



# THE STARVATION TRAINING MANUAL

An International Framework Guide to the Law of Starvation

Second  
Edition



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Global Rights Compliance specialises in services associated with bringing accountability for violations of international humanitarian law and international human rights law.

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# WHO WE ARE

**GLOBAL RIGHTS COMPLIANCE (GRC)** is a hybrid international law and development firm with one mission: to seek and achieve justice through the innovative application of the law. We specialise in on-the-ground international humanitarian law (IHL) and human rights issues in conflict-affected and high-risk areas around the world, working to identify, prevent and mitigate adverse IHL and human rights impacts.

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Additionally, we are immensely grateful to **Wayne Jordash QC**, the Managing Partner at GRC and **David Akerson**, Senior Legal Consultant for their expert review. We also thank our former Legal Consultant with GRC – **Kate Vigneswaran** for her inputs on various sub-sections of the manual and open-source investigation (OSINT) experts – **Yvonne McDermott Rees**, Professor of Law at Swansea University and Principal Investigator on OSR4Rights and **Dan Anlezark**, Clinton and Sky Global Challenges Scholar and OSINT specialist previously serving the Group of Eminent Regional and International Experts on Yemen (GEE Yemen) for their inputs on the OSINT section of the Manual.

The First Edition of the Manual was drafted by experienced international criminal and human rights lawyers and former Consultants at GRC - **Margherita Stevioli**, **Uzay Yasar Aysev** along with **Niriksha Sanghvi** and externally reviewed by **Oliver Windridge**.

We are also grateful to the volunteers and interns who have over the years assisted in making the Manual.

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# EXECUTIVE SUMMARY

Most instances of starvation today occur within the context of armed conflict. Man-made starvation is deliberately used against civilians in Yemen, Syria, South-Sudan, Somalia, Ethiopia, and Myanmar to name a few. The use of starvation as a tool of conflict is an international crime. The Starvation Manual is the first resource for identifying, documenting, preserving and utilising information relating to the crime of starvation.

The variance of civilians and Practitioners now bearing witness to starvation related atrocities has changed the face of human rights reporting and accountability. This Manual offers a unique toolkit for this wide audience. We use the term Practitioners to include: professional investigators, human rights defenders (often referred to as first responders); journalists; civil society

organisations; academics, military and police officers; humanitarians and stakeholders interested in being able to identify where lines have been crossed and what options for redress or accountability there may be. Some Practitioners find themselves in the distinctive position to conduct investigations into the commission of the crime of starvation but without adequate training or access to best practice information.

The Starvation Manual is intended to fill this gap and counteract the insurgency of famines and acute food-insecurity, enabling Practitioners to monitor, document and where suitable (and possible) pursue avenues towards holding perpetrators to account. The aim of the Starvation Manual is to:



If Practitioners on the ground have an increased capacity to identify and document the occurrence of starvation, civilian protection will be enhanced through the increased awareness of the legality of military activity, the identification of International Humanitarian Law (IHL) and International Human Rights Law (IHRL) provisions that demand the non-interference with humanitarian relief operations. It will increase the provision of tools to enable more effective negotiation with warring parties, the provision of tools to promote accountability or public awareness of the violation, and early preventative action.

The International Criminal Court's (ICC) extensive international criminal law (ICL) mandate and the proliferation of UN-backed human rights investigative bodies have created a demand for high quality investigations. The Starvation Manual provides Practitioners with a toolkit of guides, templates, advice and information on how to engage with international actors involved in investigating starvation crimes.

The Starvation Manual relies heavily on ICL standards which represent the most widely accepted international standards for the investigation and prosecution of international crimes. But these standards can apply equally to domestic prosecutions of starvation crimes and findings of human rights bodies relating to starvation. Respect for these standards increases the likelihood that relevant information is collected safely and in ways that optimise its potential use as evidence in future national or international trials or accountability mechanisms, including the ICC.

The Starvation Manual is divided in three parts.

**FRAMEWORK GUIDE:** Part One sets out the legal frameworks the starvation-related crimes or violations exist in, including ICL, IHRL, and IHL. It explains on an introductory level what to look for in a starvation investigation by analysing the elements of the war crime of starvation under the Rome Statute and twenty-five viable alternative crimes that may be found in a starvation situation. These crimes are analysed in detail with examples of evidence needed and questions to consider towards effective investigation and case-building.

