



**FIGHTING TORTURE IN CLOSED
ENVIRONMENTS AND FROM EXILE**

**A GUIDE FOR THE SOS
TORTURE NETWORK ON
INVESTIGATING AND
DOCUMENTING TORTURE
REMOTELY**



**NOTHING
CAN JUSTIFY
TORTURE**

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I. OVERVIEW

1. INTRODUCTION

The idea for this guide emerged from the realisation that human rights defenders from an increasing number of countries are having to work remotely, but that there is no designated space for them to pool their experiences and no centralised advice on how to document torture from a distance. This guide is a first step towards filling that gap.

As civil society organisations around the world have evolved and strengthened, acquiring new skills and accessing new platforms to make their voices heard, so governments and, in some instances, non-state groups have intensified their efforts to silence critical voices. In response to major political and social developments, notably the “Arab spring” and mass public protests in other countries, a new generation of repressive governments has emerged, targeting peaceful critics with a brutality rivalling those of countries where authoritarianism has been the norm for decades.

Human rights defenders are finding themselves under renewed attack in multiple countries in Africa, the Middle East, Asia, the Americas and Europe. In other cases, armed conflict, widespread insecurity, and violence by state and non-state actors have turned lives upside down and created an environment in which collecting human rights information in the field has become practically impossible. Researchers working for international human rights organisations or the United Nations are facing similar obstacles as they find themselves barred from an ever-growing number of countries.

Forced into exile or unable to reach certain areas within their country where torture and other human rights violations are committed, anti-torture defenders face particular challenges in continuing their work from a distance, whether from inside or outside their country. These challenges range from collecting and verifying information without direct access to victims and witnesses to



overcoming the many hurdles of life in exile, including separation from family, friends and colleagues. Human rights defenders still based in their country often face the greatest risks. Many have to work underground, in extremely difficult conditions.

In some situations, anti-torture defenders cannot continue working in these conditions and have to leave their country because of imminent risks. In many instances, this may entail spending a few months abroad as a temporary relocation or for the purpose of rest and respite. While their intention may be to return to their country after a short while, continuing security threats may mean

this is neither feasible nor advisable. The defenders then have to contemplate the difficult prospect of remaining in exile for a longer period.

Taking the path of exile is a last resort for most human rights defenders, but it does not mean they have to give up their work. On the contrary, in such extreme situations, the need is even greater. It would be too easy for governments to silence criticism of their human rights record by simply banishing or imprisoning their most vocal critics. Indeed, exiled activists have been working effectively for many years. To some extent, they do what local activists cannot do and more. A human rights defender who had to leave his country after a government crackdown on local organisations said:

“Local organisations are crippled and can’t work properly. They can only work under the radar. We try to fill the gap [...] Local organisations can report very few cases, but we can report more and publish information [...] It is much easier to report information from outside.”

Finding ways of continuing this work also provides exiled human rights defenders with a sense of purpose and motivation. This in turn encourages those who remain in the country to continue documenting abuses as best they can, knowing this information can be channelled outside and used to reach broader audiences.

Activists from some of the most repressive countries, where human rights work is effectively criminalised, have shown extraordinary determination and courage in persevering with their work and in painstakingly documenting and exposing torture and other abuses. This guide aims to support and encourage them in this work by identifying some of the key challenges they face and proposing strategies and tactics to overcome them. Most of the suggestions in this guide have been identified by human rights defenders themselves, on the basis of their own experiences with common threads emerging across countries and regions.





2.SCOPE

This guide is intended for use by human rights and anti-torture defenders working from exile, as well as those working in severely restricted or dangerous environments inside their country and who may only be able access certain areas for very limited periods. Some of the advice and ideas may also be useful to investigators and researchers working on closed or semi-closed countries for international organisations or academic institutions, and to fellow international non-governmental organisations (NGOs).

The main focus of this guide is on documenting torture remotely, with an emphasis on collection and verification of information. It also covers security considerations for human rights defenders, victims, witnesses and intermediaries (the latter playing a critical role in remote investigations). In addition, it includes: security of information and communication; strategies for deciding, if, when and how to make information public; redefining targets and objectives,

personal, professional and practical challenges and opportunities of living and working in exile. Each chapter contains detailed advice, and the main recommendations are synthesised in the conclusion.

A wealth of information on human rights standards, methodologies and best practices already exists. This guide does not seek to duplicate those materials, some of which are listed in the “Further Resources” section at the end of Chapter II¹. Instead, it looks at how broadly accepted practices can be adapted to working on torture from a distance and, how human rights defenders can adjust their methods to ensure their work remains effective. It assumes a basic level of knowledge and experience of human rights work and familiarity with universally accepted good practice, and does not provide comprehensive step-by-step advice on how to document human rights abuses.

¹ One of the most concise and user-friendly guides is the Ukweli handbook, published by Amnesty International and CODESRIA, and its accompanying booklets, one of which focuses on monitoring and investigating torture (see Chapter VII). Although the handbook is aimed at documenting human rights violations in Africa, most of its guidance would be applicable in other regions. The Ukweli handbook and booklets are being revised and updated at the time of writing.



Similarly, the chapter on security does not repeat the contents of existing handbooks or provide detailed technical advice, but highlights angles that are most relevant to working remotely. Technology changes fast, so advice on secure communications quickly becomes outdated. Human rights defenders are advised to update their security measures regularly and consult international organisations for the latest guidance.

Situations that drive anti-torture defenders into exile or force them to monitor events remotely, without direct access to parts of the territory, are, by definition, crisis situations, with a very high prevalence of torture and ill-treatment. Even in less

extreme situations, torture and other forms of ill-treatment are particularly difficult violations to document because of the secrecy, the denial by state institutions, the impunity surrounding them, the fragility and trauma suffered by victims and those close to them, and the often very intimate nature of the torture. In addition, there is the continuous fear of reprisals, even after detainees have been released.

All these difficulties are compounded when investigating torture remotely. Access is even more limited, or, in some cases, impossible. It also is harder to gather additional evidence, and physical traces of torture may be long gone by

the time defenders can establish direct contact with victims. In addition, there are generally fewer structures that can provide medical, legal or social rehabilitation and support to victims to allow them to resume their lives, regain strength, and have the stability to become key witnesses in legal or other strategies.

Many of the techniques suggested in this guide can be applied to working on a range of other human rights violations and abuses, some of which arise when documenting torture. Torture rarely occurs in isolation. It often takes place in conjunction with arbitrary arrests, unlawful detention, other forms of ill-treatment, unfair trials, disappearances, or extrajudicial killings which should be investigated and documented alongside the torture. Human rights defenders working on abuses not directly connected to torture may also find sections of this guide useful.

A guide of this kind is only ever a starting point and a work in progress. The environment that conditions human rights evolves and shifts – very fast in some cases, extremely slowly in others. As one human rights defender explained:

“Each year and each month is different. It is an ever-changing situation. There are new actors and new types of abuses. We have to adapt. We can’t have rigid methods.”

Others have been working patiently on seemingly immovable situations for several decades.

This guide aims to capture some of the adjustments human rights defenders make on the basis of real life experiences, but cannot hope to be comprehensive or universal. Some of the advice will not be applicable in all countries, nor even in all regions or situations in a particular country. In order to be effective, the guide relies on human rights defenders to apply and adapt those parts that are realistic and relevant to their particular situation.

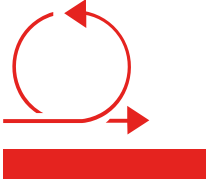
OMCT encourages users of this guide to contact us with additional suggestions, as well as feedback on this guide. It also encourages defenders and members of the SOS-Torture Network to seek direct contact with OMCT or other support networks to discuss possible help in the process of setting up anti-torture work remotely when it is not realistic or safe to work in the country. Some of the techniques for investigating and documenting torture in these conditions, and for setting up a structural approach to remote anti-torture work, may be too sensitive to be described in full in this guide.

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3. METHODOLOGY

This guide is based in large part on in-depth, individual interviews, carried out between April and June 2018, with 22 human rights defenders from 15 countries (some working from exile, others working inside their country), with 13 current or former researchers and investigators working on more than 15 countries for international human rights organisations, and with specialists in security. It also used as a basis open source information and recorded events. It also incorporates contributions from a three-day workshop organised by OMCT in Geneva in May 2018, which brought together 13 human rights defenders from 10 countries, as well as experts in human rights investigations, personal security, and security of information.

Finally, it includes the experiences and observations of OMCT staff and consultants.



The Guide is informed by the work of OMCT as a network-based organisation on torture and a leading organisation in the field of protection, having supported anti-torture defenders in crisis situations and closing space environments for more than three decades.

While every situation is different, the guide provides a set of experiences and options from the recent past that can inform remote anti-torture investigations. The human rights defenders and members of the SOS-Torture Network consulted for this project include seasoned activists with several decades of experience inside and outside their country, as well as younger activists who are forging new paths and using new techniques.

Some of their organisations have been shut down by their government and their members have spent time in prison; some have been victims of torture themselves; others are still facing prosecution. Most of those in exile still work closely with networks of observers and activists operating inside the country, often under the radar.

All the quotes in this guide are from human rights defenders interviewed or consulted as part of this project. For security reasons, their names and those of their organisations remain confidential and quotes are not attributed. The examples cited are all real examples, but the names of the countries have been withheld to protect the organisations.

The guide draws on examples from a range of countries, across world regions, with a focus on closed or semi-closed countries, countries where torture is prevalent, where the authorities are particularly hostile to human rights work, and where documenting torture is extremely difficult. Examples were also taken from countries which are more open but where certain regions or localities present specific challenges. In some countries, there are wide variations across regions, so the focus was on areas where torture is widespread and access is difficult or impossible.


OMCT also consulted existing materials and handbooks produced by international organisations, some of which are listed under "Further Resources" at the end of individual chapters.

