

CIVITAS MAXIMA CODE OF ETHICS¹

Civitas Maxima (CM) is a non-governmental organization with the objective of eradicating impunity for core international crimes committed during armed conflict or other periods of violence. It does so through the documentation of international crimes, the legal representation of victims, the building of local investigative capacity and, if appropriate, the transmission of case files to relevant prosecutorial authorities. CM is guided by a firm belief in the rule of law, the universality of human rights, as well as the principles of non-discrimination and “do no harm” while simultaneously recognizing that accountability efforts must be locally driven and done in the name of the victims.

This Code of Ethics (the Code) underpins CM’s commitment to maintaining the highest standards of integrity, rigor and excellence in all aspects of its work and that these actions are conducted according to the appropriate ethical, legal and professional framework and standards. It provides a framework for the governance of all activities carried out by CM and requires that all staff adhere to the highest standards of performance and ethical conduct. The Code is divided into two parts, first laying out the duties that CM as an organization owes its staff, partners and other stakeholders and secondly describing the ethical obligations of CM staff while working for CM.²

As CM continues to expand, it is legitimate, healthy, and strategically important to continually examine ethical and practical responsibilities. CM will monitor and, where necessary, improve the Code in order to further strengthen its integrity.

PART I – Ethical obligations of CM as a human rights organization

1. Ethical obligations towards victims and witnesses of mass and other atrocities

CM cannot solve every problem alone and owes a realistic assessment of its limitations to victims it serves. A healthy dose of humility tempered with a realistic assessment of the situation is necessary. The best human rights defenders quickly realize their limitations and if necessary identify potential partners among local and international actors to provide the required expertise, resources, and influence for medical, psychological or other assistance.

CM has a duty to preserve the confidence of victims/witnesses under any and all circumstances. CM

¹ This protocol is largely built upon and inspired by the academic work of international scholars such as Elizabeth Griffin, “The Ethical Responsibilities of Human Rights NGOs”, *The International Journal of Not-for-Profit Law*, Vol. 15, Issue 2, December 2013 and Nottingham University (commissioned by OHCHR), “Guiding Principles for Human Rights Officers Working in Conflict and Post-Conflict Environments”, 2008. CM is grateful for the opportunity to build on the efforts of outstanding academics in the field of ethics.

² The term “staff” used throughout this document refers to all employees, contractors, interns, consultants, intermediaries and local partners who work with or for CM.

commits to always putting the best interest of the victims it serves first, regardless of where organizational development may lead. For other ethical duties that each staff member owes to victims and witnesses, please see Part II of this protocol.

2. CM's neutrality

CM does not accept any money or instructions from individual states. Similarly, CM's staff shall never take sides while working in conflict or post-conflict societies, meaning that victims of all parties to a conflict are worth being represented, all crimes should be investigated and the possibility of advocating for victims on all sides shall never be excluded.

It should, however, be noted that CM's mandate focuses on those victims who have "fallen through the cracks" of the national and international justice system. Thus, the focus of its work will often be on the "abandoned" side of a conflict. Moreover, it is often logistically, ethically and legally impossible to present several sides to a conflict. Nevertheless, especially concerning protracted conflict situations it may be feasible for CM to represent victims of various armed groups who suffered violations during different phases of a conflict and in different geographical areas.

3. Ethics of choosing where to work

CM needs to consciously, and at all times, reflect on the position it takes and the rights it defends. CM may focus on certain populations facing particular risks for obvious reasons and must make strategic decisions about which issues, human rights violations, people, cases and countries it will focus on. Such decisions must be justified by reference to numerous factors such as CM's mandate, available resources and expertise, the urgency or seriousness of a given case, the interest of stakeholders (primarily victims) and the potential impact of the work in source countries. Though issue selection is inevitable and legitimate, CM has a responsibility to reflect on the choices made and their consequences. CM always needs to be able to justify, in particular to those who are left out, why it prioritizes certain groups of victims over others. Reference shall be made to the internal guidelines on this subject (CM internal guidelines on choosing where to work).

4. CM's ethical duties towards staff members

CM is responsible for the safety of all involved in the investigative and analytical work, ensuring that the work is carried out in accordance with health and safety policies and legal requirements. CM must take responsibility for ensuring that its work is conducted in a suitable working environment with appropriate equipment and facilities. The specific security measures that CM is responsible for are detailed in CM internal Security Protocol.

