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Monitoring and Documenting Human Rights Violations in Africa

A Handbook

Amnesty International and CODESRIA



Amnesty International



Council for the Development of
Social Science Research in Africa

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Introduction

Current context and trends of human rights violations

The African Charter on Human and People's Rights was adopted by African governments in October 1986. Despite some efforts and positive changes, many of the rights promised by the African Charter have been violated. For many countries and regions of the continent, the situation has deteriorated in the last ten years or so and is likely to deteriorate further. The transformation of the world economic and political systems, otherwise known as the globalisation process, has resulted in an increase in human rights abuses and in the number of people whose political, civil, economic, social and cultural rights have been violated.

In the last fifteen years or so, millions of African civilians have lost their lives in wars characterised by the proliferation of small arms and extreme levels of violence directed against the civilian population. Almost all these conflicts are fuelled by the unregulated international arms trade and the presence of foreign troops and mercenaries.

Many have died in famines brought about by the actions of governments and armed opponents. More than 20 million Africans are currently forcibly displaced from their homes. About five million of them are refugees who have found asylum in another country, usually in a neighbouring state. Many more – an estimated 16 million – are internally displaced within their own country.¹

The deregulation and privatisation of African economies, in response to global economic pressures and interests, has led to growing social and economic inequalities, with children and women often most affected. And in such dire times of social and economic crises, political unrest, and needs, the propensity to blame the “other” – group, tribe, village, region, country and religion – gains more prominence than ever.

Throughout the continent, structures responsible for the administration of justice (the police, the courts, the legal profession and the prison services) are weak. Prison conditions are frequently very poor, and in many places have got worse. Rising crime rates tend to harden public attitudes towards criminals, breeding acceptance for intolerance, ill-treatment, torture and the death penalty. Shoot-to-kill policies for eliminating criminals are now common.

All over Africa, torture is the rule rather than the exception. In many countries, detainees can expect to be tortured in prison, and the confessions extracted under torture will be accepted in a court of law. The police officers and security agents who practise torture can expect to escape punishment. Detainees are especially vulnerable to abuse where legal procedures and safeguards, such as access to family, doctor and lawyers, are not followed. With the judicial system poorly funded and inaccessible to the poor, many people regard it as irrelevant and discredited.

¹
“Internally Displaced Persons: Report of the Representative of the Secretary General, Francis Mading Dieng, submitted pursuant to commission on human rights resolutions 1993/95 and 1994/68”, UN Doc. E/CN.4/1995/50, 2 February 1995; Amnesty International, *In Search of Safety: The Forcibly Displaced and Human Rights in Africa*, London: Amnesty International, 1997 (AI index: AFR 01/05/97).

**Empowering
African
human rights
defenders on
the front line**

Increasingly, private security companies, often subsidiaries of transcontinental corporations, are used to guard private, government and foreign corporation premises, or to train and assist combat troops. The state no longer holds the monopoly on the systematic use of violence and, more important, it no longer monopolises the systematic violation of human rights – an ironic victory of sorts for privatisation and liberalisation.

In all these issues, we see a continuing abuse of power and contempt for human rights by governments, armed opposition groups or other segments of societies. That is a striking condemnation of their failure to live up to the promises enshrined in the Universal Declaration of Human Rights, the African Charter on Human and People’s Rights, and other regional and international human rights treaties.

Equally important, and occurring simultaneously with all these developments, we observe that for many a victim and their family, the only available remedy and hope for redress is offered by African human rights defenders. They are those men and women who, in increasing numbers, have sprung up throughout the continent and often at great risk to themselves, denounce human rights abuses, fight impunity, seek justice, and attempt to change repressive and discriminatory systems and practices through human rights monitoring and fact-finding missions, human rights education, awareness raising, and lobbying. They provide services where the state has withdrawn or given up. They are NGOs working in human and/or, in particular, in women or children’s rights and development, religious organisations, journalists, lawyers, community organisers and many others. Altogether, they testify to the changing nature of African civil society, and in particular to its growing strength and importance, in the face of the inability or unwillingness of governments to respect, protect and promote human rights.

The central role of individuals and NGOs in the protection and promotion of human rights in Africa and elsewhere in the world has been recognised and legitimised by the General Assembly of the United Nations when it adopted, on 9 December 1998, the Human Rights Defenders Declaration.² The Declaration specifically includes the right to defend the rights of other people, to hold human rights meetings, to access international organisations, to seek effective remedy, etc. It also contains, in its article 6, the right to document human rights violations, that is, to seek information on human rights, to study, discuss and hold opinions on the observance of all human rights, as well as the right to publish and draw public attention to those matters.

2
Its official title is the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

In the years leading up to, and following, the adoption of the Human Rights Defenders Declaration, African human rights defenders have established networks, devised mechanisms for the protection of human rights and human rights defenders, and identified capacity-building measures aimed at enhancing the scope and effectiveness of their actions, in the first place strengthening human rights monitoring, documentation and fact-finding in Africa.

For instance, in a number of workshops and conferences held in Eastern, Southern, Western and Central Africa from 1997 onwards, human rights defenders from all over the African continent have especially highlighted the relationship between documenting human rights violations, on one hand, and the defence and protection of human rights, on the other. As far back as 1990, other initiatives have focused on specific sectors: for instance, intellectual freedom.³ Accurate and well-documented reports on human rights abuses have been deemed essential to put pressure on the perpetrators, bring them to justice and put an end to the abuses.

This Handbook and the accompanying booklets were developed in response to the recommendations identified by participants to these conferences and to a call for a more effective, professional and locally-grounded approach to human rights monitoring, documentation and fact-finding in Africa. The collection seeks to facilitate monitoring, documentation and fact-finding by human rights organisations and individual activists and to do so on the basis of the best practices and experiences of African human rights defenders. (See also ‘About the Handbook’ further on in this Introduction.)

Accurate and consistent research is an essential element to human rights campaigning, advocacy and lobbying. It is also crucial to building and sustaining the legitimacy and reputation of human rights organisations and activists, locally, nationally and internationally.

More specifically, there are at least five reasons for monitoring, fact-finding and documenting by national and local human rights defenders:

1. Providing immediate assistance

In cases of arrest, detention, disappearance, torture and similar situations, the victims and their relatives may seek assistance from human rights organisations. Assistance can take the form of trying to establish the whereabouts of the victim in various police stations, military camps or other detention centres, and to ascertain the safety of the detainee, or of filing a petition for *habeas corpus*. Establishment and

**Why does
monitoring
and
documenting
matter?**

3
In November 1990, the Symposium on Academic Freedom and Social Responsibility co-organised by the Council for the Development of Social Science Research in Africa (CODESRIA) in Kampala, Uganda, gathered 150 researchers, professional and students associations, human rights activists, research funding agencies and policy-makers to review the situation in various countries and partly to bring to wide attention the problems relating to academic freedom and research in Africa. The Kampala Declaration, the document resulting from the symposium setting norms and standards for the issue, also called for the need to develop capacity to monitor and publicise human rights violations in Africa, in this case academic freedom.

verification of the facts surrounding such violations are of vital importance to provide assistance to the victims.

2. Seeking redress and remedies

A common reason for finding the facts about human rights violations is to obtain redress for the victims or to seek justice regarding perpetrators through legal action. Monitoring and documenting human rights violations ultimately seek to ensure that human rights violations do not go unnoticed and unpunished. In addition, the facts are needed to seek medical and other relief and rehabilitation for the victims.

3. Changing policies

Research on human rights violations is also undertaken with the aim of changing laws and practices of a country to ensure that these are consistent with international standards and of putting pressure on governments to comply with their treaty obligations. Such an objective cannot be achieved without accurate data, unbiased assumptions and linking these to international standards.

4. Changing behaviour and attitudes of authorities

Human rights activists also aim to influence or change the behaviour, attitudes and thinking regarding human rights of officials such as policy-makers, judges, local chiefs, military, security and police officials, etc. Convincing those in power to respect human rights is often not an easy task, but will be more effective if it is based on accurate and unbiased information.

5. Raising public awareness

Publication of human rights violations is also meant to raise awareness among the public to mount protests against violations, but also to prevent further violations. It can also be used to attract international attention with the aim of stopping violations. Again, to be effective the publication should be based on information which meets the standards mentioned above.

Ukweli is meant for national and local human rights organisations and activists who are new to the field or have little experience and knowledge in human rights research and/or human rights law.⁴

The need for strengthening the capacity of local human rights defenders to monitor, document and conduct fact-finding was identified in the course of three sub-regional and one all-Africa human rights defenders conferences organised by Amnesty International in 1997 and 1998.⁵ The ideas and principles identified in the present Handbook were gathered,

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A much simpler and smaller handbook for use by activists at community level, who usually provide national NGOs with first-hand information on human rights violations, is planned for publication in 2000.

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The East Africa Human Rights Defenders Conference took place in Arusha, Tanzania, from 6 to 8 November 1997. It was followed by similar conferences for Southern Africa, held in Harare, Zimbabwe, from 26 to 28 March 1998, and for West and Central Africa held in Bingerville, Côte d'Ivoire, from 27 to 31 July 1998. Finally an All-Africa Human Rights Defenders Conference was organised in Johannesburg, South Africa, on 2, 3 and 4 July 1998. They brought together men and women representing a variety of human rights NGOs, experiences, focus of work, backgrounds and regions.

About this Handbook

exchanged and discussed at these conferences. The text was drafted by a staff member of Amnesty International. An Editorial Advisory Committee composed of experienced human rights monitors from different regions in Africa,⁶ together with Amnesty International representatives, met on two occasions in June and November 1998. In the first meeting in London, the committee agreed upon the format and content of the Handbook, identified case-studies and discussed the preliminary draft. At the second meeting in Dakar, the full draft text was reviewed in detail. The project was co-ordinated by the Special Programme on Africa of Amnesty International Dutch Section, and the publication by the Council for the Development of Social Science Research in Africa (CODESRIA).

The Handbook is divided into several booklets. The first booklet includes generic chapters on monitoring, fact-finding and documenting human rights violations. It identifies and defines steps involved in researching human rights violations, discusses principles and standards of research and provides guidelines for interviewing survivors and witnesses. It also gives suggestions on how to address the problems and challenges faced by human rights monitors.

The other booklets each focus on monitoring and documenting specific types of human rights abuses. At the time of writing, five booklets are in preparation, focusing on civil and political rights:⁷ (i) political killings, (ii) torture and cruel, inhuman or degrading treatment, (iii) death in custody, (iv) excessive use of force, and (v) sexual violence. A number of others are planned, such as human rights violations in armed conflicts and children's rights violations.

The production of separate booklets for each type of human rights abuse has three main reasons.

First is to fill an existing gap: while there are already some handbooks for human rights activists, many usually focus on legal standards and a few on the methods and principles of human rights monitoring. Furthermore, to the knowledge of the Editorial Committee, none of the existing manuals include a case-study approach that distinguishes between the various types of violations. This absence was identified as a major limitation to capacity-building.

Secondly, aspects of monitoring and fact-finding differ depending on the type of violations being investigated. These differences may characterise the evidence being sought, the questions being posed to the survivors or the witnesses, the nature of the recommendations being made, the level of redress available to the victims or their families, etc. For instance, the method to be followed in investigating cases of sexual slavery in the context of an armed conflict differs on a

Structure and content of the Handbook

⁶ For more background on the members of the Committee, see the biographical notes.

⁷ These five categories have been identified by the Editorial Advisory Committee. The Committee recognised the importance of economic, social and cultural rights in the African context but decided to focus, for the time being, on some civil and political human rights only.

number of grounds from the one required for a case of death in custody, or a case of torture in a police station. Such differences stem from the fact that specific human rights violations are prohibited by specific international, regional, or national human rights or humanitarian documents and standards. These standards provide the norms against which human rights defenders assess information on human rights violations, and make recommendations.⁸

This is not to say, however, that each violation requires a specific research method. In fact, in several aspects, the five booklets currently in production overlap with each other, indicating that principles and standards of research and many stages remain identical, independently of the type of abuses being investigated. (For instance, the need to be accurate, the need to assess information and identify patterns, conduct risk assessment before going on a fact-finding mission, etc.)

These instances of overlap are explained, in turn, by the third factor behind the production of separate booklets: They aim to be user-friendly, a step-by-step guide for local human rights activists to be easily and discreetly carried around. In order to achieve these objectives, it was deemed necessary both to produce separate guides depending on the type of work undertaken by the human rights defender, and to include all necessary information in each booklet.

Furthermore, structural presentation aside, the ability to effectively seek redress for victims of human rights violations requires a capacity to wade through the tons of overlapping evidence and define accurately the specific form of abuse committed, and thus anchor the case on the specific documents and laws governing human rights violations in a country, region, continent and the world. This capacity, crucial to the work of human rights defenders in Africa as well as elsewhere, is one of the major purposes of the Handbook.

The Editorial Committee wishes to thank the participants to the sub-regional and the all-Africa human rights defenders conferences organised by Amnesty International in 1997 and 1998 who generously shared their experiences in human rights monitoring, and their ideas and strategies for improving human rights work. We also wish to thank all the African human rights defenders who, in the face of great risks and persecution, have fought and continue to fight for the establishment of a culture of respect for all human rights throughout the continent.

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Some human rights documents, such as the Universal Declaration for Human Rights or the African Charter, may include most human rights. However, the international community has also sought to devise additional mechanisms and principles to allow for better protection of, and respect for, specific rights. For instance, the prohibition against torture may be found in the Universal Declaration, as well as in the UN Convention against Torture and in other instruments. Similarly, the protection of women's rights is the object of specific instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women.

Part One

RESEARCH
ON HUMAN RIGHTS
VIOLATIONS

Definitions and Activities

Overview

Broadly speaking, research on human rights violations consists of finding and assessing information related to human rights violations, recording and processing them in a report, and identifying possible strategies and actions to address the violations.

This is how the Media Institute of Southern Africa, Zambia Chapter (ZIMA), describes its work on behalf of press freedom:

“Typically, ZIMA’s media monitoring role consists of watching the national press such as radio, television and newspapers daily for reports of attack against the press. In addition, we maintain close links with journalists working for both the state-owned media and the private media who give us additional tips which may not be public knowledge. When we get a report of a violation of press freedom from the press, we have as much as possible to verify the information ourselves to ascertain its truthfulness so that we do not mislead the world. This involves speaking to the journalists involved, their work mates, lawyers or families for a first hand account of the attack. If there is a need to contact the government or one of its agencies, we do so before finally compiling a report of the violation which we call an “Action Alert” for MISA headquarters. The Action Alert is a “news bulletin” focusing on violations of freedom of the press or freedom of expression. The “Action Alerts” are sent from the ZIMA office using electronic e-mail to MISA headquarters in Namibia where they are edited and in turn sent to subscribers of MISA’s electronic mailing list.”

