**3**

**Question: What is the date on which the abuse(s) happened (if the abuses included detention or torture, when did the detention or torture end)?**

Style: Date dial

Possible eliminations: ICC, UN treaty bodies, regional tribunals

WHY? Temporal jurisdiction/admissibility. To determine whether the victim’s abuse would come within the mechanism’s jurisdiction – i.e. either when the particular country signed on to the treaty/acceded to the mechanisms or when the treaty/mechanism came into force.

**2a**

**Question: Did people from any other country participate in the abuse(s)?**

Style: Dropdown menu – yes, no, unknown

Possible eliminations: ICC, UN treaty bodies, regional tribunals

**2b** – if ‘yes’ to 2a

**Question: What country were the people from?**

WHY? Territorial jurisdiction/admissibility. To determine whether the victim’s abuse would come within the mechanism’s jurisdiction because it was committed by the citizen of a state party or by a citizen of a country covered by the mechanism.

**1**

**Question: In what country did the abuse(s) occur?**

Style: Dropdown menu with list of countries

Possible eliminations: Dependent on questions 2a and 2b

WHY? Territorial jurisdiction/admissibility. To determine whether the victim’s abuse would come within the mechanism’s jurisdiction because it happened on a state party’s territory or on the territory of a country covered by the mechanism.

**6**

**Question: Were these kinds of abuses committed against many other people in the country at that time?**

Style: Dropdown menu – yes, no, unknown

Possible eliminations: Dependent on questions 5 and 7

WHY? Subject matter jurisdiction over Crimes Against Humanity. To determine whether the victim’s abuse constitutes a crime against humanity such that it comes within the mechanism’s subject matter jurisdiction

**5**

**Question: Did the abuse(s) take place during a war?**

Style: Dropdown menu – yes, no, unknown

Possible eliminations: Dependent on questions 6 and 7

WHY? Subject matter jurisdiction over War Crimes. To determine whether the victim’s abuse constitutes a war crime such that it comes within the mechanism’s subject matter jurisdiction

**4**

**Question: Describe the abuse(s) committed against the victim**

Style: Checklist of numerous types of abuse – check all that apply (e.g. murder, beating, rape, incommunicado detention, etc.)

Possible eliminations: Canada torture prosecution, WGEID

WHY? Subject matter jurisdiction/admissibility. To determine whether the victim’s abuse constitutes a crime/violation that comes within the mechanism’s subject matter jurisdiction.

**7**

**Question: Was the victim targeted because of her/his race, ethnicity, religion or nationality?**

Style: Dropdown menu – yes, no, unknown

Possible eliminations: ‘No’ to questions 5, 6 *and* 7 eliminates ICC, Canada prosecution under CAHWCA

WHY? Subject matter jurisdiction over Genocide. To determine whether the victim’s abuse constitutes genocide such that it comes within the mechanism’s subject matter jurisdiction

**9**

**Question: Are any of the people responsible for the abuse(s) currently living in Canada?**

Style: Dropdown menu – yes, no, unknown

Possible eliminations: ‘No’ or ‘unknown’ eliminates Canada prosecution (torture or CAHWCA)

WHY? Territorial jurisdiction for action in Canada. To determine if a criminal UJ case or immigration penalty might be possible in Canada.

**8**

**Question: Who committed the abuse(s)?**

Style: Checklist – check all that apply (e.g. soldier in government’s army, police officer, soldier in rebel army, person in plainclothes, etc.)

Possible eliminations: If no government involvement, eliminates Canada torture prosecution, UN CAT; if only government involvement, eliminates Canada civil lawsuit

WHY? 3 reasons. (1) Subject matter jurisdiction over Torture. To determine whether the victim’s abuse constitutes torture such that it comes within the mechanism’s subject matter jurisdiction; (2) Immunity. To determine if the abuse was committed by a government actor such that there would be immunity in Canadian courts; (3) Territorial jurisdiction. To determine if the country where the abuse happened is responsible because the perpetrator was a government actor or not responsible because the abuse was committed by a non-government actor (e.g. a rebel group)

**12**

**Question: At the time of the abuse(s), what country was the victim a citizen of?**

Style: Dropdown menu with list of countries

Possible eliminations: None (for informational purposes for interview, possible UJ prosecution abroad)

WHY? I think we either might eliminate this question or just not make it part of our data collection. It was for territorial jurisdiction for a criminal UJ case or immigration penalty in another country

**11**

**Question: Do any of the people responsible for the abuse(s) ever travel outside the country where the abuse(s) happened?**

Style: Dropdown menu – yes, no, unknown

Possible eliminations: None (for informational purposes for interview, possible UJ prosecution abroad)

WHY? I think we either might eliminate this question or just not make it part of our data collection. It was for territorial jurisdiction for a criminal UJ case or immigration penalty in another country.

**10**

**Question: Do any of the people responsible for the abuse(s) ever visit Canada?**

Style: Dropdown menu – yes, no, unknown

Possible eliminations: ‘No’ or ‘unknown’ eliminates Canada immigration penalties

WHY? Territorial jurisdiction for action in Canada. To determine if a criminal UJ case or immigration penalty might be possible in Canada

**14a**

**Question: In your opinion, in the country where the abuse(s) occurred, are the courts fair, independent and impartial, such that justice can be achieved there?**

Style: Dropdown menu – yes, no, unknown

Possible eliminations: None (this just sets up questions 14b and 14c)

**14b –** proceed to this question regardless of answer to 14

**Question: Did the victim or the victim’s family try to bring a case or a complaint before the courts, the police or other authorities in the country where the abuses occurred?**

Style: Dropdown menu – yes, no, unknown

Possible eliminations: If ‘Yes’ to 14a and ‘No’ to 14b, eliminates ICC, most UN treaty bodies, may eliminate regional tribunals

**14c** – if ‘yes’ to 14b

**Question: What was the result?**

Style: Dropdown menu – ‘Investigation or prosecution still ongoing’; ‘No investigation’;’ Inadequate investigation’; ‘A court held someone responsible’; ‘Someone was put on trial but was found not guilty’

Possible eliminations: (need research)

WHY? Admissibility re exhaustion of domestic remedies. To determine whether the mechanism would reject the case based availability of remedies in country where the abuses happened.

**15**

**Question: Has the victim or the victim’s family submitted a complaint to any other international court or body?**

Style: Dropdown menu – yes, no, unknown

Possible eliminations: Treaty bodies

WHY? Admissibility re deference to other bodies. To determine whether the mechanism would reject the case based a complaint before another international body.

**13a**

**Question: At the time of the abuse(s), was the victim a citizen of any other country?**

Style: Dropdown menu – yes, no, unknown

Possible eliminations: None (for informational purposes for interview, possible UJ prosecution abroad)

**13b** – if ‘yes’ to 13a

**Question: Of which other country was the victim a citizen at the time of the abuse(s)?**

Style: Dropdown menu with list of countries

Possible eliminations: None (for informational purposes for interview, possible UJ prosecution abroad)

WHY? I think we either might eliminate this question or just not make it part of our data collection. It was for territorial jurisdiction for a criminal UJ case or immigration penalty in another country