**BASIC INVESTIGATIVE STANDARDS:** Part Two is tailored for various Practitioners. It provides guidance on the conduct of a starvation investigation that could support a future prosecution or accountability. It identifies the essential investigative principles that must be adhered to and examines the available techniques with a view to explore their use in a starvation investigation. It features unique guides on how to conduct OSINT and how to interview vulnerable individuals. This is prepared in consultation with leading food-security, investigative and documentation experts, and accompanied by template interview questionnaires.

**REMEDIES AND STANDARD OPERATING PROCEDURE:** Part Three provides an overview of the mechanisms that can be approached with regard to a starvation-related crime or violation. It offers step-by-step guides for Practitioners to bring a case, submission, or complaint before the UN human rights bodies, commissions of inquiry, investigative mechanisms, and expert groups. This part also analyses the obligations and avenues for engagement arising out of UN Security Council Resolution 2417. This landmark resolution underscores that the deliberate use of starvation as a method of warfare is a war crime, highlighting for the first time the nexus between conflict and hunger.

The **First Edition** of Starvation Training Manual was published in 2019 followed with set of trainings held in 2019 and 2020 with a range of Practitioners from Syria, South Sudan, Yemen and Venezuela. With positive response received during training, the Manual has been updated and revised to incorporate the feedback and additions suggested. In its **Second Edition**, the Starvation Training Manual has been expanded to include new sections on starvation-related prohibitions under international human rights law and IHL, on conducting open-source investigations (OSINT) and international sanctions as they relate to starvation.

In the next stage, the Starvation Training Manual will be developed into a mobile app<sup>1</sup> tailored to (and translated for) specific conflicts or situations where conflict-induced hunger is prevalent.

<sup>1</sup> The Starvation App currently in development would mirror GRC's main **Basic Investigative Standards (BIS) App**. The **BIS App** provides in a digestible form, a distillation of up-to-date international standards that explains IHL obligations and enables the user to document IHL and ICL violations, as well as integrate IHL standards into a range of humanitarian mandates in order to enhance the protection of civilians. Launched in May 2019 and available for free download across Apple and Android stores.

# PART 1: STARVATION WITHIN INTERNATIONAL LEGAL FRAMEWORKS

Intentionally depriving civilians of objects indispensable to their survival (OIS) is increasingly used as a method of warfare as evidenced across a range of recent conflicts in Syria, Yemen, and South Sudan.

‘Starvation’ is a term used across the fields of relief operations, early warning responses, political analysis, and international law. Under international law, it denotes both death by hunger or deprivation of nourishment as well as a more general deprivation or insufficient supply of some essential commodity or something necessary to live.<sup>2</sup> Although ‘starvation’ in the English language implies death as a result, under International Humanitarian Law (IHL) and International Criminal Law (ICL), it also encompasses a range of illness and disease resulting from the lack of food, medicines, and other essential commodities. Other fields frequently refer to terms such as ‘malnutrition’, ‘famine’ and ‘food insecurity’, which are explained in the [Glossary](#).

Despite some early references to the prohibition of starvation,<sup>3</sup> it was only after the end of the Second World War that starvation was recognised as a prohibited method of warfare under both IHL and ICL. This recognition was further solidified with the advent of the Rome Statute of the International Criminal Court (ICC), which in 2002 featured for the first time on the international level the war crime of starvation. Notwithstanding this recognition, starvation has remained on the margins of prosecutorial practice, allowing other more ‘traditional’ atrocity crimes to take the centre stage.

<sup>2</sup> K. Dörmann, L. Doswald-Beck, and R. Kolb, *Elements of War Crimes under the Rome Statute of the International Criminal Court: Sources and Commentary* (Cambridge University Press [CUP] 2003) (‘Dörmann et al. (2003)’). See also O. Triffterer and K. Ambos (eds), *The Rome Statute of the International Criminal Court: A Commentary* (3rd edn, Beck/Hart/Nomos 2016) (‘Triffterer et al. (2016)’), p. 510; W. A. Schabas, *An Introduction to the International Criminal Court* (5th edn, CUP 2017) (‘Schabas (2017)’), p. 512: ‘the meaning of “starvation” is not necessarily restricted to a deprivation of food and water, but may also cover the deprivation of other essential things such as clothing, medical supplies or objects needed to harvest and process food’.

<sup>3</sup> Hague Regulations, ‘Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties: Report Presented to the Preliminary Peace Conference, 29 March 1919’ (1920) 14(1/2) *American Journal of International Law* 95, p. 144.

<sup>4</sup> Cf. ICTY Statute; ICTR Statute; SCSL Statute; Law on ECCC.