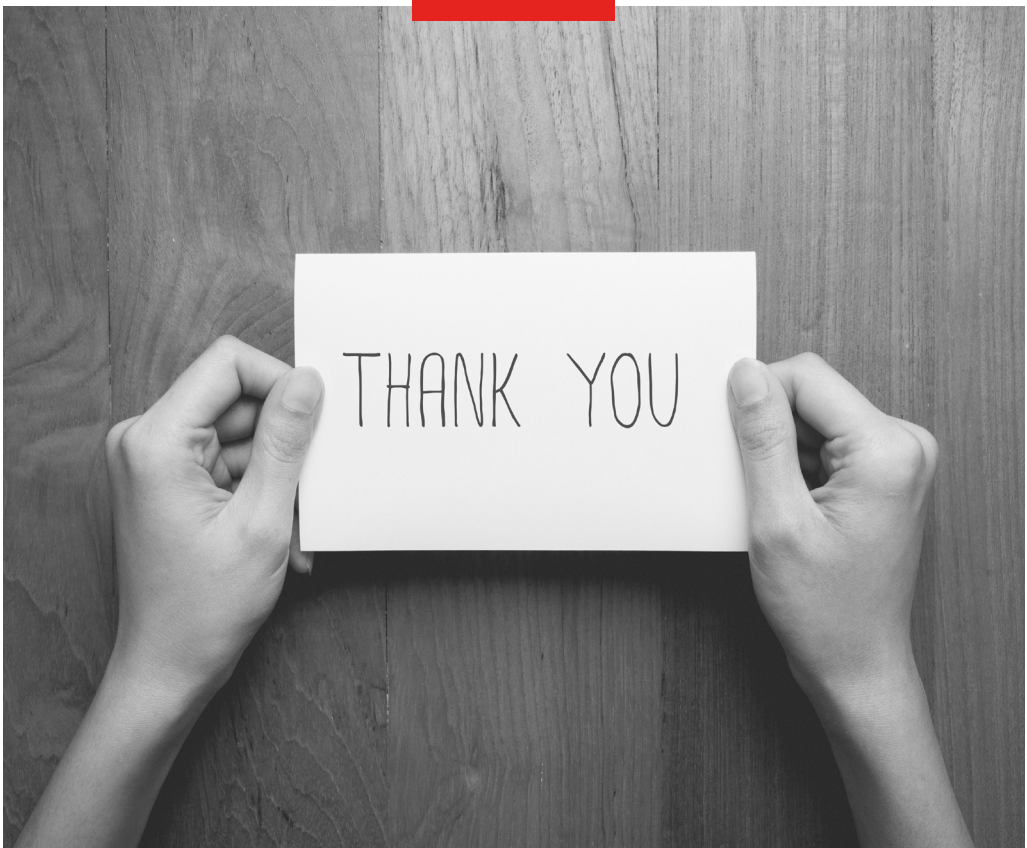


4. ACKNOWLEDGEMENTS

OMCT would like to thank the many human rights defenders, members of the SOS-Torture Network and other contributors who generously shared their experiences for this project, whether in interviews, written communications or during the May 2018 workshop in Geneva. Many of these human rights defenders have been working in exceptionally difficult conditions for years and continue to face great personal hardship. Some of the most shocking personal stories have been omitted from this guide for security reasons, but have been very valuable in informing OMCT's approach and shaping the advice in this guide.

OMCT would also like to acknowledge and thank the National Endowment for Democracy for supporting the research for this guide, as well as others who have supported OMCT's work to strengthen and accompany the anti-torture movement in crisis situations over many years.







II. DOCUMENTING TORTURE

**A REMINDER
OF DEFINITIONS,
BASIC
PRINCIPLES
AND GOOD
PRACTICE**



The principles and practices guiding documentation of torture and other forms of cruel, inhuman or degrading treatment or punishment will be the same whether these activities are carried out in the field or remotely, with the understanding that modalities will vary from country to country and from region to region, depending on access, security and other factors. Some steps, such as verification of information, may prove more challenging when working remotely, but investigations should comply with the same high standards. Indeed, organisations working outside their country or outside the areas where the torture is taking place are more vulnerable to criticisms that their information is wrong -- "they are not on the ground" being a common accusation by governments seeking to discredit their work. It is therefore all the more important to uphold the highest standards.

This chapter offers just a brief reminder of these principles and practices. For more detailed guidance, please refer to the materials listed under "Further Resources" at the end of this chapter or contact OMCT.





1. FRAMEWORK AND DEFINITIONS

All investigations should start off with a clear framework that will define and guide the research, as well as take into consideration international standards, domestic laws and mechanisms.

For most human rights investigations, the over-arching framework will be international laws and standards, for example UN treaties and covenants, as well as regional human rights conventions and human rights instruments. However, there may also be national laws and instruments in your own country that contain human rights provisions.

For those working on legal cases, the framework may be the national legislation of your country or the mandate of a regional or international court, such as the European Court of Human Rights, the East African Court of Justice or the International Criminal Court. It could also include international humanitarian law.

For those working with UN mechanisms, it will be the brief of the particular committee or body receiving submissions, for example the Committee Against Torture, that focuses specifically on torture and inhuman treatment, or the Human Rights Committee, that monitors civil and political rights more broadly.²

At the national level, consider not only domestic legislation, but avenues for submitting complaints or information about torture to national human rights institutions, mechanisms for the prevention of torture, and other regulatory bodies in your country.

²For information on the role and remit of the Committee Against Torture, see <https://www.ohchr.org/EN/HRBodies/CAT/pages/catindex.aspx>. For information on the role and remit of the Human Rights Committee, see <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>. Information on other UN human rights bodies can be found on the website of the Office of the High Commissioner for Human Rights: <https://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>.



Identifying your framework and corresponding standards in advance will help you plan and shape your investigation. The requirements to bring a case to a UN mechanism, for example, may differ from those of a domestic or regional court, as may the standards of evidence, the type of information and references needed, and the manner in which it should be presented. Take these requirements into account and consider your target audiences when preparing your investigation.

A surprising number of human rights defenders interviewed for this project commented on the lack of awareness of the legal definition of torture, including among

experienced colleagues. In many countries, the term "torture" continues to be used loosely, to describe types of behaviour that do not fall within the legal definition.

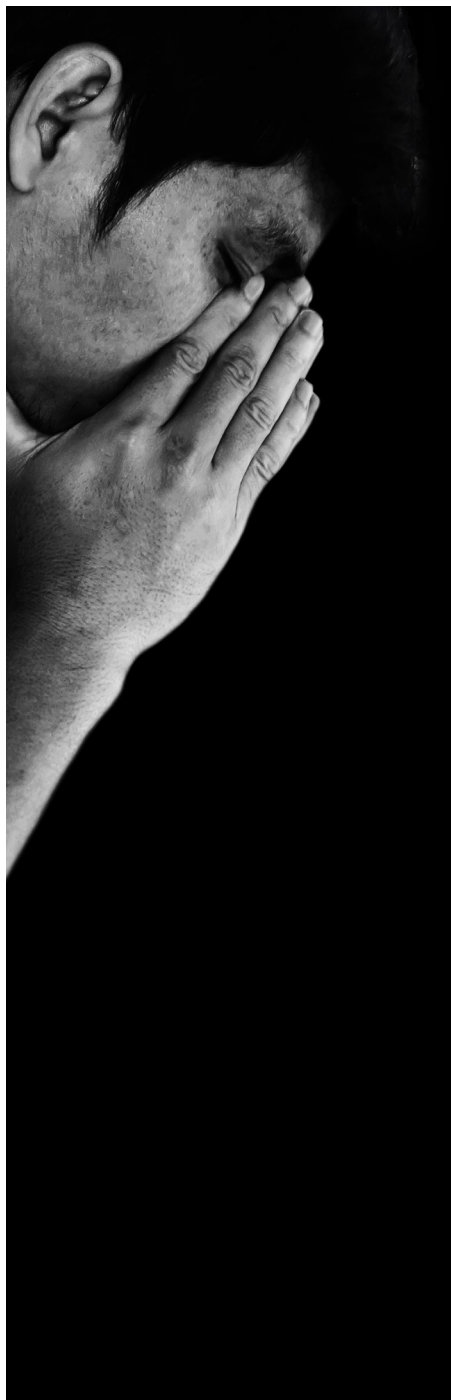


Be aware of the frequently inaccurate use of the term "torture" when you carry out investigations. If a witness alleges that they or someone else was tortured, don't accept that as a fact; ask them to describe what happened.

A reminder of the definition of torture, as laid out in Article 1 of the Convention Against Torture and Other Cruel, Inhuman

or Degrading Treatment of Punishment (CAT), which usually serves as the reference for most work on torture:³

3. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>) was adopted by the United Nations General Assembly on 10 December 1984 and entered into force on 26 June 1987. As of June 2018, the CAT had 164 State Parties.



For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

The following four elements must therefore all be present if an act is to be defined as torture:⁴

- 1** | the nature of the act: severe pain or suffering,
- 2** | the intention of the perpetrator, who must be deliberately inflicting pain or suffering,
- 3** | the purpose of the act, for example to obtain information, to extract a confession, to punish, to intimidate or to discriminate,
- 4** | the involvement of state officials or officials acting in an official capacity.

4. These elements are based primarily on the CAT definition. Note that there are slightly different definitions of torture in other conventions, UN bodies and courts. For a useful presentation of these definitions, see "Interpretation of Torture in the Light of the Practice and Jurisprudence of International Bodies", https://www.ohchr.org/Documents/Issues/Interpretation_torture_2011_EN.pdf.

