DOCUMENTATION DURING ACTIVE CONFLICT

A Toolkit for Experienced Documenters Seeking Accountability

GIJTR

Global Initiative for Justice
Truth & Reconciliation

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PROJECT EXPEDITE JUSTICE

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ABOUT THE GLOBAL INITIATIVE FOR JUSTICE TRUTH AND RECONCILIATION (GIJTR)

Around the world, there is an urgent need for justice, truth, and reconciliation in countries where legacies of gross human rights violations cast a shadow on transitions from repressive regimes to participatory and democratic forms of governance. Yet, existing transitional justice models often overlook the vital voices of local and marginalized communities, which are crucial to securing a peaceful and sustainable future. The Global Initiative for Justice, Truth, and Reconciliation (GIJTR), spearheaded by the International Coalition of Sites of Conscience (ICSC), aims to bridge this gap collaborating with local populations, civil society and governments, offering victim-centered, collaborative approaches to transitional justice.

TABLE OF CONTENTS

INTRODUCTION

Increasingly, civil society actors engage in documentation processes, seeking to collect evidence against those responsible for serious human rights violations. In some contexts, civil society documentation has catalyzed and supported a range of formal transitional justice measures and fostered experimentation with grassroots-level justice initiatives.[1]

In Sudan, civil society actors have been critical in collecting information on various violations of international human rights law that were committed before the April 2023 outbreak of conflict. The outbreak of hostilities between the Sudanese Armed Forces (SAF) and Rapid Support Forces (RSF) in Khartoum and the spread of hostilities to other states in Sudan, including the Darfur and Kordofan States, has seen the worsening of an already fragile human rights situation. The disregard for basic principles of international humanitarian law and human rights law by warring parties and other actors has been reported by the media, Sudanese civil society, and other international actors monitoring the situation.

Since the start of hostilities, there has been a noticeable increase in monitoring of real-time violations by individual activists, local response groups, media, human rights organizations, and others. The collection and dissemination of information from these actors help address an information gap, especially in areas cut off due to active hostilities and communication disruptions. Access restrictions imposed on international humanitarian organizations have also underscored the critical role that local groups play in overcoming certain challenges.

Documenting a specific human rights violation in a conflict setting is not so different from documenting that same violation in another context. However, certain features, such as changes in the operational environment, involvement of armed actors, heightened insecurity, imminent risks of attacks, and the scale of abuses, add new elements for monitoring abuses.[2] Abuses can be widespread and/or targeted, including direct and indiscriminate attacks on civilians, deliberate attacks on civilian infrastructure, use of civilians as human shields, indiscriminate bombing, direct attacks at a particular community, recruitment of child soldiers, and conflict-related sexual violence (CRSV) to mention a few.

This toolkit aims to provide, in as concise a manner as possible, guidelines and best practices for collecting, managing, and reporting information on serious human rights situations in armed conflict. The guide is aimed at fairly experienced civil society actors who may use it to either improve the effectiveness of their work or to train new staff and collaborators who are less familiar with documentation principles and techniques. The toolkit begins by exploring the key concepts and principles that govern human rights documentation.

HUMAN RIGHTS DOCUMENTATION

Documentation involves systematically recording, analyzing, and storing information and reporting on human rights abuses. It involves the recording of facts about ongoing or recent events. This can entail several stand-alone activities, namely:[3]

a. Discovering the required information and finding ways of collecting it.

b. Recording and securely storing the collected information.

c. Organizing the collected information to make it easy to access and analyze.

d. Sharing the recorded information to serve the documentation objectives or public interest (subject to confidentiality and data protection regulations).

Fact-finding involves investigating specific incidents or allegations of human rights violations. Fact-finding entails collecting or finding a set of facts that prove or disprove that an incident occurred and how it occurred and verifying allegations or rumors about an incident. Fact-finding can take different forms. These depend on the type of violations being investigated, the location of the violations, and the mission's objectives. Fact-finding may take the form of short-term missions, long-term missions, or other formats.

Principles to conduct documentation: the following principles should inform your scope and method of work:

· **Do No Harm:** Documentation activities should always be conducted in the best interest of the people providing information, intermediaries, local communities, and any other persons involved in the process. The documentation process should not jeopardize the life, physical and psychological safety, freedom, or well-being of victims, witnesses, or any others who enter into contact with the documenters.

· **Informed consent:** Before gathering information from a survivor,

witness, or any other source, a documenter should obtain the informed consent of the person or entity engaged. The consent must be voluntary, informed, explicit, and contemporaneous. Informed consent entails an interviewee receiving sufficient information about all aspects of the investigation process, including the purpose of the investigation, how information collected will be used and shared, and the risks and benefits to enable them to make a decision about whether to participate or not.

- **Confidentiality:** Ensuring that the sources of the documenter's information are kept confidential is critical. A breach of confidentiality can jeopardize the security of all parties involved.

- **Objectivity and impartiality:** One should seek to establish the facts and not make assumptions. You should give equal weight to information that implicates an alleged perpetrator and information that might clear the suspected perpetrator; there is a possibility that you will come across different theories about what happened, and it is important to continuously review them as you investigate. Be aware of existing biases, and strive to always be impartial. Implement working methodologies that cover all relevant facts and information and seek to collect information from a variety of sources. Be conscious of your perceptions and personal views about the investigation and seek to collect information from different sources with varying characteristics, including individuals from conflicting ethnic groups and perpetrators. When selecting people to interview, consider selecting interviewees who have different views about a situation you are investigating; avoid making assumptions about the interviewees based on their gender, ethnicity, political views, age, or other characteristics. Avoid selecting interviewees because you share a common characteristic. As you conduct interviews, you will come across situations that trigger your emotions and make you empathize with your sources. You should be mindful of such biases and strive to act in an honest and fair manner that does not tip your investigation into favoring a certain point of view at the expense of a divergent view.

- **Independence:** Exercise your activities free from any interference, influence, or the presumed or known wishes of any person or authority, especially bodies or persons who have close personal or professional links with the alleged perpetrators. Be aware of organizations or individuals manipulating or putting out false information to undermine documentation efforts.

- **Gender sensitivity:** Ensure that violations of women's rights are properly documented and that women's rights are not neglected. The gender composition of the documentation team should also be considered to incorporate gender expertise and access to women's experiences. For example, some women survivors and witnesses prefer to speak to a woman documenter.

- **Professionalism:** Always act with professionalism, integrity, respect, and empathy, and remain mindful of cultural sensitivities and vulnerabilities at all times. Never pay or offer any form of remuneration in exchange for information.

1.   Applicable Legal Framework

The monitoring and documenting of abuses in armed conflicts requires an understanding of the applicable legal framework. The conflict between the SAF and the RSF in Sudan has met the criteria of non-international armed conflict.[4] Consequently, Common Articles 3 of the 4 Geneva Conventions and Additional Protocol II are applicable, as well as norms of customary international humanitarian law and the weapons treaties to which Sudan is a party. Human rights law and refugee law are equally important frameworks that complement legal protections for the victims of conflict.

Determining the applicable legal framework will help define the parameters, information collection, and elements needed to prove or establish a human rights violation or breach of international criminal law or international humanitarian law (law of armed conflict).

