
DOCUMENTING HUMAN RIGHTS ABUSES

"Well-handled human rights information is basic to any struggle for justice and peace."

- Human Rights Information Manual: Tools for Grassroots Action

"CPT helped diminish repression." "When the Macoutes were beating people, CPT was always there to defend the innocent." "When the soldiers arrested people, CPTers were at the prison standing up for those who were suffering." "They were like journalists giving information out to the rest of the world." "CPT played the role of a voice for those without a voice." "CPT didn't DO anything – they didn't give us clothing or food or build us houses or hospitals. But they saved our lives."

- Testimonies from residents of Jeremie, Haiti, 1995

"We hope we can look back in 20 years and say there was less killing in the world as a result of CPT's work."

- Gene Stoltzfus, Director to CPT Steering Committee, 1996

"Your CPT teams have access to a lot of very important information, and they definitely have the skills and dedication to make their information have some real impact. Their work is to be commended."

- Peter Bouckaert, Human Rights Watch, 2002

Effective first hand reporting on incidents of human rights abuse at the grassroots level is one way CPT works to reduce violence. Sometimes lives can be saved when violations are flushed from the shadows into the international spotlight. The following are guidelines for conducting interviews concerning all types of injustice and unfair treatment that take place under oppression.

(The following text is taken from pages 3-20 of "Human Rights Information Manual: Tools for Grassroots Action;" Burma Issues, second edition, 1996, and notes from Peter Bouckaert of Human Rights Watch.)

Collecting Information:

The starting point for any human rights worker is information collection. In the field, perhaps the two most effective techniques for collecting information have been **interviewing** and **photography**.

Although some good work has been done in researching documents about human rights abuses, generally there is very little evidence of this type available to the human rights field worker. If you can find it, keep it – it is powerful and important material.

INTERVIEWING:

One of the greatest problems facing the human rights field interviewer is the difference between his/her needs and perspective and those of the person interviewed. Too often, the field worker is so determined to gather good information that he/she forgets that the "subject" is also a person – one who has usually been through a horrible ordeal.

Imagine that you had been raped or tortured, and suddenly people you don't even know are very interested in talking to you. You transform from a farmer or school teacher into a type of celebrity. People come from all over to hear your sad story and nothing else. It is extremely important for the field documenter to recognize above all the attitude and feelings of the victim.

CPT does not just interview people to obtain information. It is important to stay in touch and build relationships with the people you meet. It is a very difficult process for people to retell their suffering, but many times also a healing process– knowing that someone cares to listen to their story. It is important that victims who are telling their story feel safe and comfortable, and that there is time, after telling their story, to reflect and provide some closure.

After an interview, when you are writing a statement or working on a report, always check to make sure that the information you have been given is transmitted to others accurately and clearly.

PHOTOGRAPHY:

Pictures can tell powerful stories that words sometimes cannot explain. However, taking good pictures that tell meaningful human rights stories is a skill that must be practiced and developed. As with interviewing, it is always important to treat the people you photograph with respect. Let them know what you are doing and why, and ask their permission to take and use their photographs in your work.

Guidelines for Interviewing:

BEHAVIOR IN THE FIELD

Respect the Culture: Even small mistakes on your part can create problems. Learn the basic cultural sensitivities of the people you visit. If you truly respect the people you interview, and don't make them feel that you are looking down on them, they will notice your efforts and cooperate more fully with you.

Commitment and Cooperation: The stronger your commitment to justice and human rights, the better your interview skills will be. You will automatically ask questions that let people know that you understand their suffering, and, in turn, people will cooperate with your efforts. Part of this commitment is to recognize that victims of human rights violations themselves can bring an end to oppression. A good reporter respects this ability in the people and treats them not only as victims, but as equals who are also struggling for justice. After you have written up your interview, you should find some way to share it back with the interviewees so they can see how their information is useful to the struggle.

Reliable Information: Reporters must collect the most detailed and reliable information possible because any information that appears exaggerated will discredit the report and the people who are suffering. Always double-check information, especially if an answer is unclear. Always be sensitive to whether or not people feel free to express their true feelings. Minorities and oppressed people often give answers that they think the interviewer wants to hear, in order to avoid problems. This is part of the culture of oppression under which they live. It is important to ask questions in a way that builds their confidence to speak freely.

