

## Chapter 6

# Human Rights Monitoring

*Marit Mæhlum*

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Norwegian Centre for Human Rights

*Marit Mæhlum* is a political scientist and is currently working in the Norwegian Refugee Council's Internal Capacity Building Unit. She has previously been desk officer for several years for the Norwegian Refugee Council's programmes in the Caucasus, the Balkans and in Asia. She worked as a human rights officer with the OSCE Mission to Bosnia and Herzegovina for one year in 1997. She also worked for several years with the Norwegian Resource Bank for Democracy and Human Rights (NORDEM), where she was responsible i.a. for project management and recruitment and training for human rights missions.

# 1. Introduction to human rights monitoring<sup>1</sup>

Human rights monitoring is a broad term describing the collection, verification, and use of information to address human rights problems. Furthermore, monitoring has a temporal quality in that it generally takes place over a protracted period of time.<sup>2</sup> The three main elements of human rights monitoring – gathering information, verifying the gathered information, and then applying the information – are reflected in the arrangement of the chapter.

The purpose of human rights monitoring is to obtain an improvement in the human rights situation. This can be done through different sets of activities, i.e. by establishing a record of what has and/or is taking place; by intervening with the authorities to force the government to answer for or remedy the situation; by informing higher levels of the organisation or making the general public aware of human rights violations to prompt wider political reactions from the outside towards the country concerned if so is decided; and/or by reinforcing local capacity to protect human rights. The exact way in which the monitoring is carried out, and what is monitored, will depend on the situation in the country or region at the time.

## *Applicable law*

When monitoring to ascertain whether a state is respecting its human rights obligations, there are three levels to look at: first, the international framework of human rights, or, more specifically, the particular human rights conventions which the state in question has ratified; second, the national laws and regulations; and finally, the legal practice of the state, that is the actual situation in the country with regard to whether the above are respected by the state.

The human rights conventions ratified by the state constitute the legal basis which the state has to respect in order to fulfil its human rights obligations. Thus, national law must comply with the international human rights conventions that the state has ratified. This assessment is carried out by the human rights experts at the mission head office, or by experts at the United Nations or elsewhere, rather than by the human rights monitors in field. But the national laws also have to be *applied* by state organs and representatives, and in observing whether this is the case, human rights field monitors are central. A typical question in this respect would be whether the law is applied equally, without discrimination based on ethnicity, religion or gender.

In order to evaluate the situation, the human rights officer<sup>3</sup> must have a sound knowledge of fundamental human rights and the most relevant laws of the state. The human rights officer does not have to be an expert on human rights and does not have to know all the details of every convention. However, the officer must be sufficiently familiar with human rights issues that he/she can recognise problematic situations, identify possible human rights violations, and, not least, be able to discuss these with the authorities. The monitor must also have a good overview of the most relevant laws and regulations of the state in order to assess the actual situation in relation to the legislation. Certain laws may even have to be known in detail if the subject area is particularly problematic with regard to human rights. The human rights experts at the mission provide continual guidance to assist the officers in their work, and should be consulted when needed.

*A reminder:* Only state representatives can commit human rights violations.<sup>4</sup> Quarrels between neighbours do not constitute a human rights violation. However, if for instance the police do not react adequately to requests from someone for assistance against the neighbour, this may constitute a human rights violation. Ask yourself whether what you have observed is just inappropriate behaviour, or whether it actually constitutes a human rights violation. If in doubt, consult colleagues or your mission superiors.

### ***The mandate***

The mission's human rights mandate is the foundation of the work of the human rights officer, as it sets out the framework of his/her responsibilities. The human rights monitor has to know and understand his/her mandate well, and be ready to explain it to anybody at all times.

The mandate is usually given by the agreement between the international organisation setting up the mission and the state in question.<sup>5</sup> The mandate may be broad and general, though it may contain sections that are more specific. It may be the case that the human rights mandate is unclear and has to be interpreted by the mission, or at least formulated in more explicit terms. Often the mandate is overwhelming compared to the time and resources available.

Besides knowing your own organisation's mandate, as a human rights officer you should also be familiar with the mandates of other international organisations present in the country. Some of these organisations will have a human rights mandate, others will not. With this knowledge you will be able to refer cases more effectively, and, not least, be better prepared to cooperate with your international colleagues (see the section on international cooperation below as well as Chapter 3).

If an international criminal tribunal is established with a mandate covering the country or region where the human rights mission is working, human rights officers must be particularly cautious in their associations with individuals who may be of interest to the tribunal (more will be said about this later). The mission should have a policy on how to deal with this specific situation.

### **The need to prioritise**

The mission should set priorities within the mandate determining which human rights monitors should focus on. In many cases the mandate will refer to human rights in a general way and the mission itself may decide to prioritise certain civil and political rights over social, economic and cultural rights.

The human rights officer must be well briefed on the mandate and also organise his/her work in line with priorities set by the mission. As a human rights officer you will meet a large number of individuals who are in desperate need of assistance. They may be seeking you out as their last resort. It may be tempting to try to help all who approach you. But if their problems are of a humanitarian nature (and there is no discrimination involved), and humanitarian issues do not come within the scope of the mission's mandate, you should avoid getting involved. Hopefully, there will be other organisations or institutions working in the area to which you can refer the people in question for help. If not, you will have to learn from the incident, and communicate any problems to your mission superiors, if need be.

With regard to raising issues within the mandate, the human rights officer has to be selective in this area as well. Particularly with regard to large numbers of cases that are not perceived as urgent, the human rights officer must be selective as to which individual cases to attend to more closely. The selection strategy should take into consideration the importance, also in regard to ‘visibility’, of the case and the possibility of obtaining a positive result. If a positive result is achieved in one case, this may pave the way for a good solution in other, similar cases. Keep track of the particular cases through the various procedures of the system (e.g. monitor how the government deals with the case, how trials are conducted etc.). On the basis of this work with individual cases, can you identify any general pattern of violations?

However harsh this way of working may seem, it is essential that the human rights officer understand the importance of keeping within the mandate. If you are unclear about your own areas of work and do not have a clear list of priorities, you may have to spend a very long time working on a vast number of cases without having any impact on the human rights situation.

In addition, it is essential that international personnel do not take over the work of the national structures (unless this is explicitly set out in the mission’s mandate). During all phases of human rights monitoring, the officers should keep in mind that those functions that are the responsibility of the local or national authorities are precisely that – not the responsibility of the international missions. The role of the human rights officer is to monitor and assist – to reinforce, not replace.

### ***Code of Conduct***

Below are some basic rules of monitoring which all monitors must respect.

#### *i. Do no harm*

First and foremost: Do no harm! In no way is the human rights officer to act in such a way as to cause (heightened) danger to people. This also applies where there is a potential conflict between the officer’s need for information and the informant’s security; the security of the source of information has priority. The human rights officer must keep in mind the principle of no harm at all times.

#### *ii. Know and respect your mandate*

The mandate is the foundation which structures the human rights work. Understand the mandate, and keep it constantly in mind.

#### *iii. Exercise good judgement and seek advice*

There will always be situations when you have to exercise your own good judgement and use your common sense – however many instructions you have been given, whatever rules have been worked out, or however trained you are. Consult with your colleagues and superiors when dealing with a difficult case.

#### *iv. Be credible*

Your – and thus the mission’s – credibility is an asset of utmost importance. Make sure that you keep your promises, and do not make promises you cannot keep. When you are perceived as credible and trustworthy, victims, witnesses and other informants will come to you with their information and for cooperation.

*v. Be impartial*

The mission is impartial, and its human rights officers should behave in an impartial manner. When gathering information, make sure that your approach is objective, open to all sides of the matter under investigation.

*vi. Be visible*

Your presence in the region should be visible, both to the authorities and to the population. Often, presence has a deterring effect on the perpetrators of human rights violations.

*vii. Show sensitivity*

Remember that you are in a situation in which many people will have suffered traumas.

In the following I will elaborate on the main monitoring tasks starting with the gathering of information. I then consider the task of verifying the information gathered before looking at how that information may be used. Lastly, I will discuss key monitoring issues which the field worker must be aware of: security of information, cooperation between international organisations and within your own organisation, and your own well-being as a human rights officer.