International human rights law applies both in peacetime and conflict situations. States can temporarily derogate or suspend some rights in exceptional circumstances, as strictly required, through an official declaration of a state of emergency. Some basic human rights, such as protections from arbitrary deprivation of life, the prohibition of torture, and prohibitions on cruel treatment

or punishment, among others, cannot be suspended, even during armed conflict or other public emergencies.

International criminal law provides the framework for holding individuals accountable for war crimes and serious violations of human rights amounting to crimes against humanity and genocide.[5] Grave violations of international humanitarian law, such as forced displacement of the civilian population, intentionally directing attacks against the civilian population, and rape and other sexual violence, can be prosecuted by the International Criminal Court (ICC).

Genocide:	Specific acts, such as murder or causing serious bodily or mental harm, committed with intent to destroy, in whole or in part, a national, ehtnical, racial or religious groups. The acts are listed in Article 6 of the Rome Statute.
Crimes Against Humanity:	Acts such as murder, rape, enforced disappearance or any other inhumane acts, committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. A list of acts is included in Article 7 of the Rome Statute.
War Crimes:	Consists of grave breaches of the 1949 Geneva Conventions and other serious violations of laws and customs applicable in international armed conflict or serious violations of Common Article 3 of the 1949 Convention in the case of non-international armed conflict. Article 8 of the Rome Statute provides an expansive list of acts that constitute war crimes.

While Sudan is not a State Party to the Rome Statute establishing the ICC, the UN Security Council referred the situation in Darfur, Sudan, to the Prosecutor of the International Criminal Court on July 1, 2002.[6] This resolution requested that the ICC investigate alleged crimes against humanity, war crimes, and genocide committed since 2002 by Sudanese officials, the Janjaweed, and rebel forces. The ICC Prosecutor Karim Khan confirmed that their mandate pursuant to Security Council Resolution 1593 is ongoing with respect to crimes of genocide, crimes against humanity, and war crimes in Darfur in the context of the current hostilities. He further underscored that any individual found committing those crimes within their jurisdiction will be investigated. Ongoing investigations would include acts committed in Sudan. Any individual aiding, abetting, encouraging, or directing crimes that may be committed in Darfur (even if from outside Sudan) will also be investigated.[7] He also encouraged different groups and individuals to submit information on allegations of crimes and violations to the Office of the Prosecutor.

You can see which situations are currently under ICC investigation at any time by visiting the ICC's website, https://www.icc-cpi.int/situations-under-investigations.[8] It should be noted that crimes committed in Sudan outside of Darfur are not currently under ICC investigation.

DOCUMENTATION PLANNING

As mentioned above, documentation involves different activities ranging from identifying and gathering information, analyzing and storing the information, and eventually sharing the information either publicly or to selected accountability or other mechanisms.

Effective documentation is based on a thorough documentation planning process. This entails thinking about and organizing all the activities required to meet a specific documentation objective. Proper planning will enable the documentation team to:[9]

a. **Gather relevant, appropriate evidence needed to fulfill the documentation objective;**

b. **Avoid unnecessary risks;**

c. **Know what to do with the evidence gathered;**

d. **Put in place adequate referral options; and**

e. **Be logistically and financially prepared.**

Before starting an investigation, the documentation team should prepare an investigation plan. This plan should answer the following questions: (1) why they are gathering information? (2) How it will be gathered? (3) To what end? And (4) which framework will be used for gathering the information? Putting together this plan will require research, including an understanding of the context, an assessment, and preparation. It should also be remembered that the investigation plan is a dynamic document and needs to be updated as the situation evolves.

Your planning and preparation for an investigation should cover the following:

- The **background to the investigation:** Information about the context in which the incidents or events to be investigated occurred.

- The **mandate of the investigation:** What do you seek to document? What is the geographical and temporal scope of the facts that you seek to document?

- The **purpose of the investigation:** What does the documentation aim to achieve? How will the evidence be used? What is the intended audience?

- Identification of the events to be investigated, identification of **any patterns of sexual- and gender-based violence (SGBV) events,** and identification of the people/institutions whose conduct is to be investigated (victims, witnesses, perpetrators).

- The **legal theory** (case hypothesis) and identification of investigative avenues and problems/challenges that might arise during the investigation.

- **Risk assessment:** The investigator/investigation team should list all possible security concerns (for both the documenter[s] and their contacts) and develop contingency plans to deal with each one of the risks or threats (e.g., how to evacuate if necessary).

- **Mitigation measures:** Identification of the material, financial, and human resources needed for completion of the investigation and the milestones and timelines of the investigation.

- **Be knowledgeable about the law and standards related to the violations being investigated:** Find out exactly what is prohibited/ criminalized under domestic law and international human rights standards. If the investigation is related to war crimes, have a basic knowledge of the laws and customs of war.

- **Be knowledgeable about the patterns** related to the allegations under investigation. Analyze the patterns between events.

- **Coordinate with other documentation initiatives:** Map out similar documentation initiatives by other individuals or organizations operating in the same environment. Build relationships with these other individuals and organizations and coordinate activities with

them. Assess what information has already been collected, and focus your activities to fill the gaps.

- **Diversity of the investigation team:** Consider the gender, cultural, ethnic, religious, and nationality aspects of the team and ensure the team has the necessary skills and competencies to collect information. Where relevant, include gender and child specialists on the team. Have a vetting process for the whole team, including intermediaries and interpreters, and pay attention to their impartiality and objectivity. Brief any intermediaries or interpreters about their roles and responsibilities, the security procedures, and the confidentiality of the documentation process. Whenever possible, ensure the availability of medical and psychological resources and facilities to carry out required medical and psychosocial assessments.

- **Prepare the interview format:** Write down a checklist of the data/ **information required to assess the allegations.**

- **Put security protocols in place:** Exercise due diligence to prevent documentation activities from putting staff, persons providing information, interpreters, intermediaries, affected community members, or any other individuals at an unacceptable risk. Consider risks to the confidentiality of the information and the documentation process.

- **Ensure confidentiality:** Explain confidentiality procedures to the sources of information and make sure these sources understand the importance of keeping their participation in the documentation process confidential. Ensure that all team members, intermediaries, and interpreters are trained in and comply with confidentiality requirements and information-protection protocols. Implement measures such as the use of codes to anonymize sources, the use of encrypted devices, and/or the adoption of secure communications to protect the information collected and its source. When there is a need to publicize or share information, seek informed consent.

SECURITY

Human rights monitoring and documentation can increase risks to the personal safety and security of victims, witnesses, human rights professionals, and even the families and friends of these people.[10] Risks also extend to the data that human rights professionals collect.

Most witnesses involved in investigations and prosecutions of international crimes and other human rights violations have good reason to fear retaliation. They often live in volatile and insecure environments in which their human rights could be violated. Victims, witnesses, and other informants may experience verbal threats, intimidation, harassment, assault, property damage, or threats to their lives and liberty. It is therefore extremely critical to create appropriate safety nets for the protection of witnesses to preserve their physical and psychological integrity, as well as their privacy, dignity, and reputation.

The protection of sources (victims, witnesses, and other cooperating persons) is essential to the do-no-harm principle, which is an integral aspect of all phases of the documentation process. According to this principle, victims, witnesses, and contact persons should not find themselves in (greater) danger because of documentation activities. While there can be no complete assurance that the interviewee will not face retaliation or reprisals after assisting with human rights monitoring and documentation, several measures may be taken to protect the person.