It is also important to understand that asking many questions may lead to raising suspicion on the part of the interviewees. Thus, establishing trust is of the utmost importance when seeking to gather correct and reliable information.

PREPARING FOR THE INTERVIEW

Background Information: Before you interview, you should know the background of the situation you are entering, including, for example, the history of human rights abuse in a village or the general nature of a person's complaint.

Preparing Questions: Write down some general questions that will get the interview started and moving in the direction you want it to go. Preparing questions beforehand is important because sometimes interview time is limited, or the people will need help focusing on relevant information. Three useful categories of questions are:

1. **Background Questions:** these are questions about the general situation to ask at the beginning of the interview so that you can gain as much useful background information as possible. These will also give the interview subject the chance to relax and get comfortable with the interview process. Examples: when did the soldiers first start coming to this village? How is the relationship between this village and the rebels? Did you have a good harvest last year?
2. **Specific Questions:** these questions cover more detail about what was learned from the general questions. Examples: how did the army tell the village that it had to move? Did the commanding officer send a letter or talk directly to the headman? How many soldiers did you see take your husband away?
3. **Questions About Opinions and Feelings:** these questions are to be asked at the end of the interview. They can be broad and general, asking people how they feel about the present situation or what they think might happen in the future. Examples: what impact does this execution have on your family? What does the village think will happen if it has to move another time? How do the women here feel about their children's future? What do the children want to do when they grow up?

Selecting People to Interview: Sometimes, when there are many people who can be interviewed for a single subject (for example, the burning of a village), you should carefully select your informants in order to save time. Selection should depend on who the most articulate and knowledgeable eyewitnesses are. People who are not eyewitnesses do not make good primary informants, but can be useful in double-checking information. Try to interview just one person at a time; too many people produce confusing statements with many interruptions and contradictions (see "privacy" below).

Interview Materials: Pens (always more than one!) And notebooks are the basic required equipment for good interviews. When available, tape recorders and cameras can also be very useful, because they supplement the information in your notes. Never rely only on a tape recording of an interview, however, because if the tape gets lost or damaged, you will have no record. Always ask your subject's permission to record his or her voice or take a picture.

Interview Site: An interview site should be chosen according to its privacy, security and comfort for the interview subject. In civil war zones, it is important that interviews be discreet, involving only a few people and conducted over a short period of time. Public interviews can draw the attention of spies and gossips who can cause problems for the interviewee.

Privacy: whenever possible, conduct interviews in as private a setting as possible. When you encounter multiple persons who may have information about the same incident (for example, two people who were detained together, or who went through the same detention center), **it is VERY important to separate the witnesses and to interview them separately.** If one of them is interviewed in the presence of the other, the second witness is likely to just repeat the same story, but if they are interviewed separately from each other and tell a similar story, the case will be much more powerful. Usually it is not a problem to ask one of the people to leave the room for a while if you explain the reason; in fact people tend to then attach greater importance to their "deposition" and gladly comply.

BEGINNING THE INTERVIEW

Before an interview, develop a friendly relationship with the interviewee by asking personal questions and sharing information about your own life. Starting an interview quickly and formally can intimidate people. Share some food or a cup of tea, and let them realize that they don't need to be afraid of you. Clarify who you are, the purpose of your interview and what you hope to do with the information you seek. Encourage people to think about human rights information work and why you and others are involved in it.