ZIMA’s approach is typical of virtually any research exercise:

- The ZIMA activist **watches** the media, in other words, he/she monitors it by reading it regularly and consistently.
- The activist also **builds contacts** with journalists to get more information or confirm what has been received from reading the press or other sources.
- He/she then identifies allegations that require further investigation on the scene: this is a **fact-finding** phase.
- Running all through these activities is **analysis**: is this or that incident a violation of press freedom or not?
- Once all information has been confirmed, it is compiled in a brief report called an “Action Alert” and circulated via e-mail: this is the **action** phase.

Research on human rights violations is likely to involve five main interrelated activities

Contact-building

Identification and development of a network of contacts or informants who report incidents or give you information related to human rights violations.

Monitoring

Long-term observation and analysis of the human rights situation in a country or region.

Fact-finding

Investigation and verification of information related to specific incidents or allegations of human rights violations.

Documenting

Systematic recording, analysing and storing of information, and report writing.

Acting

Identification of the best strategies and implementation of action to remedy the situation.

Contact-building

Contact-building means developing networks of contacts, friends, informants, throughout the region or country and possibly outside the country, who will report incidents to you, pass on information related to the political situation and inform you of particular risks.

Contact-building is, in itself, a large part of human rights investigation, and one that may take a lot of time, especially if you are starting work on a new issue or if your organisation is not well known.

- **To get information:** The networks of **contacts** which human rights researchers develop are absolutely vital to human rights documentation. Your contacts will be the ones reporting incidents or allegations to you.
- **To assess information:** You also need a good contact network to verify your information. If one contact reports an incident to you, you will need to double-check this information. You may do it by conducting fact-finding yourself, or you may ask other contacts whether they can confirm the incident.
- **To build a safety network:** Finally, contacts may save your life. They may help you if you need to keep a low profile, leave the country, or they may warn you of imminent risks to your life or to the work of your organisation.

What is contact-building?

Why is it important?

Sources of contact

A contact network may include the following (the list can be longer or shorter, depending on the country, your mandate, your resources, etc.)

- 1 Local, national and international Non-Governmental Organisations (NGOs)**
 - Other national human rights NGOs
 - Development NGOs
 - Other NGOs and associations (e.g. women's; youth's; etc.)
- 2 Religious institutions**
- 3 Relevant professionals**
 - medical doctors
 - lawyers
 - journalists (including non-national journalists)
 - trade unionists; etc.
- 4 Members of government**
- 5 Members of Parliament**
- 6 Members of *all* political parties;**
- 7 Members of security forces, the army, police, etc.**
- 8 Representatives and staff of international organisations**
 - UN agencies
 - ICRC
- 9 Diplomats and staff of embassies**

Who are the contacts?

The nature of your contact-base depends very much on the type of work you're doing and especially on the violations you are researching.

Ideally, a contact-base should be **varied** and **representative** of various ethnic groups, regions, social classes, professions, political affiliations and parties, areas of work, women's and children's issues, etc. Contacts should also be balanced in terms of their gender. Contacts may be found in the country or the region, but also outside.

How to build and keep contacts?

Contact-building involves building trusting relationships with people

- It may take time and require regular contact with them, either through the phone, mail (provided there is no security risk involved), or meetings. Contacts must feel that they can rely on you and that appropriate action may be considered and taken upon the receipt of information.
- Trusting relationships also necessitate informing contacts about your work. Contacts will often be the first ones to bring cases to your attention. If they are not aware of your research standards, the information provided may not be useful. For example, your contacts must understand just how important it is to get precise information, such as time, date, and names particular to an incident.

Contact-building involves monitoring the accuracy of your contacts

- The allegations of human rights violations will often come from your contacts (organisations and individuals) who have conducted their own fact-finding, or who have been witnesses to or victims of human rights violations. Monitoring will allow you to establish the record of these contacts in terms of their political agenda and the consistency, accuracy, and veracity of information passed to you.
- When someone has been a long-standing contact, it is easier for you to evaluate the accuracy of the information provided. When the contact is new, this becomes more difficult and involves contacting other individuals, taking more time (sometimes at the expense of speed of action), etc. Another frequent situation is that contacts have a political agenda. When assessing the information, you should always keep in mind this agenda and assess how it may have affected the information provided.

Contact-building requires confidentiality

- Relationships with contacts require a number of precautions as their life is often at risk. *Confidentiality* is key here, along with a thorough assessment of the risks involved in communicating with them.
- Contacts must be able to rely on your discretion. They will only trust you if you don't land them in difficulties.
- The need to respect confidentiality should not stop you from putting different people with common interests in touch with each other.

* See Part Two "Principles of Research"

Monitoring

What is monitoring?

Monitoring is the **long-term observation and analysis** of the human rights situation in a country or region.

It generates an **important database** which allows you to build a picture of the human rights situation in the country or region and make judgements about reports of human rights violations, and permits an informed assessment of individual allegations.

It also, quite often, **alerts** you to possible human rights violations.

It consists of **collecting systematically and consistently** information that may be related to human rights violations, from a variety of sources. These might include:

- print media
- radio broadcasts
- official reports
- court records
- statements and interviews of witnesses and victims
- individual allegations of human rights violations
- reports from other NGOs or IGOs
- internet sites

Monitoring can be very labour intensive and possibly expensive. You will have to make hard choices on the basis of their financial and human resources.

In particular, you will have to decide:

- which newspapers should you systematically gather, read and file?
- which other published materials should you gather, read and file (including, if you have access to it, material on the Internet)?

This is how the Human Rights Committee of South Africa describes their monitoring work:

“We collect information from newspapers, the police and other NGOs working on similar issues. On receipt of newspaper and police information, we verify with NGOs and sources . . . We then input the information into a database. The database is categorised into: security force abuse, attacks against security forces, security force action, military and other abuses, prisons, political violence, industrial and education conflict. We give a narrative on the information collated in the database on a regular basis. This gives an indication of the human rights situation in the country.”

What to monitor

The scope and nature of the monitoring exercise depends very much on the human rights situation in the country or region covered, your financial and human resources, and the specific violations you want to work on.

In the examples above, ZIMA is collecting information from newspapers and radio, journalists and the government itself, while the Human Rights Committee of South Africa focuses on newspapers, police records and other NGOs.

It is beyond the capacity of any single organisation to collect information on everything. You have to make strategic choices determined by the type of violations you are working on.

ZIMA has decided to collect information related to freedom of expression. The Human Rights Committee of South Africa collects information on a larger number of issues, e.g. prisons, abuses by security forces, etc.

On page 10 is a list of issues you may want to cover while doing the monitoring. Notice that they are not all directly related to specific incidents. In fact, many may be more general, i.e. they relate to the *context* within which the violations are occurring, such as the political, economic or cultural context.

Example: To return to the Human Rights Committee for South Africa:

“We monitor how many children are still being held in police cells or in prisons while awaiting trials. We collect statistics from the Department of Correctional Services on the number of children awaiting trial in police cells and prisons.”

Example: If you or your organisation are conducting research on violations of women’s human rights, you may need to collect specific reports or allegations of violations (e.g. rape by security officials, domestic violence, etc.), but you may also need to collect statistics on women’s access to education, health, political representation, speeches by government officials or others on women, etc.

Sources of monitoring

Types of information being collected

POSSIBLE INFORMATION TO LOOK FOR WHILE MONITORING

You do not need to monitor everything, just what is most important depending on what you are working on and what your objectives are. The following is a list which will need to be adjusted depending on your mandate, your objectives and your resources.

Contextual information, such as:

- **Historical context**
- **Economic indicators**, such as: unemployment rate, growth rate, labour force, nature of economic policies, military spending, etc.
- **Social indicators**, such as: access to health care and education, malnutrition rate, access to land, working conditions, labour unrest, etc.
- **Demographic data**, such as: size and age structure of the population, growth rate, ethnic and regional make-up, refugee and internally displaced populations, etc.

Possible sources: official reports; reports from local and international NGOs; IGOs reports; academic writings; media

Political information, such as:

- Nature of the political system, role of the military and security forces, political tensions or conflicts, ethnic cleavages, etc.
- Electoral patterns
- Political speeches

Possible sources: official speeches and reports; political party platforms, media

Legal and constitutional information, such as:

- International conventions, treaties ratified by the government;
- Important court cases, prosecution, etc.
- Relevant constitutional provisions
- Laws (including penal code)
- Organisation and working of the justice system

Possible sources: court documents; police records, lawyers; office of the prosecutor; victims, family, media, etc.

Reports of

- incidents
- individual allegations of human rights violations

Possible sources: contacts; victims; the media; missions.

Fact-finding

Fact-finding consists of investigating a specific incident or allegation of human rights violations, collecting or finding a set of facts that proves or disproves that the incident occurred and how it occurred, and verifying allegations or rumours.

Fact-finding can take different forms, depending on the type of the violations being investigated, the location of the violations, and the objectives. The following is an incomplete list demonstrating the variety of methods of fact-findings:

Missions: Investigation in the field (i.e. not from the office) for a limited period of time. Missions can be low-profile (no publicity around it) or high-profile (seeking publicity) depending on the objectives. They may be conducted by:

- **staff members**
- a **national delegation** composed of staff members of the organisations and other experts, such as medical doctors, lawyers, locals, etc.
- an **international delegation** composed of foreign nationals and nationals.

Long-term missions: Placing trained field workers in an area for a longer period of time to collect information on violations.

Trial observation: Observing a trial in order to determine whether it follows proper (that is, fair) procedures.

Prison visits: Such visits may serve different purposes: interviewing specific prisoners or detainees; finding evidence of torture or ill-treatment; assessing the conditions within the prisons.

Observation of demonstrations: You may decide to observe demonstrations in order to monitor the behaviour of the police, security forces, specific groups involved in the demonstrations, etc.

Observation of elections: A number of NGOs monitor elections, including during the months preceding the elections, the election day and the follow-up to the elections. This task may include: press monitoring; legislation; events leading to election day; election day; etc.

Surveys: They consist in gathering a number of data, usually quantitative but possibly qualitative as well.

What is fact-finding?

Forms of fact-finding

Preparations before going on fact-finding

Carry out a thorough risk-assessment

- List all possible security concerns (e.g. your own physical security and the security of your contacts) and develop contingency plans to deal with each one of them (e.g. evacuation: how?). If access to, and your presence on, the scene carries many dangers, identify alternative means of carrying out the research (e.g. rely on a confidential local contact to bring possible witnesses outside the area).
- Be ready: prepare responses regarding the reasons for your visit and what you are doing in case people ask you difficult questions or appear suspicious.
- If necessary, seek official written authorisation to go to the scene.

Empower yourselves

- Be knowledgeable about the law and standards related to the human rights violations you are going to investigate: find out exactly what is prohibited under domestic laws and international human rights standards.
- Be knowledgeable about the patterns related to the allegations under investigation.
- ✳ See the section on “Documenting” on page 15.

Get the facts

- List everything you already know about the case.
- List everything you know about the particular location or region, as well as about the violation itself.
- Ask yourselves the following question: What do you already know about the case? What information is missing? What kind of evidence is lacking?
- List all your objectives for this mission.

Seek expert advice

- Get all necessary information or expert advice before going to the scene, e.g. consult with forensic pathologists, lawyers, etc.

Prepare your interview format

- Write down a check-list of the data and facts necessary to assess the allegations.
- Show the check-list to local contacts who have worked on the issue or have dealt with similar cases to get their input: they will often be able to add questions, delete others that are not appropriate, etc.
- ✳ See Part Four, “Suggestions for Interviews”.

Composition of the delegation

- **Be strategic:** The investigative team should not be constituted with individuals who may be perceived as

partial by the informants because of their ethnicity, religion, known political affiliation, etc. As far as it is possible, identify team members who are impartial but who will also be *perceived* as impartial by the informants.

- **Experienced delegation:** An organisation's credibility is at stake, hence the need to send trained and credible researchers who can establish trust with informants.
- **Experts:** Identify which expertise will be most needed during the investigation: you may need forensic pathologists, a ballistic expert, a lawyer, etc. If possible, you should include such an expert in your delegation. If it is not possible, you should meet with experts before going on a fact-finding mission.
- **Gender-balanced delegation:** The delegation should include a woman who will be able to interview other women.
- **Ethnicity, language, etc.:** As far as possible, you should also seek to get delegates representative of different ethnic groups, language groups, etc. If you have little resources and few delegates, identify one who will be best equipped to deal with the ethnic, language, or other important factor.

A generic list of contacts and material evidence (to be adjusted according to the nature of the violations being investigated and local circumstances)

Individuals and/or groups

- Victims
- Eye witnesses
- Other witnesses
- Relatives
- Community leaders
- Religious institutions
- Lawyers
- Journalists
- Medical personnel
- Local human rights activists
- Members of political parties, civil rights groups, trade unions, ethnic groups, etc.
- Members and officials of the police force
- Prosecutors
- Other police/judicial representatives
- Members and officials of the army
- Members and officials of armed opposition groups

Material evidence

- Hospital and/or autopsy records
- Court records
- Police reports
- Official acknowledgement or response to the alleged violations
- Report of independent investigative bodies
- Weapons and ammunition left behind, bullet shells
- Documents left behind by the deceased
- Photographs, videos, etc.
- Body scars and wounds

At the scene

Identify contacts and sources of information

- Before departure, list all possible contacts and sources of information you may need to interview and meet in order to investigate and corroborate the information.
- **Identify who it may be more appropriate to meet first:** Provided, of course, that you have the luxury to set up and organise meetings. In any case, you should decide whether and at which point in the investigation you will meet with security officials.

Be politically aware

- Rely on local knowledge; “read” the overall mood; be on your guard and do not hesitate to leave the scene whenever you “feel” that something is wrong.
 - Be observant of your surroundings.
 - Be prepared to respond to requests or questions regarding your presence and activities.
 - Seek all necessary permissions.
- * See Part Three, “Challenges and Possible Solutions”, pages 58–60, on security.

Ensure confidentiality

- * See Part Two, “Principles of Research on Human Rights Violations”, pages 35–38, on confidentiality, and Part Four, “Suggestions for Interviews”.