CM has a duty to implement safeguards to protect staff members from attacks, intimidation, reprisals or retribution, and from discrimination based on such factors as race, age, color, sex, disability, sexual orientation, language, religion, political or other opinion, or national or social origin. CM shall deal swiftly with allegations of unprofessional conduct, financial impropriety, sexual harassment and discrimination in a fair and transparent manner keeping in mind the value of its reputation and the effect its actions have on the human rights profession as a whole. CM should inform staff members of its policies regarding ethical conduct and assist them in resolving questions and in reporting suspected violations. Retaliation against employees who report suspected violations will not be tolerated.

CM has a duty to pay all staff members adequately and on time.

Whenever necessary, and as far as funding permits, CM shall provide debriefings and free access to professional services to prevent and treat stress, burnout and post-traumatic stress disorder.

The training needs of all staff at all career stages should be considered to ensure that skills reflect best practice in the sector.

CM has a responsibility to ensure that all staff (excluding interns and some short-term contractors) has valid health and accident insurance to the extent feasible.

5. CM's ethical duties towards partners in source countries

A principal objective of CM's work is to empower individuals and organizations to protect and claim their human rights in the interest of strengthening the rule of law in their respective countries. CM's ultimate goal is to work itself out of the job. "Reinforce, don't replace" shall be the underlying paradigm of all strategic planning for partnerships with national counterparts, with local organizations becoming increasingly independent from foreign influence and resources. Whenever appropriate, CM shall defer to its local partners' judgment regarding the development, implementation and design of CM's projects. CM believes that justice and accountability mechanisms in source countries shall be prioritized whenever possible.³

When working with organizations in source countries, CM believes in co-operation on the basis of shared values and vision. Both parties should learn from each other and this should lead to increasingly close partnerships in the interest of addressing impunity challenges. CM recognizes that such partnerships are not often based on equal degrees of power but should be based on an equal commitment to shared goals. Inequality of power should be redressed by both parties through practical action. At the same time, however, CM shall ensure that its capacity building programs are monitored and that there is an obligation on local partners to use and build on the skills acquired with CM's assistance.

Although much of human rights law is considered customary and universal, debate continues on its local application. CM needs to work closely with local partners to ensure that the spirit of international human rights law is applied while recognizing local cultural specificity consistent with this law. Local partners help CM identify how best to reconcile respect for local practices while upholding the universality of human rights regardless of culture, religion or region.

6. CM's ethical duties towards donors

As a non-profit organization CM is responsible for the probity of the financial management of all projects and for seeking to provide the optimum value to funders, including effective project management to agreed plans and appropriate quality standards as well as the timely delivery of any scheduled tangible outcomes.

Finances, staff and resources should be managed properly and in a transparent manner, with safeguards against corrupt or illegal behavior. CM has a responsibility not to waste money on ineffective projects or staff.

³ Source countries are the countries in which crimes investigated by CM originated. It is important to note that universal jurisdiction (**forum deprehensionis**) is only one of the tools used and that local in-country avenues to justice will always be preferred.

When CM's work is funded by more than one funding body, CM has a responsibility to ensure that there is no conflict between the terms and conditions of the different funding bodies.

Donor-imposed ethical obligations must be adhered to. In the unlikely event that a donor's ethical obligations conflict with this Code, CM shall endeavor to resolve the issue and find a way to reconcile the two.

7. Duty to continuously re-assess the ramifications of CM's work

CM shall strive to evaluate the impact of its work in general and on the ground whenever possible. Moreover, CM as an organization shall guarantee an on-going review of its methods as well as its place and relevance in the landscape of global conflicts and peace processes. CM has a duty to constantly re-assess whether its work is still relevant, ethically sound and wise. Such an assessment shall take into account recent developments in academic literature, not only in international law but also in various other disciplines, including political science, law, anthropology, and sociology. Ongoing research shall be conducted internally in cooperation with interested Board members and, if necessary, external academic partners.