In some cases, the pain or suffering may not qualify as torture but as cruel, inhuman, or degrading treatment or punishment. The pain still has to reach a minimum level of severity but it is not necessary to demonstrate a specific intent. Many anti-torture defenders will find themselves documenting cruel, inhuman or degrading treatment or punishment, as well as other human rights violations that are typically linked to torture, such as arbitrary arrests, unfair trials, deaths in custody, or enforced disappearances. While this guide focuses on torture and cruel, inhuman or degrading treatment or punishment, it is important that you are aware of other relevant definitions too, since you will almost certainly be documenting a broader set of violations.

Many countries have national legislation prohibiting torture as well as national

mechanisms for the prevention of torture. Their implementation and effectiveness vary; some countries with strong anti-torture legislation and domestic mechanisms are among the worst offenders in practice. Nevertheless, a government's legal and theoretical commitments provide standards against which they can be held to account.

Establishing a clear framework in advance and knowing the definition of torture (and other human rights violations) will not only help structure your investigations, but will guide you towards the strongest witnesses and ensure you ask them the right questions. Their answers, combined with other information, will eventually enable you to draw conclusions about the nature of specific cases, to decide whether they qualify as torture and what kind of action would be most appropriate.



Exclude from the outset information that doesn't fit your framework. For example, common crimes, however serious they may be, do not fall within the scope of an investigation into human rights violations. Someone who was beaten up by armed robbers may say they were "tortured", but as soon as you ask who carried out the alleged torture and in what circumstances, you will rapidly find out that the term has been wrongly used.

FURTHER RESOURCES

OMCT Handbook Series (2014),

<http://www.omct.org/monitoring-protection-mechanisms/reports-and-publications/2014/11/d22956/>

Camille Giffard, University of Essex: "The Torture Reporting Handbook",

<https://www1.essex.ac.uk/Torturehandbook/english.htm>

Amnesty International: "Combating Torture and Other Ill-Treatment" (2016),

<https://www.amnesty.org/en/documents/pol30/4036/2016/en/>

Association for the Prevention of Torture / Center for Justice and International Law: "Torture in International Law: a Guide to Jurisprudence" (2008),

<https://www.apt.ch/en/resources/torture-in-international-law-a-guide-to-jurisprudence-2008/>

"Interpretation of Torture in the Light of the Practice and Jurisprudence of International Bodies" (2011),

https://www.ohchr.org/Documents/Issues/Interpretation_torture_2011_EN.pdf

FIDH, "Documenter les graves violations des droits humains et accompagner les victimes dans leur quête de justice: Guide pratique" (2015),

https://www.fidh.org/IMG/pdf/documenter_les_graves_violations_des_droits_humains_et_accompagner_les_victimes_dans_leur_que_te_de_justice-guide_pratique.pdf





2. HUMAN RIGHTS INVESTIGATIONS: GOOD PRACTICES

Below is a basic checklist of good practices when investigating torture or other human rights violations. More detailed guidance can be found in the materials listed under "Further Resources" at the end of this chapter. Advice on how to apply these practices when working remotely is included in Chapter III of this Guide.



The guidance below is intended primarily for human rights investigations, not for litigation. Although many of the same principles apply, some methods and standards of evidence will be different if you are collecting information for court cases. For example, confidential information is not permitted as legal evidence, although it can be useful as a lead to other information that may be permissible. If you are gathering information for legal cases, make sure you are familiar with the rules of the court or jurisdiction in advance.



WHO TO INTERVIEW

1

As a priority, interview victims (the people who have been tortured) and eye-witnesses (people who saw the torture or other key elements of the case with their own eyes).

2

If this is not possible, interview people who are as close as possible to the victims or to the event. But remember that a person who is close to a victim, for example a husband, a sister or a close friend, may not have first-hand information about the violation. A witness who is a stranger may know more about the case and be a better witness, especially if they don't have a direct interest in the outcome.

3

If you first hear about a case through a second or third hand source, try to speak to that source and ask them how they obtained the information. Then work your way back to the original source in order to interview them.

4

Try to find witnesses who haven't already been interviewed. They are less likely to have preconceptions about what you might ask and may give you a more authentic account.





HOW TO INTERVIEW

1

Build trust with the person you're interviewing and put them at ease. Be sensitive to their needs and security. Don't put them under pressure. Explain who you are and what you're doing, and don't create unrealistic expectations.

2

Ask precise questions to get precise answers. A victim or witness may start off just telling their story. Initially you may want to let them speak uninterrupted, but you will need to pin them down on the details.

Few people recount events chronologically, so you will need to check dates, places and the sequence of events. Some people may have been detained and tortured in two or three locations. Ask what happened in each location. Bear in mind that some victims may have suffered serious mental and emotional damage from the torture, so it may take them some time and effort to reconstruct the events.

3

Don't put words in people's mouths. Be precise in your questioning, but avoid loaded questions that push the interviewee towards a particular answer.

4

Don't take any statement at face value without probing. Ask follow up questions. For example, if someone says "I was hit on the head", ask who hit them, with what, how many times, and what did they say when they hit them. (The latter question can be especially important.) If someone says "I was put under pressure to confess" or "I was threatened", ask them to describe the exact nature of the pressure or threat, who put them under pressure or threatened them, and in what circumstances. Ask for descriptions, even of things that may appear obvious or are well known. Seemingly trivial details can also be important in building a case: what did the prison cell look like? What colour was the policeman's uniform?

Asking detailed and repeated questions can sometimes feel intrusive and may give the impression you don't believe what the witness is saying. Reassure the witness that you are not disbelieving them but that you want to make sure you have understood them correctly.

5

Many victims of torture are vulnerable and fragile, both physically and psychologically, as a result of the treatment they have endured. They may want to speak about what happened to them, but this may revive painful memories and be traumatic in itself. Your approach should therefore be non-threatening

5

and sympathetic; an interview should not come across as an interrogation. Try to minimise the risk of re-traumatisation and offer to connect them with support services, if appropriate.

6

Be a careful listener and look out for subtle hints. For example, a victim of sexual violence may not volunteer certain types of information immediately or talk about what happened in explicit terms, but you may deduce from their answers that they are holding something back. You can then gently ask follow up questions.

7

Look out for political viewpoints that may influence a person's testimony. Don't exclude political sources, but be aware of possible bias.

If you detect any doubt on the part of the witness or any inconsistency or improbability in their account, ask the same questions again, in a different way. People can make genuine mistakes (getting a date wrong, misremembering someone's name), especially if the event occurred some time ago. Or they could be lying, exaggerating or deliberately misleading you. If you haven't understood something they said, ask them to repeat it or clarify it.

8

Ask the victim or witness for permission to use their testimony. Explain how you may use it (for example in public or confidential documents, anonymously or citing their name, in a legal case, etc). Make sure they understand the possible consequences: for example, government authorities could come across their case in a report and there could be repercussions for them.



IS IT SAFE?

1

Always keep in mind your security, the security of your colleagues and the security of witnesses. If you believe the risks of conducting an interview at a particular time may be too high, postpone the interview. However much you want the information, it is not worth putting someone at risk.

2

Give the witness your contact details, or those of a colleague, at the end of the interview and ask them to contact you if they encounter problems as a result of the interview.



- 3 | Follow up with the victim or witness after the interview to make sure they are safe. Don't wait for them to contact you. If you are not able to follow up with them yourself, you could ask trusted contacts in international organisations working in the country (for example members of human rights NGOs or UN human rights staff) to keep in touch with them and to be alert to any security concerns or risk of reprisals.



VERIFYING INFORMATION

- 1 | Verify information with several sources that are independent of the first source. Cross-check as many elements of the case as possible (see Chapter III,3,e).
- 2 | Try to speak to a broad range of sources, not only those who are close to the victims.
- 3 | Other types of information (such as photos or documents) can help in the process of verification (see Chapter III,3,g).



ANALYSING THE INFORMATION

- 1 | Be objective and impartial. Don't make hasty judgments or assumptions. For example, even if it is well known that the intelligence services torture detainees in your country, it doesn't mean that they tortured the person whose case you are investigating.

2

Investigate with an open mind. Be open to hearing unexpected things and be prepared to be surprised. The situation may not always be what it seems and your final conclusions may be quite different from what you imagined.

3

Separate fact from rumour, allegation and opinion. You are looking for facts. Opinions can provide leads, but rarely constitute evidence.



NOTE-TAKING AND RECORDING

1

Take detailed notes. Don't rely on your memory. Your notes will be critical later, especially if there are discrepancies between different accounts.

Some activists record interviews instead of taking notes. This may save time and effort, but may not always be advisable as it can change the nature of the interview. If you feel it is important to record an interview, always ask for the witness's permission first.



WHAT ABOUT GOVERNMENT?

1

Obtain the government's point of view if you can. The authorities have a right to reply, and your efforts to seek their perspective will demonstrate goodwill and fairness. If you can't contact officials directly, look for public statements or speeches by government officials that you can quote instead.

FURTHER RESOURCES

Documenting torture and other human rights violations

"Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (2004),
<https://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>

Camille Giffard, University of Essex: "The Torture Reporting Handbook",
<https://www1.essex.ac.uk/Torturehandbook/english.htm>

Amnesty International and CODESRIA, "Ukweli: Monitoring and Documenting Human Rights Violations in Africa" (2000. An updated version is in preparation at the time of writing).