## 2. Gathering information

### ***Introduction***

In monitoring, information is essential. Gathering complete, accurate, and unbiased information is paramount. Having a good network and also using other sources of information is thus important. Furthermore, the credibility of the information has to be assessed before it is acted upon. For the human rights officer the purpose of gathering information is to acquire and then maintain an updated overview of the general human rights situation in his/her area of responsibility, and/or to collect information about a specific case of alleged human rights violations that he/she is working on. This information will then form the basis of the officer's, and the mission's, further work. Gathering general information on the human rights situation is the primary focus of this section. Of course, while gathering general information, the human rights officer may identify possible cases of human rights violations. The section on interviewing below focuses on the main information gathering tool for human rights officers, particularly in specific cases of alleged human rights violations. However, the techniques and recommendations presented can be applied generally in the work of the monitor.

The whole geographic area of responsibility, as well as the whole range of human rights within the mission's mandate, has to be covered by the human rights officer in the process of information gathering in order to minimise the risk of coincidence in monitoring.

### ***Active information gathering***

A passive approach to information gathering is likely to result in the information collected being coincidental and thus inadequate. Sitting in the office waiting for people to bring their complaints to the attention of the human rights officer, being caught in the office by the workload, and/or otherwise having to rely on information people happen to pass on

to the human rights officer, will probably result in an incomplete and incorrect picture of the human rights situation in the area of responsibility.

### ***Establishing and maintaining a good network***

A good network is essential for active information gathering. Establishing and maintaining a network is therefore of paramount importance.

### **Getting to know your area of responsibility**

If you are deployed by yourself<sup>6</sup> in an area which has not had a human rights officer previously, where there has not been an overlap between the outgoing and incoming human rights officers, or where the quality of the monitoring has been mediocre, you will have to start from scratch getting to know your area of responsibility. Of course, when joining the mission, the human rights officer should be given access to the information already collected by the mission and be thoroughly briefed prior to deployment.

On arrival in the area of responsibility, the human rights officer should first be briefed as extensively as possible by colleagues in his/her own organisation about the political and human rights situation in the area, and then by colleagues in other (if any) international organisations working in the region. In this way, the new human rights officer will gain a basic understanding of the situation in the area before making contact with people in possession of knowledge and resources in the local community. If not, you take your turn in exhausting local resource persons who continuously have to brief international personnel who arrive knowing little and who leave the mission at the point when they have finally grasped the situation in the area.

Accept the need to spend some time learning about the area during your introductory weeks. Proceed systematically, district by district if relevant. The human rights officer should meet

- representatives of the other international organisations working in the area such as UN-HCR, UNHCHR, OSCE or other relevant regional organisations; ICRC; international police; international military forces; and organisations with a humanitarian mandate engaged in the distribution of food, home and school rebuilding or demining, such as Oxfam, Caritas, Norwegian Refugee Council and Médecins Sans Frontières (see Chapter 3);
- municipal leaders such as the mayor, the president of the municipal court, the chief of police, the heads of other municipal departments as relevant;
- leaders of political parties, in opposition as well as in power;
- representatives of the media (though you must not allow yourself to be interviewed). Journalists are usually knowledgeable about the situation in their area. Also, journalists may be targeted by the authorities, or, on the contrary, may be playing along with the authorities in attacking individuals or vulnerable groups;
- human rights defenders including human rights groups, legal aid organisations, lawyers taking on human rights cases, women's groups, groups representing refugees and internally displaced persons (IDPs), other NGOs if relevant;

- vulnerable groups including representatives of ethnic minorities, religious groups, refugees, IDPs, returnees and others, as deemed necessary in the area;
- other individuals, groups or institutions as and when required.

This list includes the local authorities responsible for respecting and protecting human rights as well as individuals and representatives of groups whose rights are at risk of being – or in fact are being – violated.

The first common denominator uniting the groups listed is their knowledge of and insight into their society, or parts of it. A second is that the focus is on human rights. The list includes organisations, institutions and individuals who are either (presumably) neutral, parts of officialdom, or victims, and they should be dealt with in a manner appropriate to their role. Before meeting with the authorities, it would be wise to make the acquaintance of some of the others listed here, in order to expand your knowledge of the situation and thus be better prepared. On the other hand, you should not wait too long before meeting with the mayor; after all, the first visit is a courtesy visit – and the mayor will know that you have arrived. Again, whether this is a suitable way to proceed will depend on the situation and the structure of your organisation, in particular whether the local office has other human rights officers.

Now, having completed the introductory weeks, the human rights officer should have been introduced to all the most important persons in your network and have acquired a relatively good knowledge about the situation in the area of responsibility, and also have an overview which will help you to set your priorities within the mandate.

### **Your network**

The network you establish should include:

- representatives of the relevant international organisations
- the relevant national persons from the list above
- if you decide to focus on one geographical area or a particular issue, you may decide to establish further contacts within this area.

It is worth emphasising that human rights officers should also include in their network individuals/representatives of the authorities and those in power, not only people who politically or otherwise are in opposition or represent a minority. If this is not done, the risk is that the network will be biased and lack important sources of information. Of course, officers should take care not to compromise their standing and credibility as objective observers by becoming too friendly with representatives of the regime (see code of conduct above).

### **Maintaining your network**

Keep in regular contact with the people in your network. Regular meetings are vital for you to get to know your sources and for them to build a trusting relationship with you. It is obviously important to have established contacts before a crisis arises, because when that happens the level of confusion will almost certainly rise, time will be scarce, and trust will be at a minimum. Whether you meet with your contact persons once a month, once a week, or several times a week depends on the situation in general and the situation of



your contacts in particular, not to mention your priorities and the amount of information that is to be exchanged. You should probably meet at least every six weeks; longer intervals would not be considered regular and your contacts will probably forget and/or lose faith in you. Make sure that the contact persons know how to get hold of you (phone, address, fax, e-mail, etc.)

### **Where to meet**

Consider where it is best to meet; in your office, in the contact person's office if he/she has one, in his/her private home or in a public meeting place like a coffee bar. The main rule is that the contact must be allowed to decide where you are to meet. It is often preferable to meet at the contact's office or home, since it is best to hold meetings where you both feel most comfortable, and the human rights officer will get a fuller picture of the situation. However, there are other aspects to consider, too. Most importantly, both your own security and that of your contact person have to be considered carefully when deciding where to meet. Furthermore, there are financial considerations. Your contact may not be able to afford the price of transport or refreshments, for instance. And, finally, do you have the adequate means of transport to get you where you need to go?

### **How to meet**

Whether you meet your contact persons on an individual basis or meetings are set up as a forum depends on the needs. Regular meetings with a number of individuals/representatives participating should be established if there is a need for such fora. If such meetings are set up, you should make sure that you also talk to your contacts in private, to ensure that they will get in touch if there is anything they want to discuss with you confidentially. Regular meetings with the international organisations in the region should be established (see section on international coordination).

The human rights officer's area of responsibility will probably be very large, and the officer and colleagues in the office will have to use their scarce resources (time and probably transport) efficiently. If necessary, group your meetings with people in a specific area together so that when you drive there for one particular meeting, you will be able to include other pre-arranged (if possible) meetings with other contacts in your network. This applies particularly when there are long driving distances.

### ***Other sources of information***

Apart from a network of contacts, there are other sources of information a human rights officer should be aware of and use appropriately.

### **Walk-in cases**

Individuals will approach the office and the monitors seeking refuge or assistance. In addition to learning about the cases they lay before you, the human rights officer may pick up further information about incidents, new practices being applied by the authorities, and 'trends' in the population. How walk-in cases are dealt with will differ, of course (see sections on mandates and the need to prioritise above).<sup>7</sup>

### **Local media**

Local radio stations and newspapers should be monitored to enable the human rights officer to identify developments in the local community that you should be aware of. The

resources available in the mission for monitoring the local media may seem inadequate, but the national staff employed by the mission is invaluable for this. Establish a routine whereby one of the (interested and available) staff members reads the newspapers daily and listens to the news and other informative programmes on the radio, and then gives you a summary. The staff member should of course be familiar with the mandate of the mission, and be briefed on what in particular you are looking for. If something catches your interest, a full translation of the article can be made or a broader summary of what was said on the radio can be given.<sup>8</sup>

### **Systematic visits to specific locations**

The human rights officer should regularly and systematically visit places and areas where human rights violations often take place. Which places will be of relevance will depend on the mandate and the particular situation in the country and the area of responsibility. Relevant locations may be

- prisons and detention centres (see also Chapter 7; note ICRC’s particular mandate);
- hospitals, and, if required by the situation, morgues and places where bodies could be dumped;
- refugee camps and areas where internally displaced persons and returnees live (note UNHCR’s particular mandate);
- other areas where particularly vulnerable groups such as ethnic minorities live.