Be accurate

- * See Part Two, “Principles of Research on Human Rights Violations”, pages 32–34, on accuracy.

Assess individual allegations and testimonies

- * See page 15–26, on documenting.

Seek evidence and establish responsibilities for the human rights violations

- * See the separate booklets on specific human rights violations.

Documenting

Documenting involves: assessing individual allegations; analysing the overall evolution of the human rights situation; identifying trends; processing information in a report; recording and storing information.

The first question guiding your analysis is the following:

- **Does this alleged (you are not sure yet whether this is indeed a human rights violation) human rights violation fall within the scope of work my organisation is doing?**

In other words, the incident reported to you may well be a human rights violation but you may not be in a position to conduct the research because, as a matter of policy and practice, you do not work on this type of violation.

For instance, the Zambian organisation we referred to at the beginning of this chapter works exclusively on violations of freedom of the press. If they come across other types of violations, such as an alleged case of police violence against street children, they will most probably refer the case to other organisations who work on such issues.

If the allegation falls within the type of work you do, then you will embark on fact-finding. If it does not, you will report the case to other human rights organisations who are working on such cases.

The other main question guiding your analysis is the following:

- **Does the allegation or the incident reported to me constitute a human rights violation?**

In other words, does the incident violate international standards and domestic laws?

In order for you to answer this crucial question, you need to know the specific definition of the alleged human rights violation and the evidence required to determine whether it constitutes a human rights violation.

* See the separate booklets on specific human rights violations.

In other words, the next questions guiding your analysis are the following:

- **Do you have all the evidence needed to demonstrate that a human rights violation took place? What is missing?**

In the case of M.X., presented in the box below, you may want to go to the police station in person and ask to see the alleged

What is documenting?

Assessing individual allegations

An example of alleged torture by state officials

Example: Some of your contacts have reported to you that a certain M. X. has been arrested for stealing a car and brought to a police station. According to family members and other individuals present in the police station, the police officers responsible for the arrest went on to torture him to extract a confession.

The first question is whether the alleged incident constitutes a human rights violation, in this case, torture. What is the definition of torture under international law?

By definition, an **act of torture** is: the intentional infliction of severe pain or suffering, whether physical or mental, on a detainee by or with the acquiescence of state officials, for the purpose of intimidation, humiliation, degradation, coercion, punishment, or the extraction of a confession or information.

According to what you know already about the case, it is quite possible that the case will constitute a human rights violation. There are allegations of:

- severe pain inflicted on a detainee;
- it is being inflicted by police officers;
- they are seeking to obtain confessions.

What you need to do is to find all the evidence required, including:

- proof that M. X. was tortured;
- proof that he was tortured by prison officials;
- information regarding why they tortured M. X.

victim. If he has been transported to the hospital, you may need to go there and talk with him (if he can talk) or with hospital workers. You may ask for medical records which will demonstrate that M.X. has been the victim of torture.

• How do you know if the data are valid?

- ⇒ If you have already gathered some evidence or information (from eye-witnesses, for instance), you then need to ask yourselves whether the data provided to you are likely to be valid.
- ⇒ If you have interviewed eye-witnesses, you need to assess the interviews and cross-check all the facts: are the testimonies similar? Do they contradict each other?

- ⇒ If you have gathered material evidence, such as medical reports, you also need to check their validity. Unfortunately, in many countries, some medical professionals assist the security officials or cover up their activities. If you are not satisfied with the official medical report, you may need to seek a second opinion, etc.
- ⇒ If you have little material evidence or testimonies, then you may compare an allegation with the existing information in your hands and your knowledge, i.e. whether an allegation “fits” with what you know about the specific aspects of human rights violations.

The following is one of the ways the Human Rights Commission of South Africa analyses its information:

“Through our data collection on children awaiting trials, we are able to note the trends. The numbers have escalated despite statements made by the authorities that secure care facilities for children awaiting trials will be ready this year [1998] in May.”

The HRC analyses its information to assess whether the evolution of the human rights situation is a positive or a negative one, i.e. whether the allegations or cases of violations have increased or decreased, whether the government has responded positively or negatively, etc.

Assessing the government record

For instance, you may assess the government’s willingness to:

- ratify international conventions;
- comply with its international obligations;
- take allegations of human rights violations seriously;
- take all allegations of human rights violations seriously (or only some);
- investigate all allegations of human rights violations and prosecute perpetrators;

Assessing the independence of the judicial system

Assessing the evolution of the human rights situation

Analysing your information may allow you to measure the evolution of the situation, that is:

- whether human rights violations have increased or decreased
- which specific violations have increased (or decreased).

Assessing the overall situation

Identifying patterns

A pattern constitutes one (or several) typical, possibly systematic, feature of human rights violations. It is identified through the analysis of a number of cases over a given period of time and by isolating one or several variables, such as: the location of the violations, manner, circumstances, etc.

Example: In a certain country, all known cases of arbitrary arrests over the last 2 years have taken place in the capital, demonstrating a **pattern** in terms of the **location** of the killing. By definition, location constitutes a variable.

You identify patterns all the time

Human rights activists identify patterns all the time and rely on them to improve and pursue further their investigation and develop strategies. In many cases, the identification of these patterns is based on political judgement or “intuition” and excellent knowledge of the country, region, political developments, etc. For instance, you may know that the majority of the killings have occurred in city A and that these killings have increased a great deal in the last two years. You may also know that such killings are likely to be committed by a special branch within the security services because of the methods followed.

But ...

Such an approach may present limits when you are dealing with a large number of cases or when you are trying to establish with

EXAMPLES OF PATTERNS

Patterns in the identity of the victims

The victims themselves may present a number of common characteristics, such as:

- type of political activities
- professional activities or occupations
- ethnicity
- age-group
- gender
- sexual orientation
- residents of clearly defined areas

Patterns in the location of the violations

Quite often, the violations may take place overwhelmingly in specific places, such as:

- regions
- cities or localities
- neighbourhood
- specific detention centres

Patterns in the methods used to commit the violations

Quite often, the methods used by the perpetrators are consistent, i.e. the same or similar methods may be used to commit killings, torture, arbitrary arrests, etc. For instance, all killings may result from gunshot wounds, or may have been preceded by similar forms of torture.

Patterns in the circumstances of the violations

The circumstances immediately preceding or following the violations may also be quite similar and as such present a pattern. For instance, specific human rights violations may take place particularly before, during or after:

- new legislation
- declaration of a state of emergency
- elections
- announcement of meetings or request for authorisation
- demonstrations
- riots
- curfew
- military or reprisal operations

Patterns in the identity of alleged perpetrators

Through monitoring, you may also be able to identify a pattern in terms of the identity of the alleged perpetrators, including:

- specific security forces
- specific individuals
- ranks of alleged perpetrators
- commanders in charge

For instance, all cases of excessive use of force may be committed by one specific police force, or by specific individuals. Another example is when the perpetrators appear to enjoy freedom of movement at a time of curfew or roadblocks, which will tend to indicate that they are very well informed and that they may have allies within the security or military forces.

Patterns in official responses to alleged cases

A pattern may emerge over time in terms of the responses of the government and/or of armed opposition groups to the accusations, including:

- statements following the alleged violations
- official investigation or lack of investigation
- nature of the investigations
- nature of the procedures
- the absence or nature of prosecutions
- the identity of the courts responsible for the prosecution
- the absence or nature of the verdict

quasi-certainty the evolution over a number of years of cases of human rights violations, the incidence of certain variables, and the identity of the perpetrators.

A systematic approach is best

Keeping records of all alleged cases will allow you to establish patterns in a more systematic and accurate manner.

At regular intervals, you may add up and analyse:

- the total number of cases recorded over a period of time
- the total number of cases presenting one specific characteristic (e.g. allegations of torture in a particular prison; or killings resulting from gunshots)

Example: You may compare the overall number of rape cases with the number taking place in a particular city and notice that 90% of all recorded rape cases have occurred in this one place.

Example: You may compare the manner of death with the circumstances and notice that all killings resulting from gunshots have occurred less than 2 hours after a police operation in the area.

Common computer software programs such as Microsoft Word and Corel Word Perfect have commands such as “word search” which can help you process the information and establish trends.

Writing reports

Let’s look at the experience of the researchers involved in researching and writing the report entitled *Breaking the Silence*.³

“*Breaking the Silence was intended to move events of the 1980s from the murky realm of rumour, to a more solid historical footing. More than this, it was intended to highlight the continuing problems arising from the disturbances and thus to become a document that could be pointed to in support of the argument that compensation and rehabilitation is now needed by affected communities. . . . Transparency of the data sources and how they were interacting was clearly central to the report’s overall validity . . . Presenting data in a way that was both accessible and credible was one of the most crucial concerns in compiling this report. It was clear the report’s final acceptability and therefore usefulness hinged on this.*”⁴

Reports on human rights violations can take many forms and follow many different approaches. But there are a number of crucial questions which you ought to ask yourself before writing the report:

3
Breaking the Silence: A Report on the Disturbances in Matabeleland and the Midlands, 1980 to 1988, Harare: Catholic Commission for Justice and Peace in Zimbabwe and Legal Resources Foundation, 1997.

4
Shari Eppel, *Documenting Human Rights Violations*, Southern Africa Human Rights Defenders Workshop, 26–28 March 1998, Harare, Zimbabwe.

What must be proven and highlighted?

In all cases, you will want to demonstrate that human rights violations did occur. But what is your overall message? Is it to underline a pattern of impunity? Violence? Indifference? Lack of progress?

What is the main objective of this report?

The report published by the CCJP and LRF had one main objective: it had to be *“a document that could be pointed to in support of the argument that compensation and rehabilitation is now needed.”*

Besides ensuring some forms of redress for the victims, you may also wish that your report fulfils other objectives, such as: proposing policy changes, the drafting and implementation of new laws; bringing to justice those responsible for human rights violations, alerting public opinion, putting pressure on the government or armed opposition groups, etc.

Who is the target audience?

Are you writing this report principally for: the government; the media; the public at large; the international community; other NGOs; etc.?

Has everyone being quoted agreed to it?

Before quoting anyone by name, you should make sure that this person has agreed to it and that there are no security risks involved.

How best to present the findings so that the report can be convincing and credible?

Once you've identified your main message, your objectives, and your target audience, you then need to turn to the presentation of your arguments and the facts. At this stage, the most important question you need to ask yourself is: how best can I present the facts?

There is no one single way to present the facts. The format to be followed depends very much on the answers you have provided to the first questions. But you cannot avoid including the following issues:

- the political, historical or economic context and circumstances;
- a description of the incidents;
- the nature of the human rights violations (Is it torture? Is it killing?);
- the identity of the victims, unless it is confidential;
- the alleged perpetrators and/or responsibility of the authorities;
- recommendations on actions to be taken

Recording and storing information

How to create a filing system

You may also wish to indicate the methodology you followed to gather the facts and evidence and come up with the recommendations.

In terms of the language being used, you should:

- be concise and clear;
- avoid insulting words,
- avoid politically loaded words that may demonstrate a lack of impartiality

“Sometimes, you may feel you’ll remember. But you won’t. You should write and file everything.”

Recording and storing information occurs at each phase of the research process. In other words, you will have to develop a system to record and file information when you monitor, when you build contacts, when and after you go on a fact-finding mission, and when you develop actions.

Whether or not you have access to filing cabinets, all information collected should be **arranged** so that you can **easily and logically** find it when you need to go back to it.

The questions that must determine how to organise your filing system are:

- How can I get access to the data **quickly** and **easily**?
- How can I maintain the system in a way that is **not** (too) **time-consuming** or **complicated**?
- What measures should I take against **possible security risks**?

You may arrange the information according to **themes**, e.g. abuses by police; economic data; elections; etc.

You may also divide each theme into smaller categories, such as: **sources of information** (newspapers, government, contacts); **geographical location** (city, region, neighbourhood); **years** (1989–1990, 1991–1992).

Some organisations prefer using a **numbering system**. For instance, the Women’s Health and Development Program of the Mother Patern College in Monrovia, Liberia, filed each interview they conducted in the course of several surveys on violence against women according to: the number of the survey, the number of the area where the survey was conducted, the number of the house where the woman was interviewed.

It is advisable *not* to file public and confidential information together in order to ensure a better protection of sensitive

information. By so doing, you may also be in a position to offer access to public information to other NGOs or individuals.

- * See Part Two, “Principles of Research on Human Rights Violations”, pages 35–38, on confidentiality, for further advice.

Some organisations can assist you in developing a comprehensive filing and recording system.⁵

Example: RADDHO, Senegal, has two recording systems. The first one is a general record or **visitor book** where the names of all visitors and the reasons for the visit are systematically recorded. The second system is the individual **case sheet** where all information regarding the person or the case is recorded, including the progression of the investigation.

To facilitate monitoring and fact-finding, it is recommended that you develop a **standard format** to record allegations of violations, also called a **case sheet**. This format should be developed on the basis of:

- key information necessary for a case to be brought to national or international attention
- key political factors in your region, e.g. ethnicity, religion, region of origin, etc.

Take the necessary time to identify the information that should be recorded on the case-sheet. Such careful consideration will provide you with the opportunity to make a meaningful analysis and draw conclusions.

Generally speaking, the basic elements which should be recorded on the case sheet concern:

- the **identity of the victim(s)** (name, age, gender, occupation, address, religion, ethnicity, etc.);
- **location, date and time** of the incident;
- the **circumstances**;
- the **incident** (nature of the violation, method employed, possible reasons, etc.);
- **identity of the alleged perpetrator(s)** (police or military, individuals involved, description, etc.);
- **responses** of the government or of armed opposition group
- **evidence provided** (court records, police records, medical or forensic reports, etc.).

- * See an example of a case sheet on pages 25–26.

Please note that in many cases, the information provided in the case-sheet summarises a much more important file. For instance, all forensic evidence or court records (when available) cannot be filed on the case sheet. The objective of the case sheet is to

**How to record
and file
individual
allegations**

**How to record
and file all other
information**

⁵
One such organisation is HURIDOCs, who can be contacted at: 48 ch. du Grand Montfleury, CH-1290 Versoix, Switzerland. Tel.: 41-22-755-5252; Fax: 41-22-755-5260; E-mail: huridocs@oh.hlinkapc.org

provide a quick summary of the information available at the time.

All case sheets **must be updated** whenever new information is made available. A case sheet is very similar to a medical record: every time you go to see your doctor, she/he should record all new information regarding the treatment, the illness, etc.