Main handbook, with accompanying booklets:

- Torture, Cruel, Inhuman or Degrading Treatment, and Prison Conditions
- Political Killings
- Sexual Violence
- Deaths in Custody
- Excessive Use of Force
- Human Rights Abuse in the Context of Armed Conflict

<https://www.amnesty.nl/actueel/ukweli-monitoring-and-documenting-human-rights-violations-in-africa>

HURIDOCs:

"What is Documentation?" (practical manual)

<https://www.huridocs.org/resource/what-is-documentation/>

UK Foreign and Commonwealth Office, "International Protocol on the Documentation and Investigation of Sexual Violence in Conflict" (2014)

<https://www.gov.uk/government/publications/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict>

Public International Law and Policy Group (PILPG):

- Handbook on Civil Society Documentation of Serious Human Rights Violations: Principles and Best Practices (2016)

- Field Guide for Civil Society Documentation of Serious Human Rights Violations

- Human Rights Documentation Toolkit

All available at

<https://www.publicinternationallawandpolicygroup.org/toolkits-and-handbooks>

Katie Schenk and Jan Williamson: "Ethical Approaches to Gathering Information from Children and Adolescents in International Settings",

<https://www.unicef.org/tdad/ethicalapproacheshorizons.pdf>





III. DOCUMENTING TORTURE FROM A DISTANCE




1. DOCUMENTING TORTURE FROM A DISTANCE VERSUS DOCUMENTING TORTURE IN THE FIELD

The principles used in documenting human rights in the field, outlined in Chapter II, also apply to documenting torture from a distance. The objective is the same: to obtain accurate information in order to take action to stop or prevent torture, whether through advocacy, legal cases, publicity or other means.

However, even greater diligence, rigour and care will be needed when working remotely. Distance can create barriers and room for confusion or misunderstandings. There may also be gaps in the information you receive: you may be relying on a smaller number of sources and find it harder to obtain supporting materials. There may be no legal or medical documents either and no paper trail of any sort.

Added to this, you may face communication problems and other practical hurdles.




The experience of working in the field was useful when I started working remotely. It made it easier to work from a distance, especially when we had contact with victims. It's a different situation when you don't or can't have contact with victims and you have to go through third parties. You don't always know those third parties or how reliable they are. The testimonies are more distant and you have to verify the information more carefully.

Observation of an experienced lawyer who had documented human rights in the field and from exile

Collecting and verifying information from a distance is likely to be much slower and more complicated. You may need to adjust your expectations, not only in terms of the

amount of information you can collect but in terms of the time it will take and the number of steps you will have to take to get there.

Everything takes much longer when you are working from a distance. You have to accept that. There are no short cuts.



Human rights researcher

Patience is the key, especially when working on closed countries. If you can't immediately find the information you're looking for, you may have to wait and hope you can find ways of obtaining the information later.

A human rights defender explained that state surveillance in a particular region of her country made it impossible for victims or witnesses to convey information about torture and other abuses from their home area. They had to travel significant distances, sometimes several times, to be able to communicate the information from a safer location. *"It's a very long and time-consuming process. It can take one or two months to verify something or get more information [...] We won't use the information unless or until we have verified it with at least three sources. Otherwise we wait. Verification can take months or years."* Indeed, some cases had come to light several years after people had been tortured. *"We take our time and wait for the information. We don't know when the time will come, but we know our archives will be used one day."*

Another said: *"Our vision is long term. If we ever have a truth commission, this information will come to light. We keep all the records confidentially for the longer term."*

You will also need to be imaginative and creative. By virtue of working remotely, you will not have access to locations where torture takes place, such as prisons or detention centres, and you will not be able to see places and conditions with your own eyes. Nor will you be able to see victims and witnesses if you are interviewing them on the phone or observe physical evidence of torture.

In some countries, it is too dangerous for witnesses to speak even on the phone, so

you will be dependent on intermediaries to gather information for you. This creates an additional layer of distance between you and the witness.

The sections below suggest ways around these problems and advice on how to deal with difficulties that may arise.





2. WHAT SHOULD YOU DOCUMENT?

ELEMENTS OF TORTURE

The materials listed under "Further Resources" in the previous chapter will guide you on specific elements to investigate when documenting torture, including what constitutes torture and which type of information to look for. This guidance is not repeated here.

INDIVIDUAL CASES OR PATTERNS OF TORTURE?

You may need to make choices about your strategy and approach to documenting torture. Some human rights defenders working remotely concentrate on documenting individual cases. An exiled human rights defender commented: *"Most try to document the story of a person, not a pattern. They work a bit like journalists. They have two or three quotes and want to publish the information immediately [...] It may be good for raising awareness but it is not in-depth investigation."*

Others document patterns, based on longer term monitoring and drawing out trends over several months or years. They track developments in the profile of torture victims, the scale and prevalence of torture, the institutions or groups responsible for

the torture, the motives, the locations, the torture techniques, and other aspects.

Human rights defenders working from a distance may encounter obstacles to both types of work. Individual cases may be brought to their attention, but it may be difficult to verify them. Documenting patterns may also be a challenge, since it requires access to a larger number of cases and a greater breadth of information.

Over time, however, it should be possible to build up a sufficient body of evidence to reach certain conclusions about patterns of torture and to piece together an overall picture, even if the details of each case are incomplete.

For example, you may not be able to tell the story of X or Y victim in full, but you may have enough information from numerous sources to be able to conclude that members of a particular religious group are systematically targeted for arbitrary arrest and torture; that they are often tortured in the custody of particular state institution; that certain locations are routinely used to torture people; or that certain techniques are typically used to torture them. This will show that these are not isolated cases carried out by rogue officials (a common response by governments).

Names of alleged perpetrators may also be mentioned in multiple testimonies, pointing to a likelihood that these individuals were involved in acts of torture -- a conclusion that you would be unable to reach if you only documented a small number of individual cases.



The two approaches are not mutually exclusive; they serve complementary purposes. The focus on individual cases may enable quick, preventive action on behalf of specific victims, while the analysis of patterns lends itself to more detailed reports, sustained advocacy and calls for the perpetrators to be brought to justice.

PROFILE OF VICTIMS: POLITICAL PRISONERS OR PEOPLE ACCUSED OF COMMON CRIMES?

The number of torture cases human rights defenders hear about represents only a small fraction of the likely total. Some tend to receive more information about torture of prominent individuals, such as human rights defenders, lawyers or leaders of political or religious groups, than about torture of people accused of common crimes. This may be because the first category of victims are generally well educated and aware of their rights, are often based in cities with better communications, and are in contact with networks outside the country who can alert public opinion.

Prisoners accused of common crimes, on the other hand, are often less educated, may not be aware of their rights, may live in rural areas and are not used to speaking openly about abuses. They might not think to inform human rights groups about their plight; even if they wanted to, they might not know how to go about it, especially if human rights organisations cannot work openly in the country or are based outside.

Yet many human rights defenders believe that torture of people accused of common crimes is probably even more widespread than torture of political prisoners in their country, and that the authorities may treat suspected common criminals more harshly as they know they are less likely to be able to mobilise international attention.

A human rights defender working in exile said: *"Some of the victims are well-known people with a public profile, some are not. They have different experiences of torture. If the perpetrators think the news of the torture will get out, they are less likely to torture them physically and may resort to psychological torture. If the victim is not well-known or is from an ethnic or social minority, the likelihood of torture increases. The authorities make calculated decisions [...] There are indications that torture may be more rampant for detainees accused of common crimes, as they are viewed as unsympathetic and are less prominent. But there is very little information on this category. Occasionally we may get information from lawyers working on death penalty cases, but the treatment of common criminals is not documented systematically. There is only piecemeal information."*

Some human rights defenders admit an in-built bias in some of their work and tend to prioritise cases of people with whom they have a personal connection, especially if they are easier to document. The result is that they may neglect categories of victims about whom information is harder to come by. At the same time, this bias may reflect the reality, to some extent, since in situations of severe repression, politically, ethnically or religiously motivated torture is likely to be particularly prevalent.

- ☑ Try to balance your work by documenting all categories of torture victims. Don't forget about the less "visible" victims, even if documenting their cases requires more effort. They may be in even greater need of your help.
- ☑ Be pro-active in seeking out and monitoring cases of non-political prisoners. One way of doing this might be to approach lawyers who provide legal aid, who would have access to this information but don't always seek to share it with human rights organisations.
- ☑ If information about politically motivated torture emerges, this may signal a broader practice and a likelihood that other detainees are also being tortured. Working on behalf of both political and non-political prisoners will help you approach the issue of torture from a broader perspective and strengthen your advocacy on justice reforms and the rule of law in your country.



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3. REMOTE INVESTIGATION AND DOCUMENTATION

A. BUILDING AND MAINTAINING INFORMATION NETWORKS

Maintaining an active and up-to-date network of in-country, local sources and a diverse pool of people you can contact to obtain or verify information will be your best asset when working remotely, whether inside or outside your country.

Many human rights organisations have members or observers in different provinces or regions. This is one of the best ways to keep up to date with information across the country and enables you to deploy people to locations in their vicinity.



You will need to sustain and support these networks in order to keep them active and motivated. Keep in regular contact with them to ensure a constant flow of information, two-way feedback and advice.

Occasionally you may need to recruit additional people, for example if some drop out or leave the country. Human rights defenders working on countries in conflict said they often had to recruit new observers, as people were displaced on a regular basis.

You will need a careful process for selecting your observers, especially if you can't meet them yourself. You will also need to monitor their working methods and performance on a regular basis.

Selecting observers

Some key qualities to look for when recruiting new observers:

- trustworthiness
 - discretion
- good political judgment
 - flexibility
 - objectivity
- basic understanding of human rights and documentation techniques
 - reliability
- good connections, especially at the local level
 - motivation and commitment

"We have strict criteria for the selection of monitors, because of the security situation. [...] We select them by consulting personal contacts and other networks. Before we fled, we had worked with different networks for many years. [...] We tell them all to use the same methodology and there is a clear selection process. We receive recommendations from people to become a monitor [...] We check their security situation and how they save the information they collect without endangering sources. [...] If we don't know the person being recommended, we ask for at least two recommendations. For new members, there is a trial period of three to six months for us to see how they work, without any connection to other members of the network."