8. Enforcement of ethical standards

CM shall ensure that all of its staff sign and adhere to this Code as well as the Statement of Ethical Commitment of Human Rights Professionals (written by the Human Rights Law Centre at the University of Nottingham in 2008 and annexed to this Code).

CM shall further guarantee regular internal discussions, including with its Board, of ethical issues that have arisen or may arise in its work. In order to ensure that independent, external views are heard, CM shall maintain an informal roster of trusted contacts and experts who can advise on ethical dilemmas and flag ethical issues which risk being overlooked during internal discussions.

In addition, CM shall endeavor to appoint each year a consultant who reviews the ethics of CM's work, while also auditing and evaluating its programs. The exact mandate of the consultant will be decided after consultation with the Board.

PART II – Ethical obligations of CM staff in their daily work

1. Foundations

“Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics” (Article 11 of the UN Declaration on Human Rights Defenders, 1998).

Everyone working for CM in investigation, legal analysis, administration or outreach must be accountable to society, to their profession, to CM, to the victims and to its funders. Staff must accept full responsibility for their own conduct and for the conduct of everyone under their direction or supervision. CM staff will not engage in conduct or activities that may undermine or compromise CM's mandate, impartiality, or reputation or otherwise cause embarrassment to CM. Conduct that is prohibited under this Code may not be carried out by anyone outside CM on CM staff's behalf.

All staff shall commit to conducting themselves with honesty, sincerity, integrity, loyalty, morality and good conscience in all situations. Everyone working for CM must be honest and lawful in their own actions and their responses to the actions of others. This applies to the whole range of CM's work, outputs and deliverables, including investigation and statement taking, applying for funding, generating and analyzing data, publishing results and acknowledging the direct and indirect contribution of colleagues, collaborators and others. Plagiarism, deception or the fabrication or falsification of results shall be regarded as misconduct and a serious disciplinary offence. Criminal offences will have to be reported to the respective authorities.

Staff must ensure that their project plans or investigation plans, as provided in CM's internal Protocol on Investigation and Documentation, are ethically sound and have received the approval of CM's Director who will assess them according to the principles laid out in this Code and relevant internal protocols. Projects must be implemented in line with the general principles of the organization as defined by its Statute, this Code, CM's Strategic Plan and other relevant protocols. External experts, as mentioned in Part I, may need to be consulted. All projects must comply with all relevant statutory and regulatory authorities before they commence.

2. Duties towards victims and witnesses of mass atrocities and international crimes

"The primary commitment is to individuals, communities and people we serve and in cases of professional dilemma or uncertainty, this principle shall be the fundamental consideration." (Statement of Ethical Commitment of Human Rights Professionals drafted for UN Human Rights Officers, 2008).

The "do no harm" principle guides human rights work worldwide. The primary responsibility of CM staff is to consciously prioritize the needs and interests of the people it aims to protect, act for, assist, or represent. Respect for human dignity is shown when staff ensures that their actions do not lead to further victimization or misrepresentation of the survivors of human rights violations in their legal representation, investigation and fundraising work. Since CM represents others, it must take particular care to ensure that methodologies are in place to prevent misrepresentation of victims' interests as well as misrepresentation of evidence collected. Fact-finding and investigation processes must ensure that work is respectful and effective and that it does not sacrifice the individual in pursuit of a broader cause.

All staff, investigators and analysts in particular, commit to preserving confidentiality and the victims' and witnesses' identities and trust under any and all circumstances unless exceptional circumstances arise, as detailed in CM's internal Protocol on Investigation and Documentation. In cases where witnesses' interests may be contrary to criminal law because they are so-called "insiders", staff shall also refer to internal guidelines.

It is of crucial importance that all staff members re-evaluate on a regular basis whether their actions are still in line with victims' interests. Moreover, all staff shall make sure that the victims it works with and for are regularly updated regarding the development of cases that CM may or may not pursue in their name.

Marginalized members of society, including those who have survived human rights violations, are usually vulnerable. They have no financial stake in CM's actions because they do not pay for its services. Staff needs to be aware of this power dynamic and constantly review the processes used to ensure consultation and inclusion. The fight to survive as an organization may mean that CM staff is tempted to inadvertently prioritize their donors' agendas or administrative goals over the needs of

the people CM aims to serve. All staff shall constantly be aware of this tension and never abandon the best interest of the victims they work for and represent. Staff should not make false promises: they should be honest and realistic regarding CM's mandate and manage, as much as possible, victims' and witnesses' expectations.