All case sheets **must be consistently and systematically filed** according to the system developed.

In addition to individual complaints, you will have to record and file all other information coming your way through monitoring and fact-finding, such as your daily activities, newspaper articles, government reports, letters, interviews in person or by telephone, etc. For instance:

- Newspapers articles have to be **cut and filed** in their proper files. Remember to add the name and date of the publication on the clippings.
- You may want to **develop a database** where you record all important information received every day, week or month. For example, the Human Rights Committee of South Africa summarises all information received from all sources in a database divided into themes (security force abuses, industrial conflict, etc.).
- The use of a **field book**. You may also want to follow the approach of the Women's Health and Development Program of Monrovia, Liberia: "each of us has two books. One is a journal where we express personal feelings. The second is a field book where we write day-to-day activities, how we selected our interviewees, how the persons reacted, etc."

How to use the computer

If you have access to a computer, you may want to file all your information and individual cases in a secure database.

There are a number of advantages with using a computer database system: it does not use as much space as filing-cabinets; it facilitates the search of information, the analysis of the evolution and trends. It is easier to update and to write reports because all information has already been typed, etc., and data can be protected to some extent if a password is required in order to access files.

But there are also a number of inconveniences: it requires inputting all the information into the computer, which is more time-consuming than putting it in a file.

You need to take into account the possible erratic electrical services: how often does the electricity shut down? For how long? You need to have access to up to date anti-virus software. Finally, you should remember that many thieves find it easier to steal

Sample case sheet for recording information, e.g. political killings

Date: Registration number: Information compiled by:

Visit to the scene: No Yes by on

Interviews of witnesses No Yes by on

1. Victim identification information

Name (last and first name, nickname):

Date of birth or age: Gender:

Profession/Occupation: Family status:

Address:

Nationality: Religion: Ethnicity:

Other identity-related status:

Physical description or picture:

2. Location of killing

Date, time and year of the alleged killing (or date of the disappearance):

Province: District: City/village (or nearest):

Street address (if applicable):

3. Nature of killing(s)

Number of victim(s)

killing(s) during or following:

- | | | | |
|-----------------------------|--------------------------|-------------------------|--------------------------|
| police/ security operations | <input type="checkbox"/> | military operations | <input type="checkbox"/> |
| riots/demonstations | <input type="checkbox"/> | inter-communal fighting | <input type="checkbox"/> |
| arrest | <input type="checkbox"/> | imprisonment | <input type="checkbox"/> |
| abduction | <input type="checkbox"/> | other | |

Disappearance

Was any property:

- damaged
- destroyed
- stolen
- confiscated
- other

4. Causes of death

Causes of death (e.g. gunshot):

Brief description of the killing:

.....

5. Circumstances

Briefly describe the events immediately preceding the killings (e.g. new legislation; military attacks, etc.):

.....

.....

6. alleged perpetrators (e.g. police forces, armed forces, armed groups, paramilitary groups etc.):

.....

.....

7. Evidence

Witnesses:

Forensic evidence:

Court record:

Other:

8. Governmental responses

Complaint lodged: when? where?

Public statements:

Investigation:

Court cases:

9. Responses of the armed group, if any:

Did you contact representatives of the armed group?

How did they react to the allegation?

.....

Were any measures taken by their leadership; if so, what?

.....

Taking action

“We adopt various strategies. We may write articles highlighting issues. This was done in the cases of child offenders being brought to trial. We are also in a position to alert other NGOs involved on issues that they lobby on, e.g. a child welfare group. On other issues like the use of excessive force, i.e. police and military personnel assisting the police in crime-fighting, we write submissions and present them in Parliament. Our data on security force abuse enabled us to make a submission on legislation in Parliament providing for the use of force by police in affecting arrest. We also write letters to government officials such as the Minister of Welfare on the issue of children awaiting trial. We also hold workshops on issue that demand greater publicity, i.e. the status of prisons in South Africa.”

As the above extract illustrates, there are various forms of action available to human rights researchers or their organisations. Whichever action you decide to take, it will require that all information regarding the individual case or cases of violations be **accurate, organised and compiled**.

The information may be compiled in a public report or publication, but not necessarily: the report may remain internal or may form the basis for oral testimonies before a parliamentary committee, short articles for the media, etc.

Such action is meant to address the immediate or medium-term consequences of the violations as far as the victim or his/her family are concerned. It may include:

- **Issuing urgent appeals, writing letters to officials**, etc. – for instance, to ensure the release of an individual who is the victim of an illegal detention.
- **Seeking medical remedies** – for instance, medical treatment, forensic expertise, etc.
- **Seeking legal remedies** – for instance, organising legal assistance, filing law suits, etc.
- **Seeking redress** – including compensation, punishment of perpetrators.
- **Seeking remedies and assistance** – from international NGOs.

The identification and implementation of such action may be preceded by **discussions with the victims and their families**.

- **Explain your own limitations and objectives**, in particular that you cannot provide financial compensation. Instead, your objective is to make sure that this violation does not go unpunished and is not repeated.
- **Identify the possible options** for the victim or the family in terms of actions and the problems that may arise.
- **Don't be discouraged** if the victim and/or the family decide to drop the case.

**Immediate
action on
behalf of the
victims**

“We have a number of human rights violations involving the

police where the case is solved out of court. The victims who originally came to us seeking assistance then turn around and say they are no longer interested in pursuing the matter. As a human rights NGO, there is nothing we can do about it. Some victims are not interested in the human rights angle any more as soon as they have been financially compensated.”

- Be aware that such situations are likely to arise.
- Stay calm and don't get angry.
- Keep on recording information. Possibly issue a report on such cases if the situation keeps on occurring.
- Identify the best possible ways of persuading victims to pursue the cases.

Other possible action may include:

- Issuing public reports, publicising the results of findings, etc.
- Alerting the media and building a media strategy
- Building coalitions with other NGOs
- Holding workshops for the population or policy-makers
- Organising and mobilising the population
- Conducting campaigns around a particular theme or victim
- Lobbying the government for reforms
- Alerting the international community
- Alerting and working with relevant UN bodies and treaty mechanisms.

Other possible action

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David Chimini,
ZimRights, Editorial
Group Meeting,
Dakar, Senegal,
November 1998

Suggestions for identifying effective action

1. Identify your objectives

What are you aiming to achieve and why? What are the expectations of the victims?

2. Identify your audience

Is your audience the general public, the media, other NGOs, the government, international organisations, etc.?

3. Time the release of the report or of the action

- What are the national and international events that may assist (or hinder) your cause?
- Is the national context open to changes?
For instance, if a law reform has been tabled by government or parliament, this may be a good moment to do some lobbying.

4. Identify detailed and precise recommendations to accompany the action

The nature of the recommendations depends very much on the type of violation and the political circumstances or context. Generally speaking, however, the more detailed and precise the recommendations, the more likely they are to attract the attention of policy-makers, journalists, etc. For instance, recommending and lobbying for “a reform of the judicial system” without giving further details may not look very serious or knowledgeable. Explaining in detail what such a reform should entail and how it should be implemented will carry more weight in the eyes of the public, government, or media.

Part Two

PRINCIPLES OF RESEARCH
ON HUMAN RIGHTS
VIOLATIONS

There are four main **guiding principles** that human rights researchers should always keep in mind when investigating human rights violations. They are:

Accuracy

Being certain that what you are claiming happened, did in fact happen; making a clear distinction between facts, on the one hand, and rumours, hearsay and allegations, on the other.

Confidentiality

Ensuring that the sources of your information are kept secret, **unless** they have agreed to their names being made public and you have agreed to it.

Impartiality

Refraining from advancing any particular or sectarian agendas, and documenting human rights violations without discrimination as to nationality, race, religious or political beliefs, etc.

Gender-sensitivity

Ensuring that women's rights violations are properly documented and that women's rights are not neglected.

Accuracy

Why is it important to be accurate?

“Being sure that what you are claiming happened, did in fact happen, must surely be a key issue for anyone in the field of human rights: governments and others will be looking for methodological flaws with which to campaign against your reports, and the individuals who compile them.”

- Accuracy is the human rights monitor’s ultimate weapon. Their ability to influence governments and public opinion is based on the accuracy of their information.
- Accuracy is the backbone of monitoring and fact-finding. The human rights monitors should spend a long time assessing and evaluating information provided by contacts or through interviews before making it public. While timeliness and urgency are important considerations, speed of reporting should not be done at the expense of accuracy.
- Often, the evidence gathered points overwhelmingly in one direction, allowing for strongly-worded and unequivocal conclusions. Sometimes, however, you could wait forever to get an accurate picture of an issue. There are ways to get around cases where absolute confirmation of every fact is impossible: you may have to rely on careful use of language, carefully-worded conclusions, such as “it appears that . . .” or “the evidence suggests that . . .”.

What are the obstacles to accuracy?

Time lapse between the human rights abuses and the actual investigation.

Witnesses or victims may have forgotten some important details, or precise dates of events; victims or witnesses may have died or moved away; written records may have been misplaced or thrown away; existing written records may be incomplete; etc.

Biases of the contacts

Witnesses or victims may give you wrong information, or may exaggerate the facts, for a variety of reasons, including fear, personal interests, political motivations, etc.

“Owing to the high expectations, we have had victims exaggerating their predicament to elicit sympathy. At other times, people have given us reports which they tell us are factual. But later on, we realise they were just hearsay.”

Possible biases of the monitors

Monitors may also let their own biases or emotions hamper accuracy.

Contradictory information

In a number of situations, witnesses, victims or other contacts may give you contradictory information regarding

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Shari Eppel,
Programme Manager,
Amani Trust,
*Documenting
Human Rights
Violations*, Eastern
Africa Human Rights
Defenders Meeting,
Harare, Zimbabwe,
March 1998.

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Discussion notes,
Eastern Africa
Human Rights
Defenders Meeting,
Arusha, Tanzania,
November 1997.

the incident itself, the perpetrators, etc. Sometimes, witnesses may not be certain about exactly what happened or may disagree with each other. In other cases, witnesses or officials may deliberately lie to you.

Lack of access to information or to the areas where the violations took place

For instance, in war situations, the perpetrators hide all evidence or traces of human rights violations, such as: mass killings and burials, “disappearances”, etc. The researchers may not be able to go to the scene because of security concerns (for instance, presence of landmines).

❖ See Part Three, “Challenges and Possible Solutions”.

How do you ensure accuracy?

Reporting on human rights violations is based upon an accurate account of the facts as known by the activist or the human rights organisation. For this purpose, you should **always** and at all times **make a clear distinction between facts**, on the one hand, **and rumours, hearsay and allegations**, on the other.

In order to ensure accuracy, you may follow all or some of the following steps:

1. **Assess** the original source of information
For instance, ask yourselves: what is the record of this contact or organisation or newspaper? What may be the political agenda behind the allegation?
2. **Conduct** a preliminary assessment of the allegation
You should retrace the origins of the allegation as well as possible witnesses, and identify the missing pieces and evidence. You should also consider alternative explanations for the facts of the allegation.
3. **Compare** the allegation with other cases and country patterns
Monitoring the country over time and systematically allows you to build a picture of the country’s record and of typical forms of violations. You can assess the particular allegation with what you know about this type of violation.
4. **Cross-check** the information with other contacts or sources
Allegations of violations, whether originating from one contact, the media, the victim or family members should be verified with other contacts or sources.

5. **Assess** the evidence

You may be already provided with evidence, such as photographs, medical records, records, court cases, police reports, etc. Read and interpret the evidence carefully; rely on informed knowledge and expertise (e.g. forensic or ballistic experts); identify the questions left unanswered and the missing evidence.

6. **Interview** the victims and/or witnesses

Whenever possible, you should try to interview the victim him/herself, the family or eye-witnesses. The conduct and assessment of an interview necessitates knowledge of:

- a) the type of violation being investigated, in terms of its physical and mental consequences, circumstances, etc.;
- b) the aforementioned patterns; and
- c) the evidence that will be necessary to substantiate the allegation.

7. **Collect** additional evidence

If material evidence is missing, or if you are not satisfied with what you have received, search for additional evidence or second opinions, e.g. photographs, second medical or forensic records, court cases, police reports, etc. Take pictures and video films.

8. **Conduct** a fact-finding mission

You or some of your colleagues may find it necessary to go on a fact-finding mission to the area where the violation took place in order to ascertain the facts.

9. **Send** trained and credible researchers

They should be able to establish trust with informants and have experience in assessing testimonies. They should also come from different backgrounds in order to be able to collect accurate information most relevant to their areas of work and gender.

❖ See Part Three, “Challenges and Possible Solutions”.

Confidentiality

Confidentiality minimises risks

- Individuals who provide human rights organisations with vital information on human rights violations have been the victims of violations themselves, have witnessed violations or are at risk of becoming such victims. Confidentiality is a precaution to prevent contacts from being (further) harmed for having passed information to you. It constitutes a basic guarantee to your contacts, a contract between them and the organisation to secure trust and safety.
- Contacts may also be members of government, armed forces, police forces or armed groups speaking to you “off the record”. Confidentiality is of the utmost importance, because the contacts are themselves leaking information about the activities of their own services.
- At its worst, a breach of confidentiality may endanger the life of the contacts. In less serious cases, it may undermine the trust between human rights organisations and their contacts and threaten future work in the country or region.

Confidentiality allows you to build trust with your contacts

- Contacts who facilitate access to victims, or who are themselves witnesses or victims, will be more willing to cooperate with human rights monitors when informed about the possibility of confidentiality. A number of people will not dare to share information if it were not for the guarantee of confidentiality. Others may not report human rights violations that they have been the victims of, or witnesses to, if they are not first assured that their names, places, etc., will be withheld.
- People will stop talking to you if you are indiscrete; information sources will dry up if you are careless in your handling of confidential information.

Confidential information means that:

- the sources of your information on human rights violations should not be made public, should remain unnamed, and not be traceable (unless they have agreed to be named);
- and/or
- the facts themselves (for instance, regarding an incident or alleged perpetrators) may not be made public, or at least not until it is strategic and safe to do so.

Information is deemed confidential, in the first place, according to the **witnesses’ or contacts’ requests**.

Information will be treated confidentially according to **your decision**.

Why is confidentiality necessary?

What is confidential information?