Such measures include:[11]

a. Making the source aware of the potential security risks of providing information and any risks arising from any development of the situation about which s/he has provided information;

b. Ensuring confidentiality, including concealment of the source's identity and the content of the information that the source has provided, is required from the moment of first contact with a source and must continue throughout all subsequent contacts;

c. Interviewing a significant number of people to avoid focusing attention on one person;

d. Conducting the interview in a safe place where the risk of surveillance is minimal. Use discrete and safe premises to interview and brief witnesses;

e. Asking for what security precautions the person believes should be taken at the start and the end of the interview;

f. Providing emergency contacts. Invite the person interviewed to keep in contact with the investigator after the interview;

g. Conducting follow-up visits or communicating with the person who has been interviewed after the interview to ascertain that the interviewee has not suffered harm;

h. Documenting the threats, reprisals, or any attempts of such against any witness or victim; and

i. Supporting sources with security assistance such as evacuation, home and office security devices (doors, alarms, or fencing), electronic warning devices, and mobile telephones with emergency numbers when State actors are implicated in the violations.

It is important to conduct a risk assessment before commencing investigation activities. Risk assessments should be carried out on an ongoing basis throughout the documentation process to take into account changing or developing contexts.

Risk assessments should:

a. Identify potential threats (real or imagined threats) and their ability to cause harm to victims and other witnesses, the wider community, the investigator, and the team;

b. Assess the factors that are likely to cause the threat to materialize; and

c. Identify mitigating measures to counter the potential threats. Measures should prevent threats from materializing insofar as possible and create adequate responses to threats that might arise.

Documenting certain issues, such as sexual violence, can present a particular type of risk or threat to victims and their families. Possible threats include retaliation from suspected perpetrators or authorities, coercive pressure to silence victims, retaliatory threats on the basis of dishonor, and risk of criminal punishment or arrest of victims where sexual conduct outside of marriage is criminalized.

Before conducting field investigations, documenters should conduct a risk assessment for the field mission. The documenter should weigh whether it is best to go into the field or postpone the field visit. Documenters should consider the following factors:

• Security considerations should include the documenter's physical security and security of contacts while the documenter is in the field. Develop contingency plans, including an evacuation plan. Consider if your presence in the field will draw unnecessary attention or heighten the level of risk to you and those you will come into contact with. Consider alternative means of carrying out the research or have a confidential local contact organize interviews with possible witnesses at an alternative location.

• Become familiar with the security context of the location. Find out which authorities or other actors are in charge, the level of hostilities, the number of checkpoints and who controls them, general perceptions about the documentation, and whether someone from a specific ethnic group or who has a different profile will be better suited to conduct the mission.

• Pay special attention to how you will collect and store information while in the field and how to safely transfer this information as you travel within and away from the location. Give consideration to communication blackouts and power cuts that will hinder the digital sharing of information. Plan for the possibility of searches at checkpoints—recording devices and other gadgets might raise the suspicions of groups controlling checkpoints. Consider enabling encryption functions of information-sharing apps, deleting sensitive information on devices before getting to checkpoints, emptying your recycle bin on your device, liaising with a local contact who can go through checkpoints without being subjected to searches, making use of cloud storage for backup purposes, etc.

- Have a cover story for your presence in the location should you be questioned or if people become suspicious of you.

- Consider seeking official protection if the need arises. However, this might jeopardize your mission and deter people from speaking to you.

- Try to blend into the community and not attract attention. Always consider possible risks to those you interact with and minimize these risks as best as you can. Consider liaising with reliable local contacts who can assist with navigating and identifying people to speak to. Local contacts can also provide security and contextual updates while in the field to help minimize risks and guarantee safety insofar as possible.
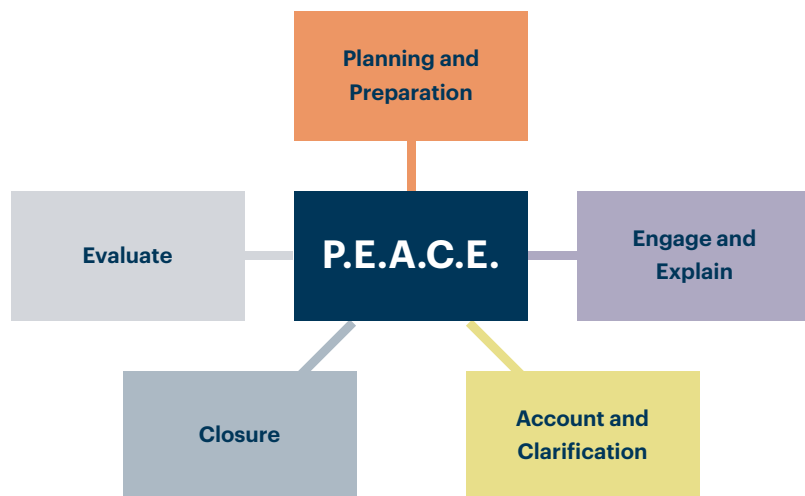
INTERVIEWING

Interviewing is a very common and useful method of information gathering used in human rights documentation work. If done correctly, sensitively, and professionally, interviewing can empower victims and other witnesses and give them a sense of agency and control.[12] Direct victim and direct witness statements can also be crucial sources of evidence for human rights documentation work. The closer the witness is to the event in question, the greater value their statement is likely to have. However, interviews can also be conducted to seek a broader understanding of the context. When carrying out documentation work, documentation teams should seek to interview other witnesses, such as peripheral witnesses (those who might have seen or heard something), family members, community leaders, medical professionals, community volunteers, etc.

Often, interviewing witnesses to potential war crimes and other conflict-related atrocities involves speaking about traumatic events. Sources are likely to include survivors of direct attacks, including interpersonal violence such as sexual violence and torture, eyewitnesses to killings of their loved ones, and others who have endured or witnessed grave harm. These sources might still be residing in active conflict zones or displacement camps. They may be adjusting to this disruption and immense uncertainty. Because of this, it is important that interactions with witnesses or survivors of mass atrocity crimes are trauma-informed.

The core principle of the trauma-informed interview is **do no harm**.[13] The do-no-harm principle requires investigators to adopt interview methods that minimize psychological risk and impact, and if the psychological risk is deemed unacceptable and mitigation measures are inadequate, to make the decision

not to conduct the interview. Before conducting an interview, it is important to assess whether interviewing the witness is necessary or recommended. This is particularly important when the witness has experienced traumatic events.

The P.E.A.C.E model for interviewing is widely accepted for trauma-informed interviewing:

1. Planning and Preparation

Consider an interview as a conversation between the documenter and the victim/witness. The purpose of the interview is usually to obtain accurate and reliable information from the victim and other witnesses that can be used either for accountability or other advocacy purposes. During the interview, the documenter will seek to consciously manage how to obtain accurate and reliable information without improperly influencing or modifying the way such information is obtained. Therefore, it is important to plan and prepare for an interview to avoid the witness giving inadequate or incomplete information and causing further harm. The preparation phase provides opportunities to consider and identify referral services that can be recommended to victims/witnesses who will be interviewed. In conflict settings or other emergencies, there are international, regional, and national organizations that respond to crisis situations by providing humanitarian and other relief to affected communities.