3. Personal Data

Unless there are ethically and legally justified reasons for doing otherwise, staff must ensure that they have each victim's/witness' explicit informed written consent to obtain, hold, and use their personal information.

All staff members have a duty to ensure that witnesses/victims provide information in a voluntary way, after having provided informed consent, are free from any coercion, are aware of the potential risks connected to their engagement with CM and that they have signed a form, which states this accordingly. Victims'/witnesses' personal information should be considered confidential and disclosure to third parties is prohibited. Staff may never disseminate information provided by victims/witnesses without their express consent obtained in writing. All staff shall ensure that all personal records of investigations are maintained to the recommended or required standards and that the falsification of information does not occur. Internal Protocols shall be strictly followed at all times.

Only personal information pertinent to potential cases and crimes should be collected.

Data security arrangements must be sufficient to prevent unauthorized breaches of confidentiality. All staff is responsible for careful handling of information collected from victims/witnesses or other sources in accordance with CM's internal protocols on information security (See CM protocol on information security).

The question of how long CM keeps data of victims and witnesses and which process should be followed whenever victims and witnesses withdraw their consent for the use of their data, are dealt with in CM's internal Protocol on Investigation and Documentation.

4. Respect for local culture and customs

CM staff should endeavor to respect religious beliefs, customs, and habits of local communities and authorities. Professional behavior requires that appointments are rigorously kept, careful attention given to the choice of clothing when at work or in public and that staff recognizes and respects appropriate cultural practices such as formalities of greetings and praise, dress and comportment in public spaces. Staff members must exercise high personal integrity during their working and non-working hours, extending respect to nationals of host countries and to their colleagues.

Staff members have an obligation to ensure that prior to arriving on mission and during any mission they actively develop knowledge of the country in which they are working and seek to understand and reflect upon the application of international human rights law in this local context.

5. CM's mandate

All staff shall constantly re-assess whether their actions are in line with CM's mandate. Staff shall ensure not to overstep the bounds of CM's mandate and restrict themselves to providing legal and

investigative services. Health and psychological care can only be provided by partners and not by CM.

The mandate cannot cover all eventualities that may arise. Whenever a doubt arises with regard to the mandate, staff shall seek guidance from CM's Director who, if necessary, can seek guidance from the Board.

6. Conflicts of interest

All staff should declare and manage any real or potential conflict of interest. If members of the staff have any third party pecuniary or non-pecuniary interests, which may give rise to conflicts of interest in carrying out their CM duties, they should report them to the CM Director or their direct superior at the earliest opportunity. Whenever a CM staff member considers that they may be inclined to favor one side of a conflict over the other for personal ideological, religious or ethnic reasons, they must immediately raise this with their immediate supervisor.

7. Obligations towards source countries

All CM staff shall cooperate with all recognized and responsible law enforcement and governmental agencies in matters within the realm of their jurisdiction as long as the conduct of the aforementioned is in line with internationally recognized human rights standards and does not in any way threaten the interest or security of the victims CM serves. Staff should seek advice from their supervisors when national or local customary laws conflict with international norms.

8. Professional development

Every staff member has an ethical obligation and responsibility to further her or his professional development, notwithstanding the extent to which CM provides development opportunities. She or he shall not passively wait for training opportunities to appear but actively seek out possibilities to enhance skills and knowledge.

9. Adherence to ethical standards/complaint procedure

All staff shall sign and adhere to this Code and the Statement of Ethical Commitment of Human Rights Professionals (annexed to this Code).

The CM Director and supervisors should train the staff and act as advisors on ethics on a daily basis. The CM Director is also responsible for supporting the implementation of this Code and for monitoring compliance and sanctioning violations. If staff members have ethical concerns regarding the Director's conduct that they cannot resolve with him they shall raise it directly with CM's General Assembly and ask guidance from the Board, if necessary. Contact details for such purposes will be provided to all staff. Similarly, if staff disagrees with the Director's resolution of ethical issues and decision not to consult the Board or the general assembly on an issue, direct contact to the Board and General Assembly shall be established.