Leading member of a human rights organisation in exile

Your observers don't need to know each other. To ensure the utmost discretion and security, some human rights organisations working from exile have a network of observers in the country who work completely independently from each other and are not even aware of each other's identity -- "invisible investigators", as one

human rights defender called them. These observers communicate only with the organisation's office outside the country (and only with one or two people there), never with each other, and don't meet for training sessions or other activities. Some of their colleagues based outside the country don't even know who they are.

I *If there is no need, I don't communicate with people in the country. [...] Only two of us in the office deal directly with people there. This is to minimise the risk of lots of contacts with the same person which could be intercepted. If you broaden conversations to more than one or two people, you can't guarantee confidentiality. Some people could breach confidentiality, not even deliberately. We operate on the principle of "need to know" only.*

Leading member of a human rights organisation in exile

Your field observers will each have their own networks, but their resources are often stretched, and they may not be able to cover large areas or follow a multitude of cases simultaneously. You will therefore need a range of additional contacts.



Do not rely solely on contacts you had in the past. Some may still be excellent sources, but others may be less well connected than they used to be or their sympathies may have changed. You may not immediately sense this from outside. Others may have left the country and may no longer be up to date on events.



Do not rely on a small number of people to feed you all the information. A human rights defender working from exile explained that his organisation had developed networks and multiple "cells" of informants "so that if one group turns out not to be reliable, we can work with the others and everything doesn't collapse."

Relying on the same people too often can also be a security risk: if you keep calling them, this can expose them, especially if there is a high level of surveillance.

Some of your contacts will overlap with the sources of information mentioned in Chapter III,3,b, but they may also include ordinary citizens, with no connection to the usual human rights or civil society networks.



Neutral, apolitical sources can often be the most objective. They may have no direct connection to the victim or the incident but happen to have witnessed a particular event.

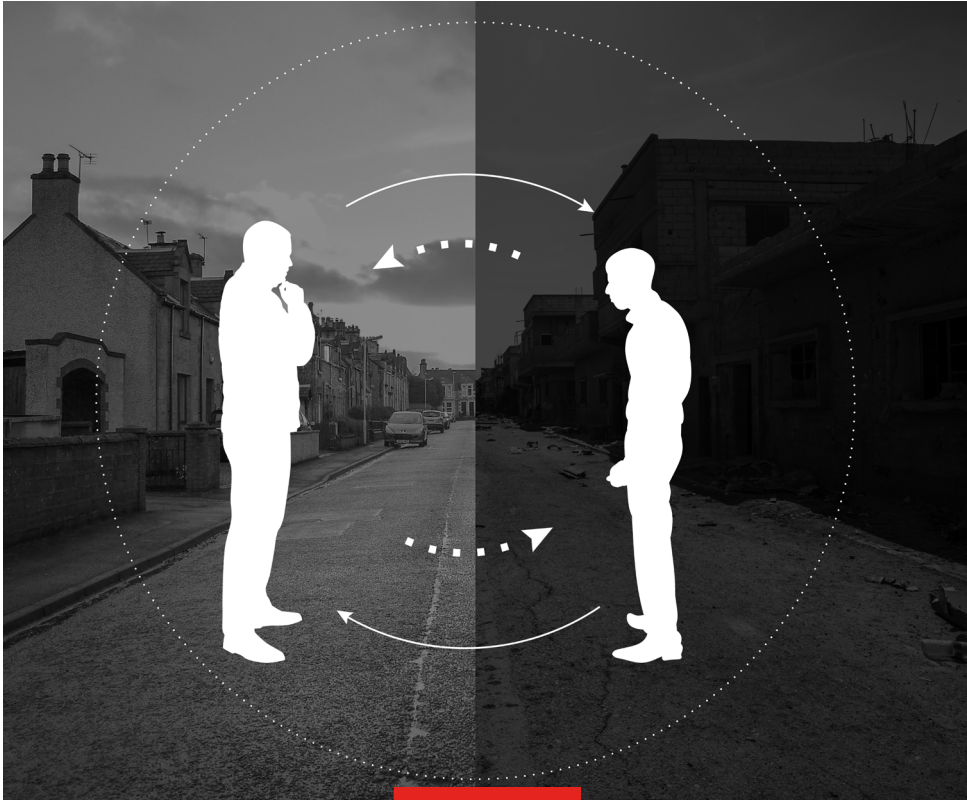
It may require additional effort to keep in contact with these types of sources, but it is important to remain connected with a cross-section of people in your country. When you are living in your own country as a human rights defender, you absorb information without realising it, and sometimes without making much effort, for example through chance encounters with taxi drivers, shopkeepers or neighbours. You see passers-by, observe things around you, notice expressions on people's faces, count the number of military roadblocks. You cannot replace these direct observations and encounters when you are far away, but talking regularly with ordinary members of the population, even about mundane subjects, will enable you to keep your finger on the pulse and sense the mood locally.

Former victims and their families can also form an important part of your contact list. If you treated them well the first time you talked to them -- for example by assisting them in finding support (see Chapter III, 3,c,iv for details) -- or if you worked on their

case effectively, they may want to help you in return. They can alert you when new cases arise or put you in touch with people in their area. Support to torture victims can play an important role in this respect: if a victim has access to counselling, treatment or other services and is able to regain some stability, they are more likely to become a reliable long-term ally.

More generally, setting up information networks in a systematic way when you are not in the field can be a delicate task. Other anti-torture defenders who have been in a similar situation may be able to share suggestions with you. OMCT and other international support networks can also offer advice.

B. IDENTIFYING AND CONTACTING WITNESSES



The types of sources used in remote investigations on torture are broadly the same as those you would use when working in the field. The only difference is that it may be harder to identify and reach witnesses.

When working in situations of intense repression and surveillance, reaching out to victims and witnesses can be daunting. You may think no one will be prepared to

talk to you and you may be tempted to fall back on unverified information. Don't be defeated by these apparent obstacles and don't assume that no one will be willing to talk. The majority of torture victims want the truth to be told; many want justice too. You are their avenue to both. They may not want to talk immediately, but they will probably do so when the time is right for them.



i. VICTIMS

WHO ARE THEY?

Victims are your primary and most valuable source when investigating torture. If you are investigating a specific, known case, for example a human rights defender or a leading member of a political or religious group who has been detained, you will know who the person is. The challenge will then be how to contact them. But in other cases, you may not even know the identity of the victims – for example, if the authorities round up a large group of people and take them away without any witnesses being able to record their identities. The first step will therefore be to try to identify some of those detained, probably through intermediaries (see Chapter III,3,f on the role of intermediaries).

WHERE ARE THEY?

You will then have to establish where they are detained. In some countries, it is not too difficult to do this, unless they are held in a secret location. Even then, you may have leads. Some human rights defenders call detention centres or police stations to find out if a particular detainee is held there. Even if the authorities deny it or refuse to provide the information, the call will alert them to the fact that the case is known, and this could have a preventive effect.

In many countries, torture typically takes place in the period immediately following arrest, when detainees are in the hands of the police or intelligence services, before they are transferred to a prison or tried. In many countries, it is practically impossible to communicate with detainees during this period, even when they are held in official police stations. The only chance of finding out how they are being treated is through their families, friends or lawyers, if they are allowed visits. Even if they are, gathering information during this period is likely to be difficult, since visits will often be restricted or monitored by the authorities; detainees may not be allowed to talk freely or may be told what they can say to their families.



TALKING TO PRISONERS

In some countries, even official prisons are impenetrable from outside and prisoners cannot communicate with the outside world. You may therefore have to wait for victims to be released before you can speak to them.

In other countries, however, you may be able to contact prisoners directly, especially once they have been transferred from a local or unofficial detention centre to an official prison. Mobile phones are often smuggled into prisons, even though they are prohibited, and it is not unusual for prisoners to have their own phone or access to someone else's. It may therefore be possible to interview prisoners on the phone. Some may speak to you relatively freely about their experiences of detention

and torture once they have located a quiet spot in the prison, though they may have to cut off the conversation if they believe they are being watched by prison staff or other prisoners.

In some countries, prisoners are freer to speak than people who are technically at liberty. Some, especially those who have already been convicted, may feel they have little to lose. As one human rights researcher said: *"They think the authorities can't do anything more to them, except confiscate their phones. People in the rest of the country are more afraid of surveillance than prisoners."*

Some human rights defenders speak to prisoners on a weekly or even a daily basis. Prisoners are able to give them information not only about their own experience of torture but about other prisoners' cases too. Indeed, detainees held in the same location as a victim whose case you are investigating can be among the strongest witnesses. They may not have been present when the victim was tortured, but may have

seen them soon afterwards and be able to attest to their physical condition. The victim may also have described the torture to them straight after it occurred.

Some prisoners find other ways of sending information out. A human rights defender gave the example of a political prisoner who had written his story out by hand, then paid another prisoner to take a photo of his story on his phone and send it to a specific WhatsApp number outside. Other prisoners secretly make audio or video recordings in which they speak about their treatment. Some smuggle them out, others wait and release them when they are free. Prisoners may be able to send you photos of their injuries or other prisoners' injuries.

Human rights defenders in prison are an obvious first point of contact and may be able to arrange phone interviews for you with other prisoners. However, they are likely to be monitored closely so will need to be discreet. They can also get information out through other means.

I *When human rights defenders are in prison, they contact us and can give us a lot of information. They pass messages through intermediaries. For example, an imprisoned human rights defender passed information through a former prisoner who had been released. Another political prisoner passed information through the family of a non-political prisoner who wasn't being monitored. They pass information verbally only, not in writing.*

Human rights defender in exile

Many human rights defenders in exile have also spent time in prison and may be able to contact former inmates who can put them in touch with other prisoners who have been tortured.

Prisoners can also provide useful information about unofficial detention centres where they may have been detained before being transferred to a recognised prison, including the location of these sites, the identity of the perpetrators and their command structure, the prevalence and patterns of torture in those locations, and the profile of other detainees.