- Even if a contact may not have requested that the information provided be treated as confidential, the human rights monitor may, nevertheless, decide to treat it as such for a number of reasons. For instance, during the lapse of time between the interview and the release of information, events may have occurred that indicate a degree of security risk not present at the time of the interview. The human rights monitor may then decide to treat the information confidentially because it may not be sensible or strategic to release it or the name of the sources at this particular time.

Information will be treated confidentially according to **the policy of your organisation.**

- Even if a contact may not have requested that the information provided be treated as confidential, human rights NGOs may decide to treat it as such on the basis of their policy on confidential information. It may be very useful for NGOs to develop such a policy, which will assist staff and inform their decisions regarding confidentiality.

When to go public?

Under some circumstances, it may be necessary for the information to be made public and/or the sources to be named – for instance, if similar cases are going to court and if the information provided will assist the quest for justice and against impunity. It will be up to you as a human rights monitor to assess the circumstances, the benefits and risks associated with going public and to convince the sources about the necessity of going public.

No information or names should be released unless the source has fully understood the implications of going public, and expressly accepted that the information he/she provided be made public.

- Thoroughly assess **the circumstances**: do they mandate that information be made public?
- Thoroughly assess **the security risks** that may be faced by your sources if they go public.
- Return to **your sources**:
 - ⇒ Assess his/her emotional state.
 - ⇒ Explain why it is important that the information be released.
 - ⇒ Make him/her feel part of a positive process, something to be proud of.

The following four examples illustrate some of the many ways in which a breach of confidentiality might occur.

How do you ensure confidentiality?

“Victims come to us sometimes. Once we get the information, we try to go the area where the violations took place. When we get there, the chief ask us, “Who gave you the information.” After we leave, he organises a meeting and asks for the identity of those who went away during a certain period to find out who gave us the information.”¹⁰

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Discussion notes,
Southern Africa
Human Rights
Defenders Meeting,
Harare, Zimbabwe,
March 1998.

“In my area, before you reach the community, you have to go through the chief first. So it affects confidentiality. There is a conflict between human rights and customs. But you must convince the chief first.”¹¹

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Discussion notes,
Eastern Africa
Human Rights
Defenders Meeting,
Arusha, Tanzania,
November 1997.

“Information regarding a top-secret document on matters internal to our NGO was released in the public domain. When it went out, it felt as if our NGO was a very corrupt organisation. We had to take immediate action or the organisation could have been destroyed. After investigation, we found out that the confidential information had been leaked by a volunteer who was a spy. She herself had received the information from one of our staff members. Both the volunteer and the staff member were asked to leave the premises immediately.”¹²

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Discussion notes,
Editorial Group
Meeting, Dakar,
Senegal, November
1998.

“In my organisation, a young woman had passed confidential information to one of her family members without realising it was confidential. When we found out about it, she was strongly warned. We did not ask her to leave because we realised she did not know it was confidential and what it meant.”¹³

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Discussion notes,
Editorial Group
Meeting, Dakar,
Senegal, November
1998.

Advice to ensure some protection against a breach of confidentiality

Breaches

Remedies

At all times	<ul style="list-style-type: none"> • Conduct an assessment of the possible risks to or breaches of confidentiality • Establish a code of conduct in the office and outside regarding the forms of investigations, abide by it, and reassess it on a regular basis • Whenever breaches of confidentiality have occurred, identify the reasons and come up with remedies
While communicating	<ul style="list-style-type: none"> • Do not assume that telephone calls, faxes, e-mail are safe: always be careful with what you say or write; use code words for names, places, events, etc. • Use public telephones • Make friends with your Internet Service Provider • When sending e-mails, avoid using give-away or sensational headings or subjects
While trying to contact witnesses	<ul style="list-style-type: none"> • Assess the risks • If necessary, don't conduct the interview yourself: ask one of your local contacts or activists to do the interviews and bring the information to you • Keep your movements quiet; be discreet • Change your plans if necessary
Upon arriving at the location	<ul style="list-style-type: none"> • If necessary, inform local authorities but remain vague • Demonstrate respect to traditional leaders while remaining vague ✳ See tips under "Access to information" in Part Three, page 57.
While conducting the interview	<ul style="list-style-type: none"> • Conduct interviews on a one-on-one basis, in a safe place • Inform contacts or witnesses that they may remain anonymous or that their testimony will be confidential, i.e. name and location withheld; any other information that may link the information to the informer may be withheld
Because of lack of trust	<ul style="list-style-type: none"> • Always inform contacts or witnesses of the use that will be made of information provided, of the reasons for gathering the information, of the action that may be taken, reports that may be written, etc. It is important that the witness understands the implications of giving his/her testimony and the basis upon which she/he shares information
While keeping information in the office	<ul style="list-style-type: none"> • Confidential material, cases, files, databases should be handled only by a limited number of staff • Lock away confidential information • Don't assist burglars! Do not label the filing cabinets • Photocopy important materials and keep the copies in a different building; if necessary ship them out of the country
While storing information on computer	<ul style="list-style-type: none"> • Do not assume that information stored on the computer is safe • Back up the work on your computer every day and keep at least one back-up disk outside the office in a secure place • Save information on diskettes, print important materials • Password-protect files whenever possible

Impartiality

“When you quarrel with the dog, do the same to the bones.”

For a large number of international and local human rights, humanitarian or conflict-resolution organisations, impartiality constitutes an important guiding principle in achieving the organisations’ objectives. The approach may vary from one organisation to the next, depending on the organisation’s mandate and the circumstances.

- For **ZimRights**, impartiality means looking at issues in a manner that does not show leanings; it is about seeking justice for all, without prejudices regarding tribal origin or other issues: “there is no valid reason to destroy civilian property and beat up policemen”.
- For the **Red Cross**, impartiality means that the organisation seeks to relieve the suffering of individuals without discrimination as to nationality, race, religious belief, class or political opinion.
- For **Amnesty International**, impartiality means being non-partisan: the organisation does not support or oppose any government or political system and does not take sides in international or domestic conflicts. Amnesty International documents human rights violations regardless of the nature of the governments or armed political groups, the nature of the conflicts, the ideology of the perpetrators or the beliefs of the victims.

A large number of African human rights NGOs find it difficult to be perceived as impartial because of the political context and the labelling:

“African human rights NGOs are seen as part of the opposition as governments are the worst human rights violators. In Nigeria, human rights NGOs tend to be seen as either siding with the government and the military or with the opposition.”¹⁴

It is all the more important, therefore, that human rights activists and NGOs endeavour to develop a principle and a practice of impartiality and objectivity:

“Human rights organisation should work towards impartiality as a way of strengthening the human rights message.”¹⁵

Being able to demonstrate impartiality is important:

- **To get information on human rights violations:** Individuals may not be willing to talk to you or report human rights violations if they feel that you are partisan and that you will not take their complaints or information seriously.
- **To establish credibility and be efficient:** If the

What does impartiality mean?

Why is impartiality important?

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Discussion notes,
West and Central
Africa Human Rights
Defenders Workshop,
Bingerville, Côte
d’Ivoire, July 1998.

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Discussion notes,
Editorial Group
Meeting, Dakar,
Senegal, November
1998.

Approaches towards impartiality

government feels that you are not treating other perpetrators in the same way that you are treating them, they may not take your findings or conclusions and recommendations seriously.

- **To build your reputation:** Being impartial may not stop the government or other political forces from labelling you and your work, and from trying to ostracise your organisation, but there is no reason to help them to do so! Being perceived as impartial will certainly assist you in building your reputation with all potential victims, with other political actors, with donors, and internationally.

The approach to impartiality will differ from one country to the next. But the overall principle may be summarised as follows:

“In order to ensure impartiality at RADDHO, we always deal with the facts of the case rather than judging.”¹⁶

In order to do this, the following steps may be necessary.

1. Talking to all victims

- Document violations whether they are perpetrated by the government, political opponents or armed opposition groups, and without discrimination as to the ethnicity, race, religious beliefs, political opinions, or other characteristics of the victims.

2. Developing a statement and policy on impartiality

- Develop a definition of impartiality and a code of conduct to implement the definition in practice.
- Publicise the mandate and principles of the organisation or of your work, including the principle of impartiality and the code of conduct.
- Respond immediately to all accusations of bias and partiality or of being politically partisan.
- Be careful where your office is located and who your landlord is.
- Develop a fund-raising policy: it may not be wise to get funding from the government or political organisations.

3. Developing a human resources and training policy

- Hire staff members or select fact-finding delegates from different ethnic, religious, or other groups.
- Be aware of possible conflicts of interests and accusations of bias against your staff. For instance, political appointees may be members of the organisation but not staff or board members.
- Be aware of your own biases and of the impact of your

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Discussion notes,
Editorial Meeting
Group, Dakar,
Senegal, November
1998.

political beliefs, ethnicity, or religion on human rights work:

“We find that tribal sentiments are such a sensitive issue that it can only serve as a derailleur. Confronted with a situation of this nature, one’s emotions is overtaxed and overpowers an individual. Such an individual becomes too sensitive and even reacts to the slightest provocation. Worse still, the individual’s vision and judgement becomes “coloured”. This necessarily puts in jeopardy the required accuracy and impartiality expected of an investigator”¹⁷

- Train staff and volunteers about impartiality and prejudices.

4. Collaborating and condemning

- Build coalitions with several NGOs or individuals to advance a similar message or recommendations.
- Support political parties or government when they are doing something for justice and human rights. Condemn them if they are saying or doing something that goes against human rights.

5. Recognising the limits: war situations

- Being perceived as impartial may be especially difficult in war situations.

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James Otto,
Secretary-General,
Human Rights Focus,
Gulu, Uganda,
*Monitoring
Experience where
Impartiality and/or
Accuracy Are
Difficult to Achieve:
The “Protected
Camps” of the Acholi
Sub-region of
Northern Uganda*, a
paper written for the
Eastern Africa
Human Rights
Defenders Workshop,
Arusha, Tanzania,
November 1997.

“The approach to impartiality is different depending on whether the country is at war or at peace. During the war the authorities do not recognise or accept any criticism and argue that rebels violate human rights. How can we therefore approach these rebels? The government will always find fault with your work and may accuse you of collaborating with “enemy forces”, even if you do document violations perpetrated by rebel forces or foreign armies.”¹⁸

“At the beginning, when we started working on the conflict in Casamance, there were a number of negative reactions. We stick to international standards. Our work has also been to explain that it was not just a Casamance problem but a problem for all Senegal.”¹⁹

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Discussion notes,
West and Central
Africa Human Rights
Defenders Workshop,
Bingerville, Côte
d’Ivoire, July 1998

- Under such circumstances, you should pursue your work to the best of your capacity, place extra precautions on security, pass on information to regional or international contacts, and rely on them to report on the violations perpetrated by all sides.

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Discussion notes,
Editorial Group
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Senegal, November
1998

Gender-sensitivity

Why is gender-sensitivity important?

To respect human rights principles and standards

- NGOs, governments, and the civil societies at large have recognised the neglect of women's human rights violations and taken steps to ensure respect for women's rights. As a human rights activist or organisation, you should contribute to these efforts.

To ensure that women's rights violations are properly documented

- Human rights violations against women and girl-children have often been under-documented for a number of reasons, related to the subordinate position that women occupy within the family, community and society. Yet discrimination against women is present in *all* countries of the world. You may find it: in the laws and the constitution; in the beliefs of society; in sexist behaviour and statements, in cultural practices; in access to economic resources and legal systems; in family relationships, such as domestic violence, etc.
- Issues that may affect women are numerous, including: lack of proper education; poor job opportunities; domestic violence; violence during civil unrest; rape and sexual slavery; forced marriage; genital mutilation; etc.
- Unfortunately, the human rights world also discriminates against women. This is the conclusion of men and women activists who met to discuss documentation throughout Africa. They especially remarked on:
 - ⇒ The lack of, or limited, documentation of women's rights violations
 - ⇒ Labelling of women activists
 - ⇒ Marginalisation of women activists in the human rights world
 - ⇒ Lack of respect of women activists by men activists
 - ⇒ Lack of respect or lack of sensitivity for women victims and contacts by human rights activists
 - ⇒ Lack of opportunities

As a matter of reputation

- Your reputation or your organisation's is partly based on the fact that no one should be in a position to question your integrity. By neglecting aspects of your work, you are opening yourselves to criticism and attacks.

For strategic reasons

- Engaging with women's organisations in your country and region can only strengthen and enrich your message, your work and your reputation. The women's movement has successfully managed to: create a global network and global campaigning activities; build upon the members' differences and diversity; bring together civil society,

governmental and international actors; link and work together with other organisations and groups; raise consciousness and understanding on the universality and indivisibility of human rights.

In order to fulfil all the above objectives, you need to follow a gender-sensitive approach to human rights documentation. Such an approach may require you to take the following steps:

1. Build a gender-sensitive contact base

You should seek to build contacts with women's NGOs, women activists, and women contacts in all areas of the country.

- **Non-Governmental Organisations:** Make efforts to contact women's NGOs and development NGOs and to build relationships with them.
- **Individuals:** You should seek to contact official and professional women, such as women medical doctors, nurses, lawyers, judges, security and prison officers, women Members of Parliament, etc.
- **International organisations:** UNICEF, UNDP, UNHCR, UNIFEM, the World Bank, the United Nations Special Rapporteur on Violence Against Women, etc.
- **National government:** The women's minister, if there is one, as well as national ministries dealing with health, water, the justice system, women, children, etc., should be contacted.

2. Take a gender-sensitive approach to fact-finding

Community spokespeople are often men who may be reluctant to introduce the delegates to women, or may not understand why the delegation wishes to meet women. To address this and other problems, you should:

- a. Ensure that the fact-finding delegation is comprised of women, and include men and women delegates with experience in dealing with women's human rights violations; seek contact with women from the area.
- b. Be proactive: while preparing the mission and while on mission, ask yourself the question: "Where are the women?" You must actively seek access to them, and ask to meet with women.
- c. When on the scene, follow the lines of authority and convince the men and leaders that you must speak with the women.
- d. Organise focus groups composed of women to develop a

What is a gender-sensitive approach?

better understanding of the situation and explain your research.

3. Develop a gender-sensitive approach to the investigation

Women may be unwilling to report human rights violations: There may be a number of pressures that prevent them from talking to you, including pressures from the family or community; shame; fear. In areas where you have never conducted research on human rights violations, contacts may be limited and untrustworthy. Research on women's rights abuses in general, and on sexual violence in particular, often requires patience, long-term commitment and sustained effort in order to address cultural differences and barriers, lack of trust, contrasting modes of reporting information, etc.

