TRAINING ON
FACT-FINDING AND DOCUMENTATION
OF HUMAN RIGHTS VIOLATIONS

A TRAINERS MANUAL
BY
D.J.RAVINDRAN

ASIAN FORUM FOR HUMAN RIGHTS AND DEVELOPMENT
(FORUM - ASIA)
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This manual is published to help human rights organizations to conduct training programmes on fact-finding and documentation of human rights violations.

Since 1992, the Asian Forum for Human Rights Development (Forum - Asia) has been conducting training programmes to provide human rights activists knowledge and skills on fact-finding and documentation of human rights violations. Based on these training programmes, the Forum - Asia embarked on a project to develop a handbook on fact-finding and documentation of human rights violations. In May 1994, Asian Forum for Human Rights and Development published a Handbook on Fact-Finding and Documentation of Human Rights Violations edited by D.J.Ravindran, Manuel Guzman and Babes Ignacio. The handbook for the first time assembled basic elements involved in fact-finding and documentation of human rights violations. The handbook is intended for use in training programmes on the subject and as a reference tool for activists. Forum - Asia through its training programmes realised that training methods should be developed to convey the content of the handbook. Therefore, Forum - Asia decided to prepare a training manual for helping trainers to plan and conduct training programmes for imparting the contents of the handbook.

Based on the experience gained in conducting training programmes on the subject, Mr. D.J. Ravindran has prepared this trainers manual for helping trainers to plan and conduct training programmes on fact-finding and documentation of human rights violations.

The manual's purpose is to provide a training outline for teaching the contents of the Handbook on Fact-Finding and Documentation of Human Rights Violations. It contains two sections. Section I, contains ten training Modules for conducting a training programme on fact-finding and documentation of human rights violations. Section II, contains an introduction to Basics of training to help organizations plan and conduct training programmes.

The first draft prepared by Mr. Ravindran was circulated to a selected number of experts for their comments and suggestions. We are grateful to all those who commented on the first draft and in particular to the following: Ms. Ann Blyberg and Dana Buhl, International Human Rights Internship Programme, Ms. Anelyn De Luna, Task Force Detainees of the Philippines (TFDP), Mr. Manuel Guzman and Ms. Aida Maria Noval, HURIDOCS and Ms. Candy Whittome, Lawyers Committee for Human Rights.

The publication of this Manual would not have been possible without the support of the following agencies: the Anglican Church of Canada, the Ford Foundation, the International Centre for Human Rights and Democratic Development, Canada and the Swedish International Development Authority (SIDA). We hope that this Manual will contribute to further protection of human rights by enabling human rights organizations to train their staff and others to undertake systematic fact-finding and documentation of human rights violations.

Mr. Somchai Homlaor
Secretary General
HOW TO USE THE MANUAL

This manual is prepared with a view to helping human rights organizations conduct training programmes on fact-finding and documentation of human rights violations. It is based on the Handbook on Fact-Finding and Documentation of Human Rights Violations edited by D.J. Ravindran, Manuel Guzman and Babes Ignacio and published by Asian Forum for Human Rights and Development.

The manual's purpose is to provide a training outline for teaching the contents of the Handbook on Fact-Finding and Documentation of Human Rights Violations. The Section I, contains ten training Modules on fact-finding and documentation of human rights violations. The Section II, contains an introduction to Basics of training.

SECTION I

It contains ten training modules for conducting a training programme on fact-finding and documentation of human rights violations. These modules are designed to help human rights organizations conduct a training course on fact-finding and documentation of human rights violations.

Each module contains the following:

1. Title of the Module explaining the subject or theme

2. Objectives of each module

3. Suggested training sessions

   When a module contains more than one topic, each topic is divided into separate training sessions and the content to be covered and methods to be used are elaborated under each session.

4. Major Points to be Covered/Training content

   The training content (knowledge and skills) to be imparted in each training session is given as major points for use by trainers/facilitators. The major points are the contents the learners are expected to learn under each module and a trainer/facilitator should ensure that he/she communicates these points effectively to the learners.
When conducting an assessment of a training programme, a trainer/facilitator should assess how many of the major points have been imparted/learned by the learners.

5. Suggested Methods

This explains the training methods that can be used for teaching the contents of the module.

6. About the Method

This explains the suggested method and gives tips on how to prepare and implement the method.

The ten modules can be used for running a complete course which may require a minimum of seven days. Alternatively, courses can be conducted on selected modules. The manual does not provide time frames for dealing with each module. The users can determine the time frame depending on the level of training they plan to conduct.

The major points to be covered or training content given under each module is not exhaustive. Depending on the level of proposed training, trainers/facilitators should prepare additional teaching materials for use in the training. In addition to the training methods given in the manual, a trainer/facilitator can use other appropriate training methods or modify the suggested methods to suit the trainees.

SECTION II

This section contains an introduction to Basics Training for those who want to consult about planning and organizing a training programme.

It explains the concepts underlying training and steps involved in planning and conducting a training programme. It also includes a section on structured introduction and conclusion of a training programme.

The Basics of Training can be used by human rights organizations to provides an orientation on how to conduct training programmes to their staff or prospective trainers/facilitators.
MODULE I

SETTING THE CONTEXT

OBJECTIVES

To enable the participants to understand the importance of information in the field of human rights.

To enable the participants to identify the human rights context in which they undertake fact-finding and documentation.

Two sessions are suggested:

I. Importance of information in protection and promotion of human rights.

II. Understanding the context in which collection and documentation of information on human rights violations is undertaken.

SESSION I OF MODULE I

IMPORTANCE OF INFORMATION

IN PROTECTION AND PROMOTION OF HUMAN RIGHTS

MAJOR POINTS TO BE COVERED/ TRAINING CONTENT

In this session, the trainer/facilitator should discuss the importance of information in the field of human rights and the need for systematic collection and documentation of information on human rights violations. The trainer/facilitator should ask the participants to share their views on the importance of information in promotion and protection of human rights. The trainer/facilitator should use the article given below to sum up the discussion and can also distribute it as a handout. Depending on the level of the participants and duration of the programme, the trainer/facilitator can provide additional material on the subject.

The major points to be covered in this session is taken from an article entitled “Human Rights Protection: The first line of defense.” By Jonathan Kuttab

“It is a sad fact that towards the end of the 20th century, despite the great awareness of human rights and the advances in international recognition of the importance and value of human rights protection, that human rights continue to be systematically violated through out by almost all governments.

1 Taken from HURIDOCS News, No. 12, May 1993
Yet this awareness of human rights and the international atmosphere supporting the protection of those rights, at least as an ideal, creates an atmosphere in which it is in fact possible to work and to work effectively on behalf of human rights in a variety of ways that were unthinkable in the early part of this century and certainly before that.

At the heart of this distinction is the recognition that every government and every regime, however tyrannical and dictatorial, nonetheless does not wish to be thought of as being a violator of human rights. This is true of the communist regime of China as well as the military dictatorships of Latin America, of monarchies as well as self-proclaimed republics of developing countries as well as powerful Western democracies.

This means that, of necessity, human rights violators require secrecy and must control information and access to information in order to carry out the oppression without concern for the reaction of the international community. Even though regimes may pretend to be callous and unmoved by the opinion of other nations, we know that in reality no nation is an island into itself and no regime can afford to be isolated or singled out for criticism on the basis of human rights. Even South Africa, with all its resources and self-sufficiency has had to bow to international pressure and begin the process of dismantling apartheid. Other stubborn regimes are also concerned to project a "proper" image, by carefully hiding from the public their real action.

This is a natural and a human reaction since we all know that the thief must steal in the dark and at night, and that regimes spend great energy, resources and time on public relations and in giving themselves the appearance of democracy, benevolence and respect for human rights.

We, on the other hand, who stand ready to do battle for the protection of human rights must learn from the above that information, documentation, and dissemination of accurate details of the violations of human rights remain our single most powerful and most effective weapon in fighting for human rights. We do not have armies and weapons doing our bidding, we do not have the bureaucratic machinery of the states and the governments at our disposal, we do not have the economic resources for coercion and imposition of our views. We are the weak defending the large masses against the powerful few who are oppressing them. Yet in this battle of good against evil, the forces of light must prevail against the forces of darkness and evil.

To illustrate the above, we know from our own Palestinians living in the Occupied Territories that there is a direct inverse relationship between the incidence of human rights violation in the Israeli Occupied Territories inversely proportional to the presence of foreigners, journalists, human rights organizations and monitors who are capable of shedding light and publicity on the behaviour of Israeli forces. We have noted many cases where the beating of children by soldiers stopped immediately upon the appearance of a journalist or a camera. It is no accident that oppressive regimes everywhere target journalists and human rights monitors for severe sanctions, and are more eager to confiscate films and smash cameras than they are to apprehend armed rebels. Their behaviour shows that in fact they do fear the "weapons of light" that human rights monitors can bring upon their activities.
To take advantage of this situation and to be an effective first line of defense in protection of human rights, we must first insist on the quality of the information we gather. Our information must be truthful, accurate, and detailed. We must never forget that our adversaries have tremendous resources and direct access to the media and news agencies which always feel compelled to at least to give the authorities' version of every event. Therefore our use of information and documentation in protection of human rights can only be as effective as that information is accurate, detailed, credible and reliable. To the extent that our information is not of a sufficiently high quality, the authorities will certainly be able to point out its deficiency and use that fact to discredit our entire efforts.

Secondly we must find effective means of disseminating the information that we gathered. Information, however, accurate and reliable, that sits on our shelves is of no use to any one. Our information must be widely disseminated and it must carefully target the audience that we feel can be effective in bringing about pressure on the violators of human rights. Information must be standardized and made exchangeable and interchangeable. Reports of human rights violations must lend themselves not only to individual appeal as specific cases but also to statistical studies and data collection that enables arriving at conclusions and a policy statements and arguments. To state that a particular outrage occurred in a particular village does not necessarily puts an end to the possibility of its repetition. Only when one can argue that a certain practice is wide spread, policy of the state involved can one bring to bear pressures on that state or regime to put an end to that practice. Otherwise our effort will be a belated epithet rather than an effective first line of defense.

Finally, we must note and utilize the emerging existing technology that can assist human rights organization. Technological advances have made censorship practically impossible. Cameras and video cameras are widely available in small sizes and can be operated by untrained ordinary individuals and is as effective in capturing and exposing the human rights violations as any gun can ever be in defending the population against its oppressors. Computers are now available, portable and can provide myriad of opportunities for storage of documentation and passing it through international borders and under the eyes of oppressive regimes. Communication equipments already exist to transfer data, information and documentation on telephone lines across thousands of kilometres of distance to safe locations abroad that can then further disseminate the information. Satellite communication enables our message, once properly prepared and packaged to be disseminated throughout the world very rapidly.

Having said all the above, I must caution that the existence of human rights organization and their effective use of documentation and dissemination of accurate and detailed information by itself will never be enough. It is only the first line of defense of human rights. Effective action must then be undertaken by citizen groups and organizations within the country or other countries to put tangible pressure upon the oppressors to cease their violations of human rights. Nonetheless, it is an essential first line of defense.”


SUGGESTED METHOD
Sharing of views by the participants and summing up by the trainer/facilitator

ABOUT THE METHOD
The participants can individually narrate their views or through brainstorming (see session II for discussion on brainstorming). In this session which comes at the very beginning of a training programme, it may be helpful to encourage the participants to share their views to convey the message that their experience is valued by the trainer/facilitator. The views expressed by the participants should be carefully noted down by the trainer/facilitator and should be used as the basis for substantiating the major points to be covered.

SESSION II OF MODULE I

THE CONTEXT IN WHICH HUMAN RIGHTS INFORMATION IS COLLECTED

OBJECTIVES
In this session the participants are asked to share information about major human rights concerns in their country or in their geographical area of work and the problems faced by organizations engaged in monitoring human rights violations. Sharing is done either by brainstorming or by individual narration. The individual narration will require more time than a brainstorming session.

This session helps in identifying the broad trend or pattern of human rights violations in the countries or areas where the trainees are working and situate the training programme in that context.

The analysis of the human rights situation can be followed by discussion on how human rights organizations are responding to the situation and their main strength and weaknesses. For example, in a Forum - Asia regional training, based on the information shared by the participants, the resource person identified the following major problems or issues about monitoring activity of human rights organizations in the region:

- Duplication of tasks between non-governmental organizations. Discrepancies in the information collected by different NGOs.
- Non-cooperation or obstruction by authorities to prevent NGOs collecting information.
Security problems faced by victims and/or their relatives who come forward to provide information.

Lack of training in fact-finding and documenting human rights violations.

Lack of awareness among the public about what are human rights violations. Lack of communication facilities.

Lack of resources and training to use computers and other modern technology.

In the same training, the resource persons when dealing with different aspects of collection and documentation of information took up the above points for discussion.

SUGGESTED METHODS

Brainstorming and/or sharing of information by individual narration.

ABOUT THE BRAINSTORMING METHOD

The brainstorming method is normally used for eliciting opinions and ideas from the trainees to facilitate their active participation in discussing a topic. In a brainstorming session, trainees will be asked to state their views or suggestions within a given time limit.

The following rules are followed in using brainstorming:

- Any suggestion or view that come to mind on the given topic can be stated.
- All the points that are made are written on a blackboard for everyone to see.
- No comment or criticisms are made on statement made by any participant.
- No discussion is allowed on the points made.
- Participants have to think of as many points as possible.
- Speed is the essence of brainstorming.

At the end, the points made are clarified, discussed and logically arranged by the facilitator/trainer.
MODULE II
BASICS OF FACT-FINDING

OBJECTIVES

1. To enable the participants to clarify what is meant by human rights monitoring or fact-finding and the purposes for which it is normally undertaken by human rights organizations.

2. To enable the participants to have a general familiarity of different methods of fact-finding.

3. To appreciate the importance of organizations developing a policy on their fact-finding activity and discuss the attitude or values that should govern their fact-finding activity.

4. To enable the participants to understand common problems involved in fact-finding and discuss ways to cope with them.

Four sessions are suggested:

I. An overview of fact-finding and its purposes.

II. Developing a perspective on fact-finding.

III. Methods of fact-finding.

IV. Problems involved in fact-finding and how to cope with them.

SESSION I OF MODULE II
AN OVERVIEW OF FACT-FINDING AND ITS PURPOSES

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

Monitoring human rights practices of governments involves two interrelated aspects - collection and documentation of information.

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1 Taken from Chapter I (p. 4) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
Information is collected by human rights organizations to determine the truth as accurately and completely as possible concerning alleged human rights violations for the purposes of monitoring human rights practices of governments. In some cases, information is also collected on alleged human rights violations committed by armed opposition groups. Human rights organizations collect first-hand information to verify the facts for themselves and to make credible reports on alleged violations of human rights.

Documentation is the process of systematically recording and organizing the information for easy retrieval and dissemination. The word documentation is normally understood as collection of existing documents. However, human rights organizations also use it to mean recording facts including collection of documents and establishing a system for easy retrieval and dissemination.

**Purposes of fact-finding**

1. **Providing Immediate Assistance to Victims**
   
   In instances such as arrests, detention, “disappearances”, torture, and similar situations, the victims or their relatives may seek assistance from human rights workers. Assistance to be provided may range from providing legal aid, filing habeas corpus petitions and sending letters and telegrams to higher authorities. In such cases, establishment and verification of the facts surrounding the alleged violation are of vital importance to provide immediate assistance to victims.

2. **Relief and Rehabilitation of Victims**
   
   Victims may also need medical assistance, psycho-social therapy, material assistance, etc. In such instances, information collected by human rights organizations would help organizations engaged in relief and rehabilitation to meet the needs of victims.

3. **Legal Actions**
   
   Fact-finding is essential to establish a factual basis for obtaining redress for victims of human rights violations or seeking justice with regard to perpetrators through legal actions at the national and international level.

4. **To Monitor Governments Compliance With Human Rights Treaty Obligations**
   
   Fact-finding is undertaken to monitor and ensure that laws and practice of the country are consistent with international standards and the governments comply with their treaty obligations under the international human rights law/standards.
5. Campaigning And Publicity

Fact-finding is undertaken for the purposes of mounting campaigns and publicity to create awareness among the public and to mobilize them to prevail upon the authorities not only to stop violations but also to prevent further violations.

6. Establishing Historical Records

Documentation of information on human rights violations serves the purpose of establishing historical records. Establishing such historical records is especially important in instances where a country has undergone a period of severe repression. In such situations, fact-finding is undertaken to establish the truth concerning the magnitude of violations committed during that period and also for immediate purposes such as accounting for missing persons etc.

SUGGESTED METHOD

Small Group Discussion

In this session, participants' perceptions of fact-finding and its purposes should be elicited by conducting small group discussions. Based on the reports of group discussions, the facilitator/trainer should summarize and highlight the main points to clarify the meaning of fact-finding and its purposes.

ABOUT THE METHOD

A small group discussion is an activity that allows trainees to share their experiences and ideas or to solve a problem. A small group discussion encourages participation and helps participants learn from each other.

For a small group discussion to succeed, the task given to the group should be made very clear by the trainer/facilitator. A time limit should be set. Each group should be asked to select a discussion moderator and a person to take notes to report to the plenary. In the plenary, each group report should be discussed and at the end, the facilitator/trainer should summarize the main points arising from all the group reports.

In a Forum - Asia training programme, the following questions were given to small discussion groups to elicit the perception of participants concerning fact-finding:

A. What is your concept of fact-finding?
B. What are the purposes for which your organization conducts fact-finding?
C. For what type of issues/human rights violations do you conduct fact-finding?
MAJOR POINTS TO BE COVERED/TRAINING CONTENT

**Defining the policy or mandate**

Human rights organizations that are engaged or interested in fact-finding should define their policy or mandate concerning their fact-finding activities. The policy or mandate of the organization will determine the scope of their fact-finding activities. To develop their mandate or policy, organizations may consider factors such as seriousness of violations, chances of effective intervention and availability of resources including expertise.