<sup>5</sup> Law on Specialist Chambers and Special Prosecutor’s Office, Article 14(1)(b)(xxv).

<sup>6</sup> Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (2014), Articles 28D(b)(xxvi) and 28D(e)(xvi).

# PART 2: BASIC INVESTIGATIVE STANDARDS

Part 2 addresses the practical aspects in an investigation of starvation. It is based on GRC's **Basic Investigative Standards for International Crimes (BIS) mobile app**<sup>1006</sup> which helps to ensure that relevant information is safely collected, handled and preserved, thereby optimising its potential as useful and admissible evidence in future national or international trials, or before other accountability mechanisms. The BIS relies heavily on the evidentiary standard established at the ad hoc tribunals and adopted by the ICC. This is the most widely accepted standard for the investigation and prosecution of international crimes.<sup>1007</sup>

Part 2 consists of the following:

1. **Six Essential Rules** sets out six investigative and ethical principles that must be adhered to in any investigation;
2. **Building a Case of Starvation** lays down the roadmap toward a complete investigation of starvation, highlights the pitfalls, and provides guidance on how to avoid them;
3. **Investigation Preparation** prescribes the practical steps that will enable an effective and safe investigation of starvation;
4. **Collecting and Preserving Evidence** details the standards and procedures to be followed when dealing with various types of information during a starvation investigation, and provides specific guidance on the interaction with vulnerable individuals;<sup>1008</sup> and
5. **Children-Related Investigation** sheds light on what and how to look into children-related issues in a starvation investigation;
6. **Open Source Investigation** introduces this increasingly popular and important investigative technique, and explores how it can lend itself to a starvation investigation.<sup>1009</sup>

<sup>1006</sup> GRC's *Basic Investigative Standard's App*, is an IHL innovation and the first free mobile phone app designed to ensure that human rights defenders, civil society organizations ('CSOs'), national investigative and judicial authorities and UN-backed judicial and reporting bodies and humanitarian actors have immediate access to essential IHL and ICL expertise to enhance national capacities to prohibit, prevent and punish serious violations of international crimes. The BIS App is the only tool in the human rights market that provides immediate access to IHL and ICL standards to enable integration and implementation of the norms throughout all conflict-related work. The App is available for free download at Apple and Android stores. Since its launch in May 2019, the BIS App has been approved for use by the UK's Foreign Commonwealth Office to support local investigations and prosecution of Da'esh crimes in Iraq, implemented by a myriad of CSOs working on documentation, incorporated into Leiden University's ICL curriculum, recommended for use by the US Holocaust Museum, described by the Public International Law and Policy Group as a 'new and powerful resource tool' to be introduced to their network of Rohingya documenters in Bangladesh, and adopted by various stakeholders to advance international justice aims in a range of conflict affected regions, including Syria, Yemen, Iraq and Ukraine. The Manual has been translated into Russian, with a Russian translation of the App released early 2020.

<sup>1007</sup> Similar to GRC's BIS App, this Section of the Starvation Manual draws upon existing investigative guides such as the exemplary Groome Handbook and the PILPG Handbook, amongst others.

<sup>1008</sup> See, in particular, *Gender-Specific Considerations* at p. 145, *Children-Related Investigation* at p. 146, and *Interviews of Elderly or Disabled Individuals* at p. 143. Invaluable contributions and edits have been made by Dyan Mazurana, Research Director at the Feinstein International Center at the renowned Friedman School of Nutrition Science and Policy. Dyan has been engaged for over 20 years in field research, documenting and investigating, co-authoring guides, best practice manuals and expert reports in relation to women and children's right during armed conflict, post conflict and the effects on victims, civilian populations and armed groups.

<sup>1009</sup> Invaluable contributions and edits have been made by two leading experts in the field of open source investigation: Professor Yvonne McDermott Rees at Swansea University and Principal Investigator on OSR4Rights, and Dan Anlezark, Clinton and Sky Global Challenges Scholar and OSINT specialist previously serving the Group of Eminent Regional and International Experts on Yemen (GEE Yemen).

# PART 3: REMEDIES AND STANDARD OPERATING PROCEDURE

With their on-the-ground information and direct contact with the affected individuals and communities, Practitioners involved in the documentation of atrocity crimes in conflict can play a crucial role in furthering the accountability efforts of the international community. There are various ways in which Practitioners can approach the international bodies alleging violations of international human rights law (IHRL) and international humanitarian law (IHL) and to raise awareness and advocate for accountability of crimes under international criminal law (ICL). Some of the mechanisms discussed in this Part are:

- International Criminal Court (ICC);
- UN bodies under human rights treaties and conventions;
- UN fact-finding missions (FFM);
- Universal Jurisdiction: some states have developed national legal infrastructure to investigate and prosecute alleged national and foreign perpetrators of war crimes, crimes against humanity and genocide; and
- Sanctions regimes.