### **Particular events**

During the course of his/her work a human rights monitor may need to observe events such as trials, demonstrations and elections. See Chapters 8 and 9 on trial monitoring and election observation respectively.

### **General public**

The human rights officer should also maintain contact with ordinary people such as the landlord (if you rent private accommodation), staff employed at the office, shopkeepers, neighbours, and friends you make locally. Through them you will learn more of the opinions of ordinary people on a variety of matters, and will be able to pick up information and gossip that flows through your area as well.

Whether to announce the presence of an international human rights officer in the area on the local radio station or in the newspaper is a matter for the mission to decide. Such an announcement is likely to result in an overwhelming number of walk-in cases which is not necessarily optimal for the mission, as discussed above in connection with the need to make priorities. At the same time, it is usually desirable that the mission’s presence in the area should be visible.

### ***Monitoring in the presence of an international criminal tribunal***

Human rights officers do not conduct criminal investigations. Such investigations are conducted so that a case can be taken to court and the indicted individual tried. This work involves the use of techniques which require professional training. Normally, criminal investigations are conducted by the national police, and cases are tried before national courts. The permanent International Criminal Court (ICC) has been established with jurisdiction to prosecute individuals responsible for the most serious crimes of international concern: genocide, crimes against humanity and war crimes. The ICC is complementary to national courts, which means

that the court will only act when countries themselves are unable or unwilling to investigate or prosecute. In addition, there are the time-limited and situation-specific international criminal tribunals such as the one for Rwanda (ICTR) and the former Yugoslavia (ICTY).<sup>9</sup>

In situations where an international criminal tribunal or court has jurisdiction, human rights officers have to be particularly careful not to contaminate evidence that potential witnesses may give. One must avoid interviewing victims/witnesses in such a way that their value is reduced to the court or tribunal. Victims/witnesses that might have been of interest to an international tribunal may be tired out if interviewed several times by various well-meaning internationals and unduly influenced when recounting their statements, thus reducing their reliability in court.

The impact if an international criminal tribunal or court is present on the work of the human rights officers has to be thoroughly discussed by the mission. The human rights mission should have a clear policy on how to work in this specific situation, including how to relate to the tribunal's investigators. (See Chapter 10 for more on how human rights officers can be of assistance to internationalised criminal courts and tribunals.)

### ***Conducting interviews***

The interview is one of the main tools available to human rights officers. An interview is a meeting between a human rights officer and another person or persons whereby information is gathered. Interviews come in many forms and shapes, from an improvised discussion somewhere in the field to well prepared meetings. The term 'interviewee' will be used in this section to refer to the person being interviewed by the human rights officer. The interviewee can be an (alleged) victim, witness, or another source of information.

The interview may be very emotional for the interviewee. Establishing trust and confidence is essential. Think through how you behave in an interview, and practice to improve your abilities as a good listener.

### **Preparing for the interview**

Points to remember when preparing for the interview:

- the interviewee decides the time and place of the interview, provided this does not compromise the human rights officer's independence or security;
- the interview should be conducted as soon as possible after the incident at issue, as, normally, memories fade and details are forgotten as time passes;
- the human rights officer should prepare for the interview by rereading/familiarising him/herself with the previously reported facts of the case. He/she should prepare by going through topics that need to be covered during the interview, possibly also noting down questions in need of answering;
- as few people as possible should be present during the interview, i.e. the interviewee, the human rights officer and the interpreter;
- interview only one individual at a time. An interviewee's expressed wish to have others (husband/wife, relative) present should not be accepted immediately. Try to talk with

the interviewee alone, and clarify whether he/she really wishes to have others present at the interview. If too many people are present, you run the risk that the victim/witness may exaggerate, elude uncomfortable issues, be reluctant to talk in front of a panel of interviewers, or several people may speak at the same time. And, importantly, since interviewees influence each others' stories, information gathered from several interviewees at one and the same time cannot be used to corroborate the information gathered in the interview;

- make sure that no interruptions occur during the interview. If you are in your office, disconnect the telephone and put a 'Do not disturb' sign on the door. The office should be a separate one with doors which can be closed so that no one can listen to what is said during the interview, in order to maintain confidentiality;
- have coffee, tea or water at hand to serve, if possible;
- do not make appointments too soon after an interview as the duration and development of an interview are not predictable, and it would be very unfortunate to have to break off an interview so as not to miss another appointment;
- use of interpreter (see section below);
- the sources' security (see section below).

### **A good listener**

A good listener manages to establish an environment of trust in which the interviewee feels he/she can talk, and where there is a sense of impartiality. To improve your technique, observe the following:<sup>10</sup>

- maintain eye contact (but be aware of cultural differences in this respect);
- maintain equal terms, e.g. do not stand over the interviewee, do sit on chairs of equal height, etc.;
- focus on the speaker;
- avoid judgemental or evaluative remarks;
- do not interrupt, and do not be impatient but take the time required;
- be sensitive to cultural differences (relevant for eye contact, physical differences, gender roles, etc.).

### **The interview**

When opening the interview you should:

- present yourself, the interpreter (first name only), your organisation. If you have one give your business card to the interviewee. The card will help the interviewee remember whom (organisation, title, name) he/she has spoken to and also how he/she can make new contact;
- present the mandate of the mission, the purpose of the interview, and how the information will be used. State clearly what you can and cannot do in this particular case;
- do not make promises which you cannot keep. Be careful not to raise any false expectations;

- assure the victim/witness that the interview is conducted in full confidentiality. Information acquired will not be brought to the attention of the authorities without the express permission of the interviewee. The information given in the interview will be treated confidentially (see section on security below). Ensure that the victim/witness understands the implications of giving the information;
- note the difference between anonymity and confidentiality. If the interviewee desires anonymity, the information may carry less credibility. Anonymous information may be important information, but has to be checked carefully as it may be incorrect, a trap, or be given with a hidden agenda;
- underline that the interviewee's participation in the interview is fully voluntary;
- take notes during the interview;
- recording equipment like tape recorders, video cameras and cameras represent great security risks if the wrong people get hold of the material, and should, if used at all, be treated with utmost care. Also, such equipment may distract the interviewee. In specific cases of alleged torture, the victim, being aware of the risks, may nevertheless ask for a photo to be taken. If a photo is taken, consider carefully whether to include the victim's face on the photo. This depends on what needs to be shown on the photo, and on the security situation. Mark the photo with the case code, and keep it in a secure place (see section on security below).

You should listen to the interviewee tell his/her story:

- it is usually practical to let the interviewee start by telling the story chronologically. Let the interviewee talk. Be patient and allow the victim/witness time to develop confidence in you;
- allow the victim/witness to tell you what he/she considers important;
- ask the victim/witness to clarify or explain if there is anything you do not understand. Ask in a patient and understanding manner;
- do not give any hint that you do not believe what you are hearing. Be aware of your body language and facial expressions.

Consider the way you ask questions:

- ask who, what, when, where, how, and why.  
Avoid questions which can be answered by a simple yes or no;
- ask open-ended questions: 'tell me what happened...';  
use door-opening questions: 'tell me more about...';  
avoid door-closing statements: 'you are wrong...'; 'that was stupid...';
- avoid leading questions such as: 'do you expect the police will beat you?'  
Ask rather: 'are you expecting problems?' and 'what kind of problems?';
- ask in a concise language, and use sentences that are easy to understand and translate.