To address these and other problems, you should adopt a gender-sensitive approach to the investigation:

- a. Be aware and knowledgeable about social and cultural attitudes attached to women, sexual violence, rape and sex in the region or community.
- b. Do not hesitate to explore alternative approaches to information-gathering if the more traditional ones have failed. For instance, you may follow the focus group approach. A focus group consists of a carefully planned and non-threatening discussion on a specific problem or area of interest with a small group of people. This approach to information-gathering is frequently used by women's or development organisations to address difficult problems such as domestic violence or female genital mutilation.
- * See the approach of the Women's Health and Development Program, Part Four, page 71.
- c. Identify women who could introduce you to other women or victims.
- d. Identify the influential women within the community, especially women who are advocates for change in the status of women.
- e. Do not anger the men and the leaders; negotiate with them; explain why you need to speak with the women; why you need to do so in private.
- f. Go to places where you are likely to find women, such as the hospitals, the water bore-holes or rivers, the schools, etc.

- g. Find out about local structures (NGOs, hospitals, lawyers, etc.) that may provide assistance to women victims of human rights violations. This information may help to break barriers, address some of the pain, and begin the process towards recovery.

4. Conduct gender-sensitive interviews

Whenever interviewing women victims or witnesses, you should:

- a. Find information about the status of women in the society and specific cultural or social issues which may affect women
- b. Remember that sexual torture is one of the most difficult allegations to make because of the social, cultural, moral and political environment. In almost all societies, a woman, man or child coming forward with allegations of rape, sexual violence or sexual humiliation, has a great deal to “lose” and is likely to face extraordinary pressures and ostracism from the closest members of her/his family to the society at large.
- c. Be patient: you must be prepared to spend more time explaining what you are doing and why; you may need to organise focus groups.

Build trust with the women you are interviewing, understand the cycles of violence, and at which stage the women are, before bringing up sensitive issues.

* Follow the “Suggestions for Interviews”, in Part Four, pages 63-71.

5. Adopt and promote gender-sensitive language

The use of non-sexist language promotes the principle of equality between men and women.

- a. You could adopt a policy on a gender-sensitive language of human rights, including using words and expressions that do not obscure women’s experiences.
- b. For instance, you could use generic terms and titles, such as: people, human beings, society, individual, men and women, chairperson rather than such terms as: man, men, mankind, or chairman.
- c. In French, you could, for instance, replace the expression *droits de l’homme* [rights of man] with: *droits humains*, then *droits de l’être humain* and finally *droits de la*

personne humaine.

6. Promote and implement a gender-sensitive working environment

Whether you are working in an organisation, or alone, you should seek to promote respect for women and women's rights with your colleagues from the human rights community, your contacts, your friends, etc.

- a. Do not tolerate sexual harassment of colleagues and contacts. You should lobby for the establishment of a clear policy to prevent sexual harassment and punish those responsible for such abuses in the work place, on missions, at conferences, etc. Promote the policy within the organisation and outside.
- b. Organise and take part in gender-sensitive training.
- c. Build contacts with women's NGOs.
- d. Staff should be strongly encouraged to organise and take part in empowerment training for women.
- e. Ensure the integration of women's human rights into your work plan. For instance:
 - Make sure that women's rights violations are part of the monitoring process;
 - Ensure that during fact-finding missions women are interviewed and women's human rights violations are included among the objectives of the mission.
 - If your resources permit it, you could consider establishing a position on women's human rights violations.
- f. Promote women's leadership. Women human rights activists have noticed that they are often not informed of what is going on and that they are rarely promoted. Ensure that women are well represented in all levels of the organisation.

Part Three

CHALLENGES
AND
POSSIBLE SOLUTIONS

In all regions of the world, human rights defenders have the right to oppose violations of all human rights peacefully and actively, to denounce violations when they take place and to give their support to the victims. Such rights are enshrined in the Universal Declaration of Human Rights as well as in other Conventions, both international and regional. Moreover, on 9 December 1998, the UN General Assembly adopted the Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. The Human Rights Defenders' Declaration, as it is commonly known, specifically includes the right to defend the rights of other people, to hold human rights meetings, to access international organisations, and to seek, obtain and publish information on human rights. The Declaration also confers upon the state the obligation to ensure the protection of human rights defenders against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action.

Yet in their day-to-day work, many human rights defenders face enormous pressures and dangers, and their rights too often remain violated.

The obstacles confronting human rights defenders and the problems they face in conducting human rights investigation are numerous. The objective of this chapter is to list some of these problems and identify possible solutions or remedies to overcome them. These problems and their solutions may include:

1. Economic hardship
2. Repressive legal regime
3. Labelling
4. Logistical problems
5. Lack of access to information
6. Being "burned out"
7. Risks to personal security

Human rights monitors, as well as members of their families, may face economic hardship as a direct consequence of their activities on behalf of human rights.

Such problems may include:

- little or no income
- denial or withdrawal of permits for business operations
- unemployment
- sacking from employment, school or universities
- excessive tax bills
- selective enforcement of tax laws and other financial regulations; selective prosecution
- loss of contracts or work opportunities
- loss or destruction of property, both personal and those belonging to the organisation
- denial of funding
- disciplinary action against students

Economic hardship

Economic hardship

Problems	Long-term remedies	Reactive remedies
Lack or loss of income	<ul style="list-style-type: none"> • Fund-raise to support human rights defenders and families during difficult financial times. • Arrange for quarterly disbursements as opposed to block disbursements from donors. • Spread accounts in different banks. • Have solid and clean accounting practices. 	<ul style="list-style-type: none"> • Take immediate legal action; call upon lawyers to defend illegal deprivation of property, land, employment victimisation. • Inform donors immediately and arrange for alternative financial mechanisms.
Loss of contracts; withdrawal of permits, etc.	<ul style="list-style-type: none"> • Hold negotiations with the authorities. • Seek international recognition. • Seek support from influential individuals and the media. • Spread your work and contracts: multiply small contracts rather than rely on a few big ones; seek contracts from international organisations. 	<ul style="list-style-type: none"> • Take legal action against authorities to protest against loss of contracts or permits. • Ignore illegal bans. • Intensify media campaign and mobilisation of the public.

Repressive legal regime

In many countries, the legal regime within which the monitors work totters between total hostility to mute indifference. The resulting legal challenges may include:

- Existence of laws which violate international human right standards, such as laws denying freedom of association or of expression; lack of independence of the judicial system
- Existence of laws which hinder human rights monitoring, such as Public Security Bills, Private Voluntary Organisations Acts, Official Secrets Acts; Emergency Acts; etc.
- Manipulation of the law by government officials. The problem here is not in the existence of repressive laws but in the interpretation and implementation of the laws by officials. Problems falling within this category may include:
 - ⇒ overnight laws that can be passed to outlaw organisations or activities
 - ⇒ selective application of laws to different people
 - ⇒ denial of permission to hold meetings; denial of the right to assembly, or to demonstrate
 - ⇒ denial of access to information by police and others
 - ⇒ deliberate hindrance by police of lawyer's access to clients
 - ⇒ denial of public information
 - ⇒ delayed registration or deregistration of NGOs, which affects legal status
 - ⇒ lawyers threatened with removal of their licence to practise
- False accusations, malicious prosecutions
- Unlawful arrests
- Corrupt lawyers

Repressive legal regime

Problems	Long-term remedies	Reactive remedies
Repressive laws	<ul style="list-style-type: none"> • Join forces with other organisations. • Lobby for constitutional reforms and against unjust laws both internally and externally, pressurise for the democratisation of the media. 	<ul style="list-style-type: none"> • Identify legal loopholes. • Mobilise at a national, regional and international level. • Organise peaceful demonstrations by civilians.
Manipulation of the laws	<ul style="list-style-type: none"> • Push for transparency and dialogue. • Improve communication with officials as partners rather than as adversaries. 	<ul style="list-style-type: none"> • Identify legal loopholes. • Campaign for adherence to the law. • Bring lawsuits.
Media censorship	<ul style="list-style-type: none"> • Campaign for adherence to the relevant provisions of laws that allow freedom of expression; cite regional and international standards. • Campaign for independent media. • Campaign to repeal all outdated laws that violate freedom of expression. 	<ul style="list-style-type: none"> • Challenge censorship in court. • Alert international networks dealing with freedom of expression and media censorship.
Travel restrictions	<ul style="list-style-type: none"> • Go to countries for which you don't need entry or exit visas. • Institute legal challenges about the requirement of obtaining security passes in order to leave the country (e.g. refer to the UDHR, African Charter and national legislation). • Contact authorities and build relationships with them to make departures easier in future. 	<ul style="list-style-type: none"> • Leave secretly. • Send unknown colleagues to international meetings or on trips. • Always carry enough money on you in case you need to leave quickly.
Banned organisation	<ul style="list-style-type: none"> • Fulfil all obligations under the NGO registration act. • Ensure that financial matters (e.g. taxes) and budget are in order. • Twin organisations so that if yours is deregistered, assets can be transferred to the twin organisation. • Be prepared: establish a plan in case of deregistration. • Seek international recognition. • Seek support from influential individuals and the media. • Train activists in non-violent and non-confrontational negotiation methods. 	<ul style="list-style-type: none"> • Inform others immediately. • Hold negotiations with the authorities. • Take legal action against authorities immediately. • Intensify media campaign and mobilisation of the public; • Seek support and office space in other organisations so as to continue working. • Go underground and carry out activities in secret.

Labelling

The work of human rights monitors may be rendered especially difficult because of negative labelling by government officials, opposition parties, or, indeed, members of civil society (for instance, working against certain cultural practices may result in labelling by civil society, family members, etc.). Many of the people labelling and intimidating you have access to the media or control it and can do great damage to your reputation and credibility as a human rights monitor.

“Trying to confirm or document human rights abuses is always perceived as an attempt to discredit the government and its officials. The monitor is branded anti-government or a lackey of some foreign interest out to discredit the government. In Kenya, monitoring human rights violations is perceived in government circles as an unpatriotic duty. The president never tires of telling Kenyans who point out human rights violations by the government that they act like thankless children who criticise their mother even in the presence of strangers!”²⁰

Women human rights defenders are especially vulnerable to labelling. They face hardship from at least three sides: the government; their families or friends; and their colleagues.

- They may be personally attacked by officials or the media for setting bad examples, for being bad mothers and wives, and not caring for their families as all “good” women should.
- Women’s roles in patriarchal societies may also hamper their efforts to work as human rights defenders: their family members or friends may not be supportive, or, in the worst cases, may put pressure on them to stop their activities.
- In addition, the NGO sector in general, and human rights NGOs in particular, may be gender-insensitive: women are hugely under-represented in this field, even more so in positions of leadership; men activists do not encourage women to work in the human rights field; women are often the last ones to receive information when they work side by side with men. In the worst cases, women monitors may be sexually harassed or be the victims of gender-insensitive behaviour from their own colleagues.

Labelling may be especially acute whenever the monitors are investigating human rights violations in regions or areas they are not familiar with. It may be facilitated by the low level of literacy among the population.

“The majority of people in the district are illiterate. The only sources of information are the government-controlled KBC radio, for those lucky to own one, or the chief. These two sources of information are known critics of human rights activists, terming them “anti-government”. This has created suspicion towards human rights activists in the rural areas over time. It therefore becomes difficult to carry out investigations among people who have been taught to be suspicious of you. To reinforce this, there are spies among the people who report to the chief.”²¹

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Kathurima M’Inoti,
International
Commission of
Jurists, Kenya
Section, *Difficulties
of Monitoring
Human Rights
Abuses in Kenya*,
Eastern Africa
Human Rights
Defenders Workshop,
6-8 November 1997,
Arusha, Tanzania.

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Peter Kiama, Justice
and Peace
Programme of the
Catholic Diocese of
Lodwar, Kenya,
*Specific and Difficult
Monitoring
Experiences in Rural
Areas*, Eastern Africa
Human Rights
Defenders Workshop,
Arusha, Tanzania,
November 1997.

Labelling

Problems	Long-term remedies	Reactive remedies
Labelling	<ul style="list-style-type: none"> • Publicise the aims and objectives of the organisation. • Ensure transparency about the organisation's finances and mission: make them public on a regular basis. • Avoid unhealthy competition with other organisations. • Develop support networks with members of civil society. • Develop international networks. 	<ul style="list-style-type: none"> • Issue public responses to all attacks on the organisation's or its members' reputation • Use churches, mosques and other religious institutions or gatherings to disseminate information. • Emphasise the accuracy of your information.
Stigmatisation of women monitors	<ul style="list-style-type: none"> • Conduct gender-sensitive training with NGOs, media, etc. • Build a network of women activists. • Conduct empowerment training. • Promote or support women in positions of authority within NGOs; • Lobby for reforms of laws discriminating against women. 	<ul style="list-style-type: none"> • React immediately to all sexist remarks or attacks by media, officials or other NGOs. • Do not tolerate any sexist behaviour by staff.

“Our jobs require us to spend huge amounts of time face to face with the horror of other people's suffering, and the urgency of their needs and scale of their misfortune can become overwhelming. We will inevitably become vicariously traumatised . . . If we neglect to take care of ourselves, then we are not ultimately much good to anyone else.”²²

Feeling “burned out”

Human rights work affects the mental health of the activists and of their families. Many human rights workers have, at a minimum, interviewed individuals who have been the victims of human rights violations. You may also have witnessed stressful incidents and human rights violations. In the worst case scenario, you have, yourselves, been the victims of violations, or have to take constant precautions because your life, and/or the lives of family members or friends are at risk.

It is crucial that you be aware of, and acknowledge, the consequences of your work on your mental and physical well-being, as well as its impact on your family and friends.

- Acknowledging that your work is likely to have negative effects on your mental well-being is the first and most important step towards finding solutions.

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Shari Eppel,
*Documenting
Human Rights
Violations*, Southern
Africa Human Rights
Defenders Workshop,
26–28 March 1998,
Harare, Zimbabwe.

Possible symptoms

Symptoms of depression and the effects of trauma differ from one person to the next. Below is a list of possible symptoms indicating that you are stressed and possibly traumatised by the work you are doing.