Organizations engaged in fact-finding or interested in undertaking fact-finding should allocate sufficient resources and staff for that purpose. Staff who are engaged in or coordinating fact-finding should be given regular training on techniques of fact-finding and documentation of human rights violations.

**Perspective that should govern fact-finding activity**

1. Fact-finding must be thorough, accurate and impartial. It must not only be impartial and accurate, but must be perceived as such. The results of fact-finding must be credible and reliable. In short, abundant caution should be followed to ensure the credibility of information collected and disseminated.

2. Fact-finding must be conducted with a precise focus, and must use clear criteria. It is important to define the scope of investigation and to establish the criteria for determining the reliability of the information. However, flexibility is important in order to pursue all leads and to unearth the truth as far as possible.

3. Fact-finders should be open-minded when reviewing evidence both for and against any alleged violation. Reports made on the basis of fact-finding conducted without being and appearing open-minded about the facts will carry little weight, and may even endanger witnesses.

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2 Taken from Chapter I (p.5-7) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
4. It is crucial to remember that the first and foremost duty of human rights workers is to the victims of human rights violations. As such, some important ethical considerations have to be borne in mind when conducting fact-finding. For example, it is important to always consider the security and the welfare of the people who provide information. While the dissemination of information is essential in human rights work, it should not be a cause of further harm to the sources of information. The people affected should always be consulted on matters that may affect them in the conduct of the fact-finding, such as the disclosure of information, undertaking of follow-up actions, etc.

5. Fact-finding should be done with utmost respect and empathy for the victims. Efforts should be made to understand their experience and not simply gather data.

6. Fact-finders should bear in mind that fact-finding can be a considerable intrusion into peoples' lives and may make too many demands on them. While some welcome the interest shown in their problems and may be committed to promoting human rights principles, the fact-finder should not assume this to be the case for everyone.

SUGGESTED METHOD

Presentation using Flip Charts and Written Exercise.

ABOUT THE METHOD

Flip charts consist of a number of sheets of paper of the same size which are clipped together. They derive their name from the technique of flipping over one chart once it has been discussed to reveal the next one. To clarify certain items previously discussed, all you need to do is to flip the charts back until you find the one which is relevant.

It is important to prepare the charts before the session starts, put them into proper sequence and place the charts where all the participants can see them clearly.

The main points to be conveyed should be written in flip charts and presented sequentially to the participants. The participants should be encouraged to add to the discussion or seek clarification on each flip chart content.

When all the points have been discussed, the participants can be given an exercise in which they imagine they are setting up a new organization. They then write a policy statement or mandate for undertaking fact-finding by that organization.
MAJOR POINTS TO BE COVERED/TRAINING CONTENT

The purpose for which fact-finding is undertaken and the scope of an investigation has a bearing on the type of fact-finding activity. For example, a one-to-one interview with a victim or witness may be sufficient for collecting information in order to file a case in a court of law. On the other hand fact-finding concerning reported extra-judicial executions may include more complex forensic investigation. Fact-finding concerning the rights of detainees might require prison visits and/or trial observation.

Common methods of conducting fact-finding

1. Conducting investigation in the field for a limited period of time by skilled fact-finders including staff members of an organization.
2. Placing trained field workers in an area for a longer period of time to collect and document information on violations.
3. Sending a low profile fact-finding delegation (mission) consisting of people from the local area.
4. Sending a high-level delegation of well-known personalities in the country.
5. Sending an international delegation (mission) composed mainly of foreign nationals.
6. Trial observation.
7. Prison visits.
8. Election observation.
10. Forensic investigation (disinterment, autopsy).
11. Conducting research studies including surveys for the purposes of collecting data on economic, social, and cultural rights.

NOTE: Some methods are discussed in detail in Module VI dealing with special methods. The trainer/facilitator can decide whether he/she wants to merely identify the methods in this session or elaborate some of them. If the trainer/facilitator wants to elaborate on the methods, he/she should prepare teaching materials for dealing with the methods.
SUGGESTED METHOD

Brainstorming and Lecture Presentation

ABOUT THE METHOD

Refer Module I, Session II, for tips on using brainstorming method.

Lecture Presentation

A lecture presentation can range from straight lecture to some involvement of the trainees through questions and discussions. Lectures are useful to provide an overview or synthesis and to cover a lot of material in a short time. However, it is one-way communication and the retention level is low unless the lecture is made more interesting with visual aids or other activity that creates variety.

In this session, the trainer/facilitator should ask the participants to identify various methods of fact-finding. The trainer/facilitator can conduct brainstorming to identify different methods of fact-finding. The brainstorming should be followed by a lecture presentation with the help of overhead projector or blackboard to highlight the fact that the purpose and scope has a bearing on the methods of fact-finding. As part of the lecture, the trainer/facilitator can ask the participants to explain which methods would be more appropriate in which cases.
Collection of credible first hand information on violations of human rights is demanding and at times may involve risks. It requires persistence, tact, courage and dedication.

Gathering of information on alleged human rights violations can be severely hampered by certain conditions and following are some common problems encountered by organizations engaged in fact finding.

A. Lack of Free Access to Areas Where Violation has Occurred.

Success of on-site fact-finding depends on free access to an area and most often fact-finders are faced with the situation in which the government (or the armed opposition group) imposes restrictions on visiting an area for purposes of fact-finding. Alternatively, travel to an area might be dangerous because of an on-going armed conflict.

In some instances only escorted access to an area may be permitted by the concerned government. This may be with a “agent” who attempts to sit in on every interview, which will inhibit the witnesses. In such situations, a fact-finder should make clear the basic rule that interviews are done without any such interference. However, the “agent” himself/herself may insist on being present during the interview to strictly obey the orders he/she was given. Therefore, it is important to obtain authorization from the higher authorities for interviewing victims without any interference. Such assurances may not be forthcoming from governments or armed opposition groups that are repressive and in such cases the human rights organization should consider postponing the visit.

Fact-finders should avoid traveling with the government officials or armed opposition groups which would create an appearance of partiality, even if the interview is done without the presence of military or armed opposition group. Traveling with the government officials or armed opposition group may make it impossible to convince the witnesses in the area to talk to the fact-finder. This would

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3 Taken from Chapter III of the Handbook on Fact-finding and Documentation of Human Rights Violations.
also affect the credibility of the report. Consider whether there is an absolute need to travel with the government or armed opposition. Travel with relief or religious agencies should be explored.

Normally, international NGOs may postpone a visit if free access is not permitted to conduct fact-finding in an area. They rely instead on written testimony or interview witnesses outside the country. Some international organizations also undertake visits without giving prior information to the concerned government. Domestic NGOs address the problem by various means such as involving local contacts and or seeking the help of relatives, lawyers and journalists. They may also mount campaigns to prevail upon the government to guarantee freedom of movement to fact-finders. More importantly to obtain assurance from the government that no reprisals will be made against the fact-finders or witnesses. Another tactic followed by local organizations is to organize a high-profile fact finding mission to the area with respected organizations and personalities as delegates to persuade the government to withdraw the restrictions.

B. Threat to the Safety and Security of Fact-Finders.

Human rights workers often experience harassment and can be victims of the very same violations which they document. It is therefore of utmost importance that the safety and security of the people involved in the fact finding is taken into account by organizations engaged in fact-finding.

Compared to domestic NGOs, some of the prestigious international NGOs are more successful in obtaining from the concerned government assurances for the safety and security of their fact-finders. However, even if such assurances are given there is no guarantee that it will be observed in practice. Consequently, organizations engaged in fact-finding, especially domestic NGOs, should prepare their fact-finders to follow some safety measures while collecting information in the field.

Organizations engaged in fact-finding should train their fact-finders (or brief their delegation) to take simple security measures such as avoiding traveling alone if there is a risk of common crime, getting lost, getting arrested and getting caught in cross-fire in an armed conflict situation. Organizations should also insist that they know where the fact-finder is going and when he/she plans to return and to have a plan of action if the fact-finder does not return as scheduled. Further, they should brief their fact-finders to make contacts with colleagues at appointed times. Knowledge of first-aid would also help.

Special safety precautions must be followed by those engaged in fact-finding in internal armed conflict situations. For example, those visiting an area where active armed conflict is taking place should plan how they will act if challenged by the military personnel or by armed opposition groups at checkpoints or in other places. Fact-finders should decide in advance how they would identify themselves if stopped
at a checkpoint. For instance, they should determine whether it will be safe to identify themselves as a human rights worker or whether that would jeopardize the mission. Also they should decide how vague he/she can be and weigh the consequences if he/she misrepresents her identity.

A fact-finder should be careful about with whom he/she is traveling during a fact-finding visit and whether to trust them and their judgment completely. Fact-finders should evaluate the trustworthiness of the guide prior to embarking on the trip and should not depart with anyone they do not trust.

Fact-finders entering armed conflict situations may have to take measures such as not smoking or using a flashlight at night if the army or guerrillas usually take shots at such targets and learning how to take cover in the event of gunfire.

C. Threat to the Safety and Security of Witnesses.

In some situations witnesses, or even victims, may face reprisals after giving testimony. Witnesses may be detained, tortured or even killed for testifying to an NGO fact-finding mission. Therefore, fact-finders should always bear in mind the security and welfare of the people who provide information.

Fact-finders should obtain the consent of the witnesses to the interview and seek the help of reliable local contacts to encourage the witness to cooperate. If requested fact-finders should assure anonymity of witnesses or the confidentiality of testimony. It will be helpful to clarify from the witness what level of confidentiality he/she wants the fact-finder to maintain. For example, should the fact-finder withhold just the name but give details of the case including name of village, town, province. Moreover, fact-finders should take the testimony of witnesses privately and avoid public hearings which would render futile assurances of anonymity or confidentiality. The fact-finders should also be aware that there is a danger that “anonymous testimonies may mask sloppy fact-finding and inaccuracies”.

D. Gathering of Unreliable Information.

In some situations, particularly in armed conflict situations, there is a danger that much of the information that was gathered may have beenfiltered through one of the parties to the conflict. If the human rights organization does not properly verify such information, the organization may risk disseminating the version of one party to the conflict. Therefore, fact-finders should be provided basic training on how to verify and cross-check information gathered by them.

Similarly in ethnic and other social conflict situations communities are divided and from within each social group there may be pressure on its members to blame the other for the conflict. Similarly, there may be a tendency on the part of the victims to exaggerate facts to gain sympathy for the group he/she belongs to. Fact-finders should take care to assess the information they obtain in such situations. Moreover, members of a fact-finding team should be careful to ensure that they are not identified with one of the groups involved in the conflict.

E. Reluctance of a Witness to Provide Information

In some instances, relatives of victims may feel that it is useless or dangerous for them to provide information and may not be willing or may be too upset to provide information. In such situations a fact-finder may not have much choice but to wait.

In some other situations, particularly in the armed conflict situations, part of the interview may touch sensitive subjects like presence of military in the vicinity of the attack. Witnesses may not be willing to talk about such things or may give false or incomplete information because they are afraid of appearing to know more about military affairs than they do and they feel safer feigning ignorance. Fact-finders should bear in mind that they are dealing with people and communities who have survived because they have learned how to coexist with both government and armed opposition. Depending on the length of the conflict, many have coexisted for years. Coexistence means knowing how to shade the truth in a self-protective manner when dealing with either side or with outsiders. Therefore, do not expect such survivors to automatically open up and disclose sensitive details.

In the case of refugees and displaced persons some witnesses may not give complete information because they think that what they say may affect their access to material relief and refugee status.

F. Lack of Awareness Concerning Human Rights

In some instances, due to lack awareness concerning human rights some victims may not report on violations that may be committed against them. For example, victims of ill-treatment in police custody may regard infliction of physical injury and/or psychological trauma as a routine procedure that is followed by the law enforcement agencies and there is nothing unusual to report about it. Similarly, women victims of domestic violence may suffer in silence in the wrong belief that it is a private matter and not a violation of their rights.
G. Lack of Training or Resources to Conduct Fact-Finding.

This is a problem often faced by human rights organizations at the national level. It may not be necessary for each and every domestic human rights organization to undertake individually fact-finding and documentation of human rights violations. It would be more effective if several human rights organizations pool their resources to jointly undertake fact-finding missions and other related activities. Such joint efforts should be based on a clear understanding of the scope and purpose of the fact-finding activity. Efforts should also be made by national level human rights organizations to develop coordination and exchanges at the regional level so as to learn from human rights organizations in the region who may have similar experience in fact-finding.

SUGGESTED METHODS

Brainstorming and/or sharing of information by individual narration

ABOUT THE METHOD

In this session the participants are asked to share information about common problems involved in fact-finding. Sharing is done either by brainstorming or by individual narration. The individual narration would require more time than a brainstorming session.

This session helps in identifying some common problems faced by human rights organizations in their human rights activity and to arrive at ways to cope with these problems.

Refer to Module I, Session II for information on using brainstorming method.

Note: The problems identified in the major points to be covered/training content is not exhaustive and the trainer/facilitator should encourage the participants to share information on problems faced by them in their fact-finding activity and how they coped with such problems. In this way, the trainer/facilitator will also ensure that participants learn from the real life experiences of co-participants.
OBJECTIVES

1. To enable the participants to understand that an objective standard should be used to investigate an alleged violation, to evaluate the information and to define the nature of the violation alleged to have been committed.

2. To enable the participants to appreciate the need for those engaged in human rights fact-finding to acquire basic knowledge of norms established under the Constitution, other laws of the country and international human rights and humanitarian standards.

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

Using standards to define human rights violations

The difference between investigative journalism and human rights fact-finding is that a journalist will report on his/her findings and may not use standards to strictly evaluate whether it is a human rights violation. Information collected by human rights organizations on the other hand, is evaluated using human rights standards or norms to establish whether it is a human rights violation. For example, a murder committed by an individual will be a crime. On the other hand, if a policeman kills a person while arresting him/her, the facts surrounding the killing of the suspect should be evaluated to define whether it was a case of extra-judicial killing or a case of excessive use of force etc.

Evaluating the human rights performance of governments

Use of standards would also help domestic organizations monitor the compliance of governments with their obligations under legally binding international human rights norms.

Different standards that can be used by human rights monitors

There are several possible standards against which a human rights organization might judge a government's human rights practice. Those standards include: laws of the country, in so far as they are consistent with the international standards; international and regional human rights treaties to which the nation is a party; and other prevailing international human rights and humanitarian norms. More than one standard can be used by fact finders in their monitoring work. For example, while investigating an internal armed conflict, both human rights and humanitarian law can be used to identify and evaluate the type of violations committed by both the government forces and armed opposition groups.

1 Taken from on Chapter I (p. 8) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
How to use the standards

It is not essential that fact-finders should use national and international standards in a strict judicial manner. These standards should be used as tools for determining the scope of the investigation and to establish whether a human rights violation has occurred in an area(s) or country(ies).

SUGGESTED METHOD

Exercises in small groups

ABOUT THE METHOD

This is similar to small group discussion (see Module II Session I). However, in this method the trainer/facilitator gives the participants a task to accomplish and they do not merely discuss a topic or problem.

The participants can be divided into small groups. Each group should be asked to select a human rights violation and define the violation based on the relevant standards applicable to that violation. For example, a group can be asked to define torture under national (if any), regional and international standards. It is important that the organizers of the training programme provide reading material for the participants to refer to while doing this exercise.

The exercise in small groups can be followed by distribution of extracts from reports of human rights organizations to show how national or international standards are used for defining and evaluating human rights violations.

The exercise given to the participants to read and learn about human rights standards would depend very much on the right selection of reading materials. Reading materials can enhance learning as long as they are relevant and their purpose is clearly understood. Provide participants reading materials that are directly relevant, short and easy to read.

It is better to select a few relevant articles than overload the participants with excessive materials. Reading materials should be collected and reproduced as part of the preparations for the training programme. Where possible, the training organization should circulate to the trainees, reading materials ahead of the session or the training programme.

Similarly, handouts given to the participants should be short and relevant to the session. The purpose of the handout should be clearly stated and questions should be prepared in advance for facilitating discussion on the handout.

A case study can also be used for work in small groups. The trainer/facilitator can give the participants a case study based if possible on a real life example and ask the participants to identify which “potential” violation the case study brings to mind (refer to Module V, Session II, for information on use of case study as a training method).
Examples of handouts that can be used in this session:

**Example I**


"Torture of detainees was found to be a common method of investigation by the police . . . Maduforo, aged 17 who was arrested for alleged theft of a car told the CLO that he was taken to a room on the last floor of a one-storey building in Port Harcourt. His hands and feet were chained. He was tied to a ceiling-fan hook and suspended in the air with his head down. In this position, he was flogged with a motor-bike brake wire. The whipping according to him, was intermittently suspended to make way for questioning until he confessed to the crime . . .

Torture of Maduforo clearly violates Section 39 of the 1979 Nigerian Constitution which forbids inhuman and degrading treatment and Article 2(2) of the UN Convention Against Torture . . ."

**Example II**

Extract from Human Rights Watch/Asia Report

". . . Common Article 3 of the 1949 Geneva Convention requires in times of internal armed conflict that persons, 'taking no active part in hostilities . . . be treated humanly' and prohibits 'violence to life and person, in particular murder of all kinds'. Common Article 3 also bars executions carried out 'without previous judgement pronounced by a regularly constituted court'. The evidence gathered by Asia Watch indicates that the government forces have systematically violated these fundamental norms of international human rights and humanitarian law . . .