Ensure clarity and possibilities for cross-checking information:

- get the interviewee to give details. Details are easier to cross-check;
- ask the same question from different angles if there are important details you want to cross-check. Are the answers compatible? Ask the interviewee about any contradictions in the story;
- during the course of the interview, assess (as far as possible) the interviewee's ability to observe facts;
- if you need to clarify whether the interviewee actually witnessed an event or whether he/she has been told about it by someone else or read about it in the newspapers, ask 'how did you get to know about this?', not 'did you see it?';
- ask the interviewee to be specific and give examples, rather than speaking in general terms like 'the authorities discriminate against the political opposition' etc.;
- clarify dates, times, places, identities, numbers, ranks of alleged perpetrators, physical descriptions, positions, colours, etc. Bring a map to pinpoint implicated places;
- ask the interviewee to spell names out for you (so that you get the spelling right);
- if the victim/witness is describing the scene of an alleged crime, ask him/her to make a sketch of it for you. Later, you can compare the sketch with sketches drawn by other victims/witnesses. If they are very different, one or some of them may not be telling the truth or may not have witnessed the alleged crime him/herself, but only repeated what they have heard, thus reducing the interviewee's credibility and the veracity of the information. The human rights monitor can also visit the location of the alleged crime if it is accessible. If the location is very different from what was described by the interviewee (take into consideration that things may have changed since the alleged crime took place), the interviewee may not have been a witness or may have a poor ability to observe facts, thus reducing his/her credibility;
- remember, for the purposes of monitoring, that only state representatives can commit human rights violations. Is the reported incident a possible human rights violation or simply a criminal act committed by a private person? What links the violation to the authorities? Which human rights may have been violated?;
- if the interviewee talks in great detail about irrelevant issues, try to nudge him/her back on track;
- never refer directly to information you have received from another interviewee in a separate interview, as this may endanger the previous witness, as well as reduce the confidence of the interviewee that *this* interview will be kept confidential;
- do not push the victim/witness. If you reach an issue that is too emotional to talk about, leave it and return to it later. Take a break if the witness, interpreter, or monitor needs it;

- ask the victim/witness if there are other witnesses or sources of information and if so, how you can get in contact with them. Again, do not attempt to contact these people in ways that may endanger their security. Ask the interviewee for advice on this point;
- if you identify during the interview other people you want to talk to in order to gather further information to corroborate or invalidate the case, ask if the interviewee accepts that you do this. If the interviewee refuses, consider the reasons given;
- ask for the documents relevant to the case, and make copies of them. The type of documents required will depend on the case, but it may be a document proving ownership of a property, a passport or other photo identification, decisions of a court, etc.;
- which question did you forget to ask? Often, there will be one important piece of information that you do not have: the interviewee does not think it is relevant or omits the information on purpose, without you noticing. Make sure you know how to contact the interviewee again;
- ask the interviewee for the personal data that you need. The interviewee may feel more comfortable giving this information to you at the end rather than at the beginning of the interview;
- if relevant, ask if the interviewee consents to your bringing the case to the attention of the authorities. Make sure the interviewee understands the implications of such action.

When ending the interview:

- let the interviewee ask additional questions if he/she has any. Is there anything else which he/she has forgotten to tell, and which he/she would like to add?;
- again, assure the interviewee of confidentiality;
- does the interviewee feel that his/her security is threatened? Your mission cannot guarantee security. Make sure the interviewee knows how to contact the mission;
- agree on follow-up procedures, from your side and/or from the interviewee's side;
- agree on how you may contact the interviewee and how the interviewee may contact you.

### **After the interview**

You should remember the following:

- as soon as possible after the interview, while the interpreter is still present and may be consulted if needed, read through what you have noted during the interview. Fill in, and clarify what you have written;
- if there are standardised forms to fill in, do so now. If an electronic information management system such as a database is in place, follow this format;
- the notes' level of detail should be such that they answer the main questions of who? what? when? where? how? why?;
- assess the credibility of the interviewee and the information given (see below);

- identify which human rights may have been violated. Classify such violation(s) according to the classification system of the mission;
- register and file the case according to the procedures in use in the mission;
- does the case need any follow-up action? If so, take such action.

**Particularly sensitive cases**

Some cases are more sensitive, involving victims/witnesses of torture, rape or other grave violations, or involving children. Particularly sensitive cases will require even greater sensitivity on the part of the interviewer. Who is to perform the interview may also require careful consideration. Keep in mind that in some cases, particularly of rape, a victim may pretend to be a witness.

***Working with interpreters***

The following has been written particularly for conducting interviews through an interpreter, but also applies more generally to working with interpreters.

Make sure that you have the right interpreter for the task:

- assess whether the interpreter is sufficiently impartial and professional in relation to the issues to be discussed;
- if the interpreter is a person who has the ability to create a relationship of trust between him/herself and the victim/witness, this is of great help, particularly in difficult cases. Maturity, sensitivity, experience and respect for the interviewees are personal characteristics to look for; the interpreter should not be too young;
- consider whether there are grounds for using either a male or a female interpreter;
- consider whether the interpreter is of the “right” ethnicity, also whether their name is ethnically “right”;
- perform a security assessment of the interpreter, i.a. to determine whether the interpreter is sufficiently independent of the main (political, administrative, military etc.) power structures and other key players in the region/country;
- if you do not know the interpreter, ask others who have experience working with him/her.<sup>11</sup>

Make sure that you inform the interpreter about the task:

- the purpose of the interview/meeting, what the issues are, and expected duration of the interview/meeting;
- give the interpreter relevant background information, e.g. whether the victim/witness is traumatised and if there are sensitive issues which will require particular discretion;



- however: follow the need-to-know principle; do not tell the interpreter more than he/she needs to know in order to do the job;
- inform the interpreter of your methodology, including the fact that some of the questions you may ask may seem irrelevant or obvious;
- be aware of specific terminology (military, judicial, medical etc.) which may be used, and which the interpreter may need to prepare for.

You are the one conducting the interview, not the interpreter:

- always direct your questions to the victim/witness in you-form, not in third-person form;
- look at the interviewee when asking questions, not at the interpreter;
- stop emerging conversations between the interpreter and the interviewee, request interpretation of all that is being said;
- request interpretation word by word, not paraphrased. The interpretation should be in the first person, i.e. ‘I said’, not ‘the witness said’;
- use concise language and sentences that are easy to understand and translate;
- request interpretation in short sequences. Stop the interviewee talking if necessary;
- request that the interpreter refrain from asking questions on his/her own accord. Follow-up questions should generally be asked by you, the human rights officer;
- ensure that you are the one conducting the interview, also when the interpreter has worked with you or the organisation for a while, knows the issues and feels competent to do the job;
- make sure that the interpreter also takes notes during the interview, so that you can double-check names, dates and other specific information. Ensure that these notes are taken well care of afterwards (see also the sections on security and reporting below).

Take care of the interpreter:

- take breaks: interpreting is hard work;
- the interpreter or his/her family may have suffered violations similar to those being recounted by the victim/witness. Taking part in the interview may therefore be painful also for him/her.

Consider the security of the interpreter:

- do not inform others of the interpreter’s identity. When introducing yourselves at the beginning of the interview, the interpreter should only offer his/her first name;

- beware if anyone present at a meeting approaches the interpreter with questions about his/her place of origin, family, and other seemingly innocent questions. Without causing a fuss, come to the rescue of the interpreter if you feel that he/she is being forced into a corner by uncalled-for questions;
- the interpreter is in a position where he/she has access to a considerable amount of information. For this reason, he/she may be the target of pressure from the authorities or others wanting information. Be aware of this risk, and consider ways to reduce it.

Hopefully, you and your interpreter will establish a good working relationship. A good interpreter is a priceless asset for a human rights officer, and a great resource to the mission (see the section on your own organisation below).

It is often presented as a disadvantage if the human rights officer is unable to speak the local language and needs to use an interpreter. Certainly, it is a disadvantage not being able to talk with people in general or to understand from what is being said what is going on. However, when taking part in meetings it can be an advantage to use an interpreter, particularly when the meetings are complicated, because the delay created by the translating back and forth gives extra time to prepare what to say next or how to respond.

### 3. Verifying the information

The accuracy of the reported human rights violation must be verified before any action is taken. If lives are at risk and you know from experience that the information is likely to be true, an exception may be made from the general rule. However, the importance of assessing the credibility of the information before acting on it – by reporting the information as if it were a foregone fact, for instance, or suggesting follow-up action or intervening with the authorities – does need to be underlined. Nothing should be taken at face value!