- Insomnia
- Nightmares
- Flashbacks
- Feeling of detachment or estrangement from others;
- Irritability or outbursts of violence directed at family members (e.g. domestic violence) or colleagues; neglecting your family
- Difficulty concentrating
- Working long hours; diminished or lack of interest in other issues
- Drinking problems or other substance abuse
- Depression (e.g. crying a lot for no apparent reasons)

Possible remedies for depression

To prevent it from happening

- Acknowledge that mental-health problems may arise because of your exposure to human rights violations.
- If you are working for an organisation, insist that such problems be acknowledged and that the organisation develops guidelines to address such problems.
- Talk about it; encourage your colleagues to talk about it.
- Organise regular **debriefing sessions**: a number of human rights organisations in Africa have developed a system whereby colleagues debrief each other after difficult experiences, such as experiencing human rights violations or a stressful event, difficult missions or painful interviews. Such sessions consist at a minimum of talking about the events and especially about the feelings one has gone through or is going through.
- Exercise! Physical exercises can help you relieve the stress experienced during work.
- Keep time to relax after work: leave time for jokes and leisure; consider other stress-coping remedies such as massage.

If you are suffering from depression or post-traumatic stress disorder

- Acknowledge that you are stressed or traumatised.
- Seek assistance: there are doctors, mental-health professionals, NGOs, such as a centre for the victims of torture, which may help you or your family cope with the problems.
- Talk about it: with trusted friends, colleagues, family members.
- If your family is suffering because of your stress, seek assistance, talk about it with family members. **Do not let it go on.** Neglecting your family, outbursts of anger, and, in the worst case scenario, domestic violence, damage your family life, your reputation, and, as far as domestic violence is concerned, constitute a form of human rights abuse.

Logistical problems

The logistical problems confronting human rights monitors are numerous, from the absence of means of communication and basic equipment (e.g. computers, typewriters, cameras, telephones) to more general problems confronting the population at large, such as bad infrastructure or weather conditions, absence of telephone lines or electricity, etc. Such problems may be especially acute in rural areas.

“Sometimes investigations are hampered by lack of equipment, e.g. cameras, tape recorders, etc. This makes it difficult to collect evidence on the spot. In cases where post-mortems are required, poor refrigeration services at the district hospital hampers the carrying out of a proper post-mortem. In the two post-mortems that we have dealt with in 1996 and 1997 the bodies had decomposed by the time the post-mortems were made.”²³

The following is extracted from a report on forced child labour in South-Eastern Liberia, based on a fact-finding mission undertaken by two human rights NGOs: the forerunners of the Children’s Universal Rights for Survival, Growth and Development (FOCUS) and the Catholic Commission for Justice and Peace:

“The mission lasted four weeks, July 1–31, 1998 and covered five cities, thirteen towns and two villages . . . The mission was conducted in a low profile manner. It comprised eight trained human rights monitors from JPC and FOCUS. They were assigned in pairs to the four counties of the Southeast. Each team was equipped with a portable recorder, a camera and other data-collection gadgets . . . Due to the very bad road conditions, especially during the current rainy season, the team spent half of its mission period (i.e. 2 weeks) on travel, including a lot of walking. Some of the teams trekked up to sixty hours to reach certain areas of the Southeast which are not accessible by motorable roads . . . Because of the very bad road condition, there is hardly any commercial vehicles plying the highway leading to the Southeast.”²⁴

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Peter Kiama, Justice and Peace Programme of the Catholic Diocese of Lodwar, Kenya, *Specific and Difficult Monitoring Experiences in Rural Areas*, Eastern Africa Human Rights Defenders Workshop, Arusha, Tanzania, November 1997.

24

FOCUS and Justice and Peace Commission (JPC) Report, *Forced Child Labour in South-Eastern Liberia*, 10 September 1998.

Logistical problems

Long-term remedies

- Absence of means of transport (e.g. cars)
- Absence of cameras, tape-recorders, etc.
- Bad infrastructure or bad weather conditions
- Poor infrastructures (roads, electricity, phones, etc.)

Reactive remedies

- Look for international funding to pay for vehicles, cellular phones, etc.
- Identify reliable contacts who can provide you with means of transport.
- Share equipment with other NGOs.
- Fund-raise (nationally and internationally): e.g. ask for support from businesses specialising in such equipment.
- Before leaving, get information on the road and weather conditions; identify alternative routes.
- Identify reliable and friendly international organisations who may give you access to their equipment discreetly (e.g. UN offices, development or humanitarian NGOs, etc.).

Lack of access to information

Lack of access to information is one of the most common challenges faced by the human rights worker. It may originate from a lack of co-operation on the part of the authorities, the reluctance or fear of witnesses or victims, the impossibility of travelling to the scene, etc.

For instance, the work of the human rights monitor may be hampered by authorities and chiefs, who may harass the monitors or the local people, intimidate them or threaten them.

*“The people in some areas have been so much oppressed over time that they have either lost hope or fear the consequences of exposing the excesses of their chief for example. I remember one case where an employee of our diocese was implicated with stock theft by his area chief. This employee had been a critic of the chief and one of our activists. When I went out to investigate, I found very credible witnesses whose evidence might have helped in the acquittal of the employee, but they could not dare testify against their chief. In another case, a 65-year-old man had evidence against his chief for stealing money belonging to a women’s group. When requested to write a statement, the old man said “I fear the crown”, meaning that he feared the immense powers of the chief and by implication the government.”*⁹²⁵

Also, in many cases, the people themselves may refuse to co-operate until and unless they feel they have been given permission to do so by the authorities. Or people may co-operate but on the basis of wrong assumptions:

*“People were not willing to talk. They said we should have followed the hierarchy and begun from the highest level of the party up to the community level.”*⁹²⁶

*“Sometimes the attitude of the people might impede the work of human rights organisations. People think that the human rights NGOs are very powerful and can succeed in getting people released from prison.”*⁹²⁷

In addition, the monitors themselves may demonstrate lack of cultural sensitivity or understanding. For instance, when investigating violations in rural areas, they may be perceived by the local population as “too urban” or may, indeed, demonstrate an urban-biased attitude. In addition, they may not speak or be fluent in local languages, or not understand local or cultural specificities.

*“Once, we went to a rural area to investigate abuses by a chief. We thought that these abuses were the main problem. But when we arrived, the people told us their hospital needed a roof and that they will not talk to us before we find one. We could not find a roof and we could not do the fact-finding.”*⁹²⁸

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Peter Kiama, Justice and Peace Programme of the Catholic Diocese of Lodwar, Kenya, *Specific and Difficult Monitoring Experiences in Rural Areas, Eastern Africa Human Rights Defenders Workshop, Arusha, Tanzania, November 1997.*

26

Discussion notes, Eastern Africa Human Rights Defenders Meeting, Harare, Zimbabwe, March 1998.

27

Discussion notes, Editorial Group Meeting, Dakar, Senegal, November 1998.

28

Discussion notes, Editorial Group Meeting, London, UK, June 1998.

Access to information

Problems	Long-term remedies	Reactive remedies
Lack of co-operation from the authorities	<ul style="list-style-type: none"> • Create affinity and complicity with officials so that when you ask for a service, they are ready to help you; develop entrées into all institutions. • Develop membership of your organisation in remote areas. • Establish committees to pass on information. • Convince the chiefs to support human rights. 	<ul style="list-style-type: none"> • Try the next level of authority. • Work through religious institutions or other organisations. • Go to the neighbouring villages or neighbourhoods. • Get court documents. • Demonstrate respect to traditional leaders; get their co-operation; • Denounce lack of co-operation.
Forbidden to go to the scene of the incident (e.g. prison)	<ul style="list-style-type: none"> • Create affinity and complicity with officials so that when you ask for access, they may help you. • Develop entrées into all institutions. 	<ul style="list-style-type: none"> • Try another level of authority. • Denounce lack of co-operation. • Seek court injunction giving you access to the scene. • Ask for witnesses or contacts to come to you.
Hostile attitude from the population	<ul style="list-style-type: none"> • Develop civic education and human rights awareness training for chiefs, officials and the population. • Develop local contacts or membership of your organisation in all areas, including remote ones. • Identify intermediaries. • Train monitors to develop trust in communities. • Set ground rules for partnerships, transfer skills and provide information. 	<ul style="list-style-type: none"> • Get co-operation from traditional leaders. • Organise meetings to explain why you are there. • Take time to explain your work; be patient! • Follow the hierarchy: get support from district councils, key chiefs, governors, etc. • Avoid leaving a vacuum and resentment when you leave.
Difficulties in communicating	<ul style="list-style-type: none"> • Use vernacular languages, translate material into local languages, build trust over time and prove commitment to confidentiality. • Conduct cultural sensitivity training with staff. 	<ul style="list-style-type: none"> • Be humble. • Be aware of your own biases and work on them. • Network with organisations working in rural areas, get their feedback and listen to their suggestions.
Lack of awareness	<ul style="list-style-type: none"> • Conduct human rights education with communities. • Ask other NGOs to conduct human rights/civic education. • Develop membership of your organisation. 	<ul style="list-style-type: none"> • Be clear about your agenda when working with communities.
Contradictory, biased information	<ul style="list-style-type: none"> • Please refer to section on Accuracy in Part Two on “Principles of Research” 	

Risks to personal security

Who may be at risk?

- the **monitors**: potential threats to the security, liberty or life of the monitors are numerous.
- their **contacts**: they are potentially faced with similar forms of risks
- their **family, friends, colleagues**, etc.

Where are the risks coming from?

- They may originate from the police, security or military forces; local chiefs; opposition groups; rebel forces; individual violators of human rights, their friends and relatives; members of civil society, etc.

What are the risks?

- Threats to the physical security of the human rights monitors include: attempted murders, death threats, rape or attempted rape of women human rights monitors; beatings, police brutality or harassment, arbitrary detentions; bombings of the office or homes; arson; mock thuggery; politically motivated burglaries of activists' homes and offices; intimidation; humiliation, etc.
- Other risks to personal security originate from: infiltration of the organisation; phone-tapping; trailing of people; lack of police protection; etc.

You may be particularly at risk during fact-finding

- Risks to the monitors' life or physical well-being may be heightened in the course of specific investigation because of the nature of the case being investigated or of the location of the investigation. For instance, there may be increased vulnerability because of: poor communication networks, the absence of the usual support network; travel into war zones.

Security tips Security situations and risks differ a great deal. The following are some suggestions that may be applicable to your situation.

Risks	Preventive measures	Reactive measures
All risks	<ul style="list-style-type: none"> • Conduct risk assessments regularly with your colleagues. • Identify the best strategies, from being open to being discreet, depending on the situation. • Join national and international networks. • Recruit people you can trust. • Ensure that some members keep a low profile. • Build and use all channels that can alert you to security threats, e.g. security officials, their family, etc. • Befriend security officials. • Build relationships with sympathetic members of the international community. • Educate your family and friends about risk-prevention and reaction to problems, e.g. arrest 	<ul style="list-style-type: none"> • Publicise threats. • Complain to the courts. • Demand protection.
Safety of premises (office and home)	<ul style="list-style-type: none"> • Office and home premises should be in safe, well-lit neighbourhoods. • Do not leave your own office unattended if there are visitors. • All visitors should be registered when they enter the premises; • Avoid obvious or confrontational names for your organisation. • Set up alternative, more discreet, smaller offices. • Possibly, share premises with business companies and not with other human rights NGOs. • In the office and at home: do not leave the reception area unattended. • Tighten gate security. • Hire trustworthy security guards. • Use different individual names to obtain a telephone line and/or use more than one line in. 	<ul style="list-style-type: none"> • Assess the nature of the risks to your office and decide whether to close the office or continue business as usual. • In any case: Warn contacts and colleagues
Office under surveillance	<ul style="list-style-type: none"> • Use the addresses of less-targeted organisations for receiving mail. • Do not write names of well-known organisations on out-going mail. • Avoid confidential discussions on the telephone. 	<ul style="list-style-type: none"> • Use public telephones. • Send mail with someone, in person, to be posted outside the country. • Inform members and contacts. • Inform other NGOs and internal partners. • Write to the Minister of the Interior/Home Affairs. • Complain to the authorities.
Infiltration	<ul style="list-style-type: none"> • Be wary of new members or supporters (find out who they are, ask for references from other members of organisation); possibly use a double-sponsorship system (two existing members must sponsor a new member). 	<ul style="list-style-type: none"> • Require that infiltrators resign immediately from the organisation and leave the premises. • Find out what they have done and whom they have been in contact with.

continued

	<ul style="list-style-type: none"> • Give new members a trial period; assign them tasks in collaboration with an older member. • Ask for identification from visitors. 	<ul style="list-style-type: none"> • Inform all your contacts and other NGOs.
Being followed	<ul style="list-style-type: none"> • Be alert. • Inform your contacts that you are being followed. • Use public transport. • Change your plans. • As far as possible, don't drive alone. • Slow down and take the registration number of the vehicle. • Possibly let them know you know that you're being followed. • If travelling, avoid using your own name when checking into hotels. 	<ul style="list-style-type: none"> • Act normally. If followers persist and you think danger is imminent, drive into a place with many people: a house, a police station. Do not go home or to the office, especially if it takes time for the gate to be opened. • If possible, change cars.
Verbal attacks and intimidation	<ul style="list-style-type: none"> • Take clear and defensible positions on volatile or sensitive issues. • Be wary of journalists, refrain from talking "off the record". If you are not sure, don't say anything! 	<ul style="list-style-type: none"> • Obtain copies of reports or newspaper cuttings. • Respond to a verbal attack collectively within 24 hours. • Inform others immediately. • Don't be confrontational: be factual. • Persuade!
Arrest	<ul style="list-style-type: none"> • Go underground. For instance, establish security nets of three people, and let no one else know who the other two in your net are; establish at least three safe places to go if you are being sought. • Be clear and non-partisan on contentious issues. • Do not put yourself in vulnerable and compromising situations. • As far as possible: build coalitions or take positions collectively on sensitive issues. • Institute an urgent appeal procedure. 	<ul style="list-style-type: none"> • Demand the arrest warrant and police ID. • Remember your rights; do not be too shaken; keep calm. • Insist that another person accompanies you to the police station so that people are aware where you are taken.
Personal assault	<ul style="list-style-type: none"> • Try to be in someone's company wherever you go. • Let people close to you know what you are doing and where you are going. • Establish a number of different routes by which you can leave and get to your home or office. • Be fit and alert; remain sober. • Avoid: secluded, lonely places, bars, working late. • Carry out checks on cars before starting the engine. • Check for letter bombs. • Have a comprehensive in-patient and out-patient medical coverage; establish list of trustworthy doctors. 	<ul style="list-style-type: none"> • Contact doctors willing to work with human rights workers. • Persuade; do not be confrontational; use common sense • If need be: defend yourself; always protect your head. • Scream a lot (they think you are really in pain).
Abductions	<ul style="list-style-type: none"> • Be alert! • Clear bushes around your compound and gate. • Avoid being alone. • Keep office and home compound well lit at all times. • Always lock your car doors when driving. • If possible, don't live alone. • If in danger, go underground. 	<ul style="list-style-type: none"> • Weigh up the situation: listen to conversations and try to establish reasons for abduction.