TALKING TO RELEASED PRISONERS

Once a prisoner has been released, there may be a better chance of talking to them directly, although some may be reluctant to speak about their torture for fear of being re-arrested. State authorities frequently warn detainees not to talk about their treatment and there have been numerous cases of people being re-arrested after speaking out about their treatment.

One human rights defender gave an example: *"In one case, we received a photo of a prisoner's injury and we found out who he was. After his release, the authorities threatened him and said if he spoke out about the torture, he would be re-arrested. He didn't want to speak to us. He said we were outside the country and we couldn't protect him. I tried to persuade him but he refused."*

An exiled human rights defender from a country where repression had recently increased said: *"Now the situation has got so bad that even human rights defenders don't always talk about what happened to them. A brave woman spoke out recently about her rape in detention. She was re-arrested and subjected to even harsher treatment. We recorded the interview with her and promised her we would release it if there was an urgent need. We released it and it went viral."*

If torture victims move away from their home area or flee their country after their release, it may be much easier to speak to them, either in person or on the phone. Indeed, human rights defenders from some countries obtain most of their information by interviewing torture victims who have fled their country.



Try to reach torture victims as soon as possible after their release. If there is a long time lapse between the torture and the interview, the physical evidence of torture may have faded or the victims may no longer remember all the details of their experience accurately.

If you are unable to reach the individual victims whose cases you are investigating, try to contact former detainees who were held in the same location and who may be able to give you information on how they were treated.

Some anti-torture organisations who have little or no access to detention centres or found that prisoners were afraid to talk while still in detention have set up a more systematic method of interviewing former detainees after their release. Beyond documenting individual torture cases in this

way, such a system is useful in documenting patterns of abuse. When working remotely or outside the country, it may require going through intermediaries or arranging for torture victims to be temporarily relocated to safer areas where you can interview them.



ii. VICTIMS' FAMILIES, friends and neighbours

A victim's relatives are often the first port of call if you are unable to reach the victim directly. They can also be witnesses in their own right. Relatives who lived with the victim, were present when the victim was arrested or visited them in detention can provide useful information. They may also be able to give you background information that will help you understand the context of the arrest and torture.

However, not all family members have first-hand information. Even someone's closest relative may know little or nothing about the case: the victim may not have wanted to share the details of the torture so as not to distress them, or they may not have had a chance to talk to them. Relatives may not always be familiar with the legal processes either, so may get some information wrong.

Furthermore, some relatives may not wish to share information, either because they are afraid or because they are not on good terms with the victim. Some may even deny

that a person has been arrested or tortured and may turn against their closest relatives. It is not unusual for victims who are critical of the government to have relatives who work for the government or intelligence services, so it is worth finding out about the relatives' background before approaching them. In other cases, the government may manipulate or put pressure on families, and pay them to say or to deny certain things.

Victims' friends and neighbours can sometimes be more objective than members of their family. It may be harder to identify them remotely, but if you have a contact or a member of your organisation in the local area, they can discreetly find out who a victim's friends are and which neighbours may have seen something, for example the victim's arrest or abduction. The local contact will need to be careful, however, since some neighbours may not be sympathetic or have good relations with the victim, could refuse to share information or provide incorrect information.



iii. STATE OFFICIALS AND OTHER INSIDE SOURCES

Even in the most repressive countries, it is usually possible to find officials in the government, in the judiciary, in the security forces or in the ruling party who disagree with torture and other human rights abuses. These officials are often unable to voice their opinions openly in their country, but may be willing to communicate information to human rights defenders confidentially. As one human rights defender said *"Not all police and military are bad. Some people inside the system support us."*

Many human rights defenders, including those in exile, have kept contacts with state officials whom they have known for a long time or with whom they developed friendships when they were still in their country, particularly members of the police, military, intelligence services and prison service. Some were lower level workers in these institutions, such as prison guards or drivers, who may have witnessed key events. Personal contacts of this kind can be very valuable when you are working from exile, especially if they are working in a location or institution where people are tortured.

A human rights defender said some inside sources were willing to take big personal risks to ensure information reached the outside world: *"Policemen and cell guards*

sometimes take photos of detainees, usually at night. They send them out through someone they trust because they want to help. Some police officers have given me the names of prisoners tortured by the intelligence services and other details. They tell us a lot." A human rights defender from another country said that he and his colleagues had identified prison staff who were willing to help them (usually based on prior personal contacts or tip-offs from prisoners) and who sometimes passed information out on scraps of paper or smuggled digital cameras into the prison, then sent photos out through prisoners' families or lawyers. In yet another country, police or intelligence officials sometimes took photos of detainees and sent them directly to a human rights organisation with a brief explanation such as "this person has just been arrested"; one had photographed a register of names of people who had been arrested.

Similarly, human rights defenders from countries experiencing armed conflict said they received information from members of armed groups and other non-state actors who abuse human rights, including about the structure and operations of their group and their treatment of detainees.

Civil servants, particularly those working in the justice system, can be particularly useful sources of information. They may include investigators, prosecutors, magistrates and judges as well as court registrars and clerks. They have access to information on court cases and can update you on developments that may not be in the public domain. They may also be able to send you copies of court documents.

In countries that are completely closed and where state employees have no freedom whatsoever, it may not be realistic to expect state employees or members of the ruling party to share information with you. You may have to wait until some of them leave the country. Indeed, defectors who flee their country can be among the most informative sources, even if some of them may be speaking primarily for political or ideological reasons.

Approaching perpetrators

Some inside sources may have participated in torture or other abuses themselves. Approaching perpetrators may be delicate, but can reveal valuable information, including information you may not be able to obtain from other sources. One human rights defender described perpetrators as among his most important sources.

Some perpetrators may be willing to talk if they have fled their country, but others may be reticent for fear of prosecution. You may need to spend time persuading them and building trust. Some may say they will only talk if you can offer them protection, which is rarely possible or advisable. Others may find themselves playing the role of a whistle-blower without necessarily anticipating the consequences, and the anti-torture organisation in whom they confided can then be faced with a difficult situation. There are no easy answers to these situations, but be careful not to make rash promises with regard to a perpetrator's security.



iv. LAWYERS

Lawyers are the group of people human rights defenders contact most often for information about torture. Even in countries where access to legal representation is severely curtailed, lawyers may have privileged access to torture victims and be able to obtain information which even the victim's family can't obtain. They may be able to describe a victim's condition, for example, and provide information on their client's trial -- a valuable source, especially if court hearings take place behind closed doors. Lawyers can also sometimes get hold of legal and court documents which it may be hard for you to obtain from outside. Many human rights defenders also use lawyers as intermediaries (see Chapter III,3,f).

However, there are security risks for lawyers, particularly if the authorities suspect them of doing more than just representing their clients. In some countries, lawyers have been arrested, detained and tortured, or have lost their licence to practise. In these circumstances, some lawyers may be too afraid to take on sensitive cases. A human rights defender from a country where there were very few lawyers said: *"The majority of torture victims don't have lawyers. It has become even more difficult since some lost their jobs, specifically because they filed legal cases on torture."*



v. DOCTORS

In most of the countries covered by this project, torture victims have limited access to adequate medical treatment in their own country. Some prisoners are allowed to see a doctor (usually a state doctor) if they are in a serious or critical condition, but many are only able to seek treatment for their injuries once they are released. Even then, they experience obstacles. In some countries, doctors demand a form from the police before they will treat them, which torture victims are unlikely to request and the police unlikely to provide. In others, doctors may refuse to treat victims of

torture because they are afraid themselves. One human rights defender said some doctors in his country were so scared of what might happen to them that they refused to issue death certificates, even if the dead body was lying in front of them. In some countries, independent doctors who have had the courage to treat torture victims have been threatened.

Victims may be reluctant to seek medical help because they do not trust medical staff, especially in state hospitals.

Some may go to hospital but not tell the doctors that their injuries were caused by torture. A local human rights defender said he had accompanied a torture victim to hospital, but the victim pleaded with him not to mention to the hospital staff that he had been tortured. He wanted to pretend that he was just ill.

In these extreme situations, few doctors will be willing to share information about torture, especially with someone outside the country. However, if you have personal contacts with medical staff, you may be able to obtain limited information through them.

In other countries, independent doctors or private clinics are willing to treat victims. There may also be local or international NGOs that provide medical and psychological support to torture victims. You may have to arrange for the victim to travel to another part of the country to see them. These doctors and organisations can be important sources of information. Medical records are confidential, so doctors can't divulge personal information about named individuals, but they can describe the types of injuries they have observed among certain groups of patients, which can help you document patterns and back up information you have received from other sources. In one country, a human rights organisation obtained a written agreement from victims granting its investigators access to their medical records.

For additional suggestions, see section on medical certificates and other documents in Chapter III,3,g,ii.





vi. TRUSTED VISITORS

Friends or trusted acquaintances who go in and out of the country, or the part of the country you are working on, can help transmit information. Some may be human rights defenders in a broad sense; others may simply be nationals of the country who are visiting for personal or professional reasons, and who may attract less attention as they are not officially connected to human rights work; others may be international journalists, researchers or humanitarian workers working in fields unrelated to your own.

If you know them personally and trust them to be responsible and careful, you may be able to ask them for a specific piece of information, to take a photo of a person's injuries or a particular location or to make

copies of documents that you can't obtain from outside and bring them out for you. They could also bring out objects, such as samples, hard drives, or other materials (see Chapter III,3,g,iii); this may have to be done in several stages, with the materials transiting through several countries, or several people, before they reach you.

Visitors may also pick up other relevant information while they are in the country, and you may be able to arrange for victims or their families to give them information to pass back to you.

Of course their ability to do any of these things safely will depend on the context at the time of their visit.