Interviews, documents, possibly physical injuries, physical materials and the conducting of on-site visits, together with your own experience and common sense are your main tools when assessing the credibility of information.

#### ***Three principles when assessing credibility of information***

Three principles constitute the foundation of information assessment:

##### *i. Reliability of the source*

The reliability of the source has to be assessed. Does the source seem generally reliable? To which category does the source belong? Is he/she a victim, a witness who has observed an incident, or is he/she merely passing on hearsay and gossip? Is the information you have been given first, second, or third hand? And what are the motives prompting the source to talk to a human rights officer?

In an interview, look for consistency and coherence. A clear and detailed statement usually adds credibility. However, be sensitive to the fact that the victim/witness may be feeling quite distressed by the situation. Put questions from another angle if you are finding

a lack of consistency. Ask direct questions. How does the interviewee react to control questions? What are the indications of the interviewee's ability to observe facts? Is the interviewee able to document the information (physical bruises, documents)? Does the witness seem credible? What is the interviewee's motivation to talk to you? Does he/she have any hidden agenda? If the interviewee is not the primary complainant but someone you are talking to in order to cross-check the information first obtained or to elicit supplementary information, you should assess the reliability of this secondary source, too. For instance, does the person have a vested interest in a certain outcome?

*ii. Consistency with information collected from independent sources*

Are there other, independent sources of information which corroborate the information you have been given on the alleged human rights violations? Are the sources *really* unrelated to each other? If sources unrelated to each other give concurring information, this is supportive.

The human rights officer should be aware that sources he/she believes are independent, actually may only be referring to each other, thus, while you may be inclined to believe that the present informant is confirming obtained information, he/she may just be relating the same story that you obtained from the original source because that happens to be the source of his/her information, too. In addition, be aware that often, individuals go to several international organisations with their problems. Thus, what these organisations may add up and erroneously interpret as a large number of cases may in reality be a much smaller number of cases.

*iii. Fitting into the context*

Does the information fit into a pattern of what you already know about the area and situation? Does the information seem probable in light of present knowledge?

***Naivety and over-enthusiasm***

Do not be naive. Certainly, there are individuals, groups and organisations that may wish to manipulate you and use you as their puppet in order to obtain their goals. One outcome of this may be a reduction in the credibility of the mission. But over-enthusiastic officers, who react sooner than they should, may also cause unwelcome results.

## **4. Using the information**

The verified information that has been gathered will be used for two main purposes: to produce reports of various types and, in certain situations, to intervene with the relevant authorities. The information will also form part of the basis on which a human rights operation will seek to reinforce local capacity to protect human rights. We will only touch briefly on the latter point.

***Reporting***

Reporting is an important part of a human rights officer's work and of a mission's, too. Reporting is one of the primary ways to communicate information on a situation and recommendations on how to act on it. Putting the information on paper rather than communicating it orally is a good way to increase precision and to avoid rumour-mongering

and misunderstandings. Also, because missions are large systems, information on paper will have a longer life. How the reporting is carried out depends among other things on the mandate and the needs of the mission.

One tends to differentiate between external and internal reports. *External reports* for use outside the mission are prepared by the staff at the mission's head office. Such reports are generally based on the internal reports produced by the mission's field personnel. External reports represent an important way of conveying information from the mission to organisation headquarters (UN, OSCE etc.) or bringing it to the attention of the general public to enable further action, possibly political action, to address the human rights problem. A basic requirement of human rights reporting is that it is perceived to be both credible and of high quality, given the function reports may have in focusing the attention of the international community on the human rights situation in the area. External reports will not be discussed any further here, since this manual is written for human rights officers working primarily in the field.

*Internal reports* are intended for use within the mission. Human rights officers and other field personnel write such reports. The aim of reporting is to present a precise and clear picture of the situation in the area of responsibility. For reasons of confidentiality, internal reports should be kept within the mission, and not distributed irregularly. Nor should reports be distributed to other sections of the mission than those they are intended for, because the different sections of a mission have different aims, as well as different levels of expertise.

Human rights officers and other field personnel may feel a conflict between spending time on what is considered 'real human rights work', meaning fieldwork, and reporting. Reporting is sometimes seen as time-wasting bureaucratic paperwork, in stark contrast to working directly with people in deep trouble for whom the human rights officers feel a sense of responsibility. But it is important that human rights officers understand the importance of their reporting for the functioning of the mission as a whole. For the mission to gain a complete picture from which to assess the human rights situation in the country and develop strategies to address it, reports are crucial. At the same time, the mission's leadership and head office personnel need to understand the situation of their personnel in the field. The reporting structures established should thus not be too rigid.

### **Types of reports**

Although the types of reports used in particular missions vary, as a rule you will find three main types of reports: periodic reports, special reports and emergency reports.

*Periodic reports:* The standard reporting period may be daily, weekly, fortnightly, or monthly, depending on the mandate of the mission and its needs and reflecting i.a. the particular situation in the area. Periodic reports focus on developments in the human rights situation in the area of responsibility of the human rights officer/field office, and will contain accounts of incidents and cases, as well as trends (see below). The report is written by the human rights officer, or, when the office has several human rights officers, by the team. Usually, the mission has a set format which sets out how the periodic report should be written. The standard structure should be worked out according to the mission's mandate, programmes and priorities and the situation in the area.

*Special reports and emergency reports:* Special reports are written by human rights officers on a particular group of cases, a particular type of human rights violations, or a particular group of people requiring special attention. A human rights officer may write a special report at the request of other parties, or on his/her own initiative if there is an issue considered in need of closer attention.

Emergency reports are written by field personnel when urgent situations arise, when the human rights officer wants to inform his/her superiors in the mission of ongoing events for which rapid responses are required.

Since the subject matter of these types of reports varies so much, there are usually no set formats for them. However, the general advice for writing reports outlined below is also relevant to special and emergency report writing.

The human rights officer should know to whom in the mission to address the various kinds of reports: his/her supervisor, the officer in charge of the particular thematic area, the human rights analyst, and/or others. The right addressee will vary with the different types of report.

### **Writing reports**

When writing reports,

- state the source of information, and give an assessment of the source's reliability. Specify the validity of the information presented in the report. If it has been impossible to verify a piece of information, or the credibility of the source is unconfirmed, indicate it. In some situations, it may be important to report a rumour you have been made aware of, but state clearly that it is a rumour. Use words like 'alleged' and 'reported' about human rights violations until such time as they have been verified;
- when confidential information is included in the report, code the information if necessary. Leave out the names of implicated people when presenting the case. Disguise the case by omitting details. Determine the level of detail that will ensure the anonymity of the people and incident in question. Make certain that the report is stored and transported in a secure manner (see also the section on security below);
- be clear, focused and concise. Use objective and concrete language when presenting the information. Be balanced and impartial when describing a situation. Let the sources speak for themselves; use direct quotes if possible. If you add comments, mark them clearly so that it is easy to distinguish between the account of the situation and your comments;
- identify the human rights that have been violated in the cases and incidents reported;
- include an analysis of the situation, and identify trends if pertinent. Make recommendations for further action (see below). The report should generally contain a conclusion. Special reports must contain a conclusion;
- remember to also include positive developments, if there are any, in the report;

- write the report promptly. If you delay writing the report, your memory of what has happened will probably have faded, and the particulars of one case may become mixed up with other cases.

Some practical hints for writing periodic reports:

- start by giving a general picture of the situation. A few sentences or bullet points giving the main ‘headlines’ or issues of the particular reporting period will give the reader, including the human rights officer at a later stage, a quick overview of what is in the report;
- the human rights officer can use the report to put questions to head office or request a follow-up by head office. This is generally done when the questions posed do not require urgent answers, when no regular meetings provide a suitable opportunity or no other procedures are in place through which such questions or requests for follow-up can be made. In the report such questions should be clearly marked, so that they are easy to spot;
- the end of the report should contain a brief outline of the activities scheduled for the following period;
- the report should not be too long. Again, the natural length of the report will depend on the situation, the organisational set-up, and the reporting period;
- develop a standardised format or template for your reporting and save this format on your computer. This will save you time, and will also help maintain a certain level of standardisation of the reports. Remember to update the dates;
- your periodic reports will function like an archive of your activities. If you store them in a systematic manner, your reports will be able to function as a practical reference tool when you need to check dates, issues addressed at meetings, and other activities, for instance. Keep your reports in a safe way and a safe place.