Part 3 is split into six sections, offering specific guidance on engaging with and utilising different avenues for redress and remedy:

- [UNSC Resolution 2417 including how Practitioners can utilise it](#) at p. 155.
- [Engaging with the Courts](#) at p. 159.
- [Engaging with the UN Bodies](#) at p. 169.
- [Engaging with the Investigative Bodies](#) at p. 176.
- [Case Selection and Prioritisation](#) at p. 180.
- [Engaging with Sanction Regimes](#) at p. 184.

Starvation has been highlighted as a war crime in Resolution S/RES/2417 (UNSC 2417) passed unanimously by the UN Security Council in May 2018.<sup>1252</sup> The resolution implores member states to prevent, prohibit and hold to account those who commit the crime in international or non-international armed conflict. It also urges states to conduct proper investigations within their jurisdiction into the crime of starvation, including the unlawful denial of humanitarian assistance to the civilian population in armed conflict, and take action against those responsible in accordance with domestic and international law. UNSC 2417 is analysed in detail in [UNSC Resolution 2417 including how Practitioners can utilise it](#) at p. 155.

This chapter provides an overview of the entry requirements, the policy and practical factors considered by different mechanisms to enable Practitioners to better strategise their efforts. Whereas the international and national institutions are often overwhelmed with the scale of the violations reported, to ensure effective accountability, most of them, especially the ICC, have a process of selection and prioritisation of incidents and perpetrators. To assist their decision making and ensure that the information collected by Practitioners is utilised, the relevant principles are discussed in [Case Selection and Prioritisation](#) at p. 180.

Many courts will only consider the materials collected when the case admissibility threshold are met. In this regard, the ICC Prosecutor has a set of well-developed criteria to analyse gathered information before opening a preliminary investigation into a situation. Practitioners interested in sharing information with the ICC Prosecutor under Article 15 of the Rome Statute can refer to [Engaging with the Courts](#) at p. 161 which provides a step-by-step template of an ICC Communication.

Meanwhile, the jurisdiction and admissibility criteria of national courts exercising universal jurisdiction are country-specific and linked to the legal system in which it is operating. They are also aligned to national domestic investigative priorities and legislative frameworks. The practical realisation of universal jurisdiction cases for core international crimes is explained in [National Courts](#) in the section on [Engaging with the Courts](#) at p. 166.

<sup>1252</sup> UNSC Res 2417 (24 May 2018) UN Doc S/RES/2417.

Practitioners can also approach various UN bodies to share information on human rights and humanitarian law violations. The UN hosts several procedures through which groups and individuals can submit complaints against states on behalf of victims, highlight gross patterns of human rights violations and advocate for legal and policy changes. These procedures include charter-based bodies such as the Human Rights Council Complaint Procedure and treaty-based bodies such as the Special Procedures of the Human Rights Council as well as the Monitoring and Reporting Mechanism established by the UN Security Council. The mandate of these bodies and procedure for filing complaints with them are explained in [Engaging with the UN Bodies](#) at p. 169.

Additionally, many country or conflict-specific fact-finding missions, commissions of inquiry, investigative mechanisms and expert groups established by the UN General Assembly, the UN Security Council, or the UN Human Rights Council also have a wider mandate of investigating and documenting both IHRL and IHL violations in conflict situations. Recently, these entities have seen a shift in their focus from mere fact-finding to a more accountability-oriented objective by documenting evidence and building case files against alleged perpetrators. In this sense, these entities can operate in conflicts where no existing court has jurisdiction while laying the foundation for future international, regional, and national prosecutions. Most of these entities can receive submissions from groups and individuals who have credible information about alleged violations. Section on [Engaging with the Investigative Bodies](#) at p. 176 outlines their mandate and the procedure for submissions by Practitioners.

And finally, Practitioners may seek sanctions to address starvation crimes. This is an option specifically identified in UNSC 2417.<sup>1253</sup> Indeed, supranational entities like the UN and the European Union as well as various Northern American and European states have sought to use sanctions targeted at individuals and entities deemed responsible for human rights violations and/or international crimes, under which they have also occasionally considered starvation-related conduct. The section on [Engaging with Sanction Regimes](#) at p. 184 considers the functioning of five key sanctions frameworks (as established and operated by the UN, EU, US, UK and Canada), including guidance on how to approach and make submissions to them.