In addition, during the first half of 1990, government forces fired live ammunition on crowds of unarmed demonstrators which numbered at times in the hundreds of thousands. In a number of such incidents, dozens of civilians were killed. The use of lethal force in such circumstances violates the 1979 United Nations Code of Conduct for Law Enforcement Officials. Article 3 of the Code provides, 'Law enforcement officials may use force only when strictly necessary to the extent required for the performance of their duty'. The official commentary to the code adds:

"This provision emphasises that the use of force by law enforcement officials should be exceptional . . . The use of firearms is considered an extreme measure . . . In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardises the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender."

"Thus, the use of lethal force should be proportional to the threat. The evidence Asia Watch gathered indicates that on a number of occasions, the security forces opened fire on civilians in non-life threatening situations where other means of control could and should have been used."

MODULE IV
BASICS OF EVIDENCE GATHERING

OBJECTIVES

1. To enable the participants to understand the importance of collecting and weighing evidence.

2. To enable the participants to appreciate the importance of identifying sources of information and learn about methods of identifying sources.

Two sessions are suggested:

I. Collecting and weighing evidence in human rights fact-finding.

II. Methods for identifying sources.

SESSION I OF MODULE IV
COLLECTING AND WEIGHING EVIDENCE IN HUMAN RIGHTS FACT-FINDING

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

Human rights organizations engaged in fact-finding or interested in conducting fact-finding should ensure that their conclusions are based on reliable evidence gathered by them. Human rights organizations need not adopt a single standard for collecting and assessing information, but organizations should clearly define and disclose the standard applied for significant conclusions they reach.

While investigating alleged human rights violations human rights organizations examine both the victim’s and the government's version of events. But human rights organizations do not conduct their investigations by establishing formal adversarial procedures where parties present their opposing views. On the other hand human rights organizations collect all available information and evaluate it to arrive at their findings. Therefore, organizations can follow all evidentiary leads and not exclude evidence that is available. However, human rights fact-finders, while following a broad approach to collecting evidence, must take great care in assessing the veracity and reliability of the evidence obtained.

To safeguard the credibility of the human rights organization, it is important to always obtain a higher level of evidence and seek direct evidence while conducting investigations on alleged human rights violations.

NOTE: The Trainer/Facilitator can also seek the help of lawyers to clarify the basic elements involved in evidence-gathering.

1 Taken from Chapter II (p.12) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
SUGGESTED METHOD

Simulation Exercise

ABOUT THE METHOD

A simulation is an enactment of a real-life situation that allows discussion of a problem that the trainees may face in their real life situation. However, a simulation exercise may consume a lot of time. It is important that a trainer/facilitator be well prepared and should specify the roles of the participants during the simulation. The time frame should be strictly maintained by the trainer/facilitator.

The following simulation can be conducted to facilitate discussion about drawing conclusions based on reliable evidence.

The steps to be observed for conducting the simulation are as follows:

1. Trainer/facilitator calls for a volunteer and that person (Person A) is requested to leave the room and stay in a place where he/she cannot hear or see anything that happens in the room.

2. The trainer/facilitator should request four other volunteers to act out in front of the group a mock murder scene lasting at least three to four minutes. The trainer/facilitator should ensure that the mock murder scene has several action sequences. The trainer/facilitator can write out the scene in advance and give it to the four participants.

3. Another volunteer (Person B) is requested to go and brief A about the murder scene enacted in his/her absence. The briefing should be done in two minutes and the time limit should be strictly maintained by the trainer/facilitator.

4. Participant A, based on what he/she heard from B, describes the murder scene to the whole group.

5. Finally, B is requested to reconstruct the scene and fill in the gaps left by A.

This game should be followed by a discussion based on the following questions:

1. What is the difference between the versions of A and B? (One was hearsay and another was first-hand information)

2. If the participants had not witnessed the murder scene whose version of the murder scene they were likely to believe - A or B?

3. If the participants had to write a report on the murder based on the version given by A, how would they rate their evidence - as conclusive or doubtful?

4. Was there a difference between sources of information and what was it? Is there a need to identify the right source and why?
MAJOR POINTS TO BE COVERED/TRAINING CONTENT

Organizations engaged in fact-finding while pursuing a broad approach in admitting evidence, should as far as possible strive to locate witnesses who have direct knowledge of the violation. Steps in identifying sources:

1. Identify whether it is a probable violation of human rights.

2. Make a check-list of all possible sources with regard to the matter under investigation. The check-list can be made by analysing various elements of the matter under investigation and evidence needed to substantiate each element. For example, in a case of alleged extra-judicial execution where the victim was reportedly killed by a military patrol or by members of armed opposition groups, find out the following basic information: a) who was the victim?; b) who was the alleged killer circumstances (When and Where, date, time, place)?; c) how was he killed?; and d) who found the body, when, where and in what condition?.

3. Based on such an analysis, identify the witnesses to events immediately following the act. These include doctors treating injuries; relatives and others who attended the burial or dressed the body for burial; roaming journalists or other investigators who reached the site quickly; others who saw bodies, wounds, damage, passing troops; fellow prisoners who saw the wounds, etc.

4. Identify background witnesses. For example: family members who can give a description of the victim, prior arrests, etc; local residents who could give information on geography, troop/guerrilla groups presence, and their practices in general; authority figures like clergy, community leaders and others in a position to know in general what has occurred in the area or outsiders who are not aligned with the parties like workers of non-governmental organizations or relief agencies functioning in the area.

5. If necessary undertake on-site inspection. Before going to a site, if the fact-finder has not already visited the area, he/she should find a description of the site pre-event and landmarks that do not change like streets, mountains, houses rivers. This would help when witnesses refer to places with regard to certain events that are under investigation. While visiting the site it would be helpful to prepare a description of the site, post-event. For example, make a list of burned or damaged property, etc.

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2 Taken from Chapter II (p.12) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
6. Seek written and documentary evidence. Evidence can be gathered from legislation, court opinions, ordinances, regulations, press releases, government reports, newspapers, reports by NGOs, letters, affidavits, dispositions, and pictures bearing in mind the relative reliability of each. Ideally, documents and photographs used as evidence should be signed or otherwise authenticated.

SUGGESTED METHOD

Exercise and discussion based on the previous session's Mock Murder Scene

ABOUT THE METHOD

A trainer/facilitator can repeat an exercise or simulation. In this case the mock murder scene enacted in the previous session can be used in this session.

Steps to be followed in using the simulation exercise used in the previous session:

In the first step, a volunteer is asked to step outside the meeting room. The volunteer should not be able to see the proceedings in the room.

In the next step, the trainer/facilitator selects some participants and gives each of them a role as persons who have witnessed or have knowledge of the murder. For example: a participant can act the role of a journalist who visited the scene of the murder immediately after the event; a police officer who investigated the murder; a village leader; and villagers who have witnessed either the act or knowledge about it. These people who are potential sources for investigating the murder should assemble on one side of the room along with those who had acted out the mock murder scene.

In the next step, the trainer/facilitator calls the volunteer to come into the room and asks the volunteer to investigate the murder by talking to different persons who have either witnessed the murder or have knowledge about it.

In the next step, the volunteer should report to the whole group regarding the sources he/she identified and what he/she learnt about the murder from these sources. The investigation and reporting should be completed within ten minutes.

Following the report made by the volunteer, the trainer/facilitator should ask the participants how they would identify sources while investigating a case and what method should be followed?

Finally the Trainer/Facilitator should discuss the need for identifying the sources, method to be followed such as making a check list based on an analysis of the matter under investigation and the steps involved in identifying the sources.
MODULE V

LEVEL OF PROOF AND CORROBORATION

OBJECTIVES

1. To enable the participants to understand the concept of level of proof in human rights fact-finding activity.

2. To enable the participants to understand the importance of ensuring the reliability of information collected by cross-checking through corroboration.

3. To enable the participants to understand and use some basic methods of corroborating information.

Two sessions are suggested:

I. Concept of level of proof in human rights fact-finding activity.

II. Cross-checking information through corroboration and methods of corroborating information.

SESSION I OF MODULE V

CONCEPT OF LEVEL OF PROOF IN HUMAN RIGHTS FACT-FINDING ACTIVITY

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

The standard of proof is usually a balance of probability. Probability may be defined as an evaluation of the likelihood of a past event having happened. In the normal rules of evidence followed by courts, there are differing proof requirements for different levels of liability. For example, in Anglo-Saxon criminal law, the guilt of the defendant must be proved “beyond a reasonable doubt” at adversarial hearings held before an impartial court.

Human rights organizations may not be able to achieve a high level of proof, in part because they do not have the power to compel testimony or production of documents, or to impose sentences for withholding evidence. However, where it is possible, human rights organizations can attain the level of “beyond reasonable doubt” in their investigations.

1 Taken from Chapter II (p.15-16) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
Human rights organizations engaged in fact-finding should decide the level of proof they want to achieve, or determine in the course of gathering facts, if they have sufficient proof to arrive at a reasonably founded conclusion. Otherwise, fact-finding activity can become a never-ending process.

The level of proof used by a human rights organization should depend on the action that is planned after the fact-finding activity. For example, a letter of concern sent to the authorities may merely need credible second-hand reports of human rights violations. On the other hand, publication of a major report would require more substantial evidence on the violations.

If the government normally contests every fact in a human rights report, the level of proof must be high. It is useful to engage governments in this dialogue and persuade them to undertake their own fact-finding and to disclose the results.

The level of proof to be obtained may also depend on the audience of the report. For example, some of the UN agencies require a higher level proof for taking action on allegations of certain kinds of violations.

A fact-finder may discover evidence of varying weight and persuasiveness, but some consistency and care should be exercised in formulating the findings. The report should state the standard of proof employed by the fact-finder.

A fact-finder should disclose in the report how firm the level of evidence is in general terms. In most reports incidents that are not one hundred per cent established can be included, as long as the level of probability is disclosed. For example, if there was not enough evidence to “definitely conclude”, the case can still be presented as “very likely”, “probable”, “eyewitnesses stated that”, etc.

While reporting on sudden crisis situations in which there may not be enough time to verify all the facts and make a comprehensive report, it is not a good idea to use less than minimum level of proof to make statements concerning the situation. Reports (emergency bulletins) made in such situations should be written in a qualified way so that if a mistake is made the organization is not bound by it forever. For example, qualifying terms such as “witnesses say that”, and “we are unable to verify at the moment” may be used in writing reports on such situations.

There should be some consistency in the level of proof adopted from report to report unless there is a good reason to change it. For example, if a particular form of punishment is described as torture in one report it should not be changed without giving reasons in later reports.
When based on its findings an NGO discloses that human rights violations have occurred, it is up to the government concerned to show that it was not the case or that government agents were not responsible for such violations. The burden of proof rests on the government.

Burden of proof is another way of discussing whose turn it is to move forward with the evidence, i.e. whether the organization engaged in fact-finding should do it or the government should do it. Obviously human rights organizations always want the onus to be on the government. But they must show sufficient evidence to shift the burden to the government to account for itself. A primary purpose of human rights investigation is to find the truth or the nearest thing to it, and present it in such a way as to shift the burden of proof to the government, i.e. to oblige the government to respond and to take some action on it. At each step, the evidence has to be enough to shift the burden back to the government. What is “enough” can vary.

### SUGGESTED METHOD

**Handout and Lecture Presentation**

**ABOUT THE METHOD**

Refer to Module II, Session II for information on use of lecture presentation. Refer to Module III for using handouts to facilitate group discussion and group work.

In this session, extracts from reports made by international human rights organizations such as Amnesty International can be given to the participants as a handout. The participants should read the handout in small groups and identify words that are used in the report to qualify the conclusions or findings of the report. For example, participants should search for words such as “very likely”, “probable”, “extensive evidence shows”, “torture also appears to have been used”.

This exercise should help the trainer/facilitator to initiate discussion on varying levels of proof and present the major points to be covered under this topic. The participants can also be asked to share their experience in dealing with varying level of proof in their fact-finding work. The major points to be covered under this topic can also be presented by using an overhead projector or flipchart.
SESSION II OF MODULE V
CROSS-CHECKING INFORMATION THROUGH CORROBORATION
AND
METHODS OF CORROBORATING INFORMATION

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

1. The Need for Corroboration

Human rights organizations that are engaged in fact-finding are often faced with unreliable or politically motivated informants and/or with circumstantial evidence concerning the matter they are investigating. In such situations, information is sifted by NGOs for common patterns and corroborative data to substantiate their findings. Human rights organizations cross check their information by looking for corroboration to determine the reliability of information received by them. For example, when interviewing refugees, the interviewer may not be able to visit the refugee's country of origin to verify the information gathered by him/her. In such cases, the information may have to be gathered from a larger number of persons from the same geographical area to check if any pattern emerges providing corroboration.

2. Ways of corroborating information

A. On-site visits and checking for physical evidence

On-site visits can help corroborate information collected from witnesses. Similarly, corroborative physical evidence such as bruises, scars, and other physical evidence of torture can be obtained to support information received concerning torture practices.

B. Circumstantial Evidence

In some other situations, it may be difficult to obtain even minimum direct evidence. For example, an abuse or pattern of abuses may not be known because the evidence is hidden by the perpetrators, the witnesses are afraid and access is denied to the area. In such cases, circumstantial evidence is relied on to a greater extent than normal.

Circumstantial evidence could help reconstruct a pattern. For example, testimonies of victims who were abducted, whose arrest was denied, but who survived and

2 Taken from Chapter II (p.17-20) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
described how they were held in military/security force custody could help construct a pattern concerning the method of operation of perpetrators. Circumstantial evidence requires that inference be drawn from facts presented by witnesses.

The fact-finders, while using indirect evidence, should clearly indicate whether their conclusion was based on direct evidence or indirect evidence.

C. Admissions Against Interest

Most often, governments tend to totally deny findings made by NGOs concerning violations of human rights. However, NGOs, by persistently publishing credible reports, most often succeed in forcing the governments to at least indirectly acknowledge the findings. The NGO may accept the government's admission against interest as a fact or at least as a minimum admission against the government.

SUGGESTED METHOD

Case Study and Group Discussion

ABOUT THE METHOD

A case study is a written description of a real or hypothetical situation that is used for analysis and discussion. The use of a case study facilitates group discussion and group problem solving. It is important to prepare a case study that is relevant to the objective of the session and also design questions to facilitate discussion. The trainer/facilitator should allocate enough time for participants to read the case study allowing for differences in reading skills. Alternatively, one person should be assigned to read the case study aloud to the group.

Use of case studies in this session

In this session, the “Case Study A” should be used to discuss how to sift and corroborate information to substantiate the findings in an investigation of an alleged human rights violation.

The “Case Study B” should be used to discuss how to use circumstantial evidence.

The “Case Study C” should be used to discuss how human rights organizations use admission against interest.

The discussion of each case study should be followed by presentation of the main points on the topic of corroboration.
This case study is taken from a Press Release dated 22 July 1989, issued by al-Haq, a human rights organization based in West Bank, Palestine.

On Monday, July 10, 1989, a man dressed in civilian clothes shot and killed 17-year-old Tasser Abu-Ghosh in the centre of Ramallah. After extensive interviews with eye-witnesses, Al-Haq is convinced that the killing of Yasser Abu-Ghosh was a case of summary extra-judicial execution by individuals acting on behalf of the Israeli authorities.

Al-Haq started documenting the killing shortly after the event, interviewing at least thirty eyewitnesses and taking statements under oath that Monday and on subsequent days. From the testimony of these eyewitnesses, a clear and consistent picture emerges; differences of opinion among witnesses relate only to minor details of the event.

1. Yasser Muhammed Deeb Abu-Qteish Abu-Ghosh, aged 17, was a resident of the village of Betunia in the Ramallah district of the Israeli-occupied West Bank. At the time of Yasser's killing, it appears that the army had been looking for him for at least three months. Soldiers had come to both his and his brother's house on several occasions to arrest him. On April 11, 1989, for example, his brother was detained for a week in an apparent attempt to pressure Yasser to give himself up.

2. On July 2, when no demonstration was taking place, Yasser was chased through part of Ramallah by a soldier who had jumped from a jeep and shot at him repeatedly but failed to wound him. On July 6, Yasser was again chased through the centre of Ramallah, this time by men dressed in civilian clothes, who also fired at him, again without hitting him.

3. Yasser allegedly participated in a demonstration in a different area of Ramallah earlier on the morning of July 10.

4. At approximately 11:30 on Monday July 10, 1989, Yasser Abu-Ghosh was walking with some friends on the main road dividing the twin cities of Ramallah and al-Bireh which leads from the central square (the Manara) to Jerusalem. The youths were walking toward the Manara, directly across from the Hisba, the open-air vegetable market of al-Bireh.
5. At that time, a white Volkswagen flat-bed van with local (blue) license plates was coming down the main road from the Manara in the direction of Jerusalem. When it reached the area where Yasser was walking, it suddenly braked and came to a halt, facing Yasser who was walking in the opposite direction on the same road. Some witnesses report that a Palestinian who is known to work as a collaborator with the Israeli authorities and who was sitting outside a coffee shop in the same location, had given a hand signal to the men in the Volkswagen.

6. Three men jumped out of the car, while two remained seated in the front.

7. When Yasser saw the men emerge from the Volkswagen, he and his friends began to run in the direction in which he had been walking, i.e. toward the Manara. The three men ran after Yasser, firing pistols into the air. (Eyewitnesses later collected canisters of 9-mm bullets, typical of pistols). The Israeli authorities have claimed that the men who emerged from the car ordered Yasser to stop. Eyewitnesses contradict this claim.