These include the UN Refugee Agency (UNHCR), Médecins Sans Frontières, and the Norwegian Refugee Council, to mention a few. These organizations usually collaborate and coordinate with other like-minded organizations to provide protection and solutions to persons affected by conflict or other emergency crises. You are encouraged to look up available emergency response services in locations where you are documenting to which you can refer interviewees. It would be even better to make contact with these organizations and seek clarity on what their programs offer to ensure you do not refer an interviewee for a service for which they might be turned away.

2. Engage and Explain

At the start of an interview, it is good practice to explain to the witness the purpose of the interview. This is also an opportunity to create an atmosphere where the victim/witness will be open to sharing information and speaking freely about what they saw and experienced. Creating a rapport between the documenter and the witness is critical. If the victim/witness does not feel comfortable or trust the documenter, they will likely not open up about what they know.

The documenter should properly introduce themself and their organization, explain to the witness the reasons for the interview, and outline what they wish to discuss. The documenter should also explain what they intend to use the interview for—for example, in an accountability process or a report. Explain to the interviewee how long it will take for accountability (initiation of trial processes and their completion) or how soon the expected change might happen to help manage their expectations of the investigation process. Information should be presented in clear and simple language to the victim/witness to ensure that they have understood what is being said to them. It is good practice to ask the victim/witness to explain what they have understood about the process. The victim/witness should be informed that they have a choice to speak or not speak, and this choice can be exercised at any time throughout the process. Allow for sufficient time for the victim/witness to make this decision. Victims might have challenges assessing their risks while in vulnerable situations and within rapidly changing contexts of conflict. The time given should take into account the significant and complex consequences of participation for victims and their families and communities, both now and in the future.[14]

An interviewee might agree to be interviewed with the expectation of receiving assistance in exchange for an interview. The documenter should address the expectations of the interviewee and inform them that their participation in the interview is not tied to any benefit or offer of humanitarian assistance. The documenter can, however, provide information to the potential interviewee about available assistance programs, including medical services, that they can access. One is encouraged to look up available services to which interviewees can be referred for appropriate support.

It is crucial to exercise sensitivity when interviewing persons displaced by conflict. Usually, refugees and internally displaced persons are battling traumatic experiences that caused them to flee. They have left behind their homes and the familiar resources that enabled them to live decent lives. These changed circumstances might influence their participation in interviews. The documenter should make it clear that information from the interview will have no bearing on any aid or relief opportunities available to the interviewee.

3.   Account and Clarification

At this phase, the documenter should be interested in obtaining an accurate and reliable account of the events from the victim/witness being interviewed. The documenter will usually ask several questions to get responses from the victim/witness that fully inform the victim's recollection of events. The first questions asked will usually set the tone of the interview, so it is recommended that one start with open-ended questions to obtain a broad, uninterrupted account and then move to specific questions to clarify and seek particular details about the account.

An example of an opening question to a victim/witness of an attack on the village is, "*Tell me about what happened when the first attack started. What do you remember about that day?*" After the witness gives an uninterrupted account, specific questions can be followed up using WH questions (Who, What, When, Where, and How) to clarify specific details of the attack that the witness described.

While it is recommended that the victim/witnesses be allowed to give an uninterrupted account, it is also important to guide the interview to give it structure and obtain relevant details for the investigation. It is also important to avoid asking leading questions, opinion/statement questions, or forced-closed

questions to ensure the witness provides a genuine account of what they experienced instead of confirming what the documenter knows. Avoid asking multiple questions at a time. An example of a leading question to avoid is, "*Were the attackers dressed in RSF uniforms?*" One can instead ask, "*Can you describe what the attackers were wearing?*"

During an interview, offer breaks, especially when the witness appears distressed. Be mindful of the witness's demeanor and body language. Do not insist on them responding to questions they have clearly indicated are difficult to answer. It is also completely fine if the witness does not know the answer to a question or cannot recall specific details. Clarifying the witness's account should be done respectfully and in a way that seeks to empower the witness.

4.   Closure

At the end of the interview, the documenter should explain to the witness what the next step of the process is. The documenter should let the witness know that they can ask any questions they might have. One can also inquire if the witness has anything to add. At this stage, the documenter can also start a conversation about the witness's needs and provide available referral options. Discuss with the victim/witness how you can stay in touch and how they can reach you if they have further information that they wish to share with you.

5.   Evaluate

After the interview(s), the documentation team should gather and have a debrief of each interview. This allows the documenter/team to evaluate the information collected from the interviews, identify what (if any) gaps remain, and identify any follow-up areas of investigative focus. The documenter should also review the documentation mission plan in light of the information obtained to see if any new information from the interview will impact the mission, create new lines of inquiry, or identify additional potential victims/witnesses to be interviewed.

Interview Techniques

1. Treat each interview as though it will be the last with the witness. Be adequately prepared, strive for optimal interview conditions, and be thorough.

2. Give consideration to available referrals and support systems for different types of victims (female, male, and children), paying particular attention to medical/psychosocial support and protection opportunities if they exist. Determine the commitments the documentation team can/cannot make to the victims/witnesses.

3. Conduct a risk assessment and prepare a security plan to minimize risks involved in meeting with a victim/witness.

4. Plan your questioning in advance by defining the objectives and identifying the topics you intend to cover.

5. Make time for the interview. Some victims or witnesses might take time to get to the details of traumatic events and prefer to have a conversation first.

6. Consider the location of the interview. Some factors to consider when looking for an appropriate location are security, ease of access, privacy of the location, and cultural appropriateness. Limit the number of people present for the interview. Avoid doing group interviews or interviews in the presence of other victims/witnesses, as this risks influencing or affecting their accounts.

7. Document the victim/witness informed consent for the interview, ensuring that consent is based on their free will and that they fully understand the possible use of the information and any associated risks.

8. Allow the narrative to flow freely from the victim/witness. If questions or confusion arise, make a note to ask when the interviewee is finished speaking. Avoid complex questions. Keep your questions as short and simple as possible. Allow the interviewee to tell the story and answer questions at his or her own pace. Allow moments of silence in the interview. Do not rush the interview. Do not interrupt the interviewee.

9. Do not ask any questions that are outside the mandate. Ask questions that respond to what the person is telling you. Do not simply move through a set list of questions and ignore what you are being told.

10. Avoid introducing direct information obtained from interviews with other persons or sources, and keep each interview discrete.

11. The witness's narration about crimes committed against others provides an opportunity to ask the witness about their own victimization. Ask the witness if anything happened to them. Acknowledge that some events are difficult and painful to discuss, and let the witness know they can take a break. If the witness discloses one form of violence, ask them if anything else was done to them or if they were forced to do something.

12. Ask questions to clarify. This may be the only and last opportunity the interviewer has to speak with the interviewee to clear up confusion or obtain more detail.

13. Pay attention to signs of trauma, stress, or fatigue. Know when to stop.

Talking a Witness Account

When taking notes from interviewing victims or witnesses, the documenter should do the following:

- Seek to elicit the first general account of the victim/witness. Ideally, a victim or witness should be interviewed once. Keep the information solicited to the minimum necessary to accomplish the documentation objectives while respecting the do-no-harm principle.