Note that Part 3 of this manual does not address any IHL-specific options for action. There are few IHL mechanisms capable of monitoring compliance with IHL by parties to an armed conflict.<sup>1254</sup> Given the broad acceptance of the concurrent application of human rights law and IHL during armed conflicts,<sup>1255</sup> compliance with IHL is often monitored by human rights bodies and remedies are sought in this context. Similarly, IHL violations can be considered under ICL, particularly war crimes.<sup>1256</sup> Therefore, while IHL rules are not justiciable *per se* before human rights bodies, violations of the warring parties in armed conflict which amount to IHRL violations could fall under the scrutiny of judicial or quasi-judicial human rights bodies<sup>1257</sup> and those which amount to ICL crime can be adjudicated in various courts and tribunals.

<sup>1253</sup> UNSC Res 2417 (24 May 2018) [UN Doc S/RES/2417](#), para. 9: 'Recalls that the Council has adopted and can consider to adopt sanction measures, where appropriate and in line with existing practice, that can be applied to individuals or entities obstructing the delivery of humanitarian assistance, or access to, or distribution of, humanitarian assistance.'

<sup>1254</sup> The only mechanism within the IHL framework with potential is the [International Humanitarian Fact-Finding Commission \(IHFFC\)](#), which is a permanent fact-finding body established by Additional Protocol I to the 1949 Geneva Conventions. The IHFFC is mandated to carry out enquiries into alleged grave breaches or serious violations of IHL, and to exercise conciliation functions. The IHFFC has only been used once, specifically when it undertook a forensic investigation into the death and injury of staff of the OSCE mission in Eastern Ukraine at the request of the inter-governmental organisation. See [IHFFC, OSCE Special Monitoring Mission was not targeted, concludes Independent Forensic Investigation into tragic incident of 23 April 2017 \(7 September 2017\)](#).

<sup>1255</sup> See [Linkage with IHL and ICL](#) at p. 16.

<sup>1256</sup> See [Linkage with IHL and ICL](#) at p. 16. This manual does not address domestic court-martial system as it is highly country-specific. For further inquiries please contact us at [info@globalrightscpliance.co.uk](mailto:info@globalrightscpliance.co.uk).

<sup>1257</sup> G. Giacca, 'Economic, Social, and Cultural Rights in Occupied Territories' in A. Clapman, P. Gaeta, M. Sassòli (eds) [The 1949 Geneva Conventions: A Commentary](#) (OUP 2015), p. 1498.

The **Starvation Training Manual** is a unique toolkit designed for a wide audience including: professional investigators, human rights defenders, journalists, civil society organisations, academics, military and police officers, and humanitarians, interested in being able to identify the deliberate use of starvation, strengthen protection strategies and insulate their operations, reporting and responses.

It enables Practitioners for the first time to:

- monitor and respond to situations of starvation;
- enhance the institutional understanding of starvation;
- ethically and effectively identify and document the crime of starvation; and
- build evidential dossiers meeting international standards for use in judicial or adjudicative mechanisms, including the International Criminal Court, UN treaty and charter bodies, national jurisdictions, and before sanctions regimes.

The Manual consists of three parts:

- i. **STARVATION WITHIN INTERNATIONAL LEGAL FRAMEWORKS:** Setting out the legal frameworks the starvation-related crimes or violations exist in, including international criminal human rights and humanitarian law, it explains on an introductory level what to look for in a starvation investigation against the elements of the crime of starvation and starvation-related crimes.
- ii. **BASIC INVESTIGATIVE STANDARDS:** Tailored for the range of Practitioners, this section identifies the minimum standards (collection, documentation and preservation of evidence) that should be adhered to when investigating starvation related offences and to capacity build on best practice. It features unique guides on how to conduct OSINT investigations and how to interview vulnerable individuals. This is prepared in consultation with leading food-security, investigative and documentation experts, and accompanied by template interview questionnaires.
- iii. **REMEDIES AND STANDARD OPERATING PROCEDURE:** An overview of the mechanisms that can be approached with regard to a starvation-related crime or violation. It offers step-by-step guides for Practitioners to bring a case, submission, or complaint before the UN human rights bodies, commissions of inquiry, investigative mechanisms, and expert groups. This part also analyses the obligations and avenues for engagement arising out of UN Security Council Resolution 2417 which underscores that the deliberate use of starvation as a method of warfare is a war crime.



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