### **Analysis and identifying trends**

Human rights officers should also include some *analysis* in their reports. They are the ones who know the local situation best, and should strive to convey their knowledge to their colleagues in mission head office who are to carry out the legal analyses as well as mission reporting. The officer’s own reflections on the particular incidents, his/her account of the context and attempts to answer the difficult question of *why* are very valuable. Remember to include the pieces of information which, because they are so well known in the local community, you may forget are probably unknown in head office. Keep in mind who your reader is.

Knowing the area intimately, the human rights officer should also include *recommendations for follow-up* actions. What should be done in the short and in the longer run? By whom? Do the human rights violations have political causes or can, for instance, a difficult situation with regards to resources explain much of what is happening or not happening?

*Identifying trends* is essential in order to be able to assess a development; is the situation worsening or is it actually improving? In order to answer this, the human rights officer

has to keep statistics. What is the number of reported cases, what kinds of cases, what kinds of human rights violations are reported during a particular reporting period? What is the number of closed cases, and why are these cases closed?

The information communicated by the human rights officers has to be *comparable across mission area and over time*. The way the reports are written, their level of detail and consistency of language must be such that the information provided is comparable, enabling the officers in the mission head office to draw the right conclusions. Comparability and consistency can be achieved by standardising reporting formats, training human rights officers on mission standards and methodologies, and by continual feed-back from head office to the field.

### ***Intervening***

Human rights monitoring missions will use the gathered information to address human rights problems. On the basis of collected and verified information, interventions are made with the authorities, when required. Intervention means meeting with the authorities to address either specific, individual cases or the general human rights situation. Following up is essential to improve the human rights situation in the area. But following up on gathered information also demonstrates the mission's dedication, both for the sources which provided the information as well as for the local authorities. The distinction between intervention and information gathering will become clearer when we note that intervention consists of action on the basis of already collected and verified information (additional information may of course emerge during the intervention). Furthermore, one intervenes with the authorities to make them commit to concrete improvements, either in the general situation or in a specific case. In addition, the human rights officer can play a more active role than in the information gathering process.

A human rights officer intervenes with authorities at the municipal level, possibly also at the regional level, in his/her area of responsibility. Such authorities can be the mayor, president of court, chief of police, or leaders of other relevant administrative organs. Interventions at the national level are usually made by head office. In an intervention at local or regional level, the officer's superior or personnel from other departments of the mission may participate, if this is considered an advantage. You should also consider whether the intervention would be more effective if undertaken together with another international organisation, based on considerations of mandate, capacity and also pure tactics. Intervention on an issue can take the form of a single meeting only or a series of meetings if so is required to pursue the follow-up process and/or to maintain pressure.

### **Preparing for an intervention**

All interventions require careful preparation so as not to jeopardise the credibility of the human rights officer and the mission:

- what is the exact objective of the meeting? What sort of outcome are you looking for? What information do you want to obtain?;
- consider carefully whether now is the best moment to intervene: is the situation tense? Could an intervention with the authorities cause a deterioration in the human rights situation? Could intervention now harm anyone or endanger anyone's life?

- identify the appropriate authority. In principle, start low down in the hierarchy, and address higher authorities if the initial contacts do not lead to improvements;
- plan carefully the agenda of the meeting and the issues you want to bring up. Consider the best order in which to bring up the issues/questions. Make sure that you are well acquainted with the mission's mandate!;
- ensure that your information on the case or situation is correct and complete. Ensure that you have assessed the validity of the information (see section above). Ensure that your analysis of the relevant human rights, laws and procedural rules is correct. Consult your colleagues if necessary;
- if you want to discuss concrete cases, make sure you have the express permission of the informant(s) to do so. If you intend to discuss a situation in general terms, are you sure that your informants cannot be identified?;
- inform your superiors in the mission that you are planning to have a meeting with the authorities, unless such meetings are a regular occurrence and a blanket permission is already in place. Inform other sections of the mission if necessary. Inform your superiors in the mission when you are planning to intervene in particularly sensitive cases or situations;
- prepare yourself for difficult questions and issues that may arise during the meeting: What sort of objections are the authorities likely to raise? How would you counter such objections?;
- consider whether there are any documents (national law texts, international human rights law texts, agreements between host country and mission setting the terms of reference for the mission, or any other document - in translation, if possible) that it would be advisable for you to bring to the meeting;
- consider whether it would be an advantage to have two international representatives at the meeting. When sensitive issues are to be tabled, having two international representatives is the preferred option. If possible, you should have a car with radio backup to mission head office standing outside. When two internationals are to take part, agree on the distribution of tasks beforehand to determine who should take the lead.

### **The meeting**

- if there is time and the situation permits, start with introductions and a little ordinary conversation to create a relaxed atmosphere. If you have not met the particular representative of the authorities earlier, you should give a brief introduction of the mandate of the mission;
- explain the reason for the visit;
- address the least sensitive and controversial questions first and proceed to the difficult ones later on unless time and situation constraints require that you go to the main topic immediately. Give credit for positive developments if there have been any;



- do not start by making demands. Ask for clarifications. Express, on behalf of the organisation, your concern about the situation. Indicate what you would like to see happen or request changes;
- stick to your agenda for the meeting. The representative of the authorities, in an attempt to detract attention, may try to divert the conversation to other issues;
- if the representative claims that he/she has no jurisdiction in the matter, ask to be informed who does and to be put in contact with that person;
- behave in a steadfast and decided manner; be professional, respectful and impartial;
- use the opportunities provided by the meeting to give information on human rights questions and to acknowledge any improvements of the human rights situation;
- at the end of the meeting, sum up the points agreed on and the next steps to be taken. Be specific and agree on dates, when relevant. Set dates for follow-up meetings, when required.

### ***Reinforcing local capacity to protect human rights***

The mandates of human rights missions often include a more proactive element aimed at enhancing local capacity to protect human rights. In some settings, such efforts are called ‘democratisation’ or ‘technical cooperation’, and a mission may organise the work in the same unit as human rights monitoring or separately. This type of work will not be further discussed here, but see Chapter 7 on monitoring the administration of justice.

## **5. Key awareness issues**

There are four important issues which the human rights officer must be aware of when conducting his/her work: the security of the informants and the collected information, the need for cooperation between international organisations, cooperation within your own organisation, and your own well-being.

### ***Security***

Information and the gathering of information may entail dangers that the human rights officer must be aware of. The work of a human rights officer may represent a danger for his/her contact persons and sources, and this must be fully understood. Human rights officers must act in such a way as to minimise as far as possible all risks.

This section focuses primarily on the security of the informants themselves, of people who are mentioned by the informants, of those who collect the information, and of those who manage (know/treat/keep) the information. It deals firstly with security of sources when giving information; secondly, with security in handling information; and finally, with the security of the human rights monitor.

Keep in mind that contact persons, witnesses, victims, other sources of information, and national staff such as interpreters and office personnel are not protected in the same manner as international personnel (that is, through international agreements and agreements

between the host country and the mission). What is more, they will not be leaving the country after a certain period of time, and are thus more likely targets of reprisals than international personnel. Reprisals could endanger their physical security, but also their security in a broader sense, such as their economic base, etc.

### **Security of sources**

Protecting your sources is an absolutely crucial aspect of human rights work! The security aspect must be attended to in all activities, and must never be allowed to stray from your priorities as a human rights officer. If a source finds him/herself in (greater) jeopardy because of your activities, this represents a complete breach of the basic principles of the work (see code of conduct above). Do not give a false sense of security. Make sure that the contact person understands the security implications of meeting/informing you. Do not pressure anyone. Simply talking to a foreigner may involve risks.