8. One of the two men remaining in the Volkswagen placed a blue light (like those on top of police cars) on the roof of the van.

9. After about 30 metres, Yasser and his friends reached the corner of a small side street and turned left. His friends ran along the sides of the street, while Yasser ran closer to the middle, away from the main street.

10. The three men followed them, one in front of the other. As soon as the first man turned the corner into the little street, he began firing at Yasser, stopping and aiming in order to do so. When he fired, the distance between him and Yasser was at most 7 metres. Some witnesses report having heard five shots fired in rapid succession.

11. Yasser was struck by several bullets and fell to the ground, about 20 metres along the street. His friends continued running and escaped.

12. The three men who had followed the youths bent over Yasser. One walked back to summon his colleagues in the Volkswagen, who backed up the car in the main street toward the corner of the side street, and then turned into it and parked there, close to Yasser's body.

13. Within seconds, two army jeeps arrived. Soldiers jumped out, and ordered local residents and shopkeepers to leave. They set off two "sound bombs" to scare away bystanders.

14. As they stood around Yasser, a local doctor, wearing a white doctor's coat and with a stethoscope around his neck, approached the soldiers and, identifying himself as a doctor, requested to be permitted to see Yasser. The soldiers pushed him away.
15. The soldiers then picked up Yasser in a rough way without regard, according to eyewitnesses, for his obviously severe medical condition, and dropped him on the floor in the back of one of the jeeps, with his head and shoulders resting against one of the seats.

16. At that moment, the doctor managed to push past the soldiers and reach the jeep. He placed his hand on Yasser’s neck in order to feel his pulse. The doctor is absolutely certain that at that moment Yasser had a pulse and was still alive.

17. Even as the doctor was feeling Yasser’s pulse, the jeep pulled away. The doctor jumped onto the back of the jeep, trying to hang on, but fell back after a few seconds. He then ran after the jeep for a few metres before giving up. He saw that at that moment, Yasser’s head and shoulders fell off the seat and over the back of the jeep, so that they were hanging outside. A soldier in the jeep subsequently returned Yasser to his original position. The jeep then turned around the block and went, through the centre of town, and in full view of local residents and shoppers, toward military headquarters up Radio Street in Ramallah.

18. After the jeep carrying Yasser had left, the men in civilian clothes returned to their Volkswagen van and drove away.

19. A Palestinian lawyer who was present inside the military headquarters that day has reported that at 12:00 noon, he heard a car arrive and a voice yell in Arabic: “There is an injured person”. He went outside the building and saw a jeep pull up next to the military court building. Three soldiers got out of the jeep, then pulled out a person by his legs from the back of the jeep. The lawyer saw blood dripping down onto the ground. The soldiers dragged the person into a room after first stopping to unlock the door. After a short while they re-emerged, without the person, and left with the jeep into the prison compound. After about half an hour, the lawyer asked another soldier about what had happened. The soldier told him that the person in the jeep had tried to throw a Molotov cocktail at soldiers near the Manara and had been shot twice in the head by soldiers. At 3:30 in the afternoon, the lawyer saw an Israeli ambulance arrive. Two soldiers who were in the area entered the room, and after about half an hour re-emerged with a body wrapped in a cover and placed on a stretcher, and put it into the back of the ambulance, which then left. The lawyer emphasizes that at no point that afternoon did he see anyone who looked like a doctor or a medic.

20. Yasser’s corpse was returned to his family in Beitunia after about 37 hours, at 1 am. on Wednesday morning, July 12. Only 15 persons were allowed to attend his funeral, which took place under heavy military guard. Family members assert that they could see that an autopsy had been performed on Yasser's corpse. They also saw one bullet wound to the left shoulder, and at least two or three to the head. In addition, they state that Yasser’s chin showed bruises, and that one of his temples was swollen.
21. According to media reports after the killing, the Israeli authorities accused Yasser of membership in the Popular Front for the Liberation of Palestine, organizing demonstrations, throwing Molotov cocktails, and attacking a collaborator.

Main Issues

1. From the testimonies of eyewitnesses it appears that Yasser was killed at a time that no demonstrations were taking place, and no attempt was made to arrest him. At the moment that the fatal shots were fired, the assailant was about to catch up with Yasser and could have stopped him without opening fire. It should be noted that the men were dressed in civilian clothes and did not identify themselves as law enforcement officials, and there was therefore no legal obligation for Yasser to stop. It should also be emphasized that Yasser was not armed at the time of his death, and in no way posed a physical threat to his attackers.

2. All evidence points at open cooperation between the assailants and the army, indicating official complicity in the killing. Soldiers were present in the immediate vicinity of the killing; in fact, the army has maintained a regular presence in the centre of Ramallah since the beginning of the uprising. Soldiers were posted on a roof in the immediate vicinity of the events described here. They must have been able to see the events from beginning to the end. Immediately after the killing, two army jeeps appeared at the site where Yasser had fallen. Yet no attempt was made to question, let alone arrest, the perpetrators, who left the scene without being stopped. Al-Haq has documented numerous other cases during the uprising where men dressed in civilian clothes arrived in cars with local license plates and opened fire at Palestinians. On several occasions Palestinians were killed.

3. Indications of official complicity in the killing were reinforced by an item in the Jerusalem Post of July 16, where a spokesperson for the Israeli army was quoted as saying that Yasser was killed by "security forces" after ignoring an order to stop.

4. No attempt was made to save Yasser’s life after he had fallen to the ground. A doctor was physically prevented from examining Yasser. Soldiers dropped Yasser in the back of a jeep without any regard for his condition. The doctor was able to ascertain that Yasser was still alive at that time. Rather than taking Yasser to the nearest hospital, which is approximately a two-minute drive from the place where Yasser was shot, the soldiers took him to military headquarters. The doctor who took Yasser’s pulse has noted in testimony to al-Haq that (1) a jeep is not an ambulance; (2) soldiers are not necessarily certified medics; (3) seriously injured people should not be moved unless following advice from a doctor; and (4) a seriously injured person, when moved, should be taken immediately to a hospital, not to military headquarters. International law is also very clear on the right of the injured to prompt medical care.
CONCLUSIONS:

In al-Haq's view, the killing of Yasser Abu-Ghosh in downtown Ramallah on Monday, July 10, 1989, was a summary execution, constituting an act of willful killing, carried out by individuals acting in cooperation with or on behalf of the Israeli army. Al-Haq takes a very grave view of the events described above, especially since we have been documenting a growing number of deliberate killings during the recent period, and a pattern of such killings is beginning to emerge.

The killing of Yasser Abu-Ghosh was wilful, because (1) it was carried out by individuals acting as agents of the Israeli State; (2) no attempt was made by these individuals to arrest Yasser; (3) bullets were aimed at Yasser from very close range, with no attempt to shoot at the legs as per Israeli army regulations; and (4) Yasser was denied the medical treatment he urgently needed.

SUGGESTED QUESTIONS/EXERCISES FOR DISCUSSING THE CASE STUDY

1. Identify the elements of direct evidence contained in the case study.
2. Identify the corroborative elements contained in the case study.
3. Was the organization right in concluding that it was a case of summary execution carried out by individuals acting in cooperation with or on behalf of the authorities? What level of proof was achieved by the organization that investigated the case?
4. Based on the case study, write a press release arguing the government's case and refuting the findings of the organization.
In country A, which is faced with internal armed conflict, allegations are made by local organizations that members of security forces or individuals supported by them are engaged in abduction and killing of opposition political activists and human rights workers. The local organizations seek your help and ask your organization to condemn the killings. However, your organization does not have access to the area where the killings are alleged to be taking place and therefore you cannot verify directly the allegations to condemn the killings. However, you have access to detailed reports prepared by local groups providing information about those persons who have been abducted and killed, the manner in which they were abducted, and the manner by which the bodies were dumped. The reports indicate that the persons who were abducted were all known political or social personalities who were critical of the government. The reports also indicate that the abductions are most often done in a brazen manner showing certain impunity and the dead bodies often show signs of captivity before the killing. Finally, the reports show that the bodies are normally dumped during curfew time in places ordinary civilians do not have access to. In addition, you also have press clippings giving statistics on the killings which show an increase in the last six months with an average of two to three killings every day. The government denies any involvement in the killings and blames it on a criminal gang war. You are also aware that due to the internal armed conflict, the area is highly militarized and is under regular dawn-to-dusk curfew. Further, the government has enacted special laws that give wide powers to security forces including powers to shoot to kill with immunity from prosecution for violation of human rights.

SUGGESTED QUESTIONS/EXERCISES FOR DISCUSSING THE CASE STUDY

1. Since access is denied to verify the allegations will you make a statement condemning the killing or will you wait till you get access to make a statement on the killings?

2. If you propose to make a statement without visiting the area, will you be able to establish that the government agencies are involved in the killings? How will you establish it?

3. Give at least five evidentiary reasons (circumstantial) to support the view that the government agents are involved in the killings.
Note for the trainer/facilitator for using the case study B

The above case study should be discussed in small groups and the conclusions of each group should be presented and discussed in the plenary. At the end of all the group reports, the trainer/facilitator should summarize the points that emerge from the group discussions and, if necessary, add his/her own points. The important message to be given by the trainer/facilitator is that diligent fact-finders can build a case despite difficulties in getting direct evidence by meticulously collecting and analysing circumstantial evidence surrounding a violation.

If the participants are unable to analyze the case study, the trainer/facilitator can give the following points to help them:

In the case study the local groups have documented the cases, providing information about those who have been abducted and killed; the manner by which they were abducted; and the manner by which the bodies were dumped.

The first point is to look at who is targeted. If it is overwhelmingly political activists, union members, students or community leaders, then the government's contention that the killings are due to a criminal gang war can be challenged as false.

The next point is to analyze the reports to identify the manner by which the victims were abducted and the manner by which the bodies were dumped. For example, the following characteristics could show official involvement in the killings:

*The victims were abducted from home, street, workplace or school, often in broad daylight and in front of witnesses, this suggests that the perpetrators have a sense they can act with impunity. The victims were sometimes abducted at night during curfews also suggesting a sense of impunity. The body is found in a place remote from the scene of the abduction, tortured, blindfolded, and hands tied, which suggests captivity, probably for interrogation purposes. The place of dumping bodies may be close to a military base or bodies may be dumped during a period and in a place where military checkpoints and curfews prevent ordinary people from moving freely.*

The last point is to examine the other factors, such as the existence of armed conflict or of laws that grant wide powers and immunity to security force, creating favourable conditions for violations of human rights.
"There is reason to believe that torture by policemen has official approval. Speaking to the CLO in the course of investigating torture of a suspect, the State police public relations officer first said that the use of torture is illegal and added "There are helpless situations when you know that a suspect is deliberately telling lies and there is no other means you can use in cracking the case other than softening him."

**SUGGESTED QUESTIONS/EXERCISES FOR DISCUSSING THE CASE STUDY**

1. In the above case, is the human rights organization right in concluding that torture is officially condoned in that country?

2. Is the statement attributed to the police officer an admission against interest? Explain admissions against interest and how they can be used?

3. From your experience write three statements made by government representatives that can be used as admissions against interest.
MODULE VI
FACT-FINDING IN SPECIAL SITUATIONS

OBJECTIVE

1. To enable the participants to understand that some situations require particular preparation and expertise in fact-finding.

2. To enable the participants to learn about the type of preparations and expertise needed for two special situations: fact-finding from torture victims and fact-finding in armed conflict situations.

Two sessions are suggested:

I. Fact-finding from torture victims.

II. Fact-finding in armed conflict situations.

SESSION I OF MODULE VI
FACT-FINDING FROM TORTURE VICTIMS

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

The trainer/facilitator should stress the point that collecting information from torture victims is a specialised activity and as far as possible human rights organizations should seek the help of organizations and individuals specialized in working with torture victims.

Collecting information from individuals who have been tortured and survived is very difficult, because it is almost impossible to understand the depth to which the person has been affected by the traumatic experience.

Fact-finding organizations should bear in mind the following points while working with torture victims.

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1 Taken from Chapter V (p.44-47) of the Handbook on Fact-finding and Documentation of Human Rights Violations.

Fact-finding missions investigating allegations of torture should ordinarily include at least one medical delegate. Among the medical specialists it is most appropriate to have a forensic pathologist. These doctors are likely to have had the greatest exposure to the kinds of physical injuries the victim may describe. Physicians, especially those trained in detecting evidence of torture, are necessary to detect the distinctive physical and psychological symptoms characteristic of torture victims which will corroborate their allegations.

Ordinarily, the medical fact-finding team does not attempt to determine if there has been torture, but whether the information obtained during the examination and interview is consistent with the ill-treatment alleged by the individual. Rarely can medical evidence conclusively prove the truth of torture allegations, especially since the passage of time obscures physical symptoms. Nevertheless, if the description of symptoms immediately after torture and any longer-term symptoms including scars agree with the known pattern for the types of torture alleged, then the fact-finder may consider the findings consistent with the allegations.

The process of interviewing torture victims about their experiences presents delicate problems of obtaining accurate information. The torture victims are fearful of having to undergo torture once again. The fact-finding interview may sufficiently mimic the torturer’s interrogation to raise conscious and unconscious fear in the torture victim.

Torture victims often exhibit fear of doctors and of those wearing medical garb (such as white coats), because of the association with those who committed torture or medical personnel who cooperated with the torturers. Consequently, doctors should avoid wearing medical uniforms when they talk to former victims of torture.

There is a possibility that a torture victim may not be accustomed to talking to strangers about the very intimate and often embarrassing details involved in torture. A fact-finder should take time to gain the trust of the victim, with early questions leading delicately toward the sensitive parts of the interview. Extra sensitivity should be shown to women victims when gathering information about sexual abuse. In all cases of investigation concerning a sexual abuse of a woman, the fact-finder should be a woman.

Following basic information should be collected from a torture victim:

a. The individual’s name, age, profession, family status, and other personal details (if requested, anonymity should be offered to the victim).

b. The individual’s state of health before the arrest, including past illnesses, previous injuries, previous torture, and medical history.

c. The time, place, date and circumstances of the individual’s arrest.

d. The condition of confinement, including: the size of the cell and the number of occupants; whether there was solitary confinement; the amount and nature of food; the lighting, furnishing, sanitary conditions; and the medical care available.
e. The nature of the treatment which the individual suffered with precise reference to dates, duration, implements used, the identity of the torturer, etc.

f. How the individual felt at the time ill-treatment occurred, the parts of the body affected, and any physical symptoms which the prisoner noted.

g. The feelings and other symptoms the individual noted at various intervals after the ill-treatment, e.g., one week afterwards, one month, at the time of the examination.

h. Any medical examination or other contacts with doctors the individual may have had while in detention or prior to the present interview.

i. Any medical or other treatment the victim may have already received.

j. Any individuals who may have seen the individual soon after the ill-treatment and who may be able to corroborate the victim's story.

k. Any complaints the individual may have presented to the authorities and any investigations undertaken.

l. Length of confinement and the circumstances of the individual's release.

The medical examination should include the individual's:

- a) pulse;
- b) blood pressure;
- c) height;
- d) weight;
- e) any significant changes in weight experienced;
- f) any breakages of the teeth, bones, etc.;
- g) condition (including tenderness, swelling, and flexibility) of the individual's muscles and joints;
- h) bruises and scars;
- i) a general assessment of the intellectual functioning and orientation of the individual;
- j) voice modulation which might reveal stress;
- k) any complaints about hallucinations, sleep disruption, nightmares, fear, etc.; and
- l) the emotional appearance, including crying, tears, trembling lips, depression, etc.

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SUGGESTED TRAINING METHOD

Lecture Presentation or Panel Discussion

ABOUT THE METHOD

For both Session I and II of Module VI, a lecture presentation by an expert can be used. Alternatively, a panel of speakers can be invited to speak. A panel discussion is a variation of the lecture method in which more than one person gives a short lecture on the topic. A panel discussion provides an opportunity for trainees to learn from more than one expert.

For both, lecture and panel discussion it is important to brief the speakers about the background of participants and the objective of the session. If a panel discussion is organized, the panellists should meet prior to the session to plan their respective presentations. A moderator should be appointed to ensure that the panellists adhere to the time-limit and to moderate the discussion following the panel presentations.
MAJOR POINTS TO BE COVERED/TRAINING CONTENT

Traditionally, it is the International Committee of the Red Cross (ICRC) that has taken the leading role in encouraging the application of humanitarian law in situations of international armed conflict and in non-international armed conflict. However, in the last decade, an increasing number of international human rights organizations and some national human rights organizations have begun to apply principles of humanitarian law while monitoring the human rights conditions prevailing in situations of armed conflict. Despite a growing interest shown by human rights organizations in monitoring armed conflict situations, particularly the non-international armed conflict situations, it still remains a new field.

Human rights organizations interested in conducting fact-finding in internal armed conflict situations should have knowledge of humanitarian laws and factual information about the nature of conflict to distinguish between international armed conflicts, wars of liberation, non-international armed conflicts as defined under Common Article 3 of the Geneva Convention. Also an understanding is required of the characteristics of non-international armed conflicts under Additional Protocol II of the Geneva Convention.

NOTE: Human rights organizations planning to conduct training for fact-finding in armed conflict situations should expand this session to provide basic knowledge on humanitarian laws and special skills needed for working in armed conflict situations.

SUGGESTED METHOD

Same method used in session I of Module VI

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3 Taken from Chapter V (p.44-47) of the Handbook on Fact-finding and Documentation of Human Rights Violations.

4 The principle type of humanitarian law applicable to armed conflict are the four Geneva Conventions of August 12, 1949 (Geneva Conventions) and the two Additional Protocols of June 8, 1977 (Additional Protocol I and II or Additional Protocol)?
OBJECTIVE

To enable the participants to become familiar with special methods of fact-finding such as fact-finding missions or on-site visits, and forensic investigation.

