

# UKWELI

Investigating human rights violations

Abridged version



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## ***Ukweli***

*Investigating human rights violations – Abridged version*

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ISBN: 9789064634758

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Cover Design: (C Design Studio) Shutterstock

Human Rights Capacity-Building Programme (HURICAP) staff at Amnesty International Netherlands oversaw and edited the publication for final usage.

This publication is an abridged version of the *Ukweli* Main Book. *Ukweli* is a Swahili word for ‘finding the truth’. This abridged version of the handbook can be used in conjunction with other books in this series.

Published and distributed by:

Amnesty International Netherlands

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PDF file available at <https://www.amnesty.nl/media/huricap/publications-overview-human-rights-capacity-building-programme>

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# Chapter 1

**Introduction to investigating  
human rights violations**

## Chapter 1 at a glance

**This chapter presents the five-step human rights investigation process, along with reasons for conducting human rights investigations. The chapter presents core human rights principles, a description of monitoring and the value of building contacts to help you in your work.**

Investigating is the process of identifying and collecting information in order to see if any human rights violations have occurred. If you witness or hear of a certain incident, you must find out what really took place, how it occurred and – if possible – who was responsible. Investigating helps in writing an accurate report based on facts. These facts are collected in different ways (see the TIP box below) and enable you to draw strong findings.

### TIP box

#### **Where to find information sources when investigating human rights violations**

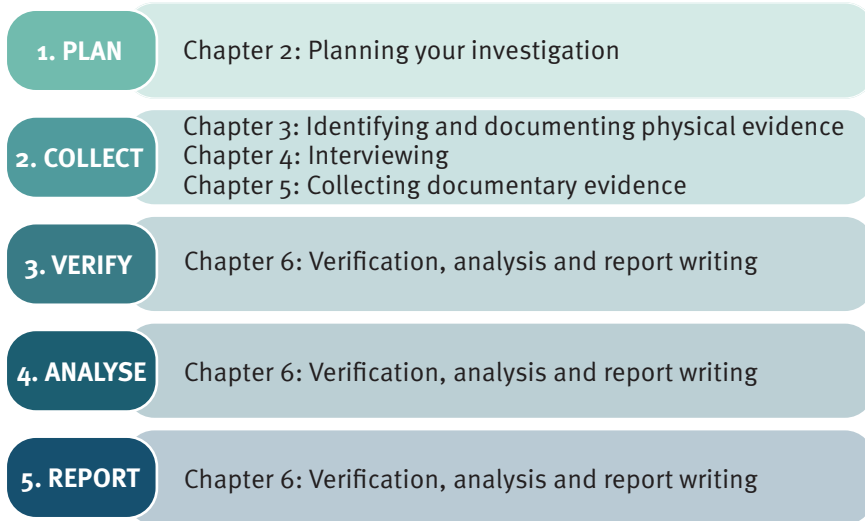
- first-hand sources: interviewing survivors, victims, witnesses and possibly perpetrators
- site visit to examine physical evidence
- documentary evidence (such as photographs, medical records, police records)
- “secondary” sources such as UN reports or articles from academic journals
- expert opinions such as lawyers or forensic/weapon experts

The human rights investigation process outlined in this handbook follows a five-step process (see Figure 1):

1. Plan your investigation
2. Collect information
3. Verify information
4. Analyse information
5. Report findings



Figure 1. Human rights investigation process



## Why is it important to investigate human rights violations?

Properly investigating human rights violations is important for the following reasons:

- **Taking immediate action:** Some incidents/violations require immediate attention, such as cases of sexual violence, arbitrary arrest and detention, or torture (see the glossary for definitions). This could include locating someone who has disappeared or assisting someone who needs medical attention. A timely investigation is essential in taking immediate action to help survivors, victims and their families.
- **Seeking redress and remedies:** Investigating human rights violations can help survivors/victims and their families find justice through legal action (making official complaints). Additionally, the facts from investigations can also be needed to identify means of redress, such as medical needs the victims may have. Redress means to set right.
- **Changing policies and laws:** Investigating human rights can help shine a light on existing laws and policies that need to be changed in order to respect human rights; such changes can help prevent future violations.
- **Changing the behaviour/attitudes of authorities:** Investigations can also influence the behaviour, practices, and attitudes of those in power (such as policy makers, judges, the military, local and religious leaders) so that they have greater respect for human rights.

- **Raising public awareness:** Disseminating information about what you find through human rights investigations helps educate the general public about human rights and can encourage different ways for people to engage in bringing about change for perpetrators to end violations.
- **Deterring potential violations:** The presence of human rights investigators at certain events or locations can help prevent potential violations. This can be the case if investigators visit detention centres, attend criminal trials, demonstrations or elections.

### Core principles of investigating violations

There are six core principles that should inform every action and decision by a human rights investigator.

**Table 1. Core principles of investigating violations**

Principle	What it means	How it is achieved
<b>Accuracy</b>	Accuracy is about correctness and being precise. Before reporting on any findings, it is important to accurately distinguish between the facts, allegations, hearsay and rumours. Information has to be collected from a variety of sources, verified and assessed. You should also beware of people's bias as well as your own (see impartiality below).	<ul style="list-style-type: none"> <li>• Collect information from a variety of sources;</li> <li>• Record, verify and assess information collected.</li> </ul>
<b>Credibility</b>	Credibility is about being accepted as true, real, believable and honest. You and your work must be perceived to be credible in order for your findings to be accepted and reliable.	<ul style="list-style-type: none"> <li>• Be accurate in reporting your findings;</li> <li>• Transparently explain your work;</li> <li>• Be impartial.</li> </ul>

For more information on bias, see the section "Avoid interview biases" in Chapter 4.

<b>Impartiality</b>	Impartiality means not taking sides – for example, not supporting or opposing a government, or a political group. Being impartial means engaging with all survivors, victims, witnesses and other actors, including perpetrators, without discriminating against them based on their nationality, race, ethnicity, gender, or other characteristics.	<ul style="list-style-type: none"> <li>• Gather information from different parties (survivors, victims and perpetrators) without discrimination;</li> <li>• Be aware of possible biases from those you interview, as well as your own.</li> </ul>
<b>Do no harm</b>	This principle means that your actions do not endanger anyone during your investigation. This requires a careful examination of the possible risks of your work to survivors, witnesses, yourself and others, and taking steps to avoid these risks.	<ul style="list-style-type: none"> <li>• Anticipate possible risks to all parties, including yourself;</li> <li>• Take steps to avoid or reduce those risks;</li> <li>• Obtain informed consent before interviewing and photographing.</li> </ul>
<b>Confidentiality</b>	Confidentiality is about not disclosing the identity and personal details of survivors, victims, witnesses. Not respecting confidentiality could put interviewees and other sources of information at risk of harm and would undermine any trust you built with people involved in your investigation.	<ul style="list-style-type: none"> <li>• Obtain informed consent;</li> <li>• Do not disclose any personal details in reports;</li> <li>• Interview people discretely;</li> <li>• Store information securely.</li> </ul>

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Informed consent means to ask permission after giving full information about the purpose and implications of collecting the information.

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<p><b>Integrating a gender perspective</b></p>	<p>Integrating a gender perspective in your work means investigating and analysing how violations affect men and boys, and women and girls differently. For example, sexual violence affects women and girls more than men and boys, while forced recruitment into armed groups affects men and boys more than women and girls.</p> <p>Including a gender perspective is not only achieved by what you investigate but also how you investigate. For example, you may have to adapt your interview team, timing and location of interviews of women to their specific needs.</p>	<ul style="list-style-type: none"> <li>• Interview men and women;</li> <li>• Investigate how violations affect men and women differently;</li> <li>• Adapt your investigation to consider a gender perspective.</li> </ul>
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## Understanding monitoring

Monitoring is the process of observing and collecting information on a general situation of possible human rights concern over an extended period of time. Monitoring is often considered the starting point of an investigation. For example, you may monitor the case of a journalist being harassed by calling them and their colleagues, conditions in a prison or detention centre by regular visits, or violations happening in a certain conflict region, by following the news, social media and visiting the area. By analysing information collected through monitoring, organizations can decide whether or not to investigate further.

To monitor a situation, you need to collect information from a variety of sources, taking into consideration the principles mentioned in the previous section.

## Contact building

Building and maintaining a wide network of contacts plays a crucial role in investigating human rights violations. Contacts can alert you of possible violations and information about incidents, provide additional information on a case, provide expertise on a topic, or help cross-check your information.

Collecting information from a variety of sources and interviewing people with a wide range of perspectives is essential to the accuracy of your investigations and reporting.

# Chapter 2

## Planning your investigation

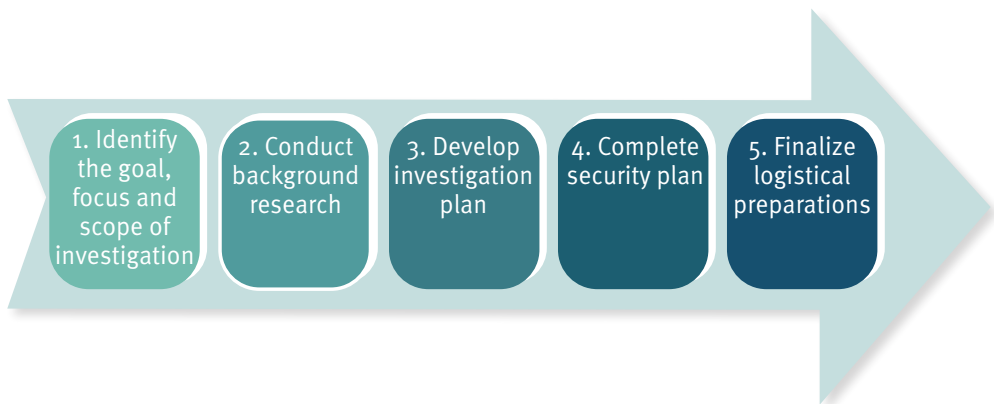
## Chapter 2 at a glance

**This chapter describes the steps to plan your human rights investigation: 1) identify the goal, focus and scope of your investigation, 2) conduct background research, 3) develop an investigation plan, 4) complete a security plan, and 5) finalize logistical preparations. Each step has guidance, tools and checklists to help you with your planning.**

Proper planning is essential to the effectiveness of any human rights investigation. This involves obtaining as much evidence as you can and establishing reliable findings, while protecting the safety and security of everyone involved.

This chapter deals with the first phase in the investigation process: planning your investigation. Planning your investigation consists of the steps presented in Figure 2, each of which is discussed in turn.

**Figure 2. The 5-step process of planning your investigation**



### Step 1: Identify the goal, focus and scope of your investigation

When planning an investigation into a possible human rights violation or series of violations, the first step is to identify what your investigation will cover. This means you should identify the focus (what you will investigate) and the scope (how much you will investigate).

Consider the following issues:

**Table 2. Planning your investigation**

Issue	Questions to consider
<b>Goal</b>	What do you plan on doing with the information? Will your investigation provide immediate assistance to victims and their families? Do you plan on publishing a report?
<b>Thematic focus</b>	What alleged violation(s) will you investigate?
<b>Scope of case</b>	Is it an individual case or multiple cases? Will there be interconnected violations? For example, arbitrary arrest and detention, torture (which often go together), forced evictions, sexual violence, and so on? Try to establish all the violations that took place.
<b>Context</b>	What context will your investigation take place in? For example, will you work during an armed conflict or under severe political repression?
<b>Geographic scope</b>	Which area are you investigating – community, district, region, country?
<b>Timeframe</b>	What time period does your investigation cover? Is it a single event, or multiple events over a longer period of time?
<b>Resources</b>	What resources do you need for the investigation? For example, do you need/have access to transportation, use of computers, cameras/phones, and so on.

## Step 2: Conduct background research

### *Identify relevant human rights standards*

Your investigation will need to establish whether the alleged incident did occur and if so, whether it constitutes a human rights violation or an ordinary crime. To do this, identify the human rights that are relevant to your investigation using *Tool 1: Relevant human rights standards*.

Tip: If you are investigating multiple cases, examine if there are any patterns between the cases. Consult Chapter 6 for more information.

Consult Annex 1 for additional information on human rights standards.

## Tool 1: Relevant human rights standards

Table 3. Identifying human rights standards

1. Incident (provide a short description of what took place):
2. Who committed the alleged acts – state or non-state actors? <input type="checkbox"/> state <input type="checkbox"/> non-state
3. What are the main human rights standards related to this investigation?
4. Who are the main rights holders related to this investigation? In other words, whose rights are being allegedly violated?
5. Which international laws relate to these rights?
6. Which regional laws relate to these rights?
7. Which national laws relate to these rights?
8. What are the government's obligations to respect, protect, and fulfil these rights?

### *Consult with technical experts*

Consulting with technical experts can provide you with additional information on the alleged violations and context of your investigation. This is especially helpful if you are investigating in a context that you are less familiar with. Examples of technical experts are doctors, lawyers, scientists, and crime scene experts. Technical experts can give you advice on what evidence to look for and what questions to ask.