*Confidentiality* is the main way to ensure the security of sources or informants. Physical protection is occasionally mentioned, but in reality, it very rarely represents a practical or feasible alternative. Providing physical security demands extensive resources, resources which a mission seldom has. Confidentiality must be practised and ensured:

- from the first contact with the source;
- throughout all subsequent contacts with the source;
- in the way the information is stored and transported;
- in the way the information is used.

The main rule is that information shall be kept confidential unless you have the express permission of the source to pass it on to others. In particular, never submit a case to the authorities before you have discussed this with the source, and obtained his/her authorisation.

When *meeting contact persons*, the main rule is to let your contact decide if, when, where, and how to meet. He/she knows best which security precautions are necessary. The human rights officer should consider:

- the safest way to get in touch with the contact, particularly the first time. Can this be done directly? Are there ‘local’ people who can initiate the contact on behalf of the human rights officer, or are there others, for instance a colleague from another international organisation, whom you can trust to deliver a message?
- where is it best to meet? When? In some deserted place or in a crowded spot with people around so as to merge with the crowd?
- what is the best way to travel to an appointment? A big, white, international car in the countryside where there may be little traffic would be very visible, for example. Would a more discrete means of transport such as a local person’s vehicle, taking the bus, or walking be more appropriate?
- think through what would be most discrete: a human rights officer is usually easily spotted as a foreigner, either by his/her physical appearance or by the indications of wealth in his/her attire, i.e. clothes, shoes, watch, haircut. If a foreigner arrives at a village on foot, this could also attract a lot of attention;

- if a human rights officer is interested in contacting one particular person, interviewing a number of other people in the same area may help to cloud the issue.

Generally, a human rights officer should avoid causing unnecessary attention. But bear in mind that increased concern on the part of internationals may be desirable in certain circumstances, since this would indicate that they are aware of the situation and are carrying out precautionary visits. Such a show of concern may increase the security of the contact. Again, let your contact decide.

### **Security in handling information**

Security must be at the forefront at all times. Even though the sensitivity of information varies, proper precautionary procedures should always be in place.

When *gathering information in an interview* you should never mention other interviewees' names or statements. Ensure that the interpreter's notes are secured. Make certain that any tape/video/photo is secured (see the section on interviewing above). Take steps to ensure the interpreter's security (see the section on working with an interpreter). Do not discuss cases with other internationals in restaurants or other unsafe places.

In order to *store the information safely* you must

- keep the information - all notes, documents and reports - in a secured place;
- ensure that there is a lockable filing cabinet in the office. However, a locked or even guarded office is not a guarantee against a stranger entering the office after office hours;
- regularly destroy notes and documents that do not need to be kept. The office should have a paper shredder for document destruction, or alternatively, procedures should be established for burning papers;
- code the information if necessary. Instead of names, use a code to identify sources of information. Use letters or numbers. Beware of initials because they do not sufficiently protect the identity of the contact. Keep lists of names separately from the reports. Distort and disguise the information by reducing the amount of detail included;
- for electronic document security use memory sticks or other external storage devices rather than the computer's hard disk for storage. They are easier to hide, can easily be brought with you if you have to leave hastily, and if your laptop is lost or stolen, the consequences will be less drastic. Make sure that all files are protected by password. Use file encryption. Transfer documents regularly to a secure storage site (head office or outside the country), and ensure backup by sending information from field to storage site;
- in the case of laptop security, ensure that the laptop has a boot-up password (to stop others starting up the laptop), that it has data encryption, a secure wipe/delete tool, and preferably a removable hard disk (which is easier to carry in the event of a hurried evacuation). These issues are the responsibility of the mission, not of the individual human rights officer. They are included here, however, so that field personnel are aware of the security measures that need to be in place;

- if the information is highly sensitive, you should carry it on your person. The information should regularly be transferred to safe storage in another country. If the situation is such that overall, the information is of a highly sensitive nature, the mission should have special programmes in place to ensure information protection. Emergency procedures should be in place to ensure the rapid transport of information to a secure place if a situation deteriorates.

Communicating and transporting the information safely:

- remember that lines of communication – radio, telephone, fax, electronic mail, even mobile phones – are not secure. Observe the security instructions given by the mission;
- when carrying information, always consider the travelling route and means of transportation before making the interview/bringing the information. For instance, are there any checkpoints along the route which entail a risk of military/paramilitary/insurgent forces searching the vehicle?

A human rights officer is a stranger in the community, and there are many situations of which you have neither knowledge nor understanding. Do not allow your inexperience to put other people's lives in danger!

### **Security of human rights officers**

In the mission, security routines will be in place that have been worked out by the security officer(s); make yourself familiar with these procedures and observe them. Study the contingency plan in detail. Recall what was said at the security briefing you were given when arriving at the mission. Make sure you know how to use the radio and the car (including how to engage the 4WD, if the vehicle has one). Remember that for most missions, the greatest security risks are traffic and mines (see Chapter 11).

Monitoring demonstrations and other situations where many people are present requires that security precautions be given special consideration by the human rights officer. In particular, think through where and how to leave your vehicle so as to avoid being trapped by the crowd and allowing a rapid exit if necessary. This can be done by leaving the car away from the centre, parking it with the front out, and making sure you know of alternative routes out of the area. In addition, the human rights officer should be aware that in certain situations it may be necessary to call on another officer, from head office or another field office to investigate a particular incident if the situation should call for this.

### ***International cooperation and coordination***

International organisations present in a region should meet regularly to exchange information and, when appropriate, to coordinate responses and initiatives. If the so-called 'cluster approach' (see Chapter 3) is applied and relevant in your area of responsibility, you should participate. Cooperation is an advantage because different organisations have different strengths, and together they have a larger repertoire of resources to use in complex situations. Human rights missions are often relatively small, and may have much to gain by cooperating with larger organisations. Finally, working together and in coordination, the international organisations will be in a stronger position in confrontations with hard-line authorities.

**International coordination meetings**

International coordination meetings may differ in size, scope and regularity. Some coordinating meetings take place at the national level involving the presence of a large number of international NGOs, discussing e.g. humanitarian issues. Other coordination groups are smaller, consisting only of organisations with a human rights mandate and with a focus on a limited region, municipality, or issue.

If other international organisations in the area are working on human rights issues or share an interest in (parts of) the area of responsibility of a human rights officer, he/she should participate in, or set up, an international coordination group. You must determine whether the focus of the coordination group should be human rights or humanitarian issues. Which of these is preferable to the human rights officer, will depend on the human rights situation in the area and on the number of international organisations present. The human rights officer may find it more beneficial to participate in a group that has a more focused human rights involvement rather than one covering a broad range of issues. If a human rights coordination group is established and sensitive information is discussed, make sure that the other organisations understand the sensitivity of the issues – and that you can trust them. Make yourself familiar with the other organisations' mandates.

The coordination group should meet as often as necessary, depending on the human rights situation and the organisations' priorities and capacities. The geographical focus should not be too broad. If the focus is too wide, the group can easily be overstretched, never getting further than the superficial level, and be unable to work with the issues as intended. Where to meet is also something to consider. Choose somewhere practical for as many of the participants as possible. On the other hand, there may be reasons to meet elsewhere. For instance, if a situation in an area is particularly bad and a showing of white, international vehicles could help to give the impression that the international community is aware of and concerned about what is happening, you should consider arranging to meet there, if feasible from a security viewpoint.

Organise the meeting efficiently. The meetings should be chaired. Avoid having to continually brief newcomers to the area at such meetings, as this is tiresome and wastes much time. When new representatives/organisations arrive, arrange for separate briefings by one of the more senior members of the group, preferable prior to the coordination meeting.

**International competition**

You may also experience the opposite of international cooperation, namely a fight over mandates and position among 'rival' organisations. This tends to occur more frequently at head office level. Such competition is disillusioning to experience, as it is perceived as unprofessional behaviour on the part of international organisations which are present in conflict- and war-ridden countries to increase respect for human rights and democracy. Contribute to improved cooperation!

***Your own organisation***

When you join the mission, you join a complex working unit. It may be large, and the way it works may seem complicated. Its organisational structure can be depicted as a pyramid. Field officers form the base of this pyramid. The organisation is *one* unit, with the man-

date expressing the objective, and each member of the mission is important for the mission to fulfil its mandate. As member of the mission, you have a place and a role to fill.