Two sessions are suggested:

I. Organising on-site visits or missions.

II. Forensic investigation.

SESSION I OF MODULE VII

ORGANISING ON-SITE VISITS OR MISSIONS

MAJOR POINTS TO BE COVERED/TRAINING CONTENT 1

In addition to day-to-day collection of information by researchers or field-level staff engaged for that purpose, special visits or missions can be organized to an area to conduct an investigation or fact-finding. Several persons representing different groups concerned with a particular violation or situation often participate in such a visit. It generally combines collection of information from victims and other witnesses and published reports, research documents, etc.

Fact-finding missions can be broadly classified as local, national or international depending on the composition of their membership, or as high-profile or low-profile missions. High profile missions are widely publicized and their members usually meet with important government authorities. In low-profile missions, investigation is done by skilled persons without any publicity. They are often undertaken in cases where authorities deny access to an area and most often as a preliminary step towards mounting a high-profile mission.

Sending a mission for fact-finding purposes requires advance planning and preparation. Some of the elements involved in sending a trial observer can also be used for planning a fact-finding mission. The following are some additional points which need to be taken into account while organising a mission:

1 Taken from Chapter V (p.53-58) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
I. A pre-mission

a. Weighing the advantages and disadvantages of on-site visits

The success of on-site investigation depends on free access and the freedom to interview victims or other witnesses without any interference. Such access may not be always available. Governments often shift prisoners, cordon of potential witnesses, prevent access to prisons, and otherwise deny access to accurate information during the necessarily short periods of visits. Therefore, in some cases, on-site investigation may actually be less reliable than collecting information over a long period of time outside the areas of human rights violations. For domestic NGOs, it may be more advantageous to collect information over a period of time without attracting much attention rather than organizing an on-site mission and inviting retaliation from governments.

On the other hand, the advantage of sending an on-site mission is that it will facilitate gathering of first-hand information from victims, relatives or other witnesses. Moreover, sending a fact-finding mission may help in generating solidarity for victims and may also persuade the government to take steps to deal with some of the allegations in response to findings of a well-organized and credible mission.

b. Defining the mandate and standards

All missions should have explicit terms of reference. The terms of reference should specify the type of alleged violation to be investigated, time period, geographical area to be covered and the surrounding circumstances. The terms of reference should provide a reasonably clear objective for the fact-finding endeavour. In order to make sure that all aspects are covered by a mission, it may be helpful to include an omnibus clause such as to examine other relevant human rights concerns. The terms of reference should not even remotely suggest any pre-judgement or bias. The terms of reference should also state standards (both national and international) that would be applied in evaluating the findings (this point can be explained better by distributing copies of terms reference used by international organizations in their fact-finding missions).

Terms of reference which are set out in advance would help reduce conflicts among members of the mission concerning the scope of the investigation and also minimize collection of irrelevant information.

c. Selection and briefing of mission members

The sponsors of a mission should carefully select the mission delegates. Some of the aspects to be considered while selecting delegate(s) are: how the delegate(s) might be received and the impact of their presence on the mission; their sensitivity
to other cultures; their reputation, expertise, impartiality, human rights experience and knowledge of political and legal system of the area to be investigated and language abilities. When an NGO does not know an individual under consideration, the NGO should seek feedback from the local human rights community about the individual.

Where possible, members of a mission should be contacted far in advance of the visit and briefed properly. The briefing material should include press reports or previous reports on the issue to be investigated and material on the area to be visited providing historical, social, economic and political background information.

The delegation should also be briefed about security and other problems they may face during the mission and what precautions should be taken to deal with them.

d. Finalizing procedures for ensuring reliability of evidence

The organization sponsoring the mission should provide guidelines to the mission for ensuring reliability of evidence gathered during the visit. This should include guidelines concerning careful questioning of witnesses, corroboration and burden of proof.

e. Administrative arrangements

The sponsors of the mission should inform the victims or witnesses about the mission's visit. Where appropriate they should inform local authorities and schedule meetings with the delegation. Arrangements should also be made for board and lodging of the delegation. However, in some situations, members of a mission may have to make their own board and lodging arrangements.

Where necessary, the sponsoring organization should identify a reliable translator and make arrangements to obtain his/her services for the mission.

Arrangements for obtaining necessary visas should be made if foreign nationals are participating in a mission. Depending on the circumstances, the organization should decide whether to disclose the purpose of the visit while applying for the visa. The advantages and disadvantages of not disclosing the actual purpose should be weighed carefully before taking any decision on the matter.

The sponsors should also provide adequate funds to organize the mission. The delegation should be briefed in advance if they have to bear some of the expenses of the mission. The duration of a mission depends on the purpose and scope of the investigation.
The sponsors should plan for the visit taking into account the weather, terrain and security concerns and plan for ensuring the safety and well-being of the members of the mission.

f. Meeting of the delegation

When a delegation consists of a large group, it is essential for all the members to meet prior to the visit to discuss terms of reference and clarify the purpose of the mission. The practical difficulty in convening such a meeting is one of the drawbacks of a mission consisting of a large group.

Where it is possible to organize a large delegation, the different tasks of the mission should be identified and shared between different members. For example, tasks such as coordinating the mission, negotiating with the authorities and dealing with the press can be delegated to different persons. Tasks could also be divided according to the expertise of different members. For example, a medical doctor could interview torture victims and a child psychologist could deal with child victims.

2. The actual visit

During the visit the delegation where possible should meet every day to plan as well assess the progress made.

The delegation should keep an exact record of their activities during the mission, the date, time and place of the interview and persons interviewed. Care should be taken to ensure that these records do not fall into the hands of authorities to avoid any repercussions for those who met the delegation.

No public statement should be made on the findings during a mission. However, in some situations, a public statement may be needed at the beginning to explain the purpose of the mission and at the end of the visit to report on the findings and the next steps to be taken by the mission.

3. Post mission

The members of the mission should make an overall assessment of the mission and plan the format of the report. Responsibilities should be clearly identified for the preparation of the report and deadlines should be set.

Where necessary press conferences or other media events should be organized.
SUGGESTED METHOD

Experience Sharing by Participants
and
Field Visit

ABOUT THE METHOD

Experience Sharing

Sharing is suggested for this session because participants can learn more from listening to and interacting with those experienced in organizing missions than reading about how to organize a mission.

In this session, some of the participants who have experience in organizing missions or in participating in missions can be asked to share their views and experience. Following the sharing, the trainer/facilitator should distribute a handout containing major points to be taken into account in organizing an on-site mission. If there are no participants who can share their experiences, a representative of some local human rights organization can be invited to share his/her organization’s experience.

Field Visit

As part of a training programme, a field visit can be organized that is similar to an on-site visit or fact-finding mission. The participants meet victims or relatives to collect information. The purpose of this visit is to give the participants an opportunity to practise what they learned about fact-finding.

Steps Involved in Organizing a Field Visit

1. Special Preparations

The area to be visited and the victims or their relatives, the participants will meet should be identified and contacted in advance. The local organization working with the victims or their relatives should be asked to send one person to brief and escort the participants to the place of the visit. Security of participants and the persons to be visited should be taken into account while planning a field visit. If the visit involves a night halt, accommodation should be arranged for the participants to spend the night. Similarly, arrangements should also be made for food. Briefing material on the area and people should be prepared with the help of the local organization coordinating the visit. If a field visit includes prison visits, the organizers should obtain the necessary permission from the authorities.
2. **Briefing and Actual Visit**

The participants should be briefed about the visit. The briefing should include the goals and objectives of the visit; logistical arrangements; background information about the area or organization; and information to be gathered by the participants. If possible, a representative of a local organization can be invited to brief participants. The briefing should also include instructions concerning security precautions or respect for the local culture and way of life of the people. Participants can also be given a list of things they should bring with them for the field visit, such as torch light, medicines, and reading and writing materials.

3. **Debriefing or Processing the Field Visit**

When the participants return from the field visit, sufficient time should be allocated for a debriefing. In this session, based on the guidelines previously given the participants should report on their visit and what they have learned. The debriefing can also cover administrative arrangements made so that the organizers can learn how to rectify mistakes in preparing for future field visit.

4. **Summing Up**

The trainer/facilitator should sum up the reports of field visits and explain the process involved in organizing the visit.
SESSION II OF MODULE VII

FORENSIC INVESTIGATION

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

Forensic investigation requires special expertise and cannot be undertaken without adequate training and knowledge. Domestic human rights organizations should not play the role of an amateur forensic scientist and should confine their role to providing support to the experts involved in such investigations.

However, domestic human rights organizations can play an important role by collecting credible information concerning cases that require autopsy and disinterment (exhumations) and campaign for official inquiry. The official inquiry should be guided by the principles of competence, thoroughness, promptness and impartiality of the investigation. However, where government involvement is suspected and an objective and impartial investigation may not be possible, or where the official inquiry is inadequate, human rights organizations should call for establishment of an independent commission of inquiry. Thus, knowledge of basic principles concerning forensic investigation is vital to assess whether an official inquiry was properly conducted or not. Moreover, human rights organizations with expertise in forensic methods can where possible help an independent commission of inquiry to ensure that the investigation is conducted in a competent manner.

As a minimum, domestic NGOs should familiarize themselves with the laws prevailing in their countries concerning autopsy and disinterment and ensure that they are in accordance with internationally established norms.

SUGGESTED METHOD

Lecture Presentation by an Expert

ABOUT THE METHOD

Since the topic requires special expertise, it is important to invite an expert to deal with the topic of forensic investigation. However, the invited expert can be requested to use different training methods to deal with the topic. For example, in a Forum - Asia training session, the expert used case studies to facilitate discussion and slide shows to explain some of the technical details. The trainer/facilitator based on the training need analysis should brief the expect concerning level of expertise of the participants and discuss what particular points should be conveyed to the participants.

2 Taken from Chapter V (p.49-50) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
MODULE VIII

INTERVIEWING AND PREPARING SIGNED STATEMENTS

OBJECTIVES

1. To enable the participants to understand basic concepts on interviewing and to conduct interviews.

2. To enable the participants to appreciate factors that should be taken into account in interviewing special categories of victims or witnesses.

3. To enable participants to prepare signed statements from witnesses.

Three sessions are suggested:

I. Basics of conducting an interview.

II. Interviewing respondents with particular characteristics.

III. Preparing a signed statement.

SESSION I OF MODULE VIII

BASICS OF CONDUCTING AN INTERVIEW

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

The trainer/facilitator should clarify the difference between seeking answers from respondents while undertaking a survey and conducting an interview of a victim or witness to elicit information concerning an alleged violation of human rights.

1 Taken from Chapter IV (p.30-37) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
The importance of learning to conduct interviews

Interviewing is the most common method used for collecting information and therefore it is important that those engaged in collecting first-hand information develop interviewing skills. Standard interview techniques are used to maximize the amount of information gained, to clarify confusing points and to assess the veracity of the testimony given. Interviews require planning and preparation. A badly conducted interview will affect the quality of the data gathered as well as alienate victims and witnesses.

Tips on Conducting Interviews

It is useful to think of an interview as a three-step process and plan accordingly. The normal stages in conducting interviews are: 1) pre-interview; 2) the interview proper or during the interview; and 3) post-interviews.

1. Pre-interview

Ensure that the venue, conditions and the timing are suitable for conducting the interview. Eliminate distractions. Become familiar with the case, and the interviewee, but do not form preconceived conclusions.

Individual interviews are always preferred to group interviews and every effort should be made to speak in private with a witness.

Understand the elements of human rights abuses likely to be investigated so that relevant questions or a checklist can be prepared in advance. If detailed questions are not prepared, a fact-finder can use the simple check list of, "How, Where, When, Who, What, Why".

2. During the interview

Provide the necessary introductions and identifications such as organizational affiliations. Explain clearly the purpose of the interview and the consequences, if any, of providing information. Seek permission if you intend to use the name of the interviewee in the report. Also explain how the information will be used.

Establish rapport and trust with the interviewee, show respect and proper courtesy. Do not be judgmental or show one's biases against the interviewee. A response of an interviewee is based on his or her past experiences, therefore, do not expect an interviewee to respond in a predictable manner.
The interviewer must strike the appropriate balance between showing sensitivity concerning the emotional needs of the individual and obtaining the basic information required.

Be reminded that interviews are not conducted out of mere curiosity but for the important purpose of establishing facts.

Take notes or record the interview. Sometimes taking notes may intimidate a witness, so ask permission and explain why you need to take notes. In some instances, a fact-finder may not be in a position to take notes. In such circumstances he or she should make a point of immediately finding time to record the main points of the conversation(s) immediately after the interview.

Learn the art of being a good listener. Avoid dominating the interview. Be sensitive to nonverbal communications and observe the demeanour of the interviewee. Allow moments of silence.

Let the witness tell his or her story in his or her own way. Make sure that the narration does not get totally out of hand. Use the check list to gently guide the witness to revert to the main story. Asking the victim to narrate the story in a chronological order helps the victim structure the story and reduces the possibility of an interviewer getting confused by numerous details.

Do not refer to or use the names of other witnesses. Ask the interviewees to contradict or support the views of other witnesses. Privacy of each interviewee should be respected.

Avoid asking leading questions that will already suggest the answer to the witness. For example, ask “how were you treated by the prison guards?” As opposed to “were you tortured?” In some situations, a witness out of deference to the interviewer may always agree and say “yes” to questions. Therefore a minimum number of questions that call for yes or no answers should be asked.

Do not promise rewards or results. Do not create false hopes. Explain that his/her testimony will help other similar victims. Do not create an impression that the success of the fact-finding activity depends on the testimony of the interviewee. Explain that you will be interviewing several people and some testimonies will be used for illustrating the problem. Explain possible follow-up actions that will be undertaken in connection with the problem.
When a witness refers to a village or place, ask how far it is (by walking, kilometres, etc.) from the larger town. Do not assume that it will be possible to locate the village/place on the map later.

Seek the help of the interviewee for leads, or other witnesses, or other sources of information. Find out how the witness can be contacted again if necessary.

Remember to note some basic information concerning the interview itself such as: time and date of an interview; location of an interview; duration of an interview; other information concerning the witness including name, age, sex, ethnic origin, religion, political or other affiliations; the name of the translator; language translated to and from; and, how the witness was contacted (through another witness, a local relief agency, etc.).

Number the interviews.

3. Post-interview

The fact-finder should read the notes in a quiet place to check whether all the points have been covered. He or she should make a list of other witnesses suggested by the interviewee. If the witness referred to documents and other published materials, make a separate note of the ones that need to be obtained before leaving the area of investigation.

If more than one fact-finder was involved and each of them conducted interviews independently, a preliminary cross-checking of notes should be made between them.

If a witness had referred to a place or object during an interview, the fact-finder should look for that place or object for purposes of corroboration. Also, prepare maps or sketches if necessary.

Type your notes as soon as possible.

Some Elements Involved in Interviewing

1. Questions

Prepare a questionnaire to suit the violation that is being probed. Writing a questionnaire, even if never used, will help clarify the elements involved in a violation and ensure that relevant information is sought from the interviewee.
Make a note of issues that need further clarifying or double checking as, and when, they arise while interviewing witnesses. Issues that emerge while interviewing one witness can become questions for another witness.

Care should be exercised in the choice of words. Avoid emotionally charged words. Use familiar everyday language and avoid jargon. Try and use the language and terminology of the victim but clarifications should be made when a particular terminology used by the victim is not clear to the fact-finder. Avoid fast and hectic questioning. A slower pace of questioning is more productive than a volley of questions asked. The interviewer should not express his/her opinion while interviewing. The interviewer should not act like a prosecutor. He/she should be polite and allow the witness to finish his/her narration.

The interviewer should maintain anonymity of the source while using a statement of one witness to cross-examine another witness.

Some witnesses may conclude that too many questions are asked because the interviewer does not believe them. If this is the case it should be explained that such clarifications are necessary to write a credible and complete report.

2. Responses

Obtaining an adequate response which will help substantiate an allegation is the purpose of questioning. However, not all responses will be informative, so each response should be probed to clarify fully the matter under investigation. The extent of probing will depend on the level of proof to be established and the extent of knowledge of the witness. For example, in an armed conflict situation, a statement by a witness that “they shot indiscriminately” (or a statement to that effect) is not sufficient. It should be probed to find out whether it was indiscriminate from the perspective of humanitarian principles that govern armed conflict situations. As the witness may not be able to make such distinctions, it is the responsibility of the fact-finder to clarify the facts as thoroughly as possible so that there are enough grounds to conclude that it was an indiscriminate attack.

Take into account local and cultural patterns of speech. For example, exaggeration may be a common trait in an area and a statement that “thousands died” may not be correct but the overall testimony may be true. It is important not to let one part of the testimony automatically invalidate another unrelated part of the testimony.
3. Interpreters

In some situations, it will be impossible to conduct an interview without the help of an interpreter. An interpreter should be a neutral person and should only be a means of communication. It is important to talk to the interpreter in advance to clarify his/her roles and explain the purpose of the interview. Decide with the interpreter whether it will be a consecutive interpretation or a simultaneous interpretation. Both have their advantages and disadvantages.

In some situations, an interpreter may get involved in the case and start asking his/her own questions or get involved in an argument with the interviewee. In such situations, the fact-finder should intervene and ask for a translation of the exchange that took place. Interpreters should not give their own explanations to the fact-finder or to the victim.

While verbal communication is happening through the interpreter, keep eye contact with the interviewee and be responsive to his/her body language. Be careful what you say to the interpreter in front of the witness and never criticize the witness. There is no guarantee that the interviewee did not understand what was told to the interpreter.