ASKING QUESTIONS

- You should not ask difficult questions at the beginning of an interview. Oppressed people may feel that they are being challenged or pushed.
- Try not to put your opinions in questions. This can be confusing, and people may start responding more to your opinion than to the question. EXAMPLE: "Those soldiers are really brutal when they come into the village. Were they brutal when they talked to the leader here?"
- Leading questions, which encourage the interview subject to give a specific answer, should always be avoided. EXAMPLE: "So, after you came outside you saw your husband being beaten and you felt afraid, right? So then you went and told your son, right?"
- If someone refuses to answer a question once, do not repeat it or try to find another way to ask the same question. Respect your subject's right to privacy.
- Be gentle. Don't interrogate people the way police do.
- Use simple and direct language. Don't use special English or other foreign language terms unless you already know that the person understands them.
- If the subject does not understand the intention of your question, and gives an answer that moves away from the question, don't interrupt them directly, but wait for them to pause and redirect their answer by saying something like, "I understand what you are saying, but what I meant to ask was..."
- If your subject's answer moves away from your original question, but uncovers other important or interesting information, follow that direction and resume your primary questions later.
- Details, details, details. It is important to ask who was present when they were abused, exactly what was said, where they were kept, exact time lines, if they recognized anyone else who was being abused etc. If anything major happened (for example, the death of a detainee), those details will be of crucial importance as they will allow you to check the reliability of one testimony against another. (See below, building a case).
- Always double-check numbers, names and dates. One way to do this is to take these facts near the beginning of the interview, double-check them again a while later, and then when finishing the interview ask one last time. Then, check with other people.
- An important aspect of human rights investigations is to seek out other witnesses. During interviews, ask the witness if he or she knows of any other persons who were present at the time of abuse or who may have had similar experiences.
- Try to write your notes openly so that the interviewee can see. Even if s/he can not read, writing openly is an act of trust that s/he will appreciate. Explain when you start that you want to take some notes to help you later, and that the interviewee can ask to have some things left in or out.
- Make sure you get good definitions for local terms that are unfamiliar to you or to your audience. When an interviewee says s/he was psychologically or physically abused, it is important to ask exactly what happened. Some cultures would describe a simple push as a beating; in Kosovo people would describe a single killing as a massacre.

CONCLUDING YOUR INTERVIEW

- Check to see if your information is clear and complete. Do you need any more information? Are your notes clear to you?
- If you need more information, but cannot continue the interview, ask the interviewee if a future interview would be possible.

- Ask permission to use the interviewee's real name. Explain that there is a chance that the information will be published and that her/ his oppressors might get to see a copy of it. You both might consider changing the names of the victims and other personal details to protect them (NOTE: official reports to the U.N. must carry a real name and are always treated as confidential).
- Take some time to answer questions about what you do and who you are; you don't have to rush away. Conversing freely will establish a good reputation for your work.
- Don't forget to say Thank You!

TIPS ON EQUIPMENT

- Before you use a recorder, understand all its functions.
- Take extra tapes for the recorder and plenty of film for your camera; bring extra batteries for both.
- If you use a recorder, try to find an interview site with little background noise and few interruptions.
- Before recording the actual interview, start the tape by stating your name, the subject's name, and the date, time and place of the interview.
- To save tape, try recording only the answers (but have a written record of your questions).

Building a Case/ Report:

Gathering testimonies is only a first step. The most important contribution is for someone to put that mountain of interviews into a broader context. One person can be kicked in the face, and it can be argued that this is just a rogue soldier, but if a hundred interviewees describe being kicked in the face, we can talk about a consistent pattern of abuse.

In order to really have an impact, it is important to:

- accurately identify patterns of abuse of particular concern, and,
- gather sufficient evidence about those abuses to be able to present a powerful case.

Patterns of abuse may include: torture, beatings in detention, use of excessive force, rude treatment, existence of mass graves. Evidence will most likely consist of dozens of individual cases.

For example, a CPT report might say something like: "Many Iraqis detained by U.S. authorities experience inhumane treatment, physical abuse and beatings, rude curses, and other forms of abusive treatment while in detention. CPT team members have interviewed x number of former detainees and have found the following patterns of abuse..." This makes for a much more powerful case than individual testimonies, which can always be discounted as different from the norm or even lies. It is possible for one person to lie, but reports based on dozens of interviews describing similar abuses are much more difficult to discount.

One of the key strategies to pursue is to find as many witnesses as possible to the patterns of abuse you are trying to document – and this is another reason to try and keep interviews as private as possible. For example, Human Rights Watch was able to make a very powerful case in one report on Chechnya by describing the beating to death of a detainee by stressing that HRW had interviewed three different independent witnesses, all of whom described how they saw a Georgian with a head wound being beaten to death while walking through a cordon of Russian guards when they arrived at the prison. The fact that the dead man was identified as Georgian, and that all three witnesses described him being beaten to death in the cordon was crucial to making a strong case. It is important to ask the same detailed questions from all witnesses, as the devil is in the details.