Technical experts can also provide advice after you have gathered evidence from your investigation. They can interpret or confirm details of cases, such as injuries or cause of death (medical staff, forensics experts), types of weapons used (ballistics/weapons expert), and so on.

### *Gather contextual information*

Gathering contextual information can be useful in understanding the circumstances surrounding your investigation. Understanding the contextual information before your investigation also helps you decide how your information and report will be used, and what access to justice is available to victims and survivors after violations have taken place. Contextual information will also help you identify other sources or people to assist you in your investigation.

Contextual information can be regarding:

- historical context (past violations, past conflicts)
- political context (political tensions/affiliations)
- social indicators (access to health care, access to education, educational levels, access to land, working conditions)
- economic indicators (unemployment rate, primary source of livelihoods)
- demographic indicators (ethnic make-up, refugees, internally displaced persons or IDPs)
- geographical context (climate, infrastructure, geographic accessibility)

## **Step 3: Develop an investigation plan**

### *Identify the information you need*

In all investigations, you should aim to obtain as much information as possible from a variety of sources. This is crucial to confirming what happened and whether or not it constitutes a human rights violation. Obtaining detailed information can also reveal other related violations.

The details you need to collect vary depending on the type of violation you are investigating. However, to establish if a violation has taken place, all investigations should try to answer the central questions of **Who** did **What** to **Whom**, **When**, **Where**, **Why** and **How**. These questions shape the structure of the 5WH framework and can be adapted to different types of investigations. *Checklist 1: Sample questions using the 5WH framework* provides sample questions to ask using the 5WH framework.

## Checklist 1: Sample questions using the 5WH framework

### Who:

- Who is/are the survivor(s)/victim(s)? Are they women, men, girls, boys?
- Who is/are the perpetrator(s)? Were they acting under official state orders?

### What:

- What happened? And how many times did it happen (if it happened more than once)? Describe the events in chronological order.
- Was anyone arrested or detained? Was excessive force used? Was anyone injured?
- Was there physical/psychological torture? Are there injuries/scars on individuals? Was any treatment received?

### When:

- When did the incident(s) take place?
- When were arrests made?
- When (if at all) were individuals taken before a court?
- When were families of survivor(s)/victim(s) informed, if at all?

### Where:

- Where did the incident(s) occur?
- Where were arrested individuals detained (if at all)?

### How:

- How did the incident(s) happen?
- How did the perpetrators commit their act(s)? What methods and tools did they use?
- How did the survivor(s)/victim(s), and perpetrator(s) react during the incident(s)?

### Why:

- What were the reasons given (by perpetrators as well as victims and witnesses) to explain why the incident(s) happened?
- Why did the incident(s) occur (try to determine the motivation behind the incident(s), which can be inferred if you describe the circumstances leading up to the incident(s))?

### *Identify your sources of information*

Multiple sources of information can provide evidence to establish a clear understanding of the alleged incident(s) you are investigating. If multiple sources provide you with similar information, this helps strengthen the accuracy of your findings. Gathering information from multiple sources can also provide different perspectives on what happened or disprove certain aspects of the alleged incident(s). The three main types of evidence are testimonial, physical and documentary. Each one is explained further below.

#### **Testimonial evidence**

Testimonial evidence is a person's statement about their direct experience in relation to the incident(s) you are investigating. Persons who can provide testimonial evidence include survivor(s)/victim(s) of the incident(s), perpetrator(s) who played a role in the incident(s), witnesses who saw what happened, medical staff involved in treating injuries, lawyers involved in handling the case and any others who were directly involved.

Testimonial evidence is mostly collected through interviewing (see Chapter 4) and can also be gathered from written expert reports or assessments. Testimonial evidence can also be collected from affected communities through surveys, mapping exercises, focus group discussions or digital platforms (see Chapter 5 on collecting documentary evidence), though these methods are not appropriate for investigating all types of violations.

#### **Physical evidence**

Physical evidence includes marks of violations left on humans, buildings or the physical landscape. For example, scars or injuries left on people, damage or destruction of buildings and land from conflict, bombing, environmental damage from willful or neglectful practices, destruction of houses, property, hospitals, and health centres and food sources. Physical evidence could also include objects relating to a violation such as weapons or remnants of certain types of weapons/ballistics.

#### **Documentary evidence**

Documentary evidence includes official and unofficial documents, audio-visual materials, statistics and other types of information that confirm or demonstrate an aspect or detail of an incident. Examples of documentary evidence include:

Evidence is any fact or information that is true and can prove (or disprove) something.

“First-hand information” means information that a person directly saw, heard, or experienced.

Consult the Main Book for additional examples of persons who can provide testimonial evidence.

Consult Chapter 5 for more information on gathering physical evidence.

Consult Chapter 5 for more information on gathering documentary evidence.

- legal and medical documents
- photographs or video of incidents (or what led to the incidents, or the aftermath of the incidents), including from content shared on social media
- official statements
- written security force orders/correspondence
- scientific reports or analysis

Examples of how you can collect documentary evidence are presented in the next section.

### *Determine how to collect the information*

The next step in making your investigation plan is to determine how to collect the information you need. This will depend on the type of violation you are investigating and the type of information you need. The different methods for collecting information are briefly presented below.

**Table 4. Collection methods**

Collection method	About the method
<b>Field visit</b>	A field visit is a visit to the site of the incident to gather testimonial evidence or physical evidence.
<b>Interview</b>	Interviews are conversations with survivor(s)/victim(s), witnesses, perpetrator(s) or anyone with first-hand information. Technical experts can also be interviewed. Interviews can take place in any safe environment.
<b>Collection of documentary evidence</b>	Documentary evidence might be collected through many channels, including from witnesses and experts, through online research (including satellite imagery), or through in-person research (such as a visit to a municipal office to view legal documents).
<b>Direct observation</b>	Direct observation is when you investigate an event while it takes place. Examples of this can be observing a court trial to assess if rights are being respected or observing a protest movement to photograph or record incidents or interview witnesses.
<b>Focus group discussion</b>	A focus group discussion is a conversation on a specific topic or area of interest with a small group of people. Focus groups can be used to collect first-hand information from individuals, groups or communities.

	Focus group discussions are useful in building community trust and can be especially useful in gathering information from vulnerable groups. Focus groups are not appropriate for all types of investigations, nor for collecting detailed individual testimonies, and it should be noted that group dynamics may influence the responses of some participants.
<b>Participatory/ community-led approaches</b>	Community members can play an active role in collecting information. Approaches such as participatory mapping or research enable communities to explain how they are affected by an issue.  When facilitating these types of approaches, it is important to be aware of different dynamics (power dynamics, dominance of certain groups and marginalization of others, and so on).

Group dynamics are interactions that can influence the attitudes and behaviour of people when in a group setting.

Mapping is a visual tool that creates a visualization of a process or a situation.

Power dynamics describes the relationships between a group of people.

### *Complete the information collection checklist*

Once you have identified the information you need, where to find it, and how to collect it, finalize your investigation plan by completing *Checklist 2: Information collection plan* below.

## Checklist 2: Information collection plan

### **Testimonial evidence (Interviews):**

- Where are the survivors/victims and witnesses located? Is it possible to access those locations?
- How will potential interviewees be approached? How will interviews be arranged? Where will they take place (on site, in their houses or other safe spaces)? Will you need interpreters? Are there any special considerations (for example, women who were victims of sexual violence being interviewed by women, and so on)?
- Who else might have information and/or be able to connect with survivors or witnesses?
- Is it possible to interview people who have left the area – for example, refugees or internally displaced persons, former detainees/prisoners?

### **Physical evidence:**

- Could there be physical evidence?
- Is a field visit possible?
- Is it safe to travel to the relevant areas? Is permission from authorities required to access certain regions or specific locations?
- What equipment might be needed (for example, a camera, recording equipment, transportation to site, and so on)?

### **Documentary evidence:**

- Is it possible to obtain satellite imagery of the area under investigation?
- If relevant to the type of violation, obtain Google Earth images or conduct basic imagery research.
- Is it possible to get copies or make photos of police reports, medical reports, court orders, and so on? Is it safe to do so? Do you need special permission?

### **Participation of others:**

- Where relevant, ask a trusted contact to collect evidence or to conduct interviews and transmit the information via secure channels. If it is safe for them to do so, local contacts might also be able to record footage or take photos.
- If a location is not accessible because of hostility towards human rights organizations, you may carefully consider sending in someone who is not known to be a human rights investigator to collect documentary and/or physical evidence.

## **TIP box**

### **Avoiding bias in your investigation methodology**

When planning your investigation, you need to take steps to avoid bias – in other words, avoid making a judgement for or against something that may influence your work. Bias can influence the accuracy and objectivity of the information you collect.

Bias can come from:

- **The investigator:** from their views, perceptions and assumptions.
- **The information collected:** if there is a small selection and lack of variation of sources.
- **The selection of interviewees:** can also introduce bias into the investigation. They may have their own biases – they may have perceptions or assumptions that lead them to interpret something in a certain way or might have a political or personal agenda.

How to reduce bias:

- Take stock of your personal views, perceptions and assumptions about the investigation.
- Obtain different types of evidence (first-hand, documentary, other evidence).
- Obtain information from different sources (survivors/victims, witnesses, perpetrators if possible, and so on).
- Seek out first-hand sources that have different characteristics (for example, different ethnic groups, women and men, representatives of different political parties, and so on).

### *Integrate a gender perspective*

Integrating a gender perspective into your analysis of a situation helps to:

- Understand power relations and less visible patterns of discrimination;
- Reveal and document human rights violations that specifically or disproportionately affect women and girls or men and boys when other (more visible) human rights violations occur;
- Reveal how gender hinders women (as compared to men) from claiming their rights.

To effectively understand, investigate and document these differences, it is essential to integrate a gender perspective when planning your investigation focus and methodology.

### **TIP box**

#### **Integrate a gender perspective in your investigation plan**

When planning your investigation, keep in mind the following questions to make sure you consider a gender perspective:

- Does the violation affect women and girls and men and boys differently? If yes, how?
- Are there power dynamics (in the community or area) that affect women and girls differently from men and boys?
- How will you make sure to collect the experiences of women, girls, men and boys? Are there social structures or beliefs that prevent participation of women, men, girls and boys?
- Do socio-cultural attitudes linked to gender roles affect how a violation is perceived?
- Are there some issues that women and girls (or men and boys) are reluctant to discuss? Are there some topics that are better addressed through individual interviews or focus group discussions?

- What are the implications on the investigation team? For example, if you are investigating female survivors of sexual violence, they may prefer to be interviewed by a woman.

## Step 4: Complete a security plan

Investigating human rights violations can be risky for you, your contacts, and the information you collect. Completing a security plan helps you identify the threats and risks to your investigation, and to plan how to minimize the risks and carry out your investigation safely.

### Risk assessment essentials

The complete steps for developing a security plan are presented in *Chapter 4: Security planning and preparation* of the Main Book. That chapter provides detailed information for understanding threats and risks related to human rights investigations, and how to conduct a risk assessment. These points are summarized below.

An impact is an effect, whereas a probability means the chance of something occurring.

- **Understand threats.** A threat is anything that can cause harm to you, your contacts, or your investigation. Examples of threats are:
  - Threats to you as an investigator: examples include direct threats such as arbitrary arrest and detention, torture, sexual assault, injury, death, denial of freedom of movement. Other examples include threats to remove you from the investigation location, to prevent you from travelling, or to discredit you. Threats can also exist regardless of your investigation, such as road traffic accidents on your way to investigate.
  - Threats to your contacts: survivors/victims, witnesses, other sources, and their families may also receive threats that are similar to the ones you face as an investigator.
  - Threats to information: threats of this kind include searching/confiscating the equipment (computers, phones, or cameras) that holds the information you collected during the investigation, physical surveillance, or installation of computer viruses or spyware on your electronic devices.
- **Understand risk.** A risk is what happens when a threat is realized. For example, when there is a threat of being arrested and your notes or equipment is seized, the risk is that the work stops and that your contacts are exposed. Risks are measured in terms of impact (from very low to very high impact) and probability (from very low to very high likelihood). Risks are different for each investigation.



- **Prepare a risk assessment.** A risk assessment helps you identify the threats and risks to your investigation. This information is analysed in a risk analysis table. The table (see below) scores risks by multiplying their impact (numbered 1 to 5) by their likelihood (also numbered 1 to 5). The lowest risks have a score between 1 and 5, while the highest risks have a score of 25.

Table 5. Risk assessment table

IMPACT	Very high (5)	(5)	(10)	(15)	(20)	(25)
	High (4)	(4)	(8)	(12)	(16)	(20)
	Medium (3)	(3)	(6)	(9)	(12)	(15)
	Low (2)	(2)	(4)	(6)	(8)	(10)
	Very Low (1)	(1)	(2)	(3)	(4)	(5)
		Very Low (1)	Low (2)	Medium (3)	High (4)	Very high (5)
LIKELIHOOD						

After a risk assessment has been completed, the next steps are to prepare your security and response plans as presented below.