4. Use of Equipment

There is no one rule concerning use of equipment such as tape recorder, camera and video cameras. In some situations, it may not be possible to use sophisticated equipment due to security risks involved in using them or due to lack of facilities such as transport or electricity. Depending on the place to be visited, a fact-finding team should decide on the type of equipment to be used during the visit. However, if the team decides to use sophisticated equipment, the difficulties they may face in using equipment should be foreseen in advance and a contingency plan should be prepared for facing such difficulties. Permission should be obtained from witnesses for using equipment such as a tape recorder to tape the testimony and for the use of a camera or video camera.

If a tape recorder is used while interviewing, don't depend on it completely; take notes also. Using a tape recorder may involve more security risks than taking notes. As tape may also be more difficult to transcribe than typing the notes.

If a camera or video camera is used, record the time, place, and circumstances of the photograph or the video shot. Include in the photograph where possible a scale (yardstick) to show the size of the object. When videotaping testimony, place a working clock within the frame of the picture to demonstrate that the video has not been edited.
SUGGESTED TRAINING METHOD

Role Plays

ABOUT THE METHOD

The trainer/facilitator can use role play to facilitate discussion on conducting interviews and to provide tips on how to conduct interviews. A role play simulates a real-life situation by having one or more participants act out a scenario related to the training topic.

A role play gives the participants a chance to experience a new role or behaviour and to practise and experiment with the new role. A role play gives participants an opportunity to learn from the observations of other participants through feedback. A role play draws upon the participants' experiences and also provides them an opportunity to practise what they have learned in theory.

The simplest role play involves two players. The number of those participating in a role play can be increased according to the problem or situation. Role playing can also be done in small groups after which it is analysed and commented on by the other participants. This increases the participation of all trainees.

In using role plays as a training method it is important to identify an appropriate problem or situation and to clearly define the roles. In writing a role play it is important to define the problem and the role of the actors. It is also important to prepare guidelines for observing the role play. Always conduct a feedback session that reviews and analyses what happened. Ask participants to reflect upon how this situation fits into their own reality and what they can learn from the exercise.

Steps to be followed for using a role play in this session:

The trainer/facilitator asks a participant to play the role of a victim and another participant to play the role of a fact-finder who interviews the victim. The interview is observed by the participants who are asked to take notes on the manner in which the interview is conducted. At the end of the role play, the trainer/facilitator asks the participants to comment on the role play and identify the positive and negative aspects of the interview. The trainer/facilitator may also ask a second pair of participants to conduct a mock interview before summarizing the main points on interviewing victims or witnesses.
MAJOR POINTS TO BE COVERED/TRAINING CONTENT

1. Interviewing Victims

Victims of human rights violations are usually the best source of information. There are, however, several factors that need to be considered in interviewing them. Victims may be in a traumatized condition because of their experience and may not be in the proper state of mind to give information. If they agree to be interviewed, care should be taken by the interviewer not to contribute to the pain of the interviewee. Moreover, because they are in distress, they may also be confused about the facts: In such instances a fact-finder should not dismiss what they have to say and should be patient.

Victims, particularly of torture and arbitrary detention, may still be in the custody of the authorities. Gaining access to them may be difficult. Even if access is obtained, the victims may be too afraid to say anything, so they should not be pushed too much. Establish a rapport so they can be met when they are released from custody.

2. Interviewing Authorities and Suspected Perpetrators

When a fact-finding team is visiting an area, it may be necessary to meet with government officials before interviewing individuals. In any case, government officials should be interviewed at the end of the visit to seek clarifications on allegations made by various witnesses during the visit.

At times, fact-finders may have access to an official spokesperson (of the government or armed opposition group) and a fact-finder should remain polite even if the spokesperson's version of the subject under investigation may sound incredible. The fact-finder should probe for inconsistencies without being confrontational. The fact-finder should also listen with an open mind to obtain evidence both for and against an alleged violation.

Where possible, human rights organizations should make use of official investigations or inquiries ordered by the government to state their findings and also to gather more information through such official investigations.

Interviewing authorities or known perpetrators of violations requires tact and needs planning and preparation. One method of preparing for such interviews is to imagine the possible scenario and role play the interview.

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2 Taken from Chapter IV (p.30-37) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
3. Interviewing Women Victims

It is important to understand the overall context of the curtailment and violation of women's rights. In particular, denial of women's rights and oppression of women are deep rooted and linked to the socio-economic and political structures. Therefore, fact-finders, particularly men, should be aware of discriminatory values and behaviour patterns that exist in the society and should avoid stereotyping women victims.

Because of the social stigma that is attached to rape and other forms of sexual violence, a woman victim of such abuses should always be consulted and her consent (free choice) for testimony must be elaborately explained. It is essential that women interview female rape victims.

4. Interviewing Child Victims

Information gathering from children is a gradual process. Not all the necessary information can be gathered in one session. Be aware that the perception of a child is very different from that of an adult. Be prepared to accept the child's view of the world and do not impose yours on the child.

Information may not come solely from the child/victim or even through verbal interactions with her/him. Besides the family members, information gathering involves other sources surrounding the child and her/his family, including the child's community or school, other agencies that have rendered service, observations of neighbours, etc.

5. Interviewing Refugees

While interviewing refugees, be sensitive to the stress of being displaced. Understand that it is not easy to be away from their homes, without material resources and possibly away from their families. Also, the fact-finder should empathize with the displaced person's feeling of overriding uncertainty and lack of control about his or her destiny.

Determine whether respondents are at risk of being sent back to the country of their origin by the country where they have sought asylum; imprisonment; or other potential human rights violations.

Find out why they fled from their country. This will lead into a discussion of the details of abuses which respondents may have suffered.

Knowing where the refugees are living is important for planning any follow-up action so, find out if they are in a refugee camp. Is the camp under the authority of the host government? Are they in prison, or at liberty? Are they homeless or living with family/friends or in a sanctuary such as a church or a temple?
It is more difficult to corroborate information provided by refugees because interviewers may not be able to visit the refugee's country of origin. Therefore, information should be double checked and if possible a large number of refugees from the same area interviewed to establish independently the likelihood of human rights violations.

6. Indigenous Groups and Rural Populations

The way of life of indigenous groups, including language and methods of communication, is significantly different from non-indigenous populations. Therefore, human rights workers who do not belong to indigenous groups themselves should be aware of and respect these differences.

Rural Populations

Villagers may have a different concept of time and often have their own methods of recording events. A fact-finder should therefore be careful to clarify the evidence gathered from such a population concerning time and date of an event.

Generally, the poor and other vulnerable sections may lack confidence and may be reluctant to share information or their opinion. In these cases, help could be sought from local organizations that are working in the area to reassure such witnesses.

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**SUGGESTED TRAINING METHOD**

**Role play**

**ABOUT THE METHOD**

Refer to previous session for explanation on the method.

Steps to be followed for using role play in this session.

Role play can be used by the trainer/facilitator in this session to facilitate discussion of factors to be taken into account while interviewing witnesses with particular characteristics. For example, a participant can play the role of a refugee and he/she can be interviewed by another participant. At the end of the role play the factors that should be taken into account while interviewing a refugee can be discussed by the trainer/facilitator. It is important that the trainer/facilitator write down the specific characteristics of each category of witnesses to be depicted in the role plays.
SESSION III
PREPARING A SIGNED STATEMENT

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

What is a signed statement?

A statement under oath is a written description of an incident as stated by an eye witness and signed by him or her attesting to the contents of the statement.

Normally, NGOs do not insist on receiving signed statements from witnesses due to security considerations and also because formal procedures may discourage victims from testifying. However, a signed statement by a witness may carry more weight and credibility. Where possible, NGOs, taking into account security and other considerations, can obtain signed statements as part of their fact-finding activity. A signed and properly authenticated document such as an affidavits can be used in courts and in other formal forums.

Some tips for preparing a statement signed by a witness

In the first step, the eyewitness who has consented to give a signed statement should be asked to slowly narrate his/her story and it should be recorded. The person recording the statement should only clarify points that are not clear and should not dictate or direct the narration. The person making the statement should only testify about things which he or she has direct knowledge of and not things heard from others.

It is important to record the statement without interference from others and if possible it should be recorded privately. If there is more than one eyewitness to an event, each of them should narrate it independently, away from the others.

If possible a second draft should be prepared immediately and the person preparing it should not add anything of his or her own.

The second draft should be read slowly to the witness who should be given time to say whether anything needs to be added or to be deleted. If the witness agrees on the draft, then he or she should be asked to sign the statement. All pages of the testimony should be signed.

3 Taken from Chapter IV (p.41-42) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
The format should follow the generally accepted affidavit model with the beginning of the statement containing some important personal information concerning the person making it. The language should be that of the person signing it and should not be formal.

At the end, it should be clearly stated that the person signing the statement read the statement before signing it. Similarly, the person who recorded the statement should declare that he or she prepared it. The date and time of signature should be written. The statement should be attested by two independent witnesses.

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**SUGGESTED METHOD**

Demonstration and Practice

**ABOUT THE METHOD**

The trainer/facilitator should give a demonstration of preparation of a signed statement. At the end of the demonstration a model signed statement should be given as a handout. The participants then can be divided into pairs. Each pair should prepare a signed statement based on one of them interviewing the other.

Demonstrations are a very effective training method because participants can learn by seeing. A trainer/facilitator should provide an opportunity for the participants to practise what they were shown in a demonstration. A trainer/facilitator should provide helpful feedback when the participants practise after the demonstration.
MODULE IX

BASICS OF DOCUMENTATION
OF HUMAN RIGHTS VIOLATIONS

OBJECTIVES

1. To enable the participants to understand the basic concepts in documenting information on human rights violations.

2. To enable the participants to learn how to use recording tools and tools for storage and retrieval.

Three sessions are suggested:

I. Basics of Documentation.

II. Recording Tools.

III. Storage and Retrieval of Information.

SESSION I OF MODULE IX

BASICS OF DOCUMENTATION

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

Documentation is the process of systematically recording the information gathered during an investigation or fact-finding. Another goal of documentation is to organize the information collected so that it may be easily analysed, retrieved and disseminated when needed.

Documentation begins during the actual fact-finding activity. While conducting interviews, the facts are already recorded in one way or another. There are three ways to document facts. The facts can be retained in the memory of a person, written notes can be taken and/or equipment such as tape recorder or video cameras can be used. Among these methods,

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1 Taken from Chapter IV (p.30-37) of the Handbook on Fact-finding and Documentation of Human Rights Violations.
relying only on memory is obviously most ineffective because there is no guarantee that a fact-finder will retain all the information that was shared by the witnesses. Recording or taking notes is more efficient, but there is no guarantee that all the important information will have been recorded by the fact-finder.

Therefore, to ensure uniformity in collecting and disseminating information, recording tools have been developed for use by those handling data or information.

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**SUGGESTED TRAINING METHOD**

**Game**

**ABOUT THE METHOD**

In this session a trainer/facilitator can use a game to introduce the need for using recording tools while collecting information.

Simple games and exercises are marked by flexibility and may be used at various stages in a course or program. Games and exercises may be designed by the trainer. Designing games and simulations requires general familiarity with using them as training tools, selecting the format, developing specific instructions for trainees and deciding on time frame. A trainer/facilitator should allocate time for discussion after a game or exercise.

The following game is called the Memory Game and the steps to be followed are:

1. Two volunteers from the participants are selected and asked to step outside the meeting room. They should not be able to see the proceedings in the room.

2. The trainer/facilitator asks the remaining participants to place as many small articles as possible in the centre of the room such as pens, pencils, books and notebooks. At least thirty articles should be spread out in the centre of the room.

3. The trainer/facilitator calls one of the two volunteers standing outside back into the room. Before he/she enters, the trainer/facilitator tells him/her that he/she has three minutes to observe the articles and he/she will not be allowed to take notes. After the three minutes, he/she is asked to leave the room again. The trainer/facilitator enforces the time limit strictly and also makes sure that nothing is noted down during and after the observation.

4. The second person outside is then called in and asked to observe the articles placed at the centre of the room. This person can take notes but the time limit remains the same.
5. The articles placed at the centre are then covered and the two persons standing outside are asked to come into the room. The first person must recollect the articles from memory. The second person is asked to recollect by referring to his/her notes.

6. The participants are asked to compare the two recollections and on that basis, identify the message of the game.

7. At this stage the trainer/facilitator asks all participants to categorize the articles and note them down on a paper. When the participants finish this exercise, they discuss the difference between recording by relying on memory, recording randomly by taking notes and finally recording by categorizing. The main message to be conveyed at the end of the game is that recording is an essential part of collecting information, and tools should be used for recording information.

SESSION II OF MODULE IX
RECORDING TOOLS

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

1. Defining the Scope of Information to be Documented

Tools for recording data or information cannot be effectively used if the scope of the information to be collected is not defined in advance. In the field of human rights, the type of violations to be documented should be clearly defined. The scope of alleged violations to be documented will depend on the situation prevailing in an area or country. For example, “house sealing” is a violation particular to the Occupied Territories and it is regularly documented by the local human rights organizations. It is evident that the recording tools used in the “Occupied Territories” cannot be used in the same manner by organizations in other countries where “house sealing” is non-existent. It is important for an organization, based on the local situation and its mandate, to identify which cases it wants to monitor, and plan its fact-finding and documentation activities accordingly.

2. Taken from Chapter VII of the Handbook on Fact-finding and Documentation of Human Rights Violations.
2. **Use of Controlled Vocabulary**

It helps to have a list of the categories of violations to be documented. For example, an organization may wish to confine the monitoring activities to violations such as extra-legal, arbitrary and summary executions, illegal arrests, torture and disappearances.

Once the categories are identified, the scope of each term should be defined. The resulting list is called a controlled vocabulary.

There are usually two parts in a controlled vocabulary - the terms and the scope notes. The scope notes indicate when a term is to be used. For example, there is a great difference between extra-judicial execution and death due to torture. The first is committed with the intention to kill, while the second may not be.

A list of categories should be as exhaustive as possible. The scope of one term should not overlap with the scope of another. For example, a case cannot be categorized under torture as well as under cruel, inhuman or degrading punishment. This is especially necessary when statistics are compiled.

Application of the death penalty and legal execution mean the same thing but one must choose which is the preferred term. A term should be brief yet represent the whole idea.

Categories can be listed not only for violations but also for other information such as occupation, religion, civil status etc.

**Handout A** can be given to the participants to illustrate controlled vocabulary as developed and used by the Task Force Detainees of the Philippines.

3. **Methods of Recording**

A. **Free Text**

A free text is a way of presenting data using sentences and paragraphs. A press release or a narrative report are examples of a free text. A large number human rights organizations prepare fact-sheets after each fact-finding activity.

**Handout B** can be used to illustrate a fact-sheet.

B. **Standard Formats**

Information can be divided into smaller parts. For example, information about a witness can be sub-divided into his name, age, religion, occupation etc. All these subdivisions are called "fields".
A standard format is used to refer to an empty form on which information can be recorded in pre-determined fields. Examples are forms that are used in banks and offices. Standard formats are used for cases that occur with a certain frequency, and where the events are distinct, that is, the start and end can be identified. Standard formats are normally used for reported violations like extra-judicial killings, arrests, “disappearances”, etc..

Handout C can be given to illustrate a Standard Format with sample entries.

C. Intake Form

When receiving complaints, an organization may use an intake form which are used for on-the-spot recording of data. A crude, but effective, intake form can simply be a sheet with the questions what, where, when, why, who, and how.

More structured types of intake forms are questionnaires and interview schedules.

4. Designing Formats

In designing formats, different elements that constitute a case are analysed. A case is a single instance of an alleged violation. Its most basic elements are the act (what is done), the victim (individual against whom the act is committed), and the perpetrator (the person who committed the act).

In technical terms, the act, the victim and the perpetrator are called entities. An entity is a person, thing, event or group which could be viewed as a whole on its own. Each entity has its own attributes or description.

Thus, the attributes/description of a victim (entity) includes: name, age, gender, civil status and occupation.

The attributes/description of an act include: what is done (e.g. torture, killing), the method employed (e.g. electrocution, shooting), the reason behind the act (e.g. trade union repression), when and where the act was committed, and the result (e.g. killed or wounded).

The attributes/description of a perpetrator include: name, age, gender, rank, and affiliation.

Therefore, each format will have a list of attributes/description based on the information gathered.

The most basic elements - act, victim and perpetrator - are a must in monitoring. For human rights monitoring there should be at least an EVENT format (for the entity act), VICTIM format, and a PERPETRATOR format.
In addition to these three formats there are other elements which one may want to look into. An example is the court case, in the event that a victim is charged in court. Among the attributes/description are: charge, court branch, assisting lawyer, judge, status of case, etc. Still another example of an additional element is the victim's family, including number of children, and source of income. An organization actively engaged in providing welfare services would be greatly interested in finding out the details of a victim's family and will include the relevant fields for collecting information.

It is also up to an organization to determine which attributes for each element it will include in data gathering. For instance, the father's name is very important in Tamil and Burmese societies, while the colour of the eyes is very important in non-Asian societies. Therefore, a standard format for victims designed by a Burmese group will contain “name of father”.

5. Ensuring Completeness of Data

There is no standard yardstick by which one can say that an empty format contains all the attributes to be collected for different entities. Ideally, all the possible attributes of a victim, for instance, should be gathered, including maternal name, height, weight, birth date, educational background, etc. In reality, however, not all such data can be obtained at all times. Moreover, the importance of each attribute is relative.