It is important to exclude a lot of random information and focus on what shines through clearly. For example, individual facts like being fed a strange fruit juice would be excluded but consistent patterns would be highlighted ("Detainees consistently spoke about being kept handcuffed for days on end in the hot sun, being forced to squat, and being denied food. Jamal al-Jabar, a forty-two year old shopkeeper, was detained in June and spent x days in detention. When he was first detained, he was kept handcuffed for x days at the x base).

Before HRW goes public with information, they often have interviewed literally hundreds of witnesses. They interview doctors who have treated victims; human rights activists and preachers who have counseled them; the victims themselves; the families of those still detained; anybody at all who may have some relevant information about the abuses they want to highlight. A successful human rights report is based on many interviews, and putting together these different interviews in such a way as to make the case that a pattern of abuse exists.

Sample Interview Questions for Investigating Human Rights Violations:

INTRODUCTION

The question is the most fundamental tool for developing information that can be used in good human rights documentation. Questions should look for the six types of facts that help uncover information – who? what? where? when? how? and why? Generally, good questions receive good answers. Simple, “open” questions encourage people to think about all the things that have happened to them. They will answer in long statements holding much information. Then, more specific questions can be used to clarify their statements. “Closed” questions only require simple one or two word answers, and are not as useful.

EXAMPLE: **Open Question** – “Can you tell me what happened in the village on October 19?”

EXAMPLE: **Closed Question** – “Did soldiers burn the village on October 19?”

Complicated questions sometimes confuse people, and they have trouble thinking out and expressing their answers. When people don’t really understand questions they tend to give short Yes or No answers.

A plow and an ox can’t till a field by themselves; they need a farmer to implement them properly. The same is true with questions – they are tools that require skilled people to use them. Human rights investigators must always take care of their interview tools, sharpening them and watching how well they do their job.

The sample questions that follow talk about specific forms of human rights abuse. However, these are not complete lists which have to be used in all cases. They are only provided to show what *types* of questions might help you in an interview.

TORTURE: treatment which is intended to punish someone or make them do something and which causes physical pain or injury, or emotional distress or fear.

Torture is a very serious form of human rights abuse. In investigating cases of torture, it is extremely important to record as many details of each incident as possible and to find out if someone intentionally made the victim suffer physical or mental pain.

1. Who was tortured?

a. What is your name and age? Where do you live? What do you do for a living? What are your parents’ names? Were you alone or were other people with you?

2. When and where did the torture take place?

a. Were you tortured in your home, or did the police take you somewhere else?
b. Was it daytime or nighttime? What day was it?

3. Who tortured you?

a. Were they police or soldiers? Do you know their names, ranks, or what division they belong to?
b. Was it one person or more than one person? Could you tell who was in charge?

4. What did they do to you?

a. Can you remember the details of how you were tortured?
b. Did the people who tortured you use their fists, or did they use weapons (like clubs or knives)?
c. What part of your body was harmed during the torture?
d. After you were tortured, were you set free, or did you escape? Did you need to see a doctor?
e. Do you have any scars or other physical evidence? Can they be photographed?
f. Were you tortured mentally? Were you threatened? Were you lied to about your family being killed or taken away?
g. Were you tortured sexually (raped or otherwise abused)?

5. Why were you tortured?

a. Were you tortured as punishment for doing something?
b. Were you tortured to make a statement, confession or to give information about another person?
c. Were you tortured because you are a member of your ethnic group?

RIGHTS REGARDING ARREST, DETENTION AND IMPRISONMENT: arrest – to be *arrested* is to have one’s freedom of movement taken away by authorities; detention – authorities *detain* someone when they arrest them and charge them with a crime; imprisonment – a person is *imprisoned* after being convicted of a crime and given a jail sentence.

To investigate abuses of these rights, ask questions that focus on the *procedures* used by police (or military) to arrest and treat their prisoners. Remember that people do not automatically lose their human rights when they become prisoners. Focus on finding out whether the authorities followed an arrest procedure that is established by law or the common principles for the treatment of prisoners.