### *Prepare your security plan*

A security plan helps you identify actions or steps to take to reduce the likelihood or the harm/impact caused by the risks in your assessment; these actions are called mitigation measures. Practical examples of mitigation measures are presented in the following table.

To mitigate means to reduce. Mitigation measures are steps you take to reduce risk.

Table 6. Examples of mitigation measures

Situation	Mitigation measures
<b>If your personal security is threatened (or the security of others involved in the investigation)</b>	<ul style="list-style-type: none"> <li>• identify safe travel routes</li> <li>• put in place an evacuation plan</li> <li>• always travel in teams of two people</li> <li>• add speed dial numbers on your phone</li> <li>• interview people in secure spaces</li> <li>• have a lawyer on standby in case you are arrested</li> <li>• have a check-in or buddy system</li> </ul>

<p><b>If there is a medical emergency</b></p>	<ul style="list-style-type: none"> <li>• make sure you have health insurance and vaccinations</li> <li>• take first aid training</li> </ul>
<p><b>If it is likely your communication or movement will be tracked or intercepted</b></p>	<ul style="list-style-type: none"> <li>• make sure you communicate through encrypted/secure communication channels</li> <li>• avoid spending time in locations that can be easily monitored (such as parks, restaurants, and busy streets)</li> </ul>

Use *Tool 2: Mitigation measures* to identify the mitigation measures relevant to your investigation. To complete the tool, first fill the risk assessment table at the start of this section, so that you can establish the scores. Then you can use Tool 2 to identify mitigation measures.

## Tool 2: Mitigation measures

Table 7. Identifying mitigation measures

<p><b>Risk assessment score (1-25)</b></p>	<p><b>Threat</b></p>	<p><b>Possible risks</b></p>	<p><b>Mitigation measures</b></p>
<p><b>Very High Risk (25)</b></p>	<p>Example: Surveillance</p>	<p>Exposure of sources</p>	<ul style="list-style-type: none"> <li>• Change interview location each day, leave accommodation at different times each day, take indirect routes to interviews;</li> <li>• No mention of names of sources;</li> <li>• Type, encrypt and destroy all hard copy notes the day of interviews.</li> </ul>
<p><b>High Risk (15-20)</b></p>			
<p><b>Medium Risk (9-12)</b></p>			
<p><b>Low Risk (6-8)</b></p>			
<p><b>Very Low Risk (1-5)</b></p>			

If, after completing the table, you find there are some mitigation measures that are still insufficient to ensure a safe investigation, you should not undertake your investigation. For all other threats and possible risks, the next step is to develop a response plan.

Encrypt means to make documents unreadable for outsiders.

### *Prepare your response plan*

While the mitigation measures identified in the previous section are practical ways to address risks, you should also determine a response plan for threats and possible risks: in case events do not unfold well, what do you do as an investigator? What steps will you follow and what will your colleagues do?

For example, if you are investigating an incident and you are arrested, you should already have mitigation measures for establishing contact with a colleague at regular intervals (such as once a day or every hour) and you should have a lawyer just in case you need legal services.

### *Integrate digital security in your preparation and response*

As mentioned earlier, electronic devices you use such as your computer or mobile phone can be vulnerable to attacks by computer viruses. This is an example of a threat to digital security. Apart from this example, other types of digital security threats (such as malware or ransomware) can affect your electronic devices, the information stored on them and the way you communicate using electronic devices (email, SMS, and social media). The *TIP box: Digital security tips* provides examples of mitigation measures for each of these threats.

Malware is computer software that is designed to damage a computer.

Ransomware is software that blocks you from using your computer until you pay a sum.

For complete information on your digital security, please refer to *Chapter 5: Digital security, information and communication security* in the Main Book.

## **TIP box**

### **Digital security tips**

Make sure your **electronic devices and accounts** are secure by following these tips:

- Create strong passwords and update them regularly. Consider using a password management software that keeps your passwords secure.
- If you access one of your accounts using another computer or phone, make sure you log out properly.
- Use two-factor authentication to protect your online accounts. This will help prevent unauthorized access to your accounts.

- Protect your devices from viruses, malware, and spyware by regularly installing and updating anti-virus tools.
- Update your devices regularly with the latest operating systems.
- Do not open email messages from people you do not know.
- Use a secure (private) internet connection whenever possible (so a modem/ connection with a secure password).
- Use encryption software to encrypt (lock) your files (documents and photos) from unauthorized access.
- Keep in mind that a photo can contain “metadata” which can specify the location where the photo was taken.

Make sure you **communicate securely** by following these tips:

- Use encrypted email when communicating sensitive issues (such as Protonmail, Tutanota, RiseUp).
- Limit the amount of sensitive information you send via email.
- If you have to use an unsecured network (like a public wi-fi), make sure you use a virtual private network (VPN).
- Do not send emails to large groups using “to” or “cc” – this shares email address with everyone copied. Instead, use “bcc.”
- Erase your internet browsing history after use.

When using **social media**, stay safe by following these tips:

- Only share your work if it is strictly necessary, you have considered the security implications of doing so, and you have informed consent of anyone affected by what you post.
- Never share sensitive information (personal information, phone numbers, addresses, sexual orientation, family members, and so on).
- Limit the amount you share by adjusting your settings (for example, “friends only” on Facebook, “protect your tweets” on Twitter, or keeping your account private).
- Only connect with people you know.
- Disable automatic location services and sharing on your phone and all apps.

When using your **mobile phones**, stay safe by following these tips:

- Remember that all phone calls and SMS are unsafe. All your calls, messages, and additional information like your location can be accessed.
- Remove your phone battery to make your location untraceable.
- Use encryption software to protect your emails, voice and video calls.
- Never share sensitive information over a call or SMS.
- Delete messages to and from sensitive contacts.
- Regularly back up the information stored on your phone.

### *Review general safety and security practices*

Before you begin your field work, go through the *Checklist 3: General safety and security practices* and make sure you and your colleagues are well-prepared for the upcoming work.

## Checklist 3: General safety and security practices

### **Before you travel:**

- Take the time to complete the risk assessment, mitigation table and risk response plan. Will you continue with your investigation, or are the risks too high for you to investigate safely? If you cannot visit the location, can someone else conduct the investigation in your place?
- If you continue with your work, implement the mitigation measures you identified in the Mitigation tool.
- Prepare your secure information storage methods.
- Prepare your responses regarding the purpose of your visit to explain to authorities or others asking for it.
- Compile a list of emergency contacts.
- Establish a communication routine: designate a trusted colleague or contact and agree on how you will stay in contact with each other. Agree on a course of action in case a regular response is not received.
- Take self-defence training and hostile environment training (wherever possible).
- Build and keep a strong network of contacts.
- Have a response plan for high-risk threats, for example how to travel in high-risk areas.
- Establish an emergency fund to cover expenses such as medical or legal bills.

### **In the field:**

- Avoid travelling alone to insecure areas.
- If you are in danger, use a local alarm system to notify others, or pre-programme alert messages or speed dial numbers in your phone (or another device) so you can immediately notify colleagues.
- Regularly consider your own well-being and seek out counselling if needed.

### **And always remember:**

- To update your security plan regularly!

## Step 5: Finalize logistical preparations

If you need to travel for your investigations, you may also need to make other logistical preparations for a number of reasons:

- to identify and document physical evidence
- to interview survivors/victims, witnesses, or perpetrators
- to collect photos, medical reports, police reports, prison records or other documentation
- to observe a detention centre, prison or trial

In order to do any of these safely and securely, keep in mind the following preparations presented in *Checklist 4: Logistical preparations for a field visit*.

### Checklist 4: Logistical preparations for a field visit

#### **Seek permission or inform authorities:**

- Before going to the field, find out if you need permission to visit a location or institution, or whether you need to inform authorities (or other parties in control of the area) of your travel. Visiting some institutions like detention centres or prisons requires written authorization, as does travel to most refugee camps.
- Applying for permission to travel or access institutions/locations usually takes time, so allow enough time before you travel.
- If authorization is not required, decide whether or not you inform authorities; there are usually advantages and disadvantages to informing them.
- Never inform the authorities of the identity of anyone you will meet or interview.

#### **Get the equipment you need:**

- Recording equipment: camera/smartphone camera, video camera, voice recorder, spare batteries, and spare memory cards for security purposes.
- Storage equipment: encrypted USB stick, encrypted laptop, encrypted smartphone.
- Equipment to measure/record physical evidence (measuring tape, pens/pencils, paper, and so on).
- Additional phone (to reduce risk of surveillance/interception of some calls, to present to security if demanded, to have a spare if one is confiscated, and so on).
- Satellite phone (for remote locations).
- First aid kit, trauma kit (for immediate triage of severe injuries).

#### **Prepare travel, accommodation, and other logistical details:**

- Arrange for transport, driver (if necessary), insurance (health and travel).
- Review security reports (such as UN reports).

- Have sufficient money (or access to funds, for example through mobile banking); find out if there are ATMs where you will be travelling.
- When travelling, have enough food, drinking water, and fuel.
- Choose secure accommodation. If travelling with colleagues, stay together. Staying on the ground floor increases your chance of being a victim of theft.
- If necessary, identify an interpreter through trusted contacts.

### **Get information on referrals:**

Survivors and victims of some violations might require medical care or psycho-social support, including counselling, legal assistance/legal aid, or other types of support and assistance.

- Find out what organizations and agencies (local and international) provide these types of services in the investigation location.
- If these services are relevant and available, find out how to access them.
- Decide whether or not your organization can provide support to survivors/victims to access this service.

# Chapter 3

Identifying and documenting  
physical evidence



## Chapter 3 at a glance

**This chapter presents the basic considerations for identifying and documenting physical evidence in the field, including suggestions on documenting in conflict settings.**

Documenting physical evidence is a key part of any human rights investigation: it gives credibility to your investigation and helps prove (or disprove) the alleged human rights violations you are investigating. It must be carefully conducted while taking into consideration the core principles of investigating human rights violations presented in Chapter 1. Before examining the different types of physical evidence and how to document such evidence, let's begin with a closer look at the following key questions:

- **How can you document?** Documenting physical evidence involves identifying and recording any physical traces left from potential violations. You document evidence by taking photographs, filming videos, recording audio, taking notes, and drawing and measuring what you see.
- **What can you document?** You may need to document physical evidence on people, buildings, infrastructure or the landscape. You may also need to document physical evidence to determine if certain services or facilities are helping to fulfil people's rights – for example, if a prison meets international standards on detention conditions. In some investigations, there may be no (known) physical evidence or you may not be able to access it.
- **Where can you document?** Documenting physical evidence can be in several different locations, including conflict areas, places where attacks took place, detention places, mass graves, refugee camps, morgues, polluted areas, or places where people have been forcefully displaced.

### TIP box

#### Documenting in the field

- Never make assumptions when documenting physical evidence. What may look like evidence may have been planted there; always verify your information.
- For locations you are unable to access (either because you do not have permission or it is too dangerous), try to find the information you need without going to the location, for example by interviewing local people, asking trusted contacts to record the evidence or getting documentary evidence in other ways like satellite imagery (see the TIP box in Chapter 5 on the uses of satellite imagery).

## Identify physical evidence

The first step in documenting physical evidence is to know what you are looking for. This will depend on the violation you are investigating and might include any of the following:

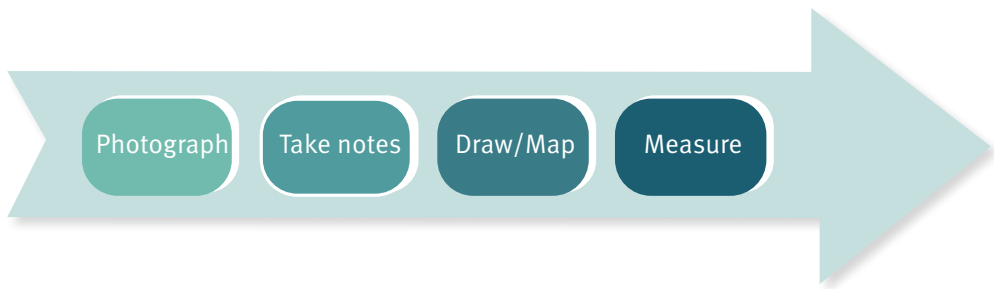
**Table 8. Types of physical evidence**

Type of physical evidence	What to look for
<b>Physical marks left on a person's body</b>	These marks can be left by torture, ill-treatment, sexual violence and other violence, with the informed consent of the individual. If you interview the victim, you should record this type of evidence during the interview.
<b>Bodies or human remains</b>	This might be physical evidence where someone has been killed or died as a result of a violation. This type of evidence must be documented with great sensitivity to the dignity of the victim and consideration for their family members – if their identity is known. Where the family is known, victims' bodies should never be documented without their permission.
<b>Graves (including mass graves)</b>	Your investigation may lead you to look for places where people are buried, often unofficially under suspicious circumstances. Based on leads given by informants, you could look for areas of ground that have been disturbed. You may also find evidence of new graves by examining satellite imagery.
<b>Physical marks left on buildings or landscape</b>	This can include bomb damage, bullet holes, munition craters; destruction of (permanent/non-permanent) housing, burnt villages, buildings, crops, land or property; polluted water and soil, including from oil spills.
<b>Material objects</b>	This can include weapons, bullet casings, ammunition, casings or fragments of munitions and unexploded weapons, abandoned or damaged vehicles, items of clothing, documents, or electronic devices.
<b>Provision, access and distance to services</b>	You may investigate the provision of and access to services (such as sanitation and health facilities) in a refugee camp or a detention centre. Consider a gender perspective when documenting evidence – see how women and girls are affected differently from men and boys.