Try to anticipate the security implications of asking visitors to bring sensitive information, documents or other materials out of the country. Find out about border controls and likely checkpoints in advance. Visitors may be searched, particularly as they leave the country, and authorities may seize documents. This could lead to arrest or other serious consequences for the visitors and for the sources of the information.



vii. HUMAN RIGHTS ORGANISATIONS IN OTHER COUNTRIES

In some situations, governments of second or third countries have been complicit in torture, for example by forcibly returning people to their country of origin or to another country where they have then been tortured. Domestic human rights organisations in these countries may have documented these cases and could share information

with you or put you in touch with lawyers who may have initiated legal action on forcible returns or complicity in torture. This could help you piece together the different elements of the case, as well as collaborate on national or international advocacy work with fellow organisations in these countries.



viii. CALLS FOR INFORMATION

If you're having difficulty identifying witnesses or want to expand your pool of sources, you can put out a call for information on your organisation's website, on social media or through your personal networks. This could be a simple message encouraging anyone who has information about a particular subject to get in touch, and giving out your organisation's contact details. Journalists often do this, broadcasting a dedicated WhatsApp number or phone line that people can contact.

For example, a human rights organisation advertised in a tweet that it was collecting information on judges who had delivered

"bad" verdicts, including issuing convictions on the basis of confessions extracted under torture. Several judges contacted the organisation privately to say that they had been forced or pressured to deliver these judgments.



Think carefully before putting out a public call for information since it will publicise the fact that you are looking into a particular issue. Take special care to check the identity and background of people who get in touch with you in this way, since some may deliberately approach you with false information.

C. INTERVIEWING VICTIMS, WITNESSES AND OTHER SOURCES



i. FACE-TO-FACE INTERVIEWS

Face-to-face interviews are the preferred technique in almost all situations. It may still be possible to interview people face to face when you are working remotely: in situations of severe repression or armed conflict, many people flee their country or their home area, so you may be able to meet them elsewhere. However, those who have the means and the opportunity to leave their country may be in a minority.

REFUGEE CAMPS

A starting point may be refugee camps in neighbouring countries or internally displaced persons' camps. Refugee camps host large concentrations of people and you are likely to find victims of torture among them, although it may take time to identify them if the camps are very big. A human rights researcher who was unable to access the country he worked on said he collected

a lot of information from talking to refugees and asylum-seekers: *"Some will speak openly for hours,"* he said. *"It's cathartic. They say it's the first time they've ever been able to speak. In refugee camps, people have time to talk."*

A tactic used by one human rights organisation is to have one or two human rights workers based in the main refugee camps in neighbouring countries. These human rights workers, who are refugees themselves, are in a good position to identify and interview victims among the refugees, particularly recent arrivals. However, it can take some people several months to leave their country, so the information may not always be very recent.

Not all refugees live in refugee camps. Indeed, many refugees who have been torture victims avoid camps for security reasons or because of the poor living conditions, and prefer to live in cities or

other areas. You can usually track them down in these locations with the help of local human rights organisations or other groups providing support to refugees in the host country. Such organisations may also be able to provide valuable assistance and rehabilitation to victims.

INDIVIDUAL VICTIMS AND THE BROADER DIASPORA

In some cases, you may already have identified key victims or witnesses you want to talk to and you may find out they are living abroad. Contacts in the diaspora may be able to help you locate these people. Depending on resources, on the witnesses' willingness to talk and on your assessment of the likelihood of obtaining good information, you may then decide to travel to the country where they are living to interview them there, or, alternatively, interview them remotely from your base.

BRINGING WITNESSES OUT

Occasionally, you may be able to arrange for a victim or a key witness to leave their home country or area temporarily so that you can interview them in a neighbouring country or area. This will be easier and cheaper if the person is moving from one area of

the country to another, although they may encounter hazards along the way.

Questions to consider before asking a victim or witness to leave:

- Is the victim or witness likely to be stopped or questioned at roadblocks or military checkpoints? If so, have they prepared answers about where they are going and why they are travelling?
- Will they have to pass through areas where there is ongoing fighting?
- Will their movements make the authorities suspicious?
- Are they likely to be stopped at the border?
- Do they have a passport or travel document?
- Are they legally allowed to travel? In some countries, former prisoners, particularly political prisoners, are not allowed to travel for a period after their release and have to obtain the permission of local authorities to even go outside their home area.
- Do you have the resources to cover their travel and expenses?
- How strong is their testimony likely to be? Is it worth the risk and potential expense of bringing them out?

Bringing witnesses out: opportunities and risks

A representative of a human rights organisation that works on legal cases explained that her organisation always insists on meeting witnesses. If the witnesses live in an area where it is too dangerous to meet, the organisation can arrange for them to travel to a neighbouring region and cover the costs:

"Otherwise we can't take up the case. The first stage may be communication on WhatsApp but the final stage has to be a personal interview. If the victim can't come, or says they can't come, we would be a bit suspicious. If they say they physically can't move, we'll find out if this is true from local people. If a secondhand source approaches us with information but says they can't meet us, we would be suspicious."

In some countries, however, it may be extremely difficult for witnesses to leave: *"Recently the border has been more tightly controlled," one human rights defender said. "Police stand guard all the time so it's difficult for people to go in and out. Some people have been shot trying to flee. Others have been sent back and tortured. There is mass surveillance."*

ROTATING TEAMS

When documenting torture in regions where there are serious security concerns, you can rotate local team members carrying out sensitive investigations to make it more difficult for the authorities to recognise and target individuals. Local observers can also limit the duration of their missions: collect information as quickly as possible, then leave.

For example, one organisation has set up a joint mobile group, composed of lawyers, journalists and human rights defenders, to

go into a particular region of the country and collect information there, so as not to put local human rights at risk. Each investigation mission into the region lasts just one or two days. The members of the joint mobile group are rotated on a regular basis. Each one works for a few weeks, then leaves and others take over. Local activists help them behind the scenes but do not carry out field investigations themselves. This work is coordinated from the organisation's office outside the region.⁵

⁵ Further information is available from OMCT on request.



ii. LONG DISTANCE INTERVIEWS

The majority of victims and witnesses, however, are likely to still be in the country. You will therefore either seek to interview them on the phone, on safe applications, or via an intermediary (see Chapter III,3,f on the role of intermediaries).

Interviewing people remotely is not significantly different from interviewing them face to face, although a number of factors can complicate and disrupt the process.

If you are not used to working remotely, you may initially feel uncomfortable interviewing people on the phone and may be tempted to do more cursory interviews. One human rights defender observed: *"I've noticed that researchers who do face-to-face interviews tend to be more rigorous."* This observation was backed up by a researcher: *"In person, you can see if the interviewee is tired or wants to leave. On the phone, you can't. As a result, you may ask fewer questions."* However, with time and practice, you will find you can apply the same techniques.

In some situations, there may be advantages to interviewing witnesses remotely. In one country where the government has denied access to human rights researchers and international investigators, several witnesses told investigators that even if they had been able to visit the country, they would not have been willing to meet them there, as the encounter would have been too visible and therefore too risky.

They were more comfortable talking on the phone, "invisibly".

CREATING THE RIGHT ENVIRONMENT

During a phone interview, you cannot see the physical space and conditions in which the person is talking to you. You are interviewing them out of context. You are relying on them to choose an appropriate location, but you cannot assess this for yourself. Nor can you see if the person is alone, if there is someone next to them or if they can be overheard. You can ask them at the beginning of the interview whether they are in a quiet spot and can talk privately, but you can't see any of this for yourself. You will have to follow their lead.

Sometimes conditions change half way through an interview. The person may have moved to a noisier place or other people may have entered the room. If you suddenly hear loud noises or voices, you may want to ask if they are still comfortable talking.

Some witnesses may prefer to talk to you in crowded places as they feel less conspicuous and less likely to be overheard. Others may feel more comfortable talking from their lawyer's office or from the office of a humanitarian organisation or a women's organisation.

ESTABLISHING IDENTITY

In some cases, you may want to see the person's face to establish that it is really the person you think you are talking to. You can do this by conducting interviews on video or Face Time, for example on Signal, WhatsApp or Skype.

Where it is not possible to use a video, you could ask the interviewee to send you a photo of themselves. If you do this, make sure the request does not come across as threatening: explain that you simply want to get to know them and that you will not use the photo for any other purpose. In some cases, however, you may feel this is not appropriate or that it could discourage the witness from testifying.

If you have any reason to be suspicious, you may want to ask someone else to send you a photo of the person before the call or, if the person is well known, do a quick online search and see if you can find a photo of them.

When you don't have the option of a video link or a photo, you will only have the person's voice to go on. Interviewing someone you don't know always involves a degree of blind trust. Be careful in the first few minutes of the interview, especially if you are not familiar with the person's voice. You can ask them an innocuous, personal question to which only they would know the answer. If a trusted intermediary put you in touch, that person may be able to suggest a suitable question.

Don't give too much away yourself at the beginning of the interview, and don't immediately embark on sensitive questions about torture, until you have established that the person really is who they say they are.

Be particularly careful if you are calling someone who has reportedly been arrested or is about to be arrested. One of the first things the police do in many countries is seize someone's phone. You want to be sure that the person who answers your call is the person you're trying to reach, not a police officer.

ESTABLISHING TRUST

The key to a successful interview is establishing trust, especially when you are not face to face. Try to put the witness at ease from the outset and create an atmosphere that encourages them to share information with you. There is no set formula for this. Each person has their own style. It does not differ significantly from establishing trust in a face-to-face meeting, but it may take more time. Therefore, make sure you put aside enough time for the interview: the first ten minutes may be taken up with small talk to dispel any anxieties.