- Include as much personal information as possible and consider using a coding system to link the personal information to the interview notes for security purposes.

- Take notes in the third person to avoid making authoritative statements that could contradict statements taken by official investigation mechanisms set up at a later stage. Narrate your understanding of what the witness stated—for example, "Witness X mentioned that [...]." Ensure the witness does not sign this written record, as it is not an official witness statement.

- Do not summarize or cut out parts of the victim's/witness's information.

- Note any other evidence obtained from this victim/witness, such as photographs or other items, within the statement/interview notes.

- Obtain informed consent to record/take notes of the interview.

- Focus on recording facts and events from the interviews. Separate the comments and opinions of the interviewee from the interview notes.

- Record and file each victim/witness's evidence separately. Use a standard system for naming interview notes.

COLLECTING OTHER EVIDENCE

1.   Documentary Evidence

Documentary evidence can be used to corroborate testimonial evidence. Documentary evidence can be in the form of physical items or digital information. It can include photographs, videos, official documents (written directives, documents detailing command structures of armed or other security forces, etc.), medical records (medical examination forms), financial records (copies of financial transactions, bank statements), etc. These documents could be obtained from witnesses who possess them or who have access to such records.

When dealing with documentary evidence, you must, at a minimum:[15]

I.   **Respect confidentiality.**
     Sharing of documents, especially those containing personal information, should be done safely and ethically and with due consideration to the informed consent of the witness/victim.

II. **Accurately record and copy, if possible.**
     Make an accurate record describing the document's contents, who shared the document, how it was found or received, and where it was found.

III. **Do not seize documents if you are not mandated to do so.**
     Avoid seizing documents from any organization, government, military body, or individual. If a documenter comes across a document—for example, in an abandoned building or a medical report in the victim's possession—aim to get an authenticated copy. A documenter can obtain an account from a victim or other relevant witnesses explaining the document's contents and circumstances of discovery, along with the consent to obtain a copy, where applicable, to assist with authentication purposes.

Some considerations to bear in mind when collecting documentary evidence:[16]

1. The documenter must be able to demonstrate when, where, from who, and how the documentary material was collected to ensure the evidence collected has probative value for accountability purposes. Maintaining a chain of custody log and recording this information for each piece of documentary evidence collected is good practice.

2. Collect all material relevant to the documentation exercise, whether it is incriminating or exonerating. Excluding information that absolves a suspected perpetrator or perpetrators or groups can damage the integrity of the entire documentation. Documenters should aim to collect the complete documentation in its original form.

3. Depending on the security situation, take photographs or videos of the document collection process to show the condition in which the documents were received.

4. Have an evidence management system that allows you to safely log each piece of documentary evidence. Identify a secure designated space for the safe storage of documents that protects them from possible damage and have backup storage. Restrict access to the documentary evidence using the need-to-know principle , and keep a record of when documents are accessed and by whom.

5. Exercise caution when collecting single documents that appear to offer airtight evidence, particularly from anonymous sources, as these may be forged or falsified. Always seek to find corroborating information.

6. When collecting medical documentation from victims, only collect relevant records to the documentation exercise. Focus on obtaining an authenticated copy of the original medical report, as the victim might need their original copy. Only collect health records, including copies, after obtaining specific informed consent to document a survivor's experiences.

2. Photographic and Video Evidence

While in the field, the documenter might want to capture photographs or videos as part of their documentation activities. A documenter might have the opportunity to capture events in real-time—for example, airstrikes on a village, an attack on a village, or events after the fact, such as the aftermath of an airstrike or attack on the village. A documenter might also want to take photographs of injuries sustained by a survivor of an attack or other abuse.

Photographs and videos can be very useful evidence in justice proceedings; however, the authenticity of this evidence is crucial to its acceptance. "Authenticity" means that the evidence has to be genuine. While such evidence is considered useful, capturing it can also be dangerous. The people being filmed/captured can be put at risk, and trying to capture footage of active hostilities can also put one in harm's way.

When capturing such information, it is important to remember the do-no-harm principle and assess security first. Do not film or photograph if it is unsafe for documenters or anyone else to capture footage. Be aware of the legal framework regulating filming/photographing persons or locations, as some places and contexts have regulations restricting filming or photographing, such as military sites. Whenever it is safe and appropriate, first seek informed consent before filming.

Before you record/photograph:

- Select an adequate camera and other photographic/video equipment. Turn on your date and time function. Consider a camera with high-resolution capacity, encryption, the ability to automatically record relevant metadata (information about an electronic file, such as its name, size, date of creation, and modification), and measures to ensure chain of custody and the integrity of the images. Look into camera apps such as the "eyeWitness to Atrocities" app, a free mobile app available to human rights documenters seeking to capture verifiable photos, video, and audio.[17] The eyeWitness app ensures that footage captured has not been edited, and that the app captures the metadata for the date, time, and location.

- Determine what should be filmed:

  — **Capture the WHAT.** Documenting the commission of a crime or the aftermath of the crime is called crime-based information. This includes shooting, bombing, destruction of property, etc.

— **Capture the WHO and HOW.** This is considered linkage evidence as it links the perpetrator to the crime. It can be difficult to capture such evidence. To "capture the WHO" means capturing the perpetrator or any information about the perpetrator. Capturing the HOW means capturing any information on how the crime(s) is/are/were committed. In an armed conflict context, one might capture formations of armed movements, especially before, during, and after the attack. Capturing this information might be unsafe and difficult, especially in the midst of active fighting—a documenter should prioritize their safety first.

— **Possible linkage evidence** includes images of documents that cannot be taken due to security risks, footage of soldiers and any armed individuals, military equipment, uniforms, vehicles, and movements of armed actors.

• Record the date, time, and location of the footage or images. Configure your device to record as much relevant metadata in relation to the captured images as possible for authentication purposes.

• Obtain informed consent for footage taken of individuals, if possible.

• Take footage from different views. Refer to the organization Witness's "Video as Evidence: Basic Practices for Capturing, Storing and Sharing" guide for tips on capturing footage.[18]

• Maintain a chain of custody of footage taken and clearly label the evidence.

• Create a summary of the images captured and ensure you can identify which photos and videos refer to each summary. Record only factual descriptions (what, where, when, how, and who).

• Do not edit or do anything that might alter the original image.

3. Open-source Information

Open-source documentation involves the use of technology to gather, sort, and analyze data from publicly available sources, including social media, satellite imagery, image and video-sharing websites, etc.[19] Online information can be captured either through a screenshot, conversion to PDF, forensic download, or other form of capture.[20]

The availability of open-source information, especially on digital platforms, has been key to human rights investigations. In the Sudanese context, the sharing of information on the internet from various sources has been used in different investigations, including financial investigations and human rights investigations. Since the start of the April 2023 war, a variety of information has been shared online, including videos showing the perpetration of crimes and rights violations. The collection of information shared online will be crucial to human rights investigations of events in Sudan.

Once the relevant online content is identified and found, the documenter has to determine the proper method of collection. The method of collection will vary depending on the documentation objectives. If you are documenting for accountability purposes, the online content will have a potential evidentiary value that will require the documenter to use a more thorough and sound method of capture.