### **Briefing**

When you join the mission, you will be briefed thoroughly by your organisation. If a briefing has not been arranged, ask for one. The briefing is one way for the mission to ensure that incoming human rights officers have the required minimum knowledge to be deployed in the field and begin working as human rights officers. A briefing may be a course lasting several days, or consist of somewhat more informal meetings.

A briefing gives the incoming human rights officer an introduction to the mandate of the mission, the mission's organisational set-up, the mandates of other international organisations present in the region, the historical background, and the political and human rights situation in the country. It provides a background on human rights (with particular focus on the rights being violated in the country), relevant national laws, human rights monitoring methodology, and other issues. There should also be a security briefing. The human rights officers will receive key documents (manuals, national laws etc.) and a list of required reading. The human rights officer should also read relevant reports. Incoming officers will be introduced to the mission staff working in the head office, and vice versa. Deployment will be clarified, if it has not already been decided. This introductory briefing may be supplemented by regional briefings when deemed necessary, focusing even more on the local political and human rights situation.

### **Regular contact, meetings and training seminars**

There will be regular contact between the human rights officer and his/her superior(s). What form this will take – i.e. directly, by telephone, e-mail, or fax, on a daily basis or more seldom – will vary from mission to mission and situation to situation. There should be regular (biweekly or monthly) meetings of a smaller circle of human rights officers, limited, for instance, to the region. It is very important to meet colleagues to exchange information, to discuss difficult cases and human rights issues, how to deal with problems, and to be updated on developments in neighbouring areas. This will be your closest circle of colleagues, and it is necessary to have a forum where only internationals/your own organisation's staff are present and you can talk freely.

The mission should arrange regular training seminars for its human rights officers. Ongoing in-mission training is essential for the mission to ensure coherence from one individual officer to the next, from one region to the next, and over time (see also the section on comparable quality of reporting above). Regular training seminars are a means for the mission to continue the training of the officers that began with the introductory briefing, thus ensuring a minimum level of knowledge to meet challenges arising in their work and to increase their expertise. Such seminars also represent an opportunity to update the officers on recent developments, a forum to discuss strategies, and an occasion for all the human rights officers to get together.

### **Debriefing**

When leaving the mission, you will be debriefed. If this is not arranged, ask to be debriefed before you leave. Procedures should be place in the mission to debrief all outgoing mission members, as this is an opportunity to systematically receive feedback from offic-

ers after a lengthy period in the field. This also provides officers with an opportunity to express their grievances and recommendations to the mission.

### **National staff is a resource**

The local office may well be blessed with a good national staff, e.g interpreters, drivers, secretaries and legal advisers. Often, the national staff is generally well educated, highly spirited, and know the country, region and local situation well; in short, a great resource! The human rights officer should be encouraged to make good use of the national staff, especially if particularly qualified personnel are available at the office. Of course, national staff may be too close to the local situation, lack the necessary impartiality or be tied to local power structures. The officer has to take this into account before assigning tasks to any national staff member. Also, obviously, the human rights officer is responsible to the mission for the human rights activities that are pursued.

Particularly well qualified national staff that work with human rights officers should be remembered when mission training seminars and conferences are being planned, and included when appropriate. This would increase the human rights and methodological knowledge of the staff, and would be beneficial for the human rights officers. Also, consider conducting internal training within the office to improve the staff's knowledge of the mission, the mandate and how the work is carried out. Besides the advantage to the human rights officers of having better trained colleagues - and this is one way to build local capacity! - this is a consequence of viewing the national staff as a resource. Treating national employees with the decency and respect they deserve should go without saying in missions mandated to strengthen democracy and human rights.

### ***Your own well-being as a human rights officer***

The work of a human rights officer is very demanding. Not only does he/she need to be familiar with human rights, national laws and regulations; the political and socio-economic context; and how to gather, assess and act on the information to be a good human rights officer. He/she also has to be flexible and to treat everybody with respect, whatever the situation. Human rights officers meet all kinds of people, from the poorest and most vulnerable to the most powerful elite of the region. Officers will also probably have to take on part of the mission's representative duties, for instance briefing visiting international organisations (if agreed with your superiors).

You will need a strong commitment and dedication to the work. Human rights monitoring is hard work; you need to be energetic, be able to take initiatives and have stamina. You must believe in what you do and in your organisation, and you must believe in the prospects for improvement in the human rights situation.

Seeing so much misery and despair, having to deal with the hopes people invest in you and associate with you, having to explain repeatedly why it all takes so long, you must remember how far your responsibilities actually go (see the section on the mission mandate and the need to prioritise). Also, it is important to keep a certain emotional distance to the misery and individual human difficulties you get to learn about, in order not to sink into a feeling of powerlessness but to maintain your ability to work. This means that you must take care of yourself, too – make sure you have time to have some private life; do not work every single day of the week. And do not forget to take care of your colleagues.

If you get to a stage where you no longer believe in your organisation's ability to make a positive difference in the country or if you no longer believe that it is possible to make a difference at all, it is time to go home. Leave the area, and let new people with a fresh commitment take over and continue the work.

## Notes

- <sup>1</sup> Inspiration and input from resource persons at NORDEM Basic Training Courses, particularly Øyvind Hoel, helped greatly in writing the first version of this chapter. Other sources used are *The Human Rights Handbook. A Practical Guide to Monitoring Human Rights* by Kathryn English and Adam Stapleton, 1995; modules written by Karen Kenny, Paul LaRose-Edwards and Bill O'Neill in *Human Rights in Modern Peacekeeping*, Lester B Pearson Canadian International Peacekeeping Training Centre, 1996; *Training Manual on Human Rights Monitoring*, UNHCHR, 1997; and manuals and materials from a number of UN and OSCE human rights missions. Valuable comments have been generously offered by Ingvild Burkey, Anne Gallagher, Øyvind Hoel, Kristin Høgdahl, Jon Høyland, Karen Kenny, Gry Kval, Paul LaRose-Edwards, Nada Merheb and Bjørn Svennungsen.
- <sup>2</sup> This is the definition found in the *Training Manual on Human Rights Monitoring* published by the UN High Commissioner for Human Rights.
- <sup>3</sup> The terms 'monitor' and 'officer' are used interchangeably in the chapter.
- <sup>4</sup> Be aware of the problematical question regarding the responsibility of quasi-state entities, i.e. groups with territorial control. This will not be dealt with here, however.
- <sup>5</sup> For more on the mandates of human rights monitoring missions, see Chapter 3.
- <sup>6</sup> Practice varies among missions concerning whether they deploy a single human rights officer to a field office, or a human rights team consisting of two or more officers. If you are joining a team, the text should be read accordingly.
- <sup>7</sup> People contacting an international organisation are showing by doing so that they have some resources. Some form of selection has thus already taken place. Also be aware that the people approaching the office directly will be likely to live near the place where the office happens to be located.
- <sup>8</sup> In specific situations, for example during election campaigns, the mission should monitor the media more systematically.
- <sup>9</sup> As of November 2007, four situations had been referred to the ICC (Uganda, DR Congo, Central African Republic and Sudan/Darfur). The ICC continues to monitor situations in other countries.
- <sup>10</sup> This section and the section on ways to ask questions below are to a large extent based on the *Human Rights Handbook* by English/Stapleton, see first endnote.
- <sup>11</sup> The mission should make these assessments when employing interpreters. The human rights officer rarely has to consider all these questions in his/her work.









*The Norwegian Centre for Human Rights* aims to contribute to the realisation of internationally recognised human rights, through research and reporting, teaching, advisory services, information and documentation. The Centre was founded in 1987 and is organised as an interdisciplinary centre under the Faculty of Law at the University of Oslo. Since 2001 the Centre has been designated as the National Institution for Human Rights in Norway.

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The first edition of the Manual on Human Rights Monitoring was developed at the request of the United Nations High Commissioner for Human Rights and published in 1997. The Manual is integral to the generic training provided to members of the NORDEM Stand-by Force in order to prepare them for human rights field operations. This is the third, revised edition (2008). The new edition includes one new chapter (Chapter 10) and three rewritten chapters (Chapters 2, 5 and 11). The remaining chapters are updated according to events and new developments in the field of human rights since the second edition in 2001.

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