Lars H Gulbrandsen and Steinar Andersen, ‘NGO Influence in the Implementation of the Kyoto Protocol: Compliance, Flexibility Mechanisms, and Sinks’ (2004) 4(4) Global Environment Politics 54 <<https://doi.org/10.1162/glep.2004.4.4.54>> accessed 11 June 2026; Theresa Stroll, ‘Ngos in International Environmental Negotiations’ (Earth Restoration Services, 17 December 2021) <<https://www.earthrestorationservice.org/blog/2021/ngos-international-environmental-negotiations>> accessed 11 June 2026.

6.2. EVIDENCE GATHERING AND ASSESSMENT

01

Evidence documentations and the chain of custody

One of the principles of NGO involvement in documentations is the principle of “do no harm”. It is essential for the organisations to gather evidence in a manner that does not affect the privacy and well-being of the victims/witnesses, as well as the process of the documentation does not negatively affect future evidence. Additionally, when gathering evidence, NGOs should prioritise the accurate collection of facts and the identification of issues relevant to the investigation.

As mentioned, many NGOs are not collecting evidence in a way that can be used in a trial, such as the use of hearsay and anonymous sources. The focus of NGOs should be placed in submitting evidence when there is a reasonable legal ground to be used in criminal proceedings. One of the most common challenges in the OTP is the overwhelming amount of inadmissible evidence under the Court’s jurisdiction. Accordingly, ensuring that submitted material is relevant, reliable, and legally grounded facilitates a more efficient assessment by the OTP and strengthens the contribution of NGOs to proceedings before the Court.

02

Neutrality of NGOs

To reiterate, NGOs are more often than not viewed as a representation of the public, and therefore remaining neutral and unbiased is a challenge many NGOs face. As advocacy is one of the main activities of many NGOs, it occurs that this activity negatively influences gathered evidence, or the NGOs are presented as biased. Therefore, NGOs should strive to separate advocacy activities from evidence-gathering processes and conduct documentation in an objective way.

03

Witnesses

When gathering evidence with the involvement of witnesses, NGOs should maintain a neutral and professional tone while gathering relevant information from witnesses and victims of the crime, as well as the questioning of the witnesses should stop at the minimum required detail that contributes to a good understanding of the situation. This is especially important, since the Court can exclude the evidence if there is a risk the witnesses’ statements were gathered without proper safeguards, and with

protecting the privacy and well-being of the witnesses.

7. CONCLUSION

NGOs play a crucial but limited legal role at the ICC. Although their work remains an indispensable part of supporting the work of the Court, their contributions remain legally constrained and carefully assessed within the Court's evidentiary framework. The RS allows the OTP to rely on NGO submissions at the preliminary examination stage, but their material must meet certain requirements, such as relevance, reliability, and probative value. In practice, NGOs' efforts and their evidence are most effective when used to corroborate other sources and provide contextual insight, especially in situations where state cooperation is lacking.

The analysis highlights recurring challenges, when it comes to verification issues, weak chain of custody, potential bias, and risks related to witness handling and digital evidence. These factors can undermine the usefulness of NGO submissions before the Court and directly affect the weight and admissibility of the information provided. Therefore, NGOs need to adopt methodical approaches before initiating communications with the ICC. These include better structuring communications in line with ICC jurisdictional and evidentiary standards, improving evidence collection and documentation practices, maintaining neutrality in fact-finding, and ensuring stronger safeguards for witnesses and digital data. By adopting these changes, NGOs can enhance the impact of their contributions and better support accountability efforts in a manner that is not only effective but also promotes the advancement of human rights and international criminal justice.

However, implementing these changes is not an easy task, as the constraints rely heavily on the nature of NGOs. Effective change in restructuring the ways in which NGOs operate would require additional financial means, for training of evidence collection and documentation practices, which commonly are not largely available for NGOs. On the other hand, the ICC's evidentiary standards are set for a reason, to ensure the reliability and legality of the Court's proceedings, protecting the rights of the accused. Therefore, flexibility within the ICC's evidentiary framework could risk the fairness of trials and result in unjust prosecution of individuals.