When conducting open-source investigations, it is important to:[21]

1. **Know the law and its limits:** The documenters should aim to make themselves familiar with the legal context within which they are working. Ignoring the legal regulations might have an impact on the information collected, especially if it turns out to have probative value for the courts. If you intend to use the information gathered for further justice purposes, look up the law in relation to evidence, and consult with a legal professional about this.

2. **Be aware of professional codes of ethics that apply:** Ethical codes might dictate whether sources should be named or kept anonymous. Anonymity might be preferred in the interests of transparency, especially for journalists.

3. **Be safe:** Prioritize safety for all those involved in the investigations, including the documentation team, victims, family members,

communities, and other potentially impacted individuals. Safety considerations should include physical, digital, and psychological aspects.

a. Conduct a security assessment before commencing online activities and create a security strategy to mitigate risks to your organization, the documentation process, external sources of information, and any other relevant third parties.

b. Plan for the psychosocial risks. Isolated exposure to large amounts of graphic content, including raw and intimate violence, can have adverse impacts on an investigator's psychological well-being. Have in place resilience plans that cater to awareness raising, psychosocial well-being, and technical strategies.

c. Make use of pseudonyms or anonymization to protect victims or other sources of information from being identified. Sharing identifiable information about a victim or any other witnesses in a report might place them at risk of reprisal.

4. **The accuracy of the investigation is critical to its legitimacy and capacity to effect justice.** An investigator should ensure that they are accountable, competent, and objective and that their work is in line with the law. They should have due regard for security concerns. Verification of online information is important because of the risks of digital modification. Information should be captured in a way that enables its authenticity and integrity to be established.

Once the documenters have identified certain online content relevant to the investigation, the aim should be to:[22]

5. **Capture the content in its native form or as close to its original format as possible.** Document any alterations, transformations, or conversions caused by the collection process. Capture the following information:

    a. Target web address—the web address of the collected content, also known as the uniform resource locator (URL) or identifier (URI);

    b. The Hyper Text Markup Language (HTML) or source code of the web page, if applicable; and

    c. A screen capture or full-page capture of the target web page with the date and time indicated.

Additional information to be captured includes embedded media files, embedded metadata, contextual data, and collection data. The collection of online information can be done manually or with the use of automated tools. Digital collection tools can be used to collect the relevant content and metadata. Have a technical report for each item collected. The report should include the above information, as it will be used to establish the authenticity of the item collected.[23]

EVALUATION AND ANALYSIS OF EVIDENCE

Assessment of the credibility of information regarding alleged human rights violations is of paramount importance.

Analyzing information as it is collected is a very critical aspect of any investigation. Analysis refers to evaluating the relevance of the information, the credibility of the source, the reliability of the information, and the integrity of the process. Continuous analysis helps identify information gaps and shortcomings in your investigation methodology so you can remedy them before they affect the value of the information collected. For example, continuous analysis would enable one to discover missing documentation of informed consent to accompany a witness's record. Continuous analysis of collected information can help ensure the relevant information is collected and corroborated. [24]

Evaluation of information should happen simultaneously with the collection of this information. It is a continuous process that should begin with the assessment of background information collected in the preliminary phase of the investigation and should continue as the pieces of the investigation are put together to form a comprehensive picture of the events under investigation. Such evaluation also helps ensure that investigations stay on target or are adjusted in response to new information or circumstances. The continuous

evaluation ensures that information deemed not sufficiently reliable is strengthened or rejected, the reliability of sources is tested, and the integrity of information is preserved. A careful analysis of the information probes whether the information gathered confirms the occurrence of events under investigation and whether there is enough evidence to draw conclusions.

Source evaluation analyzes the credibility of the source of the information. When assessing the reliability of a source, investigators should bear in mind the motivation of the source to provide information and whether the source is a direct or indirect witness or providing hearsay information. In certain situations, hearsay information might be the only available information—for example, in situations where there is stigma around discussing sexual violence, victims might not feel safe or ready to discuss these experiences. An investigator might have to rely on hearsay information about such crimes but must seek to find corroborating information. This could be done by collecting accounts from different sources, including doctors, documenting NGOs, and others who might describe a pattern of similar incidents.

The norm should be to corroborate any piece of information collected with information from 1-2 other independent sources.

TRAUMA AND SELF-CARE

Human rights monitors and investigators who are collecting information from victims and witnesses of human rights violations need to consider the possibility of trauma and be aware of the range of reactions that they may encounter. They are likely to encompass highly resilient survivors, who are in control of their emotions and able to recount their experiences without great difficulty, and highly emotional survivors, who may avoid talking about aspects of their traumatic experience or have trouble accurately recalling what happened to them. Rather than relying on personal assumptions about how people should respond to traumatic events, monitors and investigators of human rights violations should adopt a trauma-sensitive approach to their work. They should take into consideration the impact of trauma and individuals' different responses to trauma when they gather information from trauma survivors, analyze that information, and take corrective action to redress human rights violations.

A trauma-informed approach is guided by the principle of do no harm and should apply to all contacts with witnesses. Before starting an interview, the documenter should conduct a screening interview to learn what information the witness is able to speak about and whether the information is relevant and justifies a full interview. During this conversation, the documenter might discover a witness's experiences, reactions, or circumstances that make them a vulnerable witness. It is recommended that a clinical psychologist conduct a

vulnerability assessment for vulnerable witnesses. In the event that access to a clinical psychologist is not possible, the documenter should inform the witness that the interview could include a discussion of traumatic events and that the witness can choose whether or not to discuss these events. The documenter should also inform the witness that they can be accompanied by a trusted person of their choosing to provide emotional support. The documenter should also have looked up referral services that are close/accessible to the witness and let the witness know about these support services. Have a list of referrals and other support services ready that you can share with the witness at the end of the interview.

Interviews should be conducted in an empathic and respectful manner, especially when dealing with survivors of trauma. Documenters should exercise judgment during the interview and understand when to continue a line of questioning and when to stop the questions. Documenters should respect witnesses' choices when they decline to respond to particular questions. It should be remembered that the well-being of the survivor outweighs the need to collect information.

Some trauma-informed techniques that documenters should consider during interviews include:

- The survivor/witness's preference for the gender of the interviewer and anyone else present for the interview.

- If a witness shows indications of vulnerability, a clinical psychologist must (whenever possible) conduct a vulnerability assessment before an interview to recommend any special support measures.

- Special measures may include allowing a friend, family member, or support person to be present during the interview to provide psychosocial support. A comfortable, safe, and secure location and setting are vital.

- The interviewer should model a calm, professional, and sympathetic demeanor at all times.

- Questioning must be conducted in a non-suggestive manner to avoid influencing a witness's memories and to reinforce the witness's autonomy and own recollection of events.

- Discussion of sensitive events should occur only once insofar as possible.

- The survivor should be allowed to describe sensitive and painful events in their own way, including through the use of metaphors or idiomatic expressions. The documenter should clarify the physical meaning of any such terms used and explain to the survivor that such clarification is necessary to ensure that the events are properly documented.

- The voluntariness of the interview and the conditions for sharing it must be emphasized before and after the interview, and the witness must be given a full and unhurried opportunity to review, amend, and finally adopt any written statement.

- Interviewers should acknowledge and respond to any extreme manifestations of distress (where such response is available) and call upon a clinical psychologist in case of need.