In some cultures, people don't have the habit of revealing personal information on the phone to somebody they don't know. You may want to reassure them by mentioning the intermediary (if it is

someone close to them) or your own background if you believe that would put them at ease. If you go straight to the detailed, hard-hitting questions about torture, you may scare them off.

Using a video link may be a good way of establishing trust and coming as close

as possible to recreating a face-to-face meeting. It may also help you pick up on the witness's reactions that you would not be able to detect on the phone. For example you may notice certain facial expressions, see that they are becoming animated, look as if they may be crying, or appear restless or distracted.



I do all my remote interviews by video. It's good to see each other. The interviewee can show me things, such as their scars [...] It works better for the interviewee too. They want to see who they're talking to, especially if they have travelled somewhere to talk to me. It's especially important for victims of torture or sexual violence, as a lot of things go unsaid. They can pause when they need to and I can see that.

Human rights defender in exile

If you are from a country where there are many different ethnic groups and languages, your first language may not be the same as that of the person you are interviewing. The witness will pick up that you are from a different part of the country or from a different ethnic group on the basis of your accent or way of speaking. They may make assumptions about you that could lead to distrust. Look out for clues and try to reassure them.

Trust works both ways, and you will also want to reassure yourself that the witness is credible and trustworthy. This may be hard to judge simply by someone's tone of

voice, but if you keep talking to them long enough, you will start building a picture of the person and get a sense of whether they are telling the truth.

As with face-to-face interviews, follow up will be important. At the end of the interview, encourage the witness to contact you if they have any further information or if they experience problems as a result of your interview. Call them again yourself a few days later to ensure that they are safe. This may also be an opportunity to ask follow-up questions if any aspect of their testimony was not clear.

CONSENT

Always ask the victim or witness for their informed consent before using their case or the information they have shared with you. Explain to them clearly how you intend to use this information, make sure they understand and encourage them to ask questions.



Do not use information without the person's consent, except in an anonymous way and withholding any details that would enable the person to be identified.

Many victims face serious security risks when they speak about their torture and victims in several countries have been re-arrested or attacked after their cases were published in NGO reports. Even if you don't believe these risks are as great as the victims claim, you have a duty to respect their wishes.

RECORDING INTERVIEWS

The issue of consent also arises if you want to record interviews. Don't record interviews secretly or without asking the

witness for their permission. This is bad practice from an ethical point of view, even if you are interviewing the person on the phone and they can't see whether you are recording the conversation. Honesty is a key building block in establishing trust with the witness.⁶



Always ask the witness for their permission before switching on your recorder.

There are strong views for and against recording interviews, even with the permission of the witness. From a practical point of view, recording a testimony saves time and effort. It is also more reliable than notes, as few investigators write fast enough to capture testimonies verbatim and their notes may contain inaccuracies. On the other hand, some witnesses may feel intimidated if they are being recorded and their account may be less spontaneous. They may also be suspicious of how the recording may be used. The fact of being recorded may inhibit them from sharing sensitive information, even if you reassure them that the recording will be confidential.

⁶For guidance on informed consent when recording interviews on video, see resources produced by Witness, for example: <https://library.witness.org/product/interviewing-techniques-obtaining-informed-consent/> and <https://library.witness.org/product/obtaining-informed-consent/>. For an example of a template for obtaining a witness's consent, see <https://library.witness.org/product/informed-consent-template/>.

FAULTY TECHNOLOGY

Faulty technology can be one of the most frustrating aspects of long-distance investigations. In many regions, phone lines and internet connections are weak. It may take time to establish a good connection and the call could cut out several times during the interview. You may need to call the witness back repeatedly. This will interrupt the flow of the interview, but persevere, as you don't know if or when you will be able to speak to them again.

In addition, the quality of phone lines can be very bad in some areas, made worse by the fact that some people don't speak clearly or may not be speaking in their first language. If the sound quality is so bad that you're missing important parts of their testimony, ask them to stop, to repeat what they said, to move a short distance to a location where there may be better reception, or offer to call them back. You may have to do that a few times before you can have a proper conversation.

You may need to balance security with practicality. If the safest method of communication is not technically reliable or the witness doesn't have easy access to it, you may have to opt for a less secure method. Be sure to ask the witness which form of communication they prefer. You may decide to delay an interview until the witness is able to access a safer method

of communication or move to an area with better reception, or you might have to do the interview in several parts, on different days.

TIME AND AVAILABILITY

All these hurdles highlight the need to allow sufficient time for phone interviews. If the witness is willing to talk to you, you don't want to be in a rush and have to cut short the interview.

There is a common preconception that a phone interview will be shorter than a face-to-face interview. This shouldn't be the case, since you are looking for exactly the same information as you would be if you were meeting the person. Therefore, allow the same amount of time, or even longer in case there are technical problems.

Some witnesses don't have phones. They may have to borrow a phone to talk to you, for example from a neighbour or family member or from the intermediary who introduced you (the latter may be preferable if circumstances allow). That person will have to be available, or make their phone available, at the time of the interview. Inevitably, this can lead to further delays.

Some human rights defenders commented on the superficial nature of some phone interviews and on the fact that witnesses

often don't have time to talk. One activist said: *"When you speak to someone, the call needs to be quite long to have time to get all the details and check inconsistencies. You can ask someone a question at the beginning of the interview and ask it again later on and see if they answer it in the same way. But most calls last just 15-20 minutes. This is too short, but people feel more comfortable with shorter conversations, for security reasons, or just because they're busy."*

This may be true in some situations, but if you prepare the interview well, you can overcome this problem. Ask the person at the start how much time they have. If they say *"ten minutes"*, ask them when they would have longer. In some extreme situations, it may not be possible to postpone the interview and you may have

to make do with the short time they have. In that case, identify key questions in advance and focus on the most important parts of the person's story first.

You may have to make yourself available at inconvenient times. When witnesses believe they are under constant surveillance, they may only feel comfortable talking to you in certain places and at certain times, for example early in the morning or late at night. On other occasions, the time you agreed with them in advance may turn out not to be convenient or safe, so you may have to reschedule the interview several times. Be prepared for the possibility of a witness suddenly being available at an unexpected time. You may have to drop what you're doing if you want to talk to them.





iii. INTERVIEWING IN WRITING

When working on countries or regions where people are under constant surveillance, some human rights defenders don't even attempt to interview witnesses on the phone. Instead, they communicate in writing, using text messages through WhatsApp, Signal or other applications, or occasionally e-mail.

As a human rights activist working from exile noted: *"There has been a shift in forms of communications. A few years ago, the emphasis was on voice interviews. Now, people do interviews through text messages, etc. It is all in writing and there are few live conversations. This is a problem as you can't judge the tone of voice and other details."*

One human rights defender from a closed country, working in exile, said she and her colleagues in the field only communicated through written messages because they feared their voices would be recognisable. She said occasionally, if there was an urgent need, she would speak to them but disguise her voice.

Written messages may be useful to check specific pieces of information, such as dates or names, but they do not lend themselves well to researching complex situations or to conducting detailed interviews, for several reasons:

- ✓ You may be communicating with the right person, but you don't know if their answers are their own. If they don't know the answer to one of your questions, they may ask someone else and give you that person's answer without you realising it.
- ✓ Some people are less comfortable writing than speaking or may not have strong writing skills. Conveying detailed information in writing may require a lot of effort and they may make mistakes.
- ✓ Unless you already know the person, it is almost impossible to get a feel for their sincerity, credibility or state of mind from short, written messages.
- ✓ It can be difficult to establish a personal rapport and trust through written messages.
- ✓ Some of your questions will require detailed answers. Text messages are usually short -- at most a few paragraphs -- and are unlikely to capture the details and nuances you need.
- ✓ Written messages leave a trail. If you do resort to written messages, even for simple information, make sure you tell the witness to delete the entire conversation immediately. (At the time of writing, Signal is one of the only applications that automatically deletes messages on a set timing.)
- ✓ You can't be sure if the person answering your questions is who you think they are. Neither can they be sure you are who you say you are.



As a form of interview, written messages should only be used as a last resort and if no other options are available. Don't be tempted to interview people in writing just because it seems easier. If you have no alternative, restrict questions to a minimum and take appropriate security precautions.



iv. SUPPORTING TORTURE VICTIMS

Victims are your primary source of information about torture, but they are also human beings who may have undergone extreme suffering and have complex or urgent needs. Your main objective as an anti-torture defender may be to document torture, but you can also provide assistance to victims or facilitate access to appropriate support structures.

If your organisation provides direct support to victims, and if the victims you interview express or show specific needs,

you or your colleagues may be able to address these. If not, you may be able to refer them to organisations that provide medical or psychological treatment and rehabilitation, counselling, women's support organisations, or other services. You may also be able to help them access funding for treatment and other services through existing victims' funds, for example through OMCT.

► For more information, please contact victims@omct.org



Prepare yourself in advance by having a list of relevant organisations and their contact details that you can share with victims. If appropriate, offer to introduce them personally to the organisation that may be best placed to help them. If the victim seems particularly vulnerable, you could offer to arrange for someone to accompany them to an initial appointment.

Some victims may wish to take legal action against the individuals or institution that tortured them, but may not know how to proceed or which avenues are open to them. You can advise them on the options, offer to put them in touch with trusted lawyers, or, if your organisation has the necessary expertise, support them through the legal process yourself.

You could also consider connecting them with other victims who have expressed a similar wish, but always check with the other victims before giving out names or contact details. This could be the first step towards setting up a victims' association, a critical step in eventual litigation.

D. ASSESSING THE CREDIBILITY OF SOURCES AND INFORMATION

Assessing the credibility of sources can be challenging when working remotely.

If you are an experienced investigator, you may be able to trust your instincts to some extent, but if you have been outside your country for a while, you may need to ask for a second or third opinion. Exiled human rights defenders said they depend heavily on their colleagues in the field to make these assessments