The key therefore is for an organization to prioritize the attributes it wants to have data on. The main consideration should be the purpose of the fact-finding and documentation. If an organization is geared heavily toward legal actions, data such as the use of arrest warrants, the conduct of the officer making the arrest, etc. would be extremely important. Organizations that collect information on missing persons should place utmost importance on the victim's attributes such as identifying marks, dental characteristics, clothes worn when last seen, etc.

Further, while documenting a case it is necessary to ask additional questions such as: “Who else was affected by the incident?”, “What else was done to the victim?”, “Who else accompanied the first perpetrator?”, and include the necessary attributes for collecting additional information.

Once the attributes are identified, the fact-finder should constantly be aware of them. These may be organized into a checklist, to be consulted occasionally, or structured into a questionnaire.
6. Combining Formats

In human rights fact-finding the elements of a case are not always arranged in a regular pattern, i.e. a single act, a single victim and a single perpetrator. Most often, among the elements of a case (i.e. act, victim, perpetrator, etc.), the relationships are not exactly one-to-one. For instance, in a massacre a single act such as shooting, can affect several victims. A single victim may also be victimized by several acts, such as a person arrested, tortured, denied due process, and ultimately executed. Or a single victim may be abused by different perpetrators.

In most cases, separate formats are needed.

**Handout D** can be used for illustrating a format using columns. In this form, the perpetrators' group format and the individual perpetrator format are placed together, though they are essentially distinct entities.

Formats can be joined in the manner that best suits an organization. The forms used by a Filipino organization called Families of Victims of Involuntary Disappearances (FIND) are a good example of such combined formats. The FIND FORM I is a combination of the victim format and case format. This is appropriate because in cases of disappearances, the relationship between the entity VICTIM and the entity CASE is one-to-one.

**Handout E - FIND FORM 1**

Second form of FIND is an intervention format, but arranged in columns. By using columns, use of a new page can be avoided whenever an intervention is made and space is saved in manual recording.

**Handout F - FIND FORM 2**

7. Examples Of Standard Formats

Three models which represent most if not all of the different formats that can be used for human rights monitoring are:

i. Model Questionnaire Issued By the UN Working Group On Arbitrary Detention.

ii. Huridocs Formats.

iii. Formats used by the Task Force Detainees of the Philippines (TFDP).
The model Questionnaire Issued By the UN Working Group On Arbitrary Detention, contains the following:

a. Part I is a victim format.
b. Part II is a case format (for arrest).
c. Part III is another case format (for detention).
d. Part IV is an intervention format.
e. Part V is a field which has been made a separate format because it could be related either to Part II or Part III.
f. Part VI is a source format.

ii. HURIDOCS formats

The HURIDOCS formats are: event, victim, source, perpetrators and interventions format. They are not arranged in a particular manner, because HURIDOCS leaves it to the organizations who will use them to come up with their own arrangements.

iii. TFDP formats

a. Form 1A contains event, group profile, case, perpetrators group, identified perpetrator, source and control formats.
b. Form 1B is the victim format, designed using columns (meant for multiple victims).
c. Form 1C is an intervention format, likewise designed using columns.
d. Form 2A is the victim format (meant for a single victim, or when more information per victim is available).
e. Form 2B contains formats for additional details, such as detention format, torture format, detention centre format, court case format, lawyer format, and witness format. Because there could be many charges against one victim, or many lawyers for one victim columns are used in most formats.
SUGGESTED METHOD

Hands-on experience based on a case study

ABOUT THE METHOD

Refer to Module VI, Session II, for discussion on use of case study.

In a training programme organized by Forum-Asia, the resource person gave the participants an opportunity to get hands-on experience in designing formats. He divided the participants into three groups and asked each group to develop formats for the following case:

Lorena Bubot is a 14-year old refugee from Catarman, Samar. She and her family fled to Manila to escape the constant bombardment of their village in the course of a military operation against the rebel New People's Army. The military operation was conducted by the 10th Infantry Battalion of the Philippine Army, aided by local paramilitary units called CAFGUs (Citizen Armed Force Geographical Unit). As a result of the operation, five houses were burned and crops were destroyed.

On April 3, 1994, while at the University of the Philippines campus, Lorena together with other refugees told the media about the atrocities committed by the military in their village, and the hardships suffered by them as a result of the ongoing military operations. The following day, Lorena together with her father Jimmy and brother Tony were arrested without a warrant by members of the army intelligence unit. They were taken to a military safe house - and detained without charge for three months. During the detention period, Tony and Jimmy were tortured and forced to sign confessions that they were members of the New People's Army. Lorena was sexually abused.

Jimmy later disappeared while in the custody of the army intelligence unit.

The resource person then asked the groups to do the following tasks:

1. List the different human rights violations committed in the case?

2. Record the details concerning the violations committed in the case in a format. The format should contain all relevant information on the violations.

The formats prepared by the respective groups were discussed by the participants and the resource person.
The participants were again divided into groups and were instructed to prepare lists of categories as follows:

1. Occupations.
3. Perpetrators.
4. Types of torture.

The hands-on experience in developing formats should be followed by a lecture on the topic. The trainer/facilitator should use the handouts to illustrate the major points to be conveyed.

SESSION III OF MODULE IX
STORAGE AND RETRIEVAL

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

The main elements in a storage and retrieval system are:

I. Relating records

II. Record numbering.

III. Filing System

IV. Retrieval Devices.

I. Relating records

In cases where several formats are used, it is necessary to relate the various records. The two ways of doing this are:

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3 Taken from Chapter VII of the Handbook on Fact-finding and Documentation of Human Rights Violations.
a. Physical proximity

An example could be a form where the victim and case attributes are all placed in one page. It is possible to do this because it is certain that for each case, there is only one victim.

Another example is putting documents together in a folder. Thus, there could be a form which will serve as the top document in a folder, to which are attached documents like affidavits, medical records, etc. which need not be numbered.

b. Chaining method

For this method, there is need for a key. A key is a field common to both records. The most common key is the record number assigned to the main or parent record.

For example, the record of a man named A could be related to the records of his three wives (respectively named X, Y and Z). If the record of A is numbered 001, then the number 001 should appear on the records of A's three wives so as to indicate that these three records are linked to A's record. A's record is what is called the parent record while the three other records are called child records.

II. Record Numbering System

All the formats that are completed with the relevant information need to be given a record number so that they can be retrieved when needed. Record numbering is usually done by assigning sequential numbers. For example in the TFDP system, record number is done by assigning a number for each event: YY-AAA-NNN (year, area code and number of event). To illustrate a record in TFDP's office, a file bearing code 91-QUE-001 will be the first reported event that happened in Quezon City for the year 1991.

III. Filing system

Documents may be arranged by location, by year or by subject. An organization has to determine which would be the master or parent document and all other related documents would follow the same numbering (key).

A filing system is dependent on the record numbering system. For instance, if the record numbers begin with the year, a filing cabinet can be reserved for the 1990 documents, another for the 1991 documents, and so on.
Assigning record numbers solves about fifty per cent of retrieval problems. This way browsing, which is the act of going through documents one by one, could be employed with more success, especially if the documents are grouped according to year, location or subject. Furthermore, if a document is taken out, one would know where to return it.

IV. Retrieval Devices

1. Index Card System

The most common retrieval device is the index card system. An index is a smaller document which can be easily consulted.

Thus, if one organization decides that it wants to retrieve documents by the name of the victim, the various names are written on index cards, together with the record numbers. The index cards are then arranged alphabetically for easy consultation.

2. Coding

Coding involves assigning codes to represent words or phrases. Codes save time and space, and mean fewer errors as there is less likelihood of making spelling mistakes. On the other hand, coding often makes the documents exclusively for internal use, unless an outside user is given the tables of codes and their respective meanings.

The three types of codes that can be used are:

a) Mnemonic. In the TFDP documentation centre ARD stands for arrest and detention and DES for destruction of properties.

b) Hierarchical - the codes indicate which terms are broader and which are narrower. This type is often used to designate places. For example, in the TFDP system, there are three digits to designate provinces. The first digit represents the main island (e.g. 1 stands for the island Luzon). The second digit stands for the administrative region, while the third stands for the province. For instance, the code for province of Negros Occidental in Western Visayas in the island of Visayas is 204. The number 2 is for Visayas, 0 is western Visayas and 4 for the province Negros Occidental.

c) Straight or plain coding. This method involves simply assigning codes in a sequential manner. An example is a list of occupations where 1 stands for farmer, 2 for farm worker, 3 for industrial worker, and so on.
SUGGESTED METHOD

Lecture with visual aids
Followed by visit to a human rights organization with experience in documenting human rights violations.

The trainer/facilitator can provide input on the main points concerning storage and retrieval of data. The input can be enhanced by using illustrations drawn on transparencies or on the board. If this could not be done actual materials such as folders, index cards and file boxes could be placed on the table and pointed to during the lecture. Following the lecture, a visit can be arranged to a human rights organization experienced in documenting human rights violations.

ABOUT THE METHOD

Refer to Module II, Session II on discussion on use of lecture presentation.

About visits to human rights organizations
Organizers can also send their trainees to visit human rights organizations as part of the training process. This can be arranged for various purposes. In an international training programme, a visit to local organizations can help them to meet with representatives of human rights organizations from other countries and share and learn from their experiences. More importantly, such visits can be arranged to meet specific learning objectives, such as helping participants learn about collecting information from different victims' groups. For example, participants can be sent to organizations working with children or torture victims to learn how to collect information from such special groups.

For the purposes of this session, a visit can be organized to look at a local organization's documentation and other material. This will help participants to learn how to document information on human rights violations.

Steps Involved in Organizing Visits to Human Rights Organizations:

1. Preparations
   The organizations to be visited should be identified and contacted in advance. Each organization should be provided with the purpose of the visit and a profile of participants. The organizations should appoint a staff member to liaise with the training organization. The training organization and the host organization should agree on an agenda for the visit. For example, how much time the participants will spend at an organization, who they will meet, what they will see, and what will be discussed.

2. Briefing and Actual Visit
   The participants should be briefed about the organizations they will visit and given guidelines on what they should record during their visit.

3. Debriefing and Processing the Visit
   Sufficient time should be allocated for a debriefing of the visit. A representative from each organization visited can be invited to observe and comment on the reports of the participants. The debriefing session provides an opportunity for participants to learn about organizations they were not able to visit and share information about the organization they visited.
OBJECTIVES

1. To enable participants to understand the basic concepts of writing a report of a fact-finding mission.

2. To enable participants to learn about effective dissemination of a fact-finding report.

Two sessions are suggested:

I. Basics of writing a report of a fact-finding mission.

II. Effective dissemination of the report.

SESSION I OF MODULE X

BASICS OF WRITING A REPORT OF A FACT-FINDING MISSION

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

1. The Need for writing a good report

   All the efforts that went in organizing a fact-finding mission would be lost if no report was written and published on the findings. Similarly, a badly written report may destroy the very purpose for which the fact-finding mission was undertaken. When writing a report, avoid the use of jargon or rhetoric and write as clearly as possible. A single error or exaggeration can render a report useless. Efforts should also be made to eliminate any appearance of bias or prejudgment in the report.

2. Elements that should be included in a fact-finding mission report.

   a. The terms of reference of the fact-finding body.

   b. The identity of the body’s members. However, some organizations do not disclose the identity of the members.

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1 Taken from Chapter VI of the Handbook on Fact-Finding and Documentation of Human Rights Violations.
c. A description of the materials upon which the report is based, including the identity of witnesses to the extent that their safety will not be jeopardized.

d. Any statements by the government under investigation or attempts made to obtain such government statements.

e. A description of the circumstances surrounding any interviews that may have been conducted during the course of the investigation such as the identity of the interviewer(s), whether government officials were present, whether an oath or affirmation was administered, whether careful questioning was possible, the duration of the interviews, whether the interviews were private or public, whether the witnesses were intimidated by the members or members of the armed opposition group during the interview and what provisions if any were made for the protection of witnesses.

f. An account of any on-site visits made, including a list of participants, a description of places inspected, contacts made with government officials, and a description of facilities provided to the mission by the government.

g. Whether the fact-finding body chose to disregard any evidence during the preparation of its report.

h. An indication of the methods employed to ensure the reliability of evidence, including any efforts made to corroborate witnesses' statements, the use of direct evidence, etc.

i. The international and/or municipal legal norms applied to the facts.

j. A clear separation of factual findings from any recommendations the NGO may wish to make.

k. Statement of what efforts, if any, were made or will be made to obtain a government response to the report, or an account of any such response already obtained.

l. Human rights organizations should examine the positive and negative consequences of providing a copy of the report to the concerned government prior to publishing the report. In any event, they should keep an open mind and acknowledge any clarifications which may be made by a government once the report is published.

m. In the report, it may be useful to include a summary presentation of results with the use of tables, graphs, etc. These contribute to more effective dissemination of the report.
SUGGESTED METHOD

Group Work Based on Handout

ABOUT THE METHOD

Refer to Module III, for information on using handouts for group work.

In this session a trainer/facilitator can use handouts of model reports to discuss the major points when writing a report. Alternatively, a trainer/facilitator can also handout a badly written report to highlight the mistakes that should be avoided in writing a report.

SESSION II OF MODULE X

EFFECTIVE DISSEMINATION OF THE REPORT

MAJOR POINTS TO BE COVERED/TRAINING CONTENT

The successful dissemination of a fact-finding report will depend on the strength of the concerned human rights organization's link with the media and its ability to network with other organizations and groups.

1. Some Tips For Effective Use Of Media.

Domestic human rights organizations should develop plans for interacting with the media in order to effectively disseminate their reports and other publications.

Timing is very important. Use opportunities like anniversaries of the government or other such events to release reports or to explain or highlight human rights concerns. Where possible, human rights organizations should involve the relatives of the victims in a public event organised for the purposes of attracting the attention of the media. An audio visual presentation of the report should also be considered to ensure maximum publicity for the report.

2  Taken from Chapter VI of the Handbook on Fact-Finding and Documentation of Human Rights Violations.
It is not advisable to frequently call press conferences. Before calling a press conference, decide whether the information is substantial and has news value.

The following points should be kept in mind while organizing a press conference:

a. Remember that while press conferences may be a critical event for the human rights organization, it is routine for journalists. They tend to be very busy, and will not stay (or come back) for press conferences which waste time.

b. Start and end on time.

c. Have written material ready.

d. Do not let the speakers read out or repeat the written material.

e. Select the speaker carefully based on who will be most effective for the purposes of the press conference and not according to how much they merit or want to speak. Keep speeches short and leave good opportunity for questions.

Not all human rights organizations will have similar access to the media. It takes time to build credibility and media contacts.

Try to involve relatives of the victims or organizations of victims to disseminate information. These groups provide human interest stories to the media.

Understand the media - how they work and what they want. Be aware that at times dissemination of information through the mass media may lead to distortion of facts or sensationalism.

There is no fixed formula for effective dissemination of human rights information. A lot depends on the credibility factor and there is no short cut to establishing such credibility. In this regard it is crucial for an NGO to establish a reputation for accuracy.

Organizations engaged in fact-finding activities should develop appropriate strategies for disseminating their mission reports or other publications. For example, in some situations, a report of a local human rights organization may not draw much attention despite the seriousness of its findings. In such situations, the concerned human rights organization should seek the help of other organizations to mount a campaign to publicize the report.
SUGGESTED METHOD
Structured activity in small groups

ABOUT THE METHOD

A trainer/facilitator can engage the participants in a structured activity and use the activity to convey a concept or information related to the objectives of a training session. A trainer/facilitator should conduct a structured activity in small groups to ensure that all the participants are involved in the activity. Explaining the purpose of the activity is important and to discuss the process once the participants have completed the activity. For the purposes of this session, a trainer/facilitator can ask the participants to work in small groups and develop a plan for dissemination of a fact-finding report.

In a training programme organised by Forum - Asia, the participants were divided into four groups and were given the task of preparing a campaign to disseminate a report on a theme of their choice. Each group was to select a campaign theme, objectives of the campaign, audience and the medium. The first group selected a poster campaign; the second group selected mass demonstration; the third group selected television talk show; and the fourth group selected a press conference. Each presentation was followed by a discussion to stress the main points concerning creative ways of disseminating a report.

The group work can also be combined with a lecture presentation by an expert in the field of mass communication theory.
The following is a model plan for conducting a training programme on fact-finding and documentation of human rights violations. A trainer/facilitator should plan for conducting a structured opening and ending session when using the modules given below for conducting a training programme on fact-finding and documentation of human rights violations. The model does not provide a schedule for dealing with each module. The users can determine the schedule to depend on the scope of the training they plan to conduct.