## Document physical evidence

Documenting physical evidence involves the following steps; each one is briefly described afterwards.

**Figure 3. Documenting physical evidence**



### *Photograph*

#### **Before you take photos:**

- Make sure it is safe to do so. Ask permission if necessary and do not put anyone (including yourself) at risk.
- Check your camera settings to make sure the time and date will be shown on the photo or video you will take.
- Keep a notepad with you to record the photos/footage you take so you can easily identify them later.
- If you are using a smartphone, some have the ability to measure distances on a photo; you can use this option to measure the size of objects or distances between points in a photo.

#### **Take photos:**

- Be discreet.
- Photograph the physical evidence – refer to *Table 8: Types of physical evidence*.
- Take three sets of photos:
  1. Wide angle photos to show the whole location: buildings, trees, nearby landmarks.
  2. Medium range photos: show the whole building, room, vehicle, or other piece of evidence.
  3. Close-up photos: capture small details such as writing, markings, ammunition casings. Put a piece of paper with a reference number in the photo to help you categorize your evidence later.
- If you have a scale marker/measuring tape, put it in the shot to show the size/scale of what you are photographing. Take two images of the picture – one with the scale marker and one without. If you do not have a measuring tape, use an identifiable

object (like a pen or a car) to indicate size. Showing the size is important as part of the evidence and might be useful for later identification by an expert.

**After you have taken photos:**

- Save the photos/footage to an encrypted location (in your phone, laptop, or USB stick) and delete it from the photo gallery on your phone.
- If possible, send files through an end-to-end encrypted email platform or app to a colleague (note that doing this may reduce the quality), or upload it to a secure cloud location (such as OneDrive or Google Drive).

*Take notes***Before taking notes:**

- Have a notepad and pens/pencils ready with enough blank pages for taking your notes.

**When notetaking in the field:**

- Indicate the date, time, location and any other contextual information that is relevant (for example, weather conditions).
- Describe the site, its features and approximate distances between features.
- Describe where the physical evidence is located.
- Describe the (possible) evidence found – refer to *Table 8: Types of physical evidence*.
- Describe the scale/extent of the damage (measure if relevant/possible – see below). For example, if a village has been burnt, count the remains/sites of houses, to document how many were affected.

*Draw***Before drawing:**

- Have a notepad and pens/pencils ready with enough blank pages for drawing.
- If you have a smartphone, find a compass app to help you mark direction on your drawing.

**When drawing in the field:**

- Draw a rough sketch or map of the site.
- Mark on your map all the details you can see about the buildings, landscape and location.
- Mark on the map any measurements (see below) of features and distances between evidence/points of interest.
- Mark on a map the location of the pieces of evidence. Include any reference numbers you allocated to the evidence when photographing (as above).
- Mark north on the map.

## Measure

### Before measuring:

- Make sure you have measuring tools: some smartphones can measure distances on photos; otherwise have a measuring tape available.

### When measuring in the field:

- Measure any relevant features and distances, including the scale of the damage or objects of interest (munition shells, equipment and so on).
- If you do not have a measuring tape or a smartphone that measures, count and make a note of the number of your steps/paces – you can measure your step later to give you an approximate size of the area.

### Collect (*environmental cases only*)

- Where relevant, collect samples of environmental pollution. Only do this if you can have the sample properly tested by an expert and you have been advised by an expert on how to collect a viable sample.
- If possible, get the scientist/expert to collect the samples themselves.
- Do not take any other forms of physical evidence away from any scene (as it may be dangerous and it is up to forensics experts to collect such evidence).

## TIP box

### Dos and don'ts when documenting the scene

- Don't touch munitions, explosive devices or any other dangerous unexploded devices such as unexploded grenades and bombs.
- Don't touch human remains or attempt to open a grave unless you are a qualified professional.
- Don't stay in a situation that is tense or unpredictable. If you feel your safety or the safety of others is at risk, be prepared to change plans and leave.
- Do save the information you document during your field visit in a safe and secure manner.
- Do document the information you believe is relevant to your investigation but be prepared to make decisions on the spot to explore other leads. These decisions will depend on your priorities, the situation, safety and security considerations, and your budget.

## Checklist 5: Documenting in conflict settings

Documenting information in conflict settings can be dangerous. You need to take into consideration the necessary precautions to ensure your safety and the safety of others. Before going to a conflict setting, go through this Checklist and make sure you are well-prepared.

### **Accessing the site:**

- Do you need permission to access the site?
- Are there areas where there is active conflict? If yes, do you have proper security training?
- If you visit a post-conflict site, is it safe? Are there any unexploded devices, such as bombs and mines, or booby traps?

### **Documenting information:**

- What evidence from buildings/infrastructure/landscape will you collect? Consider the following types of damage:
  - to buildings and the landscape including the impact of bombs, other explosive devices and bullets;
  - to hospitals, schools and other civilian infrastructure;
  - to civilian houses, villages and crops.
- What evidence from people will you collect? Consider gathering evidence where relevant:
  - injuries/burns sustained by the local population;
  - dead bodies (if so, characteristics – uniforms, approximate age, gender, race, ethnic groups);
  - blood spatter.
- What other physical evidence will you collect? Consider gathering the following evidence:
  - types of weapons/munitions used (such as weapons, bullet casings, ammunition, fragments of munitions and unexploded weaponry left behind);
  - prohibited weapons (such as certain types of bombs and use of chemical weapons) – casings of prohibited devices, burn patterns on buildings and on people, other injuries/impact on people.

**Interviewing in conflict contexts:**

- How will you make sure the interviews will not be biased?
- When interviewing soldiers and combatants, will they be speaking on or off the record?
- How accessible are the soldiers and combatants you will interview? Are some injured or in a hospital?
- What information can you get from the local population?

When a person speaks on the record, they are making an official or public statement. If they speak off the record, they want their information to remain confidential.

See Chapter 4 for additional information on interviewing.

# Chapter 4

## Interviewing



## Chapter 4 at a glance

**This chapter presents the essential information you need to conduct interviews for your human rights investigation. It guides you on the best way to prepare for an interview, how to begin the interview, the process and content of conducting an interview, and how to end the interview.**

Conducting interviews with survivors, victims, witnesses and – if possible – perpetrators is one of the most important and effective approaches human rights investigators can use to collect information. The steps to prepare for – and conduct – the interview are presented below.

### Prepare for the interview

Good preparation is essential to conducting an effective interview that collects all the information relevant to your investigation. Preparation for your interviews involves:

- identifying your interviewees
- setting up the interview and ensuring everyone's safety and security
- determining how you will document/record the interview

#### *Identify interviewees*

Refer back to *Checklist 3: General safety and security practices* to identify the list of potential people (survivors, victims, witnesses and perpetrators) you can interview. Consider finding additional interviewees by contacting people in your network, local human rights organizations, journalists or academics who have knowledge/expertise in the issues related to your investigation.

Keep in mind that interviewees might be unwilling to talk out of fear or other reasons (some people, like family members or the media, may discourage them from speaking up). If you are going to a community to meet with potential interviewees, consider having a trusted local contact to help explain your role.

If relevant, state officials should also be interviewed. This can help you avoid personal bias in your findings by obtaining different views; it will also demonstrate your impartiality to others and avoid their perceived bias with respect to your findings. Officials' knowledge of, and attitude towards, the alleged violation might indicate the government's attitude/response to the violation and to upholding rights more widely.

Regardless of who you may interview, take the time to explain to potential interviewees what you are doing and how information gathered from interviews can help your investigation. Explain that interviews will be conducted in a safe and secure environment, and that instead of being in person, they can be on the phone or through the internet.

## TIP box

### Avoid bias in your selection of interviewees

Bias is when you favour one thing or person over another. Avoid bias in selecting your interviewees by considering the following points:

- Make sure your interviewees can provide different perspectives regarding your investigation.
- Do not make assumptions about a person or a group based on their gender, age, race, ethnic group, religion, political affiliation or other characteristic.
- Do not (unconsciously or consciously) select interviewees because you have a shared characteristic with them.
- Make sure you have an appropriate gender representation among interviewees.

### *Ensure safety and security*

Under the “do no harm” principle of human rights investigations (Chapter 1), you must ensure the safety and security of interviewees during your investigation. This means taking all possible steps to reduce any threats to the interview process. In order to do this, remember the following points in *Checklist 6: Safety and security for interviews* before the interview begins.

## Checklist 6: Safety and security for interviews

- Review your security plan (Chapter 2). Does it take into consideration the safety and security of interviewees? If not, make sure it does.
- Make sure your information storage methods are secure and that your interview notes will remain secure.
- If an in-person interview puts the interviewee at risk, consider either a phone interview or an interview through the internet using encrypted software. If neither option is possible, ask a trusted contact to conduct the interview and securely send you a transcript of what was said.
- Agree on a location and time for the interview. The interviewee may suggest a location the interviewee feels comfortable with. Use a secure channel to communicate with the interviewee or agree in person on a location and time.
- Agree on who will be present during the interview, apart from you, the interviewee and possibly an interpreter. If you are interviewing a child, their parent or guardian should be present. Some interviewers like to work in pairs, but be aware that this may be intimidating for the interviewee.
- Women and adolescent girls should be interviewed by women, where possible.

- Do not allow observers, except when the interviewee requests a trusted person to attend.
- If the interview has to be in a public place, try to find a discreet location. Make sure the interviewee is comfortable with the setting. Sit apart from other people and watch out for anyone trying to listen to the conversation, photograph or record you and the interviewee together.
- If there is a risk of surveillance, do not arrive at or leave the location at the same time as the interviewee. Do not take a direct route to the interview location.

### *Determine how to document/record the interview*

As mentioned above, you need to ensure before your interview that your notes will stay safe and secure. Whatever format you use to record information during the interview, do not use the identity of the interviewee to label your files. Use a numbering system to identify interview notes and digital files. Keep a record of your notes and files in a secure location.

Choosing to record audio (or video) or take handwritten notes during an interview will depend on the situation. The table below outlines some of the factors that will help you in making your decision.

**Table 9. How to record interviews**

Audio (or video) recordings	Handwritten notes
<ul style="list-style-type: none"> <li>• You need informed consent (see below for more explanation) if you make an audio or video recording.</li> <li>• Avoid video recording, unless there is a specific reason to do so (for example, you might use the video in public advocacy).</li> <li>• Recordings enable the interviewer to replay the interview and write it out in detail afterwards.</li> <li>• Recordings can also affect how interviewees answer, especially if they have to discuss sensitive topics.</li> <li>• Take handwritten notes even if you are recording.</li> <li>• Once the interview is over, make sure the recording is stored safely and securely.</li> </ul>	<ul style="list-style-type: none"> <li>• Write down the exact words the interviewee uses, it will give credibility to your work and will enable you to use a direct quote.</li> <li>• Consider typing up handwritten notes as soon as possible and destroy the handwritten notes.</li> <li>• If you do not have time to type the notes before exposure to the risk of surveillance or confiscation, take photos of your notes and store the photos securely. Destroy the handwritten notes.</li> <li>• If possible, store typed notes (and any other documents/photos, and so on) on an encrypted USB stick, which you can hide more easily than a computer (for example in your clothing, luggage, vehicle).</li> </ul>

Finally, if you need the services of an interpreter, consider these points:

- Rely on recommendations from trusted contacts. When interviewing on a sensitive topic such as sexual or gender-based violence, use an interpreter of the same sex as the interviewee (and the interviewer).
- Make sure you have a common understanding of key concepts and terminology before you start the interview.
- Explain to the interpreter confidentiality, safety and security measures taken throughout the interview process. This includes your communication with them before and after the interview.
- Give the interpreter clear instructions that they should only provide a literal translation of what the interviewee says without adding anything. Interpreters must be objective.

### Begin the interview

Before you start the interview, you may be asked to reimburse the interviewee's travel costs to attend the interview. If so, confirm a realistic amount. Remember to never pay for an interview: this carries a high risk of getting incorrect information.

An interviewee may come with expectations of assistance. Be transparent about the assistance you can and cannot provide. You may need to do research on available medical services, legal support and counselling, and direct the interviewee to the appropriate support.

When you are ready to begin the interview, follow the steps outlined in *Checklist 7: Begin the interview* below.