This code continues to apply to and place ethical obligations on former CM staff in relation to points 1,2, 5 and 7 in Part II once their employment contract is terminated.

Statement of Ethical Commitments of Human Rights Professionals

As human rights professionals, we share an unwavering dedication to human rights as enshrined in the Universal Declaration of Human Rights and other international instruments and hold to values of human dignity, equality and non-discrimination, justice, rule of law, international solidarity, mutual understanding and tolerance, and respect for the capabilities and values of others.

Our vision is a world in which every man, woman and child may live in dignity and freedom. We contribute to the attainment of this vision through strong personal commitment and the highest degree of professional integrity. We must undertake our work with truthfulness, humility and compassion. We shall at all times uphold the highest ethical standards.

As human rights professionals, we work in a variety of institutional settings. Irrespective of our affiliation and location, we affirm this statement of the main ethical principles and standards that guide us in our work:

1. The primary commitment of human rights professionals is to the human rights of the individuals, communities and peoples they serve; in cases of professional dilemma or uncertainty, this commitment shall be the fundamental consideration.
2. In all of their actions, human rights professionals shall promote and protect human rights on the basis of the international standards.
3. Human rights professionals are obliged to recognise and respect the dignity of every human being and to honour the principles of equality and non-discrimination on the grounds of race, colour, gender, sexual orientation, language, religion, opinion, national or social origin, disability, age, property, birth or other status.
4. Human rights professionals recognise their special responsibility towards the most vulnerable members of society, in particular regarding the protection, as a matter of the highest priority, of individuals who face immediate risk of grave human rights violations.
5. Human rights professionals in all their acts and expressions shall demonstrate and ensure respect for the dignity of victims and others affected by human rights violations. They shall act with a sense of propriety and cultural sensitivity.
6. Human rights professionals shall seek to anticipate any risks of harm to others that may arise in connection with their work and shall take every possible measure to avoid exposing individuals, communities or peoples to undue risks of harm.
7. Human rights professionals in all their activities shall respect the principle of participation that empowers individuals, communities and peoples. Human rights professionals shall strive to ensure the participation of the most marginalised and vulnerable members of society in activities and decisions that affect them.
8. Human rights professionals, both in their personal and official capacities, shall demonstrate respect for all individuals, irrespective of their cultural, religious and other values. This does not

preclude the legitimacy of candid dispute, disagreement or action regarding practices that may affect human rights.

9. Human rights professionals are committed to be impartial in the promotion and protection of human rights irrespective of the identity or status of perpetrators and victims. They shall endeavour to ensure that their impartiality is evident to all relevant actors.
10. Human rights professionals have a duty to react to actual and impending human rights violations that they confront and to alert their own organisations and, where appropriate, government authorities and other relevant actors.
11. Human rights professionals shall recognise the primary and fundamental importance of effective local human rights protection structures, governmental and otherwise, and shall seek to strengthen them.
12. Human rights professionals shall engage with colleagues and other counterparts, regardless of position and contractual status, in a just, respectful and constructive manner.
13. Human rights professionals shall be aware of any power or privilege that their position commands and refrain from abusing their status, especially in relations with members of the local community.
14. Human rights professionals shall work loyally and in conformity with the aims and regulations of their organisation. They bear a responsibility to bring to the attention of the organisation any of its policies or practices that they consider to be incompatible with human rights.
15. Human rights professionals have a duty to react appropriately to any serious ethical misconduct or human rights abuse, including sexual exploitation, that comes to their knowledge. This duty extends to acts committed by persons contracted by their own and partner organisations. The reaction may include reporting the misconduct to the competent authorities.
16. Human rights professionals shall be guided under all circumstances by the need to accomplish the objectives of their mission. This includes the avoidance of unnecessary and/or disproportionate risks to themselves and people working with them in the conduct of their professional activities.
17. Human rights professionals are obliged to stay informed about developments in international human rights standards and mechanisms, and to practice their profession accordingly.
18. Human rights professionals, in particular those in managerial positions, shall expend every effort to foster a work environment in which these ethical principles can be upheld.

This *Statement* should not be interpreted as restricting or limiting any ethical commitments made in the context of specific institutional employment.