<table>
<thead>
<tr>
<th>Module</th>
<th>Objectives</th>
<th>Training Sessions</th>
<th>Methods</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Setting the context:</td>
<td>To enable the participants to understand the importance of information in the field of human rights.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Understanding the context in which collection and documentation of information on human rights violations is undertaken.</td>
<td>Importance of information in protection and promotion of human rights.</td>
<td>Sharing of views by the participants and summing up by the trainer/facilitator.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Understanding the context in which collection and documentation of information on human rights violations is undertaken.</td>
<td>Brainstorming and/or sharing of information by individual narration.</td>
</tr>
<tr>
<td>Module</td>
<td>Objectives</td>
<td>Training Sessions</td>
<td>Methods</td>
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<tr>
<td>II. Basics of fact finding:</td>
<td>To enable the participants to clarify what is meant by human rights monitoring or fact finding and the purposes for which it is normally undertaken.</td>
<td>An overview of fact finding and its purposes.</td>
<td>Small Group Discussion.</td>
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<tr>
<td></td>
<td>To enable the participants to have a general familiarity of different methods of fact finding.</td>
<td>Methods of fact finding.</td>
<td>Presentation using Flip Charts and Written Exercise.</td>
</tr>
<tr>
<td></td>
<td>To appreciate the importance of organizations developing a policy on their fact finding activity and discuss the attitude or values that should govern their fact finding activity.</td>
<td>Developing a perspective on fact-finding.</td>
<td>Brainstorming and lecture presentation.</td>
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<td></td>
<td>To enable the participants to understand common problems involved in fact finding and discuss ways to cope with them.</td>
<td>Problems involved in fact finding and how to cope with them.</td>
<td>Brainstorming and/or sharing of information by individual narration.</td>
</tr>
<tr>
<td>Module</td>
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<td>Methods</td>
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<tr>
<td>III. Application of standards in fact-finding:</td>
<td>To enable the participants to understand that an objective standard should be used to investigate an alleged violation, to evaluate the information and to define the nature of violation alleged to have been committed. To enable the participants to appreciate the need to acquire basic knowledge of national and international human rights norms.</td>
<td>Session to define violations and to learn about national and international standards that define violations.</td>
<td>Exercises in small groups.</td>
</tr>
<tr>
<td>IV. Basics of evidence gathering:</td>
<td>To enable the participants to understand the importance of collecting and weighing evidence. To enable the participants to appreciate the importance of identifying sources of information and learn about methods of identifying sources.</td>
<td>Collecting and weighing evidence in human rights fact-finding. Methods for identifying sources.</td>
<td>Simulation exercise. Exercise based on previous session's simulation.</td>
</tr>
<tr>
<td>Module</td>
<td>Objectives</td>
<td>Training Sessions</td>
<td>Methods</td>
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<tr>
<td>V. Level of proof and corroboration:</td>
<td>To enable the participants to understand the concept of level of proof in human rights fact-finding activity.</td>
<td>Concept of level of proof in human rights fact-finding activity.</td>
<td>Handout and lecture presentation.</td>
</tr>
<tr>
<td></td>
<td>To enable the participants to understand the importance ensuring the reliability of information collected by cross-checking and corroboration.</td>
<td>Crosschecking information through corroboration and methods of corroborating information.</td>
<td>Case study and group discussion.</td>
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<td></td>
<td>To enable the participants to understand and use some basic methods of corroborating information.</td>
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<tr>
<td>VI. Fact-finding in special situations:</td>
<td>To enable the participants to understand that some situations require particular preparation and expertise in fact-finding.</td>
<td>Fact-finding from torture victims.</td>
<td>Lecture presentation or panel discussion.</td>
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<td></td>
<td>To enable the participants to learn about the type of preparations and expertise needed for two special situations: fact-finding from torture victims and fact-finding in armed conflict situations.</td>
<td>Fact-finding in in armed conflict situations.</td>
<td>Lecture presentation or panel discussion.</td>
</tr>
<tr>
<td>Module</td>
<td>Objectives</td>
<td>Training Sessions</td>
<td>Methods</td>
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<tr>
<td>VII. Special methods:</td>
<td>To enable the participants to become familiar with special methods of fact-finding such as fact-finding missions or on-site visits, and forensic investigation.</td>
<td>Organising on-site visits or missions.</td>
<td>Experience sharing by participants.</td>
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<td></td>
<td></td>
<td>Forensic investigation.</td>
<td>Lecture presentation by an expert.</td>
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<tr>
<td>VIII. Interviewing and preparing signed statements:</td>
<td>To enable the participants to understand basic concepts on interviewing and to conduct interviews.</td>
<td>Basics of conducting an interview.</td>
<td>Role plays.</td>
</tr>
<tr>
<td></td>
<td>To enable the participants to appreciate factors that should be taken into account in interviewing special categories of victims or witnesses.</td>
<td>Interviewing respondents with particular characteristics.</td>
<td>Role plays.</td>
</tr>
<tr>
<td></td>
<td>To enable participants to prepare signed statements from witnesses.</td>
<td>Preparing a signed statement.</td>
<td>Demonstration and practice.</td>
</tr>
<tr>
<td>Module</td>
<td>Objectives</td>
<td>Training Sessions</td>
<td>Methods</td>
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</tr>
<tr>
<td>IX. Basics of documentation of human rights violations:</td>
<td>To enable the participants to understand the basic concepts in documenting information on human rights violations. To enable the participants to learn how to use recording tools and tools for storage and retrieval.</td>
<td>Basics of documentation.</td>
<td>Game.</td>
</tr>
<tr>
<td>X. Writing and dissemination of reports:</td>
<td>To enable participants to understand the basic concepts of writing a report of a fact-finding mission. To enable participants to learn about effective dissemination of a fact-finding report.</td>
<td>Recording tools.</td>
<td>Hands-on experience based on a case study.</td>
</tr>
</tbody>
</table>

 |                           |                                                                                           | Storage and retrieval of information.    | Lecture and visit to a human rights organization. |
|                           |                                                                                           | Effective dissemination of the report.    | Structured activity in small groups.            |
INTRODUCTION TO BASICS OF TRAINING

BASIC CONCEPTS ON TRAINING

A. WHAT IS TRAINING?

Training provides a limited but intensive opportunity for reflection and learning. Training increases awareness on issues confronted by a trainee in his/her personal and professional life and helps him/her develop attitudes and acquire knowledge and skills to deal with these issues. However, it does not mean that people don't learn without training; professional development takes place without training just as learning takes place without teaching. Training is only a planned and managed intervention in a person's natural development to provide an opportunity to reflect on experiences and learn from them. Thus, training makes the learning process more systematic.

It is also important to note that in the overall context of a person's life, even in their working life, short training programmes may not amount to much and the contribution they make may be limited.

B. WHO IS A TRAINER?

Remember: “TRAINERS ARE NOT BORN. THEY ARE MADE”. Anyone willing to develop the necessary attitudes and acquire knowledge and skills on how to plan and conduct training programmes can become a trainer.

C. PHILOSOPHY OF TRAINING

Some of the key attitudes that a trainer should develop are linked to a trainer's philosophy of learning and training. For example, a trainer should believe that the role of a trainer is that of a facilitator enabling the learners to be actively engaged in and in control of their own learning. Similarly, a trainer should accept that a trainer has as much to learn from the trainees as they do from the trainer and from other trainees. In addition, a trainer assumes that everyone in the learning group has a positive contribution to make, based on their experience, knowledge, and talents. It is important for a trainer to be aware that there is no one way to train.
BASIC STEPS IN PLANNING and CONDUCTING TRAINING PROGRAMMES

The process involved in planning and conducting a training programme is:

1. training needs analysis
2. Determine the content of training based on the needs analysis
3. Determine the training methods and prepare materials
4. Prepare training logistics (venue, transportation, equipment etc.)
5. Conduct the training programme and monitor its progress with the other trainers involved in the programme.
6. Evaluate the training programme.

1. TRAINING NEEDS ANALYSIS

Training needs analysis (TNA) helps to determine whether there is a need for providing training by identifying what knowledge, skills and attitudes a person needs to acquire further to perform his/her work more effectively.

TNA can be done in a general manner. For example, identification of knowledge, skills and attitudes that human rights workers generally need. TNA can also be identified by analyzing the specific tasks performed by human rights workers. This is called task analysis. In task analysis, the job of a human rights worker is broken down into various tasks he or she has to do. The next stage is to find out what is involved in each of the tasks. The result of the analysis is an inventory of knowledge, skills and attitudes which the worker will need for each task.

Based on the inventory, a worker can make an assessment of level of knowledge, skills and attitudes he/she already has and what further training he/she needs to further strengthen his/her knowledge, skills and attitudes. Thus, TNA helps identify the objectives of a training programme from the perspective of a learner and avoids its arbitrary determination by a trainer or a training organization.
2. DETERMINING THE CONTENT OF TRAINING

The content of a training programme is based on the identification of gaps in attitudes, knowledge and skills determined in the previous step (TNA). The training content is designed to expose workers to those areas where there are gaps or weaknesses.

WHAT ARE KNOWLEDGE, SKILLS AND ATTITUDES?

KNOWLEDGE is simply what a trainee must know. The facts.

SKILLS are more difficult to define. They include

- Use of hands and ability in using equipment (psychomotor skills)
- Explaining or persuading (communication skills)
- Collecting information and analyzing skills (Researching)
- Decision making skills based on the information available.

ATTITUDES ARE VALUES OR ETHICS THAT GUIDE A PERSONS PERSONAL AND PROFESSIONAL LIFE

3. TRAINING METHODS

Training methods are teaching tools for imparting the knowledge and skills to be provided in a training programme.

Development of a good content and selection of potentially effective participants may be of little value if the content is presented in an incomprehensible way. Trainers sometimes assume that their responsibility is to make sure major topics are presented; in fact their responsibility is to ensure that trainees have learned essential knowledge and skills. Selection and preparation as well as the choice of teaching methods have great impact on a trainee's ability to learn.

Adult Education methods and techniques are myriad in their variety. They can be used on their own, or in creative combination, but should always be chosen carefully to fit the objective of the session. Methods do not determine the objective of a session, rather the objectives determine the methods. If this is not remembered, the methods and techniques will lose their value.

REMEMBER : THE METHODS ARE ONLY TOOLS
4. PREPARING A CURRICULUM AND LESSON PLAN

A trainer/facilitator should prepare a curriculum for each training programme to include the following:

i. The objectives of the course - the knowledge and skills the trainee will acquire.

ii. The general methods which will be used to teach each objective.

iii. A timetable.

iv. How the course will be evaluated (methods of assessment)

A written curriculum is needed to keep a course well organized. The main difference between a curriculum and a lesson plan is the scale. A curriculum is concerned with a full course and possibly many teachers. A lesson plan is a small scale curriculum dealing with a specific topic or lesson. A lesson plan should be prepared for each objective or topic to be covered so that the trainer is clear about the objective of that session, the contents to be conveyed and the methods to be used.

The following is a model lesson plan:

<table>
<thead>
<tr>
<th>Day 1</th>
<th>Objective</th>
<th>Method to be used</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>am</td>
<td>to facilitate introduction of participants</td>
<td>A game</td>
<td>three hours</td>
</tr>
<tr>
<td>pm</td>
<td>Objective to assess the expectations of the participants</td>
<td>brainstorming session</td>
<td>time - two Hours</td>
</tr>
</tbody>
</table>

5. EVALUATION OF TRAINING

Evaluation is an important aspect of a training programme. The relevancy of the content and method of a programme can be judged and refined through evaluation. Evaluation is also essential to learn the strength and weaknesses of a training programme prior to replicating it.

WHAT SHOULD BE EVALUATED?

The input, process, output and impact of training should be evaluated:

Input includes trainers, participants, training materials, and the administrative arrangements made for the programme (venue etc.).
Process includes training methods, facilitation skills, participation, etc.

Output includes knowledge gained and skills acquired and workshop products like visual aids, etc.

Impact is the final result of a training - changed behaviours, improved quality of services of those trained, etc. Impact is the most difficult to evaluate. It requires on-site visits and special care to identify other influences on the impact of the training. Inputs and knowledge are probably the easiest to evaluate (written tests).

WHEN TO EVALUATE

- Prior to training through Training Needs Assessment.
- During the training to refine the process and correct small problems before they become big ones so that participants can benefit from findings during the same training.
- At the end of the training
- If possible after some period of time has elapsed following the training.

HOW TO EVALUATE?

Daily participant evaluation forms (feedback sheets), pros and cons list, suggestion boxes, written pre- and post-tests, surveys, interviews, questionnaires, on-site observation using checklists, focus groups, informal conversations, etc.

EVALUATION BY THE ORGANIZERS

The organizers should separately evaluate the programme with the help of the feed-back sheets and verbal comments of participants. The organizers can also fill in their own daily assessment sheet which can be used to evaluate the programme.
STRUCTURED BEGINING and ENDING OF A TRAINING PROGRAMME

Whatever may be the duration of a training programme, it is important to begin and end the programme with planned activities. Conducting structured activities at the beginning of the training helps the participants to get involved right away and increases their interest. Similarly, ending the programme with structured activities helps the participants to reflect upon what they have learned and contributes to the assessment of the training programme.

The following section provides a model for opening and ending of a training programme on fact-finding and documentation of human rights violations.

A. OPENING SESSIONS

OBJECTIVES

1. To set the tone of the training programme by facilitating introduction of participants and encourage them to share their experiences in the field of human rights.

2. To understand the expectations of the participants and clarify the objectives of the training programme.

Four separate sessions can be organised to meet the above objectives. These are:

1. Ice breaking and introduction.
2. Exchange of experiences.
3. Expectations check.
4. Adoption of programme schedule.
I. SESSION
ICE BREAKING AND INTRODUCTION

The first few sessions of a training programme are very crucial for setting the learning climate. The introductory sessions are normally known as ice-breaking sessions. As the name implies, the purpose of these sessions is to put the participants at ease and facilitate mutual familiarity of participants.

Introduction is part of ice-breaking and the methods may range from each participant merely saying his/her name to games and exercises that involve the participants and helps them get to know each other.

There is an infinite variety of games and exercises to facilitate ice-breaking and introduction. The following is taken from Forum - Asia's training programme as an example of an exercise that can be used as an ice-breaker.

EXERCISE: FIRST IMPRESSIONS

Participants are asked to tape a sheet of paper on one another's back. They then mingle and write their first impressions of a person on the paper attached to that person. For example, person 'A' would write his/her first impressions of person 'B' on the back of 'B'. Sufficient time should be given so that everyone will have a chance to write some words on every participant's bond sheet.

Participants should be divided into pairs. Each person reads what is written on his/her partner's bond sheet. The first impression written on the back of each person normally generates laughter and lightens the atmosphere.

In the next step, each person gathers information about his/her partner and introduces him/her to the whole group.
2. **SESSION**

**EXCHANGE OF EXPERIENCES**

Ice-breaking sessions should include a sharing of experiences between participants to help them understand each other better. There are numerous ways to facilitate this. The following are two examples from Forum-Asia's training programmes:

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**EXERCISE 1: MAJOR MILESTONES**

One method is to ask the participants to relate major milestones in their activist life. This helps to understand the experience level of participants. A participant may have several years of experience while another person may have just started working in the field of human rights.

**EXERCISE 2: FOCUSED SHARING**

Another method is to ask the participants specific questions about their background, experience and the human rights situation prevailing in their respective countries. The questions may also include questions on the cultural background of the participants that might have a bearing on human rights activity including fact-finding activity.

The following questions are examples:

1. Give three striking human rights problems in your country/area.
2. Share one significant experience your organization had/has in dealing with human rights problems in your country/area.
3. How did your organization respond to the situation and what were the difficulties faced?
4. What training have you received or conducted?
3. SESSION

EXPECTATIONS CHECK

Normally, the introductory session includes exercises to understand the expectations of the participants so that organizers can clarify the objectives of the programme. The expectations check also helps in understanding the participants and their priorities.

One method of doing an expectations check is to ask each participant to state three major expectations of the training programme and write them on a blackboard or a flip chart. After all the participants have stated their expectations, the main points should be grouped and summarised by the trainer. The final lists would be the major expectations of participants and the trainer/facilitator can exhibit it in the meeting room for the whole duration of the training.

It is important to let the participants state/describe their expectations without interrupting or correcting them even if their expectations are not related to the theme of the training programme. For example, in a Forum - Asia programme, expectations included sightseeing in Manila, learning English and learning swimming which were not related to the theme of the training programme.

The trainers can use the non-training related expectations expressed by the participants to stress the point that the participants may have different interests but the organizers can only provide training according to the objectives agreed upon between the participants and organizers of the programme.
4. SESSION
ADOPTION OF PROGRAMME SCHEDULE

Once the expectations and objectives are clarified, the detailed programme schedule can be introduced and discussed. It is important to describe the flow of the programme and explain the logic behind the schedule. The participants should have the freedom to modify the programme process as long as it remains within the agreed programme objectives. The explanation of the programme process should also include information on timing of sessions and free time as well as other administrative details.

This is the time for assigning responsibilities to the participants. It is important to involve the participants in the organization of the programme as much as possible.

The participants should also be informed that they will be given a feedback sheet every day for evaluating that day's training sessions and they should fill it in and return it promptly.
B. CONCLUDING SESSIONS

SUMMING UP AND EVALUATION

1. SESSION
SUMMING UP

At the end of the programme, it is important to sum up all the modules and sessions. Summing up should be done by a trainer/facilitator irrespective of the length of the programme. Summing up of a programme helps participants recapitulate the content of the training programme and prepares them for the final evaluation.

A Tour Made by the Participants

Summing up can be made in a creative way. For example in a programme organized by Forum - Asia, the facilitator used the analogy of a tour to describe the two-week long training programme and graphically illustrated the tour. The picture began with a departure sign symbolizing the training objectives and ended with the arrival sign after two weeks of the training programme. In between there were numerous stops representing each major topic dealt with in the programme. was presented as a stop. The picture captured the feeling of the participants and the organizers that it was a journey with learning and moments of fun and laughter too.

2. SESSION
EVALUATION

Normally, the evaluation of a training programme consists of daily assessments and a final assessment by the participants.

At the end of each day, each participant should be asked to fill in a 'Feedback Diary'. The organizers should analyze these and take necessary steps to rectify problems raised by participants.

On the final day, the participants, in addition to completing a written form, can also be asked to verbally share their views on the training programme. This sharing normally helps in identifying the strengths and weaknesses of the programme and also brings out the emotions of the participants.

The organizers can also consider use of simple methods to receive feedback from the participants. For example, in a training programme organized by Forum - Asia, the facilitator asked the participants to write a letter to a friend about the programme. The letter should explain why the participant will or will not recommend the programme to his or her friend.

The organizers should also share their views and feelings about the programme.