### Checklist 7: Begin the interview

- Properly introduce yourself and your organization, including its mandate.
- Introduce the interpreter and explain her/his role.
- Ask for the interviewee's informed consent. You need separate consent if you want to record the interview or take photos. If the interviewee is a child (under 18 years old), a parent or guardian must give consent.

**Remember:** Informed consent means to ask permission to use the information given, indicating the specific purpose(s) for which you are going to use it (for example to publish the case in a public report, without mentioning the interviewee's true name).

- Agree on one or two grounding techniques that the interviewee can use to help them relax if they get upset, for example: taking a break for a cup of tea, listening to music, or calling a friend.

- Inform the interviewee approximately how long the interview will last.
- Inform the interviewee that they can stop and withdraw their consent at any time during the interview.
- Ask the interviewee if they have any safety or security concerns and reassure them by informing them of the measures you have taken.
- Explain to the interviewee that the information they give will remain confidential. Not all interviewees will want confidentiality: some may want to publicly pursue justice.
- If relevant, ask the interviewee whether their information can be shared with third parties, such as the police, UN or other investigative teams. Ensure they fully understand the purpose and potential implications of sharing information with third parties.
- At the start and throughout the interview, stay constantly aware of your surroundings. Be on the lookout for anything suspicious.
- Take into consideration the mental and emotional well-being of the interviewee: you do not want them to be re-traumatized by telling you their story.

### **Conduct the interview: process**

Once you have gone through the steps to set up your interview, you are now in position to conduct the interview. This requires consideration for two key, inter-related aspects: the interview process (how the interview unfolds) and the content (the information you will collect). Different aspects of the interview process are presented below.

#### *Attitude and body language*

- Maintain trust by keeping an open attitude throughout the interview. Be patient.
- Make sure your tone of voice and your body language do not give the interviewee the perception of being judgemental. Keep the tone of voice conversational.
- Regularly respond to the interviewee by acknowledging what they are saying: nod your head, say yes or no, acknowledge that it can be difficult to share information and maintain eye contact.
- Show empathy. Use phrases such as ‘I know this is difficult to talk about’, ‘I’m sorry that I have to ask you the following question, but I need to ask the detail about...’
- Repeat the interviewee’s words to summarize what they have said. Be sensitive to differences in languages, communication practices and social dynamics that can influence how interviewees respond.
- If you are working with an interpreter, look and speak directly to the interviewee (not to the interpreter) and make sure the interpreter also looks at and speaks directly to the interviewee. Make sure the interpreter is aware of his/her tone of voice, pacing and body language.
- Interviewees may be unable or unwilling to answer some questions. Never force someone to speak about something they do not want to.

### Using an interview guide

An interview guide (see Annex 3) helps you ask the right questions in order to get the information you need. It should be kept to an extremely short list of bullet points – based on the 5WH questions (refer to Chapter 2).

Consult Annex 2 for more information on types of interview questions.

Using the interview guide in Annex 3 as a template, create your own guide for each type of interviewee you will meet. Remember to keep the guide short: do not include specific questions. The guide should serve as a reference point (apart from the 5WH questions, which should be at the top of your mind, it could contain some specific elements you want to have verified; see also below under “Conduct the interview: content”). If you do use such an interview guide, you must:

- Be flexible to allow the interviewee to tell their story in the order that is most relevant or comfortable to them.
- Be flexible and let the interviewee talk about additional things if they want to; follow up on items of interest that emerge during the interview. You have to be alert and think quickly while conducting interviews to react to whatever information emerges.

### Avoid interview biases

Even the most experienced interviewer will face certain biases that could influence the questions asked and the interpretation of the interviewee’s responses. The table below lists the main interview biases you may face along with ways to minimize them.

**Table 10. Interview biases**

Type of bias and what it means	How to minimize bias
<p><b>Stereotyping</b> When you make assumptions about a person based on their appearance or other factor.</p>	<ul style="list-style-type: none"> <li>• Approach all interviewees in the same way.</li> <li>• Never make assumptions about an interviewee or their testimony.</li> <li>• Ask all interviewees the same basic questions about the same aspect of the investigation.</li> <li>• An interviewee who has difficulty remembering or who lacks coherence in their narrative is not necessarily lying.</li> </ul>
<p><b>Gender</b> When you treat interviewees differently because of their gender.</p>	
<p><b>Emotional involvement</b> When you become emotionally involved by the content of the interview.</p>	

<p><b>Trauma</b> If the interviewee is traumatized, they may have difficulty remembering events and you may be biased in finding the information reliable.</p>	<ul style="list-style-type: none"> <li>• Use grounding techniques to reduce the impact of stress on the interviewee. Examples include taking a break for tea, listening to music, or calling a family member or friend.</li> </ul>
<p><b>Contrast</b> When you compare interviewees with each other. This can lead to a bias that well-spoken interviewees are more credible than others with difficulty expressing themselves.</p>	

### *Potential interview challenges*

Taking into consideration the process-related issues above will help you conduct a smooth interview. However, there may be some circumstances that make the interview process challenging. Here are a few examples with strategies on addressing each one.

**Table 11. Interview challenges**

<b>Potential challenge</b>	<b>What you can do</b>
<b>Interviewee has difficulty remembering dates and times</b>	Pay attention to dates and times mentioned by interviewees. If an interviewee is not used to using calendar days, try to ask them when events took place in relation to specific days such as a market day or a religious or national holiday.
<b>Interviewee becomes upset or angry</b>	Talking about upsetting experiences can be difficult for some interviewees. If an interviewee becomes upset, pause the interview and give them time. Ask them if they want a break, use a grounding technique (see previous section) to reassure them, or suggest stopping the interview (and continue another time).
<b>Interviewee provides inaccurate information</b>	Interviewees may give inaccurate information for a number of reasons: they may exaggerate because they are traumatized, they may have a political agenda, or they may even be a “false witness” meant to protect someone. During the interview, never show that you are not believing them. However, it is important to verify the information given by an interviewee in other ways (such as by cross-checking different details with the same interviewee or with others).

**Interviewee has been interviewed multiple times**

The interviewee may have been interviewed several times by others. This might result in their reluctance to be interviewed again and it might affect the reliability of their information (they may skip over some parts). You should explain why it is necessary to have the interview, but never force someone to talk if they do not want to.

## Conduct the interview: content

The interview content is about the types of questions you ask to get the information you seek.

- **Personal information:** Get this information at the start of the interview. This can include name, age (date of birth), gender, where they live and nationality (if relevant). You may also want to ask about their employment/student status and living arrangements (size of household, and so on). Ask for the interviewee's contact details/phone number and how to contact them in the future if more information is needed.
- **Details of the interviewee's account:** Begin by asking general, non-sensitive questions to make the interviewee feel at ease. Then ask about the incident using an open question like 'Can you tell me what happened?' Make sure you are given facts, not assumptions!
- **Open questions:** Ask open questions to get a clear picture on the events. Try not to interrupt the interviewee's answers. If you do interrupt, do so gently. Take note of any details or additional questions you want to ask later in the interview. You need to pause regularly if you use an interpreter.

### TIP box

#### Understanding the difference between open and closed questions

In interviews, an open question gives the interviewee the chance to provide details on what happened. These types of questions usually start with the keywords of the 5WH framework (see Chapter 2): Who (or Whom), What, When, Where, Why and How. Annex 3 provides many examples of 5WH questions you can ask.

A closed question usually has direct answers such as "Yes" or "No".

- **Follow-up questions:** Ask follow-up questions to clarify what the interviewee said earlier during the interview. This will also help you build a timeline of events.



- **Sensitive topics:** Do not avoid discussing sensitive topics (for example, on sexual violence or torture). Show empathy and patience and clearly explain why you need to ask these questions.
- **Don't leave out small details:** Small details can be important in identifying what happened or identifying the perpetrators. Do not hesitate to ask probing questions (follow-up questions) to find out more information.

### End the interview

Once you have finished asking all your questions, check if you need to collect any other physical evidence or information:

- **Photos:** Is there anything you need to photograph as evidence? Particularly with survivors of torture – does the interviewee have any physical injuries or scars that resulted from the violation(s)? If so, ask permission (informed consent) to photograph the injury, wound or scar. Explain how the image might be used and how confidentiality will be protected. Photograph the injury/scar in a way that does not expose their identity.
- **Documents:** Does the interviewee have any documents relevant to the violation, such as an arrest warrant, medical records, photos, and so on? If so, ask permission to take a photo or make a copy of each one. Make sure the interviewee understands and agrees to how these documents can be used. Blur any form of identification on the photos (name, address, and so on) if you publish them.
- **Additional contacts:** Ask the interviewee if they know other people you should talk to who have knowledge of the incident.

You are now ready to end the interview following steps outlined in *Checklist 8: End the interview*.

### Checklist 8: End the interview

- Ask the interviewee if there is anything else they would like to say.
- Confirm again that they give consent to use their testimony. Remind them how their testimony could be used and reassure them that their identity will not be disclosed if they asked to remain confidential.
- If relevant, inform the interviewee of services they may require (medical, counselling, and so on).
- If relevant, give the interviewee your contact information in case they have additional information to share or if they require assistance.

- End the interview only if the interviewee is comfortable doing so. If they are upset or still have information to give, remain with them and end the interview when the interviewee is comfortable doing so.
- Thank the interviewee for their contribution.

### **TIP box**

#### **Securely store your interview notes**

Once the interview is finished, securely store your interview notes:

- Immediately upload any recordings, save them in an encrypted location and delete them from your devices; replace the SD card in your recording device and hide the card with the interview record; email the files to a colleague using encrypted email.
- Photograph your notes and store the photos in an encrypted location, or type your notes as soon as possible, and store the digital file securely; destroy the handwritten notes; and wipe the memory of the files on your laptop, phone or camera.

### **TIP box**

#### **Interviewing groups with special considerations**

Consult the Main Book for suggestions on interviewing the following groups: survivors of sexual violence, children and people who suffered trauma. A few suggestions on properly interviewing these groups are provided below.

#### **Survivors of sexual violence:**

- The sex of the interviewer should be the same as that of the interviewee.
- Interviewees may be speaking about subjects that are difficult to discuss; you need to take the time to reassure interviewees of the confidentiality measures you will take to protect their information.
- Use biological terms to refer to body parts; make sure the interviewee has the same understanding as you of the terms used.
- Be empathetic but professional at all times.
- Interviewees may need to be referred to specialists for medical and/or psychological assistance; be prepared with a list of organizations or individuals to consult.

**Children:**

- Only interview children if it is necessary; if possible, only investigators with experience interviewing children should interview them.
- Asking consent from children requires a very careful approach; parental or guardian consent is needed for younger children.
- The child should choose who they want present (if anyone). Having parents around can influence the child's responses to questions.
- Choose a location that puts the child at ease.
- Limit the number of questions you ask and adapt your language to the child's age.

Approach sensitive topics in an indirect way. For example, do not ask when the child was abused, but rather ask them if they've had any difficult experiences they would like to share.

**People who suffered trauma:**

A traumatized person suffers from long-term psychological distress as a result of experiencing or witnessing something that caused extreme fear, horror, distress or physical pain.

Do not assume a person you interview has been traumatized. However, signs of traumatization are a tendency to exaggerate, speak in the third person to separate themselves from what happened, have trouble remembering events, lack of focus, or multiple versions of the same story.

An interview may cause the interviewee to be re-traumatized – in other words, they will relive the event that caused the trauma. If this happens, pause the interview and use the grounding techniques discussed at the start of the interview, or stop the interview. If a friend or relative is nearby, ask the interviewee if they would like to take some time with that person or have them present in the interview.

# Chapter 5

## Collecting documentary evidence

## Chapter 5 at a glance

**This chapter guides you on the best way to identify and collect documentary evidence for your investigation, including strategies for identifying and verifying online content.**

Documentary evidence is a vital part of the information you collect when investigating human rights violations. Such evidence can provide key details on certain aspects of the case, help to corroborate and offer supporting evidence to a survivor's/victim's testimony, and in some cases can even provide strong evidence that a violation happened.

As mentioned in Chapter 2, documentary evidence is any form of evidence that includes official and unofficial documents, audio-visual materials (including photos, video footage and satellite imagery), statistics and other types of information that confirm or demonstrate an aspect or detail of an incident.

### Identify and collect documentary evidence

The process of collecting documentary evidence begins with the identification of sources that can provide you with evidence.