CASES

Prosecutor v Germain Katanga (Judgment Pursuant to Article 74 of the Statute) ICC-01/04-01/07 (March 7, 2014).

Prosecutor v Thomas Lubanga Dyilo (Judgement Pursuant to Article 74 of the Statute) ICC-01/04-01/06 (March 14, 2012).

Situation on the People's Republic of Bangladesh/Republic of the Union in Myanmar (Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation) Pre-Trial Chamber III, ICC-01/19 (14 November 2019).

Situation in the Republic of the Philippines (Decision on the Prosecutors Request for the Authorisation of an Investigation Pursuant to Article 15(3) of the Statute) Pre-Trial Chamber I, ICC-01/21 (15 September 2021).

Situation in the Republic of the Philippines (Registry of Report on Victims Representations) Pre-Trial Chamber I, ICC-01/21 (27 August 2021).

LEGISLATION

International Criminal Court, Rules of Procedure and Evidence (2013).

Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90.

REFERENCES

Amnesty International, 'Philippines: Confirmation of Duterte Trial Offers Victims Prospect of Long-Awaited Truth and Justice' (23 April 2026) <<https://www.amnesty.org/en/latest/news/2026/04/philippines-confirmation-of-duterte-trial-offers-victims-prospect-of-long-awaited-truth-and-justice/>> accessed 1 May 2026.

Amnesty International, 'Philippines: "They Just Kill". Ongoing Extrajudicial Executions and Other Violations in the Philippines' "War on Drugs" (8 July 2019) <<https://www.amnesty.org/en/documents/asa35/0578/2019/en/>> accessed 20 May 2026.

Baptiste H, 'The Role of Human Rights NGOS in Relation to ICC Investigations' (2008) <<https://doi.org/10.2139/SSRN.2230555>> accessed 9 April 2026.

Castellanos J, 'Fortifying the Truth in the Age of Synthetic Media' (*WITNESS*27, August 2024) <<https://blog.witness.org/2024/08/fortifying-the-truth-in-the-age-of-synthetic-media/>> accessed 20 May 2026.

- Conde C, “‘Our Happy Family Is Gone’ Impact of the “War on Drugs” on Children in the Philippines’ (*Human Rights Watch*, 27 May 2020) <<https://www.hrw.org/report/2020/05/27/our-happy-family-gone/impact-war-drugs-children-philippines>> accessed 20 May 2026.
- Crown Prosecution Service, ‘Witness Protection and Anonymity’ (12 March 2025) <<https://www.cps.gov.uk/prosecution-guidance/witness-protection-and-anonymity>> accessed 20 May 2026.
- de Meester K, *The Investigation Phase in International Criminal Procedure: In Search of Common Rules* (1st edn, Larcier 2015).
- Dr Jacobs D, ‘Article 15 Communication: Methodological challenges relating to the use of third-party Human Rights Fact-Finding in Preliminary Examinations’ (2019).
- Eurojust and International Criminal Court, Documenting International Crimes and Human Rights Violations for Criminal Accountability Purposes: Guidelines for Civil Society Organisations on Cooperation with the ICC (2022) <<https://www.eurojust.europa.eu/publication/documenting-international-crimes-and-human-rights-violations>> accessed 20 May 2026.
- Gulbrandsen L H and Andersen S, ‘NGO Influence in the Implementation of the Kyoto Protocol: Compliance, Flexibility Mechanisms, and Sinks’ (2004) 4(4) *Global Environment Politics* 54 <<https://doi.org/10.1162/glep.2004.4.4.54>> accessed 11 June 2026
- Hamer D, ‘Relevance, Probative Value, and Admissibility in the Criminal Trial: Atomism, Holism, and Incoherence in the High Court’ (2024) 47 (3) *UNSW Law Journal* 842 <<https://doi.org/10.53637/efap4355>> accessed 20 May 2026.
- Human Rights Watch, ‘Philippines: Duterte Arrested on ICC Warrant’ (12 March 2025) <<https://www.hrw.org/news/2025/03/12/philippines-duterte-arrested-icc-warrant>> accessed 1 May 2026.
- Human Rights Watch, ‘Still Waiting: Bring Justice for War Crimes, Crimes Against Humanity, and Genocide in Bosnia and Herzegovina’s Cantonal and District Courts’ (10 July 2008), chapter VII <<https://www.hrw.org/report/2008/07/10/still-waiting/bringing-justice-war-crimes-crimes-against-humanity-and-genocide>> accessed 20 May 2026.
- Kaluzhna O and Shunevych K, ‘Evidence in the International Criminal Court – The Role of Forensic Experts: The Ukrainian Context’ (2022) 4 (2) *Access to Justice in Eastern Europe* <<https://doi.org/10.33327/AJEE-18-5.4-a000435>> accessed 20 May 2026.