- The interviewer should be empathetic and acknowledge that the events may be difficult to discuss. Note that the interviewee has the option to take a break at any time.

- The documenter should provide information about available support services, including referrals, at the outset of the interview. If warranted, interviewees should receive immediate post-interview referrals to sources of psychological support.

Self-care for Documenters

Documentation work can take a toll on a documenter's mental health. Being exposed to emotionally charged situations and sifting through volumes of information on mass atrocities (whether behind a screen or from hearing survivors recount gruesome experiences) can cause vicarious trauma to a documenter. Working on situations that just keep worsening can take a toll on a professional, chipping away at their motivation to bring about social change and leaving them feeling drained, overwhelmed, and burned out. Security risks associated with documentation activities can also cause stress. Working in conflict-affected environments, being displaced and having to continue work, interactions with survivors of traumatic events, having to move through checkpoints when out in the field, and constant circulation of information about negative developments from the ground with no encouraging evidence

of change or apparent cause for hope can leave documenters and others traumatized.

Acknowledging the stresses and possible trauma associated with this kind of documentation is important, and so is having a realistic stress management plan that seeks to minimize stressors and support documenters' well-being.

Effective Self-care requires ongoing awareness and practice. Investigators of human rights violations should develop an awareness of their reactions to stress and its impact on them. Through a process of continual awareness of their level of stress, they will be able to identify and implement appropriate stress management techniques. Effective Self-care also requires a willingness to accept one's limits and to recognize when professional help may be beneficial. Investigators of human rights violations should seek to understand the long-term impact of stress on their health and be willing to accept professional help to cope with stress when necessary.

Some things to consider to help with stress management include:

- **Commit to practicing regular stress management.** Build a regular practice that helps create habits and familiarity that you can turn to in times of stress. The stress management practice should be realistic and something that does not cost you much. You cannot eliminate stress completely, but you can learn to manage it.

- **Develop awareness of what stress is, what triggers it, and how to deal with it.**

- **Learn more about what secondary trauma is and how it manifests itself.**

- **Conduct a regular self-check to reflect on your inner feelings and emotions in relation to your work.** An important activity is to become more mindful by acknowledging your feelings and inner thoughts. This reflection gives you a chance to identify early signs of emotional distress and allows for early intervention.

- **Identify trends in distress triggers.** What are the situations, stories, or traumas that trigger your distress? Answering this question is key to knowing how to manage your distress.

- **Ask yourself about the key gratifications of working in this field.** However small they are, moments of contentment with your work and its purpose can help you overcome distressing times. Make it an

intention to list all the things that make you content about working in this field.

- **Seek help and resources when needed.** Seeking psychological help is an option to combat vicarious trauma and any emotional distress you experience while working with victims/survivors. Equipping yourself with appropriate resources (such as educational materials to help you build resilience) will be helpful, as will adopting a healthy work-life balance.

- **Seek support from your organization.** Vicarious trauma can be an occupational hazard. Therefore, it is important to let your manager know if you are experiencing symptoms. This will help you learn about any resources the organization offers to manage and/or prevent an exacerbation of symptoms.

- **Watch/limit your exposure to distressing material.** You can space out your interviews, take a break from researching online content about distressing events, and schedule breaks away from the internet and your devices.

- **Take care of both your physical and mental health.** You can do so through regular exercise, a better sleep routine, paying attention to your diet, avoiding alcohol and other substance abuse, and seeking help from a psychologist.

ANNEXES 1–5

SAMPLE VOLUNTARY CONSENT TO GIVE A WITNESS STATEMENT

I, _____ (name of the witness)
hereby declare that I am voluntarily submitting to and participating in an
interview conducted by _____
(name of the investigator) from _____,
who has provided me with the full context for why this interview is being
conducted and the potential uses of the information collected.

I hereby acknowledge and confirm that:

1. I have been fully briefed on the nature and purpose of this interview, which is to give a witness statement related to crimes, human rights violations, and any other hardships or consequences of my experience.

2. I have been provided an opportunity to ask questions on the nature and purpose of this interview.

3. In light of the information provided and responses to my questions, I voluntarily agree to participate in this interview. This means I have provided information, documentation, and/or physical items freely, without any form of coercion, threat, duress, or promises in exchange for that information.

4. I was informed that the information, documentation, and/or physical items that I have provided might be used to further investigative efforts and shared with relevant national, regional, and international mechanisms relevant to Sudan.

5. I am aware that my identity, as well as any information, documentation, and/or physical items that I have provided, might be disclosed to individuals or organizations for purposes of facilitating the provision of assistance, obtaining a legal remedy, or referral to a relevant agency for action as appropriate, subject to considerations of my own safety and security.

6. I understand the nature and the purpose of the documentation activity, the potential use of the information I have provided, as well as all the potential risks associated with my participation in this activity.

7. I am free to withdraw from the interview at any time without giving any reason. Should I withdraw, any information already provided will not be disclosed to any person or institution, public or private, without my further consent.

I hereby consent to:

- Being interviewed for the purposes stated above.

- Providing the identification information requested on the first page of the statement form. _____

- Handing over documents related to this interview. The documents include: _____

- Being photographed to document my injuries. The photos taken include: _____

- Sharing the information, documentation, and physical items that I have provided in this interview with the Office of the Prosecutor of the International Criminal Court (ICC) for their use in potential criminal investigations and/or prosecutions.

- Being directly contacted by a third party who has received information about this interview.

- Sharing the information, documentation, or physical items that I have provided with national authorities or other international judicial mechanisms for their use in criminal investigations and/or prosecution and/or accountability mechanisms.

Printed Name (Interviewee): _____ Date: _____
Signature (Interviewee):_____

Printed Name (Interviewer): _____ Date: _____
Signature (Interviewer):_____

Printed Name (Translator): _____ Date: _____
Signature (Translator):_____

SAMPLE INVESTIGATION PLAN

Investigating Name	
File Number	
Situation	
Event(s) of Interest	
Priority	
Team Appointments	Team Leader
	Investigators

1. **Background**

2. **Terms of Reference (Mandate)**

3. **Event or Events to be Investigated:** State the full particulars of the event or events. If the events are large scaled or occurred over a significant period of time, it might be appropriate to attach a chronology and then select from the chronology those events that will be investigated in detail.

4. **Sexual and Gender Based Violence:** Does your research uncover evidence of this type of event. Are there any patterns of SGBV events? If not, why not? Are there any indications or red flags suggesting possible SGBV events if further investigated? Are there any indicators of SGBV against LGBT or men?

5. **Assessment:** Present understanding of events. Details of the assessment undertaken based on the information given and any initial assessment of the credibility of the initial report (for example, corroboration available).

6. **Conduct:** The people or Institutions whose Conduct is to be Investigated.

7. **Theory:** What is the legal theory that you are attempting to prove or disprove?

8. **Investigative Avenues:** In order to establish the above violations, what are the elements you will need to determine? What does that information "look like" (what are you seeking). Where is the information? How is it going to be obtained? Note: This will also be a separate document.

9. **Methodology:** How do you propose to conduct the investigation?

Phases

Phase 1: Preliminary research of available information

Phase 2: Make contact with key witness to obtain screening—basically an offer of proof.