#### *Identify sources*

A wide variety of documentary sources might provide details relevant to your investigation. These could include:

**Table 12. Documentary sources**

Type of documentary evidence	How it can be useful
<b>Documents</b>	<ul style="list-style-type: none"> <li>• Police and court records/documents: to provide details of arrest, charges, legal processes, fairness of trial, and so on.</li> <li>• Medical documents: details on abuse, torture or sexual violence, cause of death, and so on. Note: for these documents (as well as some police and court reports/documents), victims and/or family members need to consent to use them.</li> <li>• Government orders, statements and reports: includes security force orders, eviction or demolition orders, policy documents and official responses to allegations.</li> <li>• Data on services (for example, on health care or education): access to services can show evidence of discrimination or trends.</li> </ul>

<b>Photos and video footage</b>	<ul style="list-style-type: none"> <li>• Can show incidents/violations taking place, what happened to victims, methods used to injure or kill people, damage to buildings and the landscape, locations of the incidents/violations, indicators to identify perpetrators (such as license plate numbers).</li> </ul>
<b>Satellite imagery</b>	<ul style="list-style-type: none"> <li>• Can provide visual evidence of violations that leave visible impact on a large scale (buildings, roads, landscape). Useful for hard-to-reach areas and can be useful in ‘before’ and ‘after’ comparisons. (See more in the TIP box on satellite imagery.)</li> </ul>
<b>Crowdsourced information</b>	<ul style="list-style-type: none"> <li>• Crowdsourced information is collected by asking large groups of people (typically online) to share any evidence they have (such as footage from their mobile phones). Any user-generated information must be carefully examined to ensure its authenticity (how true it is).</li> </ul>
<b>Expert assessment/opinion (requested or commissioned)</b>	<ul style="list-style-type: none"> <li>• Experts can confirm details and provide additional information to help you in your investigation.</li> </ul>

### *Collect documentary evidence*

Documentary evidence might be obtained through a wide variety of channels. These could include:

**Table 13. Where to collect documentary evidence**

<b>Where to collect evidence</b>	<b>How to collect it</b>
<b>From survivors/victims, witnesses and others</b>	<ul style="list-style-type: none"> <li>• As mentioned in Chapter 3, ask survivors/victims and witnesses for documentary evidence to support what they are telling you.</li> <li>• Documents, records, reports and photos/video footage can be obtained from other persons who can provide documentation such as lawyers, community leaders, doctors, government officials, journalists, and so on.</li> </ul>

<p><b>Commissioning or requesting from experts or officials</b></p>	<ul style="list-style-type: none"> <li>• To commission someone is to ask for an expert assessment on evidence; for example, a weapons specialist can provide expert advice on weapons used in an incident based on photographs.</li> <li>• You might also need to request information from officials through official channels (such as a “freedom of information” act).</li> </ul>
<p><b>Online and digital sources</b></p>	<p>This information can be collected online or is received through communication apps and broadly falls under two categories:</p> <ul style="list-style-type: none"> <li>• Open-source material (material accessible to everyone) is information accessible to all on the internet. This can include reports, statistics, databases, as well as information from sites like Google Maps (incl. Street View) and Google Earth, which both have satellite imagery (see the TIP box for more information on satellite imagery).</li> <li>• User-generated content (photos, video footage, written statements) posted by individuals or groups online (on social media). More information on including user-generated content is presented in the next section.</li> </ul>

Remember that confidentiality applies to all documentary evidence. You need informed consent from anyone appearing on photos or video footage. Even with informed consent, you will need to block out any identifying details in photos or video footage that could identify a person. There are apps that can blur a person’s face (whether in a photo or video footage) to conceal their identity.

You will also need informed consent to use photos or video footage obtained by others. Finally, remember to check that any documentary evidence is authentic (see the section “Making use of online information” on how to do this).

### **TIP box**

#### **Uses of satellite imagery**

Consult the Main Book Chapter 8 for additional information on satellite imagery.

Satellite imagery can be found on websites such as Google Maps (satellite view), Satellites.pro, Google Earth, or on the associated freely downloadable application Google Earth Pro ([www.google.com/earth/](http://www.google.com/earth/)). You can use satellite imagery in a number of ways to help you in your investigation:

- **Detect changes in a landscape that could be evidence of violations:** Examples of this include damages to buildings, roads, or large areas such as crops, the destruction of villages, mass graves, or environmental pollution (such as an oil spill). Access to ‘before’ and ‘after’ images can show the scale of the damage done. The timeline or ‘history’ function of mapping sites such as Google Earth Pro enables you to compare images over a period of time.
- **Identify locations associated with violations:** Satellite imagery can help validate what witnesses have told you about a specific location, and therefore strengthen credibility to your investigation.
- **Geo-locate photos and footage:** Photos and footage (including some from users on the internet) that support your investigation can be verified against satellite imagery, so that you can locate where the photo/footage was taken.
- **Images of places where access is forbidden or unsafe:** Satellite imagery is particularly useful to show places that are difficult or impossible to investigate, such as a conflict zone or a military camp.

### Make use of online information

Online information is available to anyone with access to the internet. With so much information available, it is necessary to properly identify, collect and verify evidence from online sources. Refer to *Checklist 9: General rules when working with online content* for suggestions on effectively identifying and verifying online information.

### Checklist 9: General rules when working with online content

- Use online information (including on social media) to cross-check the details of incidents. Cross-check against information you collected other ways (for example, through interviews).
- Online information should complement the information you have already collected, not replace that information. For example, you can use online sources to verify the insignia, uniforms and material used by military units.
- Consult multiple, credible online sources you trust.
- Be sceptical and thorough of the online information you collect; if it cannot be verified, do not use it. Beware that online information can be altered, edited, or created. You need to go through a strong process to verify your online information before you decide to use it.



- Beware of fake websites – some have website addresses that look similar to legitimate ones, but are not.
- When using search engines, try several spelling variations for names and places. Entering search terms in quotation marks will increase accuracy in search results.
- Remember, even official sources or apparently reliable sources might have gaps or errors in their data sets.

The above considerations are particularly essential when working with content shared on social media and other sites and platforms that disseminate user-generated content.

### *User-generated content as documentary evidence*

User-generated content includes photos, videos, tweets, blogs, and so on, that have been posted by social media users (like Facebook or Twitter) or shared through apps like WhatsApp and Telegram. Content shared online can play a significant role in the investigation of violations. However, before it can be used, it must be carefully examined to prove its authenticity.

Consult the Main Book Chapter 8 for a complete overview of user-generated content.

Verifying content shared online can be highly technical and some methods and tools cannot be used without specialist expertise. However, many digital tools/methodologies are openly available online and usable without high levels of technical expertise.

The following are steps to be taken to verify the authenticity and accuracy of online content and to potentially use the content in your reporting.

1. **Check whether the content (text, photos or video footage) is real (shows what it is meant to show) and has not been modified.** Text, photos and videos can be easily modified and shared online. If you see the same content modified slightly from different sources (such as a text that quotes only part of a person's statement, or a photo or video that is cropped), make sure you find the original source that contains the complete information.
2. **Check whether the content is original (has not been posted before in relation to a different incident).** You must check whether the content has been posted online previously in relation to a different context (this can be done by a process called reverse image search). You must also check where the source originates; this is as important as the content itself. If someone sends you the content, try to contact them to verify how they obtained the content. If you come across the content on a social media site, check the user who posted the content: is it a real or fake account, what are their past posts, who are their 'friends' or 'followers'?

If there is any doubt, don't use it! If the content can be used, then proceed to analysing it:

3. **Analyse the content.** Careful content analysis is essential in confirming that the images show what they are labelled/claimed to be showing. A number of steps are required for this analysis and include the following:
  - confirm the location in the photo/video footage (see above on using metadata);
  - confirm the date and time the photo/video footage was taken;
  - identify the event, the perpetrator(s), the survivor(s) and victim(s);
  - cross-check your findings with other evidence you have collected.
4. **Ask to use the content.** If you want to use user-generated content in your reporting, consider whether you need to ask permission from the creator/poster of the content. Remember: The principles of informed consent and do no harm also apply to using online content: you must ensure you do not put the originator at risk of harm through your use of the footage.

# Chapter 6

Verification, analysis and  
report writing

## Chapter 6 at a glance

**This chapter describes how you can verify, analyse, store and categorize your findings. It then describes how to identify patterns in human rights violations, and finally concludes with guidance on report writing.**

You must always verify your information to ensure it is accurate before you make public any claims that human rights violations have occurred. Once you have verified that your findings are accurate, you then need to analyse, store and categorize them. This process helps you draw conclusions about your investigation and write a report.

### Verify information

You need to verify your information in order to use it as part of your investigation. If the information can be verified using the three categories of criteria in *Checklist 10: Criteria for verifying information collected* below, then you can proceed to analyse the information.

## Checklist 10: Criteria for verifying information collected

### Check consistency of information against other sources:

- Do you have different, independent sources that provide evidence which supports the same details?
- Can you cross-reference first-hand accounts to verify consistency with what happened? First-hand accounts can also be verified against documentary evidence and photo/video evidence collected.
- Is the information you collected consistent with information reported by others?
- Can expert assessment confirm the information you collected?
- If you have information from different sources that is contradictory, can you collect further evidence to verify the information?

### Check credibility of sources:

- Are the interviewees and other sources credible sources of information?
- Is there sufficient variation in the backgrounds and perspectives of your sources that you can eliminate any bias in your information?
- Do the sources have any personal or political agendas?
- Was the documentary evidence collected from credible sources (this includes information collected online)?
- Can documentary evidence (such as police or medical records) be verified as official documentation?

### **Check consistency of information with the context:**

- Is the information you collected consistent with what you know about the situation?
- Are you aware of your own potential bias? Do not make assumptions!
- Is the incident unique or does it fit within a wider pattern? Be careful, even if it does not fit within a wider pattern, that does not mean it is not true.
- Can you cross-reference facts about places, events, dates and times against the information you collected?

If the information you collected meets the criteria in the previous checklist, then you can start to develop preliminary findings. If your information does not meet the criteria, you should not make use of it in your investigation. You will either need to find additional information that you can verify or decide whether or not to continue your investigation.

### **Analyse your findings**

After verifying the information that you have collected and establishing a picture of what occurred, you then need to analyse your findings. The first step of analysis is consulting national and international legal frameworks in order to determine whether the incident constitutes a human rights violation.

#### *Legal analysis of the human rights involved*

Take a closer look at the rights that are relevant to your investigation. Before you do this, look back at your initial research of human rights violations in relation to the international human rights frameworks (see Chapter 2), and then complete your legal analysis of the human rights affected by completing *Tool 3: Human rights analysis*.

## **Tool 3: Human rights analysis**

**Table 14. Human rights analysis**

Questions	Analysis
<p><b>1. Aspects of the right affected:</b> Who did what to whom, when, where, how and why?</p> <p>Detailed answers to these questions will point to the type of right affected, and what aspects of that right (content and scope) are most relevant to determine whether it could be a violation.</p>	

<p><b>2. Sources:</b> What are the sources of that right under national/ international law (legal instruments and texts)?</p> <p>Return to point 1 to establish exactly which article(s) and phrase(s) are most likely violated, or what extra information you need to gather to establish if there is a violation. Cite the article(s) and phrase(s) in question.</p>	
<p><b>3. Obligations:</b> Who is the authority (i.e. government department or service) responsible? Does the authority have obligations under the relevant treaty? Or under national law or standards related to the treaty? What obligations have not been respected (such as the obligation to protect, respect, fulfil)? Support your arguments based on concrete findings.</p>	
<p><b>4. Government efforts/constraints:</b></p> <ul style="list-style-type: none"> <li>• What efforts have the responsible authorities made to address the situation? Could they have done more? (This relates for example to acts by superiors to stop violations, government statements, requests for investigations, but also making resources available in the case of progressive realization of economic, social and cultural rights.)</li> <li>• In the case of abuses by non-state actors: Did the government/a state actor know about the abuse(s) and fail to act? Are there grounds to argue that the government should have known the abuse was occurring?</li> </ul>	
<p><b>5. Conclusion:</b> Can you conclude that a human rights violation has occurred, stating what legal obligation has been violated and by whom?</p>	

Based on your analysis, you may still have inconclusive information:

- If there is credible evidence of violations based on your analysis, but there are still some details to be verified, you can still report your findings, but you need to be transparent that some information is unconfirmed or that evidence is not conclusive. You may ask for further investigation by those who have the mandate (and resources) to do so. For example, this could be done by a human rights commission or an ombudsman's office.

### Store and categorize your findings

The information, analysis and report of your investigation should be securely stored and systematically categorized for future reference. This means you enter the same

Some online platforms provide software for managing your data; HURIDOCs ([www.huridocs.org](http://www.huridocs.org)) is an example.

information for each case/incident in your storage system. This enables you to easily and logically search for information when you need it. This is particularly useful if you are conducting several investigations that demonstrate a wider pattern of violations and you need to analyse a large amount of data.

You need to develop a standardized tool in which you enter information from your investigation. This can be in the form of a case sheet (see *Tool 4: Relevant human rights standards*) which contains a summary of case information that you securely store in word processing or spreadsheet software.

