

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

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

Recording and storing information

“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.

How to create a filing system

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@ohnl.comlinkapc.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**

7

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.