Part Four

SUGGESTIONS FOR INTERVIEWS

Some of the suggestions provided in this section are based on: New York City/Balkan Crisis Response Team, *Training Manual*, New York: St Luke's Roosevelt Hospital Centre, September 1993; Interview notes: Ruth M. Forero, Rape Intervention Program, St Luke's Roosevelt Hospital Centre, New York, September 1996; lecture notes: with Dr Gill Hinshelwood, Medical Foundation for the Care of Victims of Torture, lecture given at the International Secretariat of Amnesty International, London, September 1996; Kathryn English and Adam Stapleton, *The Human Rights Handbook: A Practical Guide to Monitoring Human Rights*, Colchester: Human Rights Centre, University of Essex, 1995.

In preparing and later assessing the survivor's testimony, you should keep in mind the following:

Preparing for the interview(s)

1. Be aware that:

- a. Survivors may appear unreliable
 - Survivors may hold back elements of their violations to avoid painful recall, embarrassment, shame. They may experience extraordinary difficulty in recalling episodes of their experiences, confuse the location or timing of various events, or add details as they come to mind and they feel more trusting of the interviewer. This may, unfairly, give the impression of unreliability, if not of dishonesty.
- b. Survivors and witnesses may exaggerate
 - They may put themselves under considerable political pressure to ensure that their story makes an impression and is believed. This does not mean that the story is untrue but it may mean that there are elements of exaggeration which need to be filtered out.
- c. There may be a political agenda
 - Opponents of the government or an armed opposition group may have a vested interest in maximising the number and severity of allegations of human rights violations, since this could help demonstrate the moral bankruptcy of the government or armed groups.

2. Keep cultural differences in mind

- Along with the internationally-accepted definitions of human rights violations, there is another meaning articulated through the history and culture of the communities surveyed. For instance, torture may be seen as part of someone's destiny, ill-treatment in custody as something so common that it is not looked upon as a violation. You may need to explain thoroughly that torture is not acceptable and why it is not acceptable. You must also address survivors and witnesses in ways that are meaningful to them. Hence the importance of showing questions or questionnaires beforehand to local people for instance.

3. If you are investigating rape or sexual abuse

- Sexual torture is one of the most difficult allegations that can be made because of the social, cultural, moral and political environment. In almost all societies, a woman, man or child coming forward with allegations of rape, sexual violence or sexual humiliation, has a great deal to "lose" and is likely to face extraordinary pressure and ostracism from the closest members of her/his family to society at large.

- Be aware and knowledgeable about the social and cultural attitudes attached to rape and sex in the country, region or community that the survivors belong to, as well as in your own. They impact upon the survivors' reluctance to talk about it, sense of guilt, verbalisation of what happened, mental health and recovery. They also impact upon your approach to the interview, such as: nervous and uncomfortable feelings and body language, inability to maintain eye contact, sense of guilt and shame, etc., all of which may be communicated to the survivors.
- Ask yourself difficult questions: are there any issues that you feel are too frightening, embarrassing, painful to discuss? Discuss them with your colleagues, male and female.

4. It may be difficult for you to accept the truth of the allegations because of the extraordinary cruelty of the perpetrators.

5. Find out about local structures (NGOs, hospitals, lawyers, etc.) which may provide assistance to victims of human rights violations.

- At the end of the interview, you may want to refer them to these organisations.

6. Write down a check-list of the data and facts necessary to assess the allegations.

- The check-list will assist you in collecting all necessary data.
- Show the check-list to local contacts who have worked on the issue, or have dealt with similar cases, to get their input: they will often be able to add questions, delete others that are not culturally appropriate, etc.

7. Find out about your own image and that of your organisation

- Find out about your image and previous publicity in the country or the community. For example, if you are perceived to be biased, be ready to demonstrate that it is not true; prepare arguments to convince the interviewee that you are impartial.

8. If you need to work with an interpreter

- Possible interpreters may be NGO staff, medical or legal professionals, journalists, etc. If interviewing women victims of rape, a woman interpreter will be more appropriate in almost all cases.
- Unless time is running really short or you are faced with an emergency, you should always assess the interpreters. Spend time recruiting who you feel is the most appropriate

for interpreting. A good interpreter is:

- ⇒ someone who takes great care in translating the testimony and who is aware of the importance of details and accurate translation;
- ⇒ someone who knows how to listen;
- ⇒ someone who is not judgemental.
- Ask questions to assess the interpreters' personal views on sexual torture.
- Explain at great length the purpose of the interview; ask for the interpreter's input; ask her/him to read and translate the questionnaire before the interview.
- If you have the time, hold a workshop on confidentiality and stereotypes in order to raise awareness about the importance of these issues. Have the interpreter go through the experience of being interviewed.

9. Pens and tape recorder

- Ensure that your pen is working, that you have enough sheets of paper to write down the testimonies. If using a tape-recorder, obtain consent to use the tape recorder, ensure that it is working and that you have sufficient number of blank tapes.

1. Be aware of the positive value of the interview

- Remember: You are not the perpetrator or the rapist. Do not feel like the abuser.
- In the medium and long term, it is not negative for survivors to tell their stories.
- It is therapeutic for the survivors to be able to tell their stories in order to understand what has happened and to cope with it.

2. Short-term effects and debriefing

- In the short term, however, the interview re-awakens post-traumatic stress. After disclosure, the survivor or witness often experiences traumatic reaction, including flashbacks, nightmares, etc.
- Ideally, all interview sessions should be followed by a **debriefing**, the same or next day, where you ask the survivor or witness, alone or with other interviewees, what it felt like to be interviewed.

3. When debriefing is not possible

- Acknowledge the limits of your work to the interviewee (and to yourself).
- In the course of the interview: demonstrate your caring and attentiveness by expressing your concerns: "I understand how sad, upset . . . you're feeling."
- Support their strength: Use any opportunity to reinforce their strength. "It took real courage on your part to come

Addressing the negative effects of the interview

here.” “It seems to me that you showed a lot of strength in that situation.”

- Be aware of your own fears. Are you picking up the survivor’s fear of the topic and avoiding it too? This may reinforce her/his belief that it is too scary, embarrassing, painful to discuss.
- At the end of the interview:
 - ⇒ If they are available, you may refer them to local organisations that provide assistance to survivors of human rights violations.
 - ⇒ Spend a couple of minutes finding out how upset he or she is feeling: “Did the interview upset you?” “It seems I have upset you again.”
 - ⇒ If necessary, spell it out: “It feels as if you are going through it again. But you’re not.”
 - ⇒ Ask whether she/he has friends and family to go to. If there is somebody or several people she/he feels close to, suggest that she/he see them.
 - ⇒ Shake hands, hold the shoulders, etc. (whatever is culturally appropriate).
- Do not feel guilty or stressed: most survivors do have a support network, including friends, family members, fellow prisoners, etc. They will talk about the interview with them. (You may want to encourage them to do so, anyway.)

4. Take care of your own mental health as well

- Interviewing victims of human rights violations is a very stressful exercise. The above points may apply to you as well. Talk about the interviews with your colleagues; avail yourself of the services offered in the country.

* See “Feeling burned out”, in Part Three, “Challenges and Possible Solutions”, pages 53-54.

At the beginning of the interview

1. Hold one-on-one interviews in privacy

- Interview sessions should never resemble the violation situation.
- Interviews should be conducted on a one-on-one basis unless:
 - ⇒ the survivor requires the presence of another person (friend, family member, NGO representative, etc.); or
 - ⇒ cultural attitudes mandate the presence of other people.
- Avoid “collective” interviews whereby several women and/or men are interviewed at the same time.
- Interviews should be conducted as privately as possible:
 - ⇒ Whenever possible, conduct the interview in a room or location separate or away from the presence of other people;
 - ⇒ If you have access to only one room, office or location,

“create” a space with chairs, tables, etc., that will confer some type of privacy.

2. Establish trust:

- Survivors and witnesses must be convinced that you want to hear their story, that you are prepared to spend some time listening and recording the details, that you are prepared to respond to their concern about confidentiality or other worries.
 - ⇒ Begin the interview with greetings appropriate to the culture of the interviewee.
 - ⇒ Find out whether he/she feels at ease and is willing to be interviewed.
 - ⇒ Identify yourself: describe what you do
 - ⇒ Explain what your organisation is, what it can do and set out what its limitations are.

3. Respect confidentiality

- Explain clearly the purpose of the interview and inform him/her of the use that will be made of the information: the interviewee must understand the benefits and the consequences, if any, of providing information; and the basis upon which he/she shares information.
- Seek permission if you intend to use the name of the interviewee in the report.
- Seek permission to take notes.

4. Don't give the victims and witnesses false assurances

- Acknowledge the limits of your work to the survivor (and yourself).
- They may ask you repeatedly for assurance that everything is going to work out. You would be lying if you were to tell them something you have no way of knowing is true.

1. Listening

- Begin by asking an open-ended question and allow the survivor to tell you his/her account in his/her own way and time.
 - ⇒ “Tell me what happened on . . .” or “Can you describe to me your experiences at the hands of . . .”
 - ⇒ Do not interrupt him/her right away, even if some points appear unclear. Allow for the sequence of events to be told as he/she understood it.
 - ⇒ You should ask him/her to speak more slowly if you are experiencing problems taking notes.
 - ⇒ Make note of the questions that he/she has already responded to.

2. Clarification

**Advice while
conducting the
interview**

- Go back over the survivor's account through questions requesting shorter answers.
- Go back over his/her account to get clarification on certain points, such as: time, date, places, identities, numbers, positions, ages: "You told me that soldiers came to your home. Do you remember how many there were?" or "Do you remember the ranks of the soldiers? Their names? Nicknames?" or "You mentioned that three people were killed. Do you know their names?" or "How do you know that your attackers belonged to the special branch of the police force?" or "Did you see any weapons? Which types?"
⇒ If the context requires going back a number of years to explain relationships and background, do so.

3. Door-openers: how to encourage him/her to speak

- The survivor or witness may have difficulty in communicating. You can ask her/him how she/he feels, then encourage her/him to talk further: "Would you like to say more about it?" "Do you want to talk about it?"
- Open-ended questions give encouragement and assistance in communicating. They may be either complete or incomplete statements or questions that cannot be answered by a simple yes or no. For example: "You seem to have a number of concerns about . . ." "Could you explain a little more about . . ."
- Ask questions about health, possible physical pains: "How is your health?" "Do you have a headache?" You may then follow up with: "Why do you think you have these pains?"
- You may ask a more general question such as: "What is it you disliked the most during your imprisonment?"

4. Probing (without intimidating)

- Where the individual's story appears unclear, contradictory or inconsistent with what is already known about the pattern, it is important to find out why. You should do so in a spirit of clarification, not in a spirit of criticism. In particular:
 - ⇒ Don't probe too hard.
 - ⇒ Ask about unclear points in different ways and at different points in the interview.
 - ⇒ Establish a clear chronology of the events using reference points or events, both personal or external. For instance, establish the time, day, or week of the incident by reference to the domestic schedule (e.g. going to work, court, or the market, fetching wood or water); recurrent or unusual activities or events (going to church; elections; village ceremony; military victory, etc.): "Were you arrested long after going to the mosque?" or "Did the attack on the village happen before Christmas?" or "Were you kidnapped before the

election of the President?”

- If something still does not add up, say so: “This does not add up and I am a bit confused.” Ask more direct and directive questions.

5. Be aware of the survivor’s or witness’s political position

- What is said and hidden may influence his/her testimonies. For instance, a witness or survivor may not be willing to *volunteer* information on violations committed by the community or political parties he/she is affiliated with. However, if the question is asked, the interviewee may provide the information. For instance, you may ask: “Before the imprisonment took place, do you know whether there had been problems between X and Y?” or “Do you know what prompted the rebels’ attack on the villagers?”

6. Be sensitive to the survivor’s or witness’s social, and cultural attitudes

- In some cases, these attitudes need to be exposed before she/he can speak about the violations: what has happened and how it was done. Explain that, according to international principles, certain actions constitute human rights violations. Do not negate the survivor’s feelings right away by saying: “It is wrong to see rape as . . .” or “You are wrong to think this was not torture.”

7. How to listen and respond

- You need to stay calm and be able to communicate that calmness to the victim.
- Listen with an open mind, empathy and without judgement or preconceived assumptions. Remember that you are talking to a person, not a stereotype.
- Be aware of pitch, tone, pacing, voice inflections, yours and theirs.
- Be wary of sentences containing the value-laden words *should* and *ought*.
- Try to maintain eye contact with the interviewee throughout the interview.
- Nod the head while listening.

8. What to do if the interviewee talks non-stop?

- If survivors are very upset, they sometimes will talk almost non-stop for quite a long time. Try not to interrupt too soon.
- If they continue longer than seems reasonable, you could ask them to take some deep breaths and sit quietly without talking for a while.
- It may be appropriate to express your concerns: tell her/him how terribly upset he/she must be, how sad he/she must be feeling; etc.

Concluding the interview

1. What to do if the survivors are going to court or considering seeking justice

- You should explain to them that they will have to sign an affidavit.
- You may prepare them for appearing in court.
- Anticipate what is going to happen in the setting of the court and prepare her/him for:
 - ⇒ meeting members of her/his community
 - ⇒ meeting the attacker(s)
 - ⇒ how the legal system works and the standard of evidence required for a conviction, such as: the details required to give in cross-examination; the way in which the trauma of the trial and the tactics of the defence counsel may make her/him feel that it is she/he who is on trial.

2. Ask him/her whether he/she would like to add anything and whether he/she has any questions.

3. Check how you can use the information obtained

- Make sure that the interviewee understands what you are going to do with the information.

4. Don't make promises you can't keep.

5. If necessary or possible, refer the interviewee to other organisations in the country that deal with his/her problems.

6. Demonstrate support

- Highlight that there are people who care about what he/she has gone through and for his/her security.
- Emphasise the value of his/her actions.
- Provide emotional support: take a little longer if the person is crying, hold the shoulders if appropriate, etc.

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