## Tool 4: Sample case sheet

Table 15. Sample case sheet

<b>Case or incident identifier</b>	File name or file number [This should correspond to the name/number on the evidence]	
	Date case information logged or updated	
<b>Details of case or incident</b>	Identity of victim [Age, gender, occupation, ethnicity, and so on]	
	Date and time of incident	
	Year of incident	
	Location of incident	
	Deaths/injuries/methods of torture used, alleged perpetrator, authorities' response (if relevant)	
<b>Evidence collected</b>	Number of interviews [And file numbers]	
	Types of documentary evidence [And file numbers]	
	Physical evidence, brief summary [And file numbers]	

## Identify patterns in human rights violations

There are many reasons why you should analyse your evidence for signs of patterns:

- If you are investigating multiple cases of the same violation and one or more patterns repeat across different incidents, patterns can show evidence of wider abuse.
- Patterns might help explain **why** violations happen. For example, a pattern may identify that assaults were politically motivated, rather than criminally.
- Patterns might help explain **when** and **where** some violations take place and as a result can help you predict when future incidents may take place.
- Patterns can show how different groups can be affected differently by a violation or discriminated against.
- Identifying patterns can serve as an “early warning” system to help people who are at risk. For example, if a pattern shows that people from a specific group are being targeted with violence, you might be able to take immediate action to protect others from that group from being harmed.

The table below presents examples of details in your investigation that can lead you to identify patterns.

**Table 16. Identifying patterns**

Characteristic	Look for patterns
<b>Identity of survivors/victims</b>	Do the survivors/victims have common characteristics, such as: <ul style="list-style-type: none"> <li>• ethnicity, religious background, sexual orientation, gender, age group, profession, political affiliation, and so on</li> </ul>
<b>Identity of perpetrator(s)</b>	Do the perpetrators have common characteristics, such as: <ul style="list-style-type: none"> <li>• same uniforms/fatigues/civilian clothing, headbands, tattoos, carrying same weapons, using same vehicles, speaking a certain language/dialect</li> <li>• belong to a specific branch/unit of security forces, from a particular police station, prison guards, militia, paramilitary or insurgent group</li> <li>• specific rank(s), specific commanders in charge</li> </ul>
<b>Methods used in committing violation(s)</b>	Are the same methods used in committing violations, such as: <ul style="list-style-type: none"> <li>• methods/instruments of killings or torture: type of weapon used, method used, forms of sexual violence, mutilation, same part of the body targeted (such as gunshot to the head, hands cut off), drone attacks</li> <li>• timing of incidents, number of perpetrators involved and roles taken</li> </ul>



<b>Location</b>	<p>Are the violations taking place in specific areas, such as:</p> <ul style="list-style-type: none"> <li>• specific regions, cities, neighbourhoods, localities, detention centres, informal settlements, refugee camps, checkpoints or border crossings</li> <li>• areas inhabited by a specific ethnic, religious, political or other group</li> </ul>
<b>Reasons given/ indicated</b>	<p>Did the perpetrators give similar reasons for the violation, such as:</p> <ul style="list-style-type: none"> <li>• similar statements made at the time of the violation (such as during arrest, torture, evictions), certain language used</li> <li>• same warnings/threats made</li> </ul>
<b>Specific context</b>	<p>Are there similarities in the specific context surrounding the violations, including circumstances preceding or following violations, such as:</p> <ul style="list-style-type: none"> <li>• before or after elections, demonstrations/protests, introduction of new legislation, declaration of a state of emergency, internal/international armed conflict, military operations/reprisals, counter-terrorism operations, curfew in place</li> </ul>
<b>Reactions of government authorities</b>	<p>Are there similarities in the way the government/armed group responds to allegations of violations, such as:</p> <ul style="list-style-type: none"> <li>• similarities in statements made in response to allegations of violations occurring/treatment of victims making complaints</li> <li>• official investigations or lack thereof, similarities/ differences in investigations</li> </ul>

When identifying patterns in your evidence, it is equally important to be aware of violations that are not part of a pattern. Do not try to “fit” the evidence into a pattern.

### Write a report

Human rights reports are used to present the findings of investigations to external audiences of specific stakeholders, such as governments, international bodies and/or the wider public. Reports can also be for internal use. The purpose of reporting is to provide and expose detailed information on human rights violations in order to inform the various audiences of what is occurring and advocate changes in policies or practice.

Refer to the core principles of investigating violations in Chapter 1.

When writing a report, keep in mind two fundamental principles: your report must be **accurate** and you must respect the **confidentiality** of your sources.

The structure of your report will depend on your analysis, but there are general headings to use in a report of a human rights investigation:

- Title page.
- Executive summary: summary of the investigation, analysis and conclusions.
- Introduction: to provide the objectives of your investigation.
- Methodology: the steps you took during your investigation, including the data collection methods you used.
- Context/background: to provide background information and context on your investigation.
- Legal framework: a description of what the national, regional and international human rights frameworks say about the human rights being investigated.
- Findings: your findings based on your analysis.
- Measures taken by the government and other stakeholders: actions that they have taken to address the human rights investigated (they can be positive or negative).
- Recommendations: clear, specific and targeted recommendations to be taken to address the situation.
- Conclusions: this can be a summary of the report.
- Annexes: additional information to support the content of your report.

For complete details on report writing, please refer to *Chapter 10: Report Writing* in the Main Book.

## Glossary

### **Arbitrary arrest and detention**

Being arrested and placed in detention without any valid, legal reason. Arbitrary arrest and detention is a violation of the right to liberty and happens when the grounds for arrest are illegal, the victim is not informed of the reasons for the arrest, and/or the victim is not brought before a judge within a reasonable amount of time.

### **Crimes against humanity**

Acts “committed as part of a widespread or systematic attack”, “directed against a civilian population” and committed according to “a state or organizational policy”. The Rome Statute of the International Criminal Court defines 11 types of acts as being capable of amounting to crimes against humanity under these circumstances, including murder, extermination and enslavement, among others.

### **Customary international law**

Unwritten law that is binding on states and respected out of custom. When enough states behave as though something is law, it becomes law ‘by use’ – a general practice accepted as law. Customary international law is a primary source of international legal obligations that are binding on all states, independent of their treaty obligations.

### **Enforced disappearance**

Act of a person being arrested, detained or abducted or otherwise deprived of their freedom by agents of the state or anyone acting on behalf of the state. This is followed by refusal on the part of authorities to disclose the person’s whereabouts or to acknowledge the person’s lack of freedom.

### **Extrajudicial execution**

Deliberate and unlawful killing carried out on the order of a government or with its participation, or by an official or state agent acting without orders. An extrajudicial (outside the law) execution can be carried out by the military, police, special units or civilian agents (operating on orders of state actors).

### **Genocide**

Deliberate acts committed against a people from a particular nation or ethnic group with the aim of destroying that nation or group. Acts include killing, causing bodily or mental harm, imposing measures to prevent births, forcibly transferring children to another group, or deliberately creating conditions that will bring about the group’s destruction.

### **International human rights instruments**

Documents agreed to by states or regional or international bodies for the promotion and protection of human rights. Instruments may be legally binding – such as treaties,

which are also sometimes called covenants and conventions, pacts or protocols, or not legally binding, such as declarations, codes of conduct, principles, guidelines and UN resolutions.

### **International human rights mechanisms**

Mechanisms under the UN system mandated to monitor human rights observation by member states. These include the bodies established by international human rights treaties to monitor the implementation of the treaty by states parties, as well as special procedures, which include special rapporteurs and working groups who monitor and report on thematic human rights issues or situations of concern.

### **International human rights standards**

Standards (rules) set out in international human rights treaties. The term is also used to refer to standards laid out in non-binding international instruments such as declarations.

### **Sexual violence**

Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, directed against a person's sexuality using coercion, by any person. Sexual violence includes – among other things – rape, sexual abuse, forced pregnancy, forced sterilization, forced abortion, forced nudity and circumcision, forced prostitution and trafficking.

### **State party**

A state that has agreed to be part of a treaty and is legally bound to follow its provisions. Governments do not ratify treaties; only states do. There is a difference between state and government: a government changes every now and then (when elections are held or when it is overthrown), while a state (including most of its institutions) remains the same and is therefore obliged to uphold its laws.

### **Torture**

The act of inflicting severe pain or suffering, either mental or physical. Torture is inflicted intentionally and for the purpose of – among other things – obtaining information or a confession, punishing or intimidating an individual. Torture is inflicted by or given through consent of someone acting in an official capacity. Every act of torture is considered a crime under international law.

### **War crimes**

Serious violations of international humanitarian law and customary international law that are part of a larger scale policy or plan for which certain individuals are responsible. Examples of war crimes include murder, mutilation, taking hostages and recruitment of child combatants.

# Annex 1

Quick reference to human rights legal frameworks

**International human rights frameworks are important sources of information when it comes to better understanding rights that are relevant to your investigation. However, the field of international human rights is vast and complex. Consult *Chapter 2: Introduction to the legal frameworks of human rights* in the Main Book to get an overview of human rights standards. The information presented in this Annex is meant to be a “quick reference guide” to human rights legal frameworks when you are out in the field.**

Human rights are guaranteed under international, regional and national law. The work of human rights investigators is firmly grounded in these legal frameworks. Before you begin any investigation into one or more possible human rights violations, it is important to understand which legal frameworks refer to the incident you are investigating.

There are different types of legal standards to consider when conducting a human rights investigation:

- international legal frameworks: international human rights law (IHRL), international criminal law (ICL), and international humanitarian law (IHL)
- regional legal frameworks
- national legal frameworks

Each type of standard is briefly described below.

## **International legal frameworks**

### *International human rights law*

International human rights law (IHRL) describes the rights and freedoms many of us are familiar with – the right to life, the right to a fair trial, the freedom of expression and so on. Most IHRL instruments are treaties (for example, the Convention against Torture or the Convention on the Rights of the Child). A country can become a state party to a treaty and in so doing it is legally bound to the rights and obligations found in that treaty.

Rights within IHRL are upheld by states in three ways, by ensuring:

- The obligation to **respect**, which means states must not prevent or limit the enjoyment of people’s rights.
- The obligation to **protect**, which means that states must protect individuals and groups (such as minorities) from harm caused by others.
- The obligation to **fulfil**, which means states must take practical steps to make sure people’s rights are enjoyed.

The Universal Declaration of Human Rights of 1948 is a central source of human rights law. The declaration itself is not legally binding, but it has influenced the content of the core IHRL treaties. In IHRL, the main sources of legally binding treaties are called the core human rights treaties of the United Nations:

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT); commonly referred to as the Convention against Torture
- Convention on the Rights of the Child (CRC)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)
- Convention on the Rights of Persons with Disabilities (CRPD)

Legally binding means being obliged to abide and answerable in court (or before international bodies).

Customary law is another source of international law, which is unwritten law that is binding on states and respected out of custom.

## TIP box

### Learn about your country and international human rights law

- Check your country's human rights obligations by going online to <https://indicators.ohchr.org/>
- Each international treaty has a reporting procedure which means states must send the UN regular reports on their progress in upholding the rights of a particular treaty. You can consult the UN website to see your country's reports. Civil society occasionally publishes shadow reports that give an alternate view of human rights progress in a country.
- Countries also report on their progress towards human rights through a process called the Universal Periodic Review. Reports are available online (<https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>).

- The UN also has special procedures that can be either an individual (called a special rapporteur) or a group (called a working group). They monitor, advise and report on human rights in a specific country or on a theme (like the situation of human rights defenders). For more information, visit: <https://www.ohchr.org/en/HRBodies/SP/Pages/Welcomepage.aspx>
- There exist human rights complaints mechanisms through which individuals can file complaints at the international level. However, these complaints are taken into consideration only after national complaints mechanisms (such as a complaint of a human rights violation to a national court) have been exhausted.

### *International humanitarian law*

International humanitarian law (IHL) stipulates the rules and principles that regulate the protection of people and the conduct of hostilities during armed conflict. IHL protects people who are not participating in hostilities – civilians, as well as civilian objects including schools and hospitals. It also contains protections for certain combatants, including those who are no longer participating in hostilities because they have been wounded or captured. IHL also sets out standards of humane conduct and limits the means and methods of conducting military operations. Its central purpose is to limit, to the extent possible, human suffering in times of armed conflict. The main IHL instruments are the four Geneva Conventions of 1949.

### *International criminal law*

International criminal law (ICL) deals with individuals' criminal responsibility for the most serious violations of human rights law and humanitarian law. This means that, while IHRL obligations fall to states, under ICL individuals can be held criminally liable for their acts and omissions. The central instrument of ICL is the Rome Statute of the International Criminal Court. The three main areas of crimes covered by the Rome Statute are genocide, war crimes and crimes against humanity.

## **Regional legal frameworks**

Human rights are also enshrined and enforced through regional instruments and mechanisms. Africa, the Americas, Europe and the Arab States all have regional human rights instruments. These are legally binding for the states that have ratified them.

Regional treaties largely reflect the core provisions of IHRL, but some go further than the international level. For example, the African Charter on Human and Peoples' Rights enshrines the rights of individuals as well as peoples as collectivities.



## National legal frameworks

Human rights are protected in national laws such as constitutions. In ratifying an international treaty, a state accepts that its national legal framework (its constitution, laws, policies and practices, and so on) will comply with standards in the treaty. If a state's national legislation or practice fall short of the human rights standards to which it has agreed, this constitutes a violation of its international legal obligations and commitments.