1. Arrest

- a. What was the arrest procedure?
- b. Did the police arrest you because you were suspected of committing a crime?
- c. Did the police tell you exactly why you were being arrested?
- d. Did the police tell you what rights you had as a person under arrest?
- e. Did the police make a written report that stated your name, the date and the reason for the arrest?

2. Detention

- a. Did the police respect your human and civil rights while you were being held?
- b. Did the police use torture or threats to get information from you or make you do something?
- c. If you could not understand the language spoken by the police, did they provide a translator?
- d. Did the police tell you about the legal procedure for being arrested and detained, and offer you an independent person to provide legal advice?
- e. Were you allowed to contact your family or friends?

3. Imprisonment

- a. If you were convicted of a crime and sentenced to go to jail, were your rights respected?
- b. Were you sentenced to a prison term by a court of law?
- c. When you were sentenced, was there a record made of your crime, the date you started your sentence, and the date you were scheduled to be set free? (If you don’t know about an official record, were these things told to you?)
- d. Were you told about the rules and procedures of the prison, and how you would be treated?
- e. Were you fed enough decent food to be kept healthy?
- f. If you got sick in prison, were you allowed to see a doctor?
- g. Did you have adequate bathing and toilet facilities?
- h. Were you ever punished in a cruel way? Did prison guards ever allow other prisoners to punish you?
- i. Were you allowed to write and receive letter?
- j. Were there any facilities for education or religion?

EXECUTION: arbitrary and summary execution – when authorities kill people, or allow people to be killed, without a formal court of law’s decision that the person should be punished by death. This is also called “extra-legal” or “extra-judicial” execution, because it happens outside of the legal system.

According to international standards, a person can only be legally executed if a court of law has ordered death as a punishment for a crime. All other cases of execution should be investigated as crimes of murder. Sometimes you aren’t sure that a person was killed, but there is enough information to suggest that he or she was illegally executed. In these cases, provide as much information as possible to support the suspected execution.

One obvious difficulty in gathering information about illegal executions is that the actual victim is no longer alive to provide evidence. Another is that because illegal execution is such a serious crime and the people who commit it are dangerous, one must be very careful to conduct a safe and discreet investigation.

The most important information to gather is evidence about the identities of the victim and violators, the time and date of the illegal execution, the identity of the person filing the report, and any other details that will help people understand the full circumstances of the death.

1. Who was executed?

- a. What is the name and age of the person killed?
- b. Where does the victim come from (village, township, state and country)?
- c. What are the victim’s parents’ names? Did the victim have a spouse? Children?

2. When did the execution take place?

- a. What was the time and date when the victim was killed?
- b. Sometimes this information is not known. When you know that somebody was killed but don't know when the execution happened, gather as much information as you can about the last time and place the person was seen alive.

3. Where did the execution take place?

- a. Do you know the building or piece of land where the person was killed?
- b. In what village, township, and state did the execution occur?
- c. Again, if you don't know where the killing took place, gather as much information as possible about the last place the victim was seen alive.

4. Who executed the victim?

- a. Was it the police, military, or other officials?
- b. Do you know their names, ranks or other information about their office?
- c. Do you know who was in charge of the execution?

5. Are there witnesses or material evidence?

- a. Did anybody see the victim get killed? If so, gather all the information about their identity (name, age, home) and a detailed statement of what they saw.
- b. What happened to the victim's body? Was it buried? Do you know where it is?
- c. If you know how the person was killed, do you know where the murder weapon is?

6. Circumstances of the execution

- a. In as much detail as possible, provide a statement that describes exactly what you know happened to the victim. For example, if he or she was taken somewhere, say whether he walked or was taken in a truck. What road did they take? What was the color of the truck?
- b. Why was that person chosen to be executed? Had he or she been involved in political activity? Did the victim do something to make the officials angry?

7. Who is filing this report?

- a. What is your name and age? Where do you come from?
- b. How do you know the victim?

NOTE: These are only a few of the types of human rights violations discussed in the "Human Rights Information Manual: Tools for Grassroots Action." Every CPTer is encouraged to become thoroughly acquainted with this resource from cover to cover. It is available on every project site as part of each team's field resource library.

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