- Krzan B, 'Admissibility of evidence and international criminal justice' (2021) 7 (1) *Revista Brasileira de Direito Processual Penal* 169 <<https://doi.org/10.22197/rbdpp.v7i1.492>> accessed 20 May 2026.
- Lane A, 'Atrocities on Camera: Solutions to Admissibility Issues with Digital Evidence at the International Criminal Court' (Student Bytes, 2021) <<https://bytes.scl.org/untitled/>> accessed 10 April 2026.
- Moore N, *How to Do Research: The Practical Guide to Designing and Managing Research Projects* (3rd edn, Facet 2018).
- Nath S, Summers K and Baek J et al., 'Digital Evidence Chain of Custody: Navigating New Realities of Digital Forensics' (6th International Conference on Trust, Privacy and Security in Intelligent Systems, and Applications, 2024) <<https://doi.org/10.1109/TPS-ISA62245.2024.00012>> accessed 10 April 2026.
- National Institute of Justice, 'The Chain of Custody' (7 June 2023) <<https://nij.ojp.gov/nij-hosted-online-training-courses/what-every-law-enforcement-office-r-should-know-about-dna/officer-responsibilities/chain-custody>> accessed 20 May 2026.
- Office of the Prosecutor, Policy Paper on Preliminary Examinations (*International Criminal Court*, 2013) <https://www.icc-cpi.int/otp-policy-pe-11_2013> accessed 20 May 2026.
- OHCHR, 'Berkeley Protocol on Digital Open Source Investigations: A Practical Guide on the Effective Use of Digital Open Source and Information in Investigating Violations of International Criminal, Human Rights and Humanitarian Law' (3 July 2022) <<https://www.ohchr.org/en/publications/policy-and-methodological-publications/berkeley-protocol-digital-open-source>> accessed 20 May 2026.
- SáCouto S, 'Improving NGO and IGO Capacity to Gather Evidence' in Richard H Steinberg ed, *The International Criminal Court: Contemporary Challenges and Reform Proposals* (Brill/Nijhoff 2020).
- Sparks L, 'We Will Find You: A Global Look at How Government Repress Nationals Abroad' (*Human Rights Watch*, 22 February 2024) <<https://www.hrw.org/report/2024/02/22/we-will-find-you/global-look-how-governments-repress-nationals-abroad>> accessed 20 May 2026.
- Stroll T, 'NGOs in International Environmental Negotiations' (Earth Restoration Service, 17 December 2021) <<https://www.earthrestorationservice.org/blog/2021/ngos-international-environmental-negotiations>> accessed 11 June 2026.

- Ventura M, ‘Proprio motu investigation by the ICC Prosecutor’ (*The Peace and Justice Initiative*) <<https://www.peaceandjusticeinitiative.org/implementation-resources/proprio-motu-investigation-by-the-icc-prosecutor>> accessed 13 April 2026.
- Wong CD, Foo N, and Homer ST et al, ‘AI Unlocking the Potential of NGOs’ [2025] *International Journal of Research and Innovation in Social Science* <<https://dx.doi.org/10.47772/IJRISS.2025.907000419>> accessed 20 May 2026.
- Zanderson Z, Messing S, and Tucker JA, ‘Misunderstood Mechanics: How AI, TikTok, and the liar’s dividend might affect the 2024 elections’ (*Brookings*, 22 January 2024) <<https://www.brookings.edu/articles/misunderstood-mechanics-how-ai-tiktok-and-the-liar-s-dividend-might-affect-the-2024-elections/>> accessed 20 May 2026.