States follow different practices in incorporating international treaties into their domestic legal structures. In some countries, international and regional human rights treaties automatically become part of national law. In other countries, additional national legislation must be passed before international treaties have the force of law. Some national constitutions specify that if national law is in conflict with an international treaty, the treaty's standards apply.

There are different bodies that oversee how human rights are respected in a country. These include courts, national human rights commissions, ombudsman's offices and independent police complaints/oversight bodies. As noted earlier, individual complaints have to go through national procedures before going to international treaty-based mechanisms if no progress is made at the national level.

# Annex 2

## Types of interview questions

There are different types of questions that you can use in an interview and some to avoid. Using the right type of questions appropriately is important to get the most out of an interview, to minimize biases and avoid misinformation. The table below describes the types of questions and how they are used.

Table 17. Interview questions

Type of question	Sample question
<p><b>1. Open (or open-ended) questions</b></p> <p>Open questions cannot be answered with a simple “yes” or “no,” and instead require the interviewee to give elaborate answers. They are a good way to begin an interview. They usually begin with or contain words like ‘who’, ‘what’, ‘when’, ‘where’, ‘how’ and ‘why.’</p>	<ul style="list-style-type: none"> <li>• Can you tell me what happened to your brother?</li> <li>• Could you describe what the facility looked like where the agents took you?</li> <li>• How did you manage to get out of that building?</li> </ul>
<p><b>2. Supporting questions</b></p> <p>Supporting questions encourage people to feel comfortable to give further details. They are intended to further draw out people’s experiences and views.</p>	<ul style="list-style-type: none"> <li>• That’s interesting, what happened next?</li> <li>• I understand that was difficult, what did you do?</li> </ul>
<p><b>3. Probing questions</b></p> <p>These are follow-up questions. They could reveal important details.</p>	<ul style="list-style-type: none"> <li>• What makes you believe this?</li> <li>• Why do you think ...?</li> </ul>
<p><b>4. Leading questions</b></p> <p>In a leading question the way the question is phrased influences the interviewee to give or agree to a certain (expected) answer. Leading questions should be avoided!</p>	<ul style="list-style-type: none"> <li>• Were those who arrested you army soldiers? (Ask instead: Who arrested you?)</li> <li>• How badly were you beaten in prison? (Ask instead: How were you treated in prison?)</li> </ul>

<p><b>5. Clarifying questions</b></p> <p>These summarize what a person said to make sure that you have understood correctly. They are closed questions (see below).</p>	<ul style="list-style-type: none"> <li>• Am I right to say that you think ...?</li> <li>• Is this what you said ...?</li> <li>• Did I hear you correctly when you said ...?</li> </ul>
<p><b>6. Closed questions</b></p> <p>Closed questions aim to get a brief answer. They can often be answered with a “yes” or “no” and can be leading.</p> <p>However, they can be useful to verify specific details.</p>	<ul style="list-style-type: none"> <li>• Where did you go to university? (interviewee gives the name of the university)</li> <li>• Is your mother still alive? (yes/no)</li> <li>• At what time did the demonstration begin? (interviewee specifies time)</li> <li>• Were they armed? (yes/no)</li> <li>• Were the demonstrators taken to prison? (yes/no)</li> <li>• Did the police officer do that to you? (yes/no)</li> </ul>
<p><b>7. Concluding questions</b></p> <p>These types of questions can provoke discussion or can come at the end, when you can agree to move to the next topic.</p>	<ul style="list-style-type: none"> <li>• Is there anything else to add to that part ...?</li> <li>• Do we agree that ...?</li> <li>• Do we both understand that ...?</li> </ul>

# Annex 3

## Sample interview guide

**Below is an example of the structure and content of an interview. Read through this guide before every interview to help you design your own guide.**

**Table 18. Interview guide**

<b>General information</b>	<ul style="list-style-type: none"> <li>• interviewer name</li> <li>• date of interview (DD/MM/YY)</li> <li>• number of the interview (for that day)</li> <li>• location of interview</li> <li>• name of interpreter (if any)</li> <li>• other person(s) present at the interview (if any)</li> <li>• language of interview</li> </ul>
<b>Before the interview begins</b>	<ul style="list-style-type: none"> <li>• introduce interviewer, interpreter, organization</li> <li>• obtain informed consent</li> <li>• explain interview process and confirm to conduct the interview</li> </ul>
<b>Interviewee Identification</b>	<ul style="list-style-type: none"> <li>• name</li> <li>• sex</li> <li>• age (or date of birth)</li> <li>• contact information (to ensure you can reach her/him for further questions)</li> <li>• other information as relevant</li> </ul>
<b>Introduction</b>	[Start with questions that are not sensitive and will put the interviewee at ease.]
<b>Incident</b>	<p>Ask the interviewee to describe what happened. Use the 5WH framework of questions to obtain specific details (Who? What? Where? When? Why? How?). Refer to <i>Checklist 1: Sample questions</i> using the 5WH framework in Chapter 2.</p> <p>Tips when interviewing:</p> <ol style="list-style-type: none"> <li>1. When the interviewee gives specific information, establish how the interviewee knows this to distinguish direct evidence from hypothesis and hearsay.</li> <li>2. Note any inconsistencies, contradictions, exaggerations or confusion: try to clarify them, but if that does not work, check these with other victims or witnesses.</li> <li>3. Ask short questions and only one question at a time.</li> <li>4. If you are repeating questions, explain why you are doing it: do not let the victim think they have done something wrong.</li> </ol>

	<ol style="list-style-type: none"><li>5. If you do not get an answer, try rephrasing the question or taking a different approach.</li><li>6. If an interviewee is visibly upset, suggest a break.</li></ol>
<b>Closing</b>	<ul style="list-style-type: none"><li>• Find out if the interviewee needs any support or further assistance.</li><li>• Ask for any additional documentary or physical evidence they can provide.</li><li>• Thank the interviewee for their time.</li></ul>

# **Annex 4**

**Stress, trauma and burnout:  
managing your well-being**



**Human rights investigators frequently operate in difficult, insecure and volatile environments. Investigators are also often exposed to the mental, emotional or physical distress of other people. Long-term exposure to human rights violations, traumatic situations and distressed people, along with high levels of work pressure, can severely affect your mental health and well-being. This can lead to stress, trauma and burnout.**

### Identify conditions and recognize symptoms

As a first step, investigators should be able to recognize the symptoms of the main conditions that can affect well-being (see the table below).

**Table 19. Main conditions that affect well-being**

Condition	What it is and what to look for
<b>Severe or chronic stress</b>	<p>This is caused by emotional pressure experienced over a period of time. This can happen with demanding workloads, emotional pressures of work and feeling of responsibility towards survivors, victims and families. Symptoms include:</p> <ul style="list-style-type: none"> <li>• memory or concentration problems, constant worry, depression, anger anxiety, panic attacks, feeling overwhelmed;</li> <li>• physical tension (for example in the shoulders), nausea, headaches, insomnia, aggressive behaviour, irritability.</li> </ul>
<b>Burnout</b>	<p>Burnout is complete exhaustion resulting from a high level of stress over a long period of time, combined with an inability to cope with pressure. Burnout can result in:</p> <ul style="list-style-type: none"> <li>• lowering of your self-esteem, feeling you are not effective and a lack of motivation towards your work;</li> <li>• negative attitudes about the people you work with, including a lack of empathy.</li> </ul>
<b>Depression</b>	<p>Depression is a mood disorder that can result from exposure to stress or stressful situations. Symptoms include:</p> <ul style="list-style-type: none"> <li>• feelings of sadness or hopelessness, social isolation, less motivation to work, inactivity and tiredness.</li> </ul>

<b>Trauma</b>	Trauma is longer-term mental distress that comes from experiencing or witnessing fear, horror, distress of pain. A person who experiences trauma has difficulty processing what they experienced or witnessed and their ability to manage daily life activities becomes difficult.
<b>Vicarious trauma</b>	<p>Another form of trauma is called secondary or vicarious trauma (vicarious means to experience something as a result of being exposed to the pain of others). This happens through continuous exposure to situations of violence. Symptoms can include:</p> <ul style="list-style-type: none"> <li>• avoiding feelings, people and work;</li> <li>• isolation, mood swings, feeling detached, hopeless, anxious and feeling worried;</li> <li>• physical pain;</li> <li>• destructive behaviours (such as over/under eating, substance abuse).</li> </ul>
<b>Post-traumatic stress disorder (PTSD)</b>	<p>PTSD can develop after witnessing or experiencing a traumatic event. It can develop immediately after the event, or weeks or even years later. The most common symptom of PTSD is to re-experience the trauma – through nightmares, flashbacks, pain, sweating, and so on. Re-experiencing can be triggered by particular sounds or images. Other symptoms include:</p> <ul style="list-style-type: none"> <li>• avoiding the people and places related to the initial trauma;</li> <li>• negative feelings about self or other and trying not to feel anything;</li> <li>• constantly being on edge and unable to relax.</li> </ul>

**Remember:** Increased stress may directly affect your safety and security as well as that of others. When under stress, you can be less cautious and unaware of risks. You may also find it more difficult to make the right decisions.

### Manage the impact of stress and other conditions

Adequate stress management can significantly reduce risk of stress and other conditions that can affect your well-being.

#### *Acknowledge the condition*

If you are experiencing or exposed to stress and other conditions, you can minimize the impact by:

- Acknowledging that your own and your colleagues' mental health and well-being are likely to be affected by conducting human rights investigations.
- Being aware of the symptoms and learn how to recognize them in yourself and others.
- Not feeling guilty or ashamed if you display symptoms of stress or other conditions. These are normal reactions to experiencing, witnessing or listening to accounts of traumatic incidents and of high-pressure work, often undertaken in high-risk environments.

### *Develop good practices to manage the condition*

Develop practices that help you manage stress and other conditions: do these yourself and encourage colleagues to do the same. Build them into your work routines:

- Take time for yourself and look after yourself – exercise, eat healthily and regularly, sleep; allow time for leisure. Plan activities in your schedule that help you relax.
- Take time to sustain relationships with family, friends and colleagues; make time to talk to people about topics other than work.
- Set boundaries between work and private life; make sure you take breaks and holidays.
- Recognize that your work and the related stress can impact your family members. Talk to your family about your work, including talking to children in an age-appropriate manner.

### *Respond to symptoms*

If you are displaying symptoms of stress and other conditions:

- Do not ignore the symptoms. Talk to someone you trust – a family member, friend, colleague, manager or mental health professional. Never isolate yourself or hesitate to express how you feel.
- With your manager, identify steps you need to take to deal with your symptoms, including taking some time off, reducing your workload, seeking professional help (with the organization's assistance), seeking additional training in certain areas.
- Seek therapeutic/professional assistance: mental health professionals (such as counsellors), doctors and victims' support NGOs can help to manage severe stress, burnout, depression, vicarious trauma and PTSD. Do not feel ashamed about seeking professional help: it is a sign that you are proactively managing the challenges of your work and will make you better at your job.

# UKWELI

## Investigating human rights violations

### Abridged version

Every day, human rights activists and organizations across the globe are investigating human rights violations being committed in the context of conflict, shrinking civic space, or for instance, counter-terrorism policies. It is essential that such investigations are conducted accurately and consistently. The findings of high-quality and credible investigations can influence policy and practice; provide reasonable grounds to start judicial investigations; help campaign and advocate for justice, remedy and assistance for survivors and victims of violations and accountability by perpetrators. It can also generate pressure on duty bearers. Moreover, reliable investigations are crucial for building and maintaining the legitimacy and reputation of human rights organizations and activists, locally, nationally and internationally.

This step-by-step guide provides essential information on each stage of planning and conducting investigations into possible violations, verifying findings and writing human rights reports. It provides checklists, tools, tips and practical examples which investigators can adapt to their needs. For more detailed information and guidance, readers are encouraged to read the full-fledged handbook *Ukweli – Investigating human rights violations*, on which this abridged guide is based.

In light of the shrinking space worldwide for human rights defenders and the increasing risk of repercussions against their sources, the guide emphasises safety and security planning for investigators, sources and the work itself, including secure digital, information and communications practices. It also covers the critical aspect of managing the well-being of human rights investigators.

This handbook is accompanied by – and should work in conjunction with – a series of thematic handbooks that provide detailed information and guidance relevant to investigating specific violations. These include handbooks on investigating enforced disappearances and on investigating torture and cruel, inhuman or degrading treatment or punishment, as well as a number of other thematic issues.

The Human Rights Capacity-Building Programme (HURICAP) of Amnesty International Netherlands has worked with African civil society organizations in building human rights capacity for more than 20 years. Following the successes of working with African civil society, HURICAP started operating in the Middle East in 2016. A key part of this work has been in strengthening the knowledge and skills of local human rights organizations and activists to monitor, document, and report on human rights violations and abuses. This handbook draws on this experience.