Phase 3: Using draft evidence methodology-see above, assess and collate information currently held to:
- Cross-check information
- Determinate availability of documentary information

Other phases may include, for example:

Phase 2: Visit and assess alleged sites of violations.

Phase 3: Preparation of final report.

Evidence/Information Collection Plan

On the basis of the above-in particular, the potential offenses and the elements of those offenses—what evidence is required, what does that evidence look like, where is the evidence, and how can it be obtained.

Specific Tasks: This section should list the initial tasks that are to be undertaken by the investigation team. Future versions of the investigation plan will be developed as tasks are completed and new tasks identified.

Task	Responsible Person	Due Date	Date Completed	Result & File Reference

10: Resources: Staff and the roles of each staff member. Other resources required. Specialist expertise required.

Consideration	Description	Cost
Investigating staff		
Interpreters		
External premises		
Expert Witnesses		
Travel • Transportation • Accommodation • Meals		
Other expenses		

SAMPLE SCREENING NOTE

Witness Information

- Full name (First name, Last name): _____

- Date of birth/age: _____

- Nationality: _____

- Ethnic origin: _____

- Place of residence: _____

- Phone: _____

- Email: _____

- Occupation: _____

- Language during the interview: _____

- Place of interview: _____

- Date and start and end time: _____

- Interviewer's names: _____

- Interpreter's name: _____

- Others present: _____

Examples of some areas to cover when recording accounts of witnesses

Below are some examples of the sorts of questions you may need to ask witnesses and the areas that may need to be covered in individual accounts. These are examples only. The questions you will need to ask will depend on the facts and elements of the case you are working on. Not all witnesses will be able to provide details on every area.

a. When (on what date and at what time of day or night) did the incident take place?

b. Where did the incident take place?

c. Where was the witness at that time? What was he or she doing? What was the involvement of the witness in the incident:

d. Who was with the witness at the time of the incident? Identify each person as best you can, e.g., provide:

  - Their names;

  - Their dates of birth;

  - Their relationship with each person there, e.g., neighbor, brother, friend; and

  - If they did not know them, any identifying features or unusual characteristics.

e. Who was present at the time of the incident? List the victims, perpetrators, and witnesses.

f. What did the witness see? Explain what happened. Explain what the perpetrator did and the reaction of the victim.

g. What did each person present say or do?

h. What happened as a result of the incident?

i. Was any damage caused or harm suffered? If so, who or what caused it?

j. Include as much identifying information as possible about those involved including:

  - Any names used;

  - The rank or ranks of those involved;

  - Any uniform or vehicle markings;

  - The languages used;

  - The weapons or other instruments used; and

  - Any other identifying features such as facial hair, scarring, etc.

k. What was the state of health of the victim or the victim's property prior to the incident?

l. What did the witness and the other persons present do immediately after the attack?

m. If the victim was taken away:

- How were they taken away?
- By whom? What did they look like?
- Was anyone else with them?
- Where were they taken to?
- How long were they held there for?
- If they were transferred to another place, when did this happen and where was it?

n. Were there any other witnesses to the events that have not previously been identified? If so, do you know how we can contact them?

SAMPLE CHAIN OF CUSTODY LOG

Case number:	
Description of item:	
Source:	
Contact information of the Source	
Location (village, locality, state, country)	
Date and place of collection	
Name of the documenter	

Chain of custody

Item No. (Reference)	From	Received by	Date	Time

Submitted by: _____ Date: _____

Signature: _____

TIPS ON REPORT WRITING

Purpose and target audience: Investigators should define the main objective of the report and the desired outcome. The team should identify the target audience, key messaging, and mode of delivery to ensure the underlying message is conveyed properly and delivered in a timely manner.

Accuracy and thoroughness: Human rights reports should contain a precise and accurate description of the human rights issue under investigation. This information should be carefully corroborated and verified, and it should be presented in a way that is clear and easy to understand.

Style: Write your documentation reports in simple and neutral language, without subjective elements, jargon, or unnecessary adjectives. They should be clear, concise, and well-organized. Do not exaggerate facts or include irrelevant facts. Do not use emotional language. Stay objective.

Consistency: The investigation team should adopt a standard reporting format consistent with human rights terminology to ensure consistency in the way investigators collect and store information. A standard reporting procedure will ease data compilation and analysis during report writing.

Promptness: Investigation reports need to be prompt. Prompt reporting can serve as an early warning mechanism, ensuring human rights concerns discovered during the investigations promptly reach the authorities and other stakeholders and cause positive action.

Action-oriented: A report should be seen as a means to an end, not an end. An investigative report is a strategic tool that can draw attention to a dire situation, raising awareness of the targeted stakeholders, including those with the power to intervene to correct or prevent a problem from worsening. Therefore, recommendations must be carefully crafted and targeted to specific stakeholders with the capacity to influence change or implement positive action.

The structure of the report should include the following:

a. **Title page.**

b. **Executive summary:** A brief description of the investigation, findings, and recommendations.

c. **Introduction:** This section provides a brief background on the situation that is the subject of investigation and discusses the political, historical, or economic context and circumstances pertaining to the investigation.

d. **Methodology:** Describe your data collection process.

e. **Context:** This section discusses the political, historical, or economic context.

f. **Legal Framework:** a description of the legal standards that informed your investigation.

g. **Findings and analysis:**

   - Provide an account of the facts gathered during the investigation. The account should be organized chronologically, geographically, or by incident.

   - A legal analysis to determine which legal standards have been violated.

   - Analyze those responsible for the violations, including (in)actions taken by duty bearers to address the situation.

h. **Recommendations:** Provide a concise list of recommended actions to address the situation. They should be clear, specific, targeted, practical, relevant, and time-bound.

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ADDITIONAL REFERENCE MATERIALS

Title	Source	Link
International Legal Protection of Human Rights in Armed Conflict	OHCHR	English Arabic
Protection of Economic, Social and Cultural Rightsin Conflict	OHCHR	English Arabic
Basic Principles of Human Rights Monitoring	OHCHR	English Arabic
International Protocol on the Documentation and Investigation of Sexual Violence in Conflict	the UK Foreign & Commonwealth Office	English Arabic
Berkley Protocol on Digital Open Source Investigation	Human Rights Centre, UC Berkley School of Law and OHCHR	English Arabic
Guidelines on Investigating Violations of International Humanitarian Law: Law, Policy and Good Practice	Geneva Academy and ICRC	English Arabic
Documenting International Crimes and Human Rights Violations for Accountability Purposes: Guidelines for Civil Society Organisations	International Criminal Court, Office of the Prosecutor and EUROJUST, European Union Agency for Criminal Justice Cooperation	English Arabic
The Bournemouth Protocol on Mass Grave Protection and Investigation	Bournemouth University	English
Investigating Perpetrators: A Guide to Mapping Parties in Relation to International Humanitarian Law and Human Rights Violations	Public Interest Advocacy Centre and Human Rights Centre, UC Berkley School of Law	English
Ukweli: Investigating Human Rights Violations	Amnesty International	English
Monitoring and Investigating Human Rights Abuses in Armed Conflict	Amnesty International and CODESRIA	English
Security Workbook: Practical Steps for Human Rights Defenders at Risk	Frontline Defenders	English Arabic
Security in a Box: Digital Security Tools and Tactics	Front Line Defenders	English Arabic

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