

Investigating sexual and gender based violence



Helena Kennedy Centre for International
Justice

Key points to note

- Every victim has the right to have the crime against them properly investigated
- Suspects have the right to be presumed innocent until proven guilty
- A fair investigation will pave the way for a fair trial

Why do we investigate ?



TO DISCOVER THE TRUTH

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Why do we investigate?

- Determine if an offence was committed or disprove and allegation of an offence
- Discover Cause, Manner, location of scene and time of crime
- Identify victims and witnesses
- Gather and preserve evidence

Why do we investigate?

- Prove the identity of suspect or responsible person
- Where appropriate formulate grounds for charge
- Prepare case file and evidence for trial
- Prevent further trauma to the victim and family members that may have been affected

The rights of victims & witnesses

- The right to security of the person
- Dignity and respect
- The right to privacy and confidentiality
- To be treated with compassion and consideration
- To be informed of their role in the legal proceedings

What are the basic human rights of suspects?

- **The right to security of the person**
- **Presumption of innocence**
- **Dignity and respect**
- **The right to privacy and confidentiality**
- **Right to a fair trial**
- **Right to be informed of the charge**
- **Right to be tried without undue delay**

- **The right not to incriminate themselves or the right to remain silent**
- **Right not to be tortured**
- **Only lawful investigatory activities shall be conducted**
- **The right to access legal counsel**
- **The right to apply for bail**
- **The right to medical attention**

The investigating officer should always:

- Act lawful & ethical when investigating crime
- Act professional, impartial & objective
- Be diligent in the collection of physical & scientific evidence and recording of statements
- Treat all parties involved with respect & dignity
- Always respect and protect the rights of all parties involved, including the offender
- If an offence is identified the investigating officer should have sufficient evidence to prove the case in court
- Take steps to address the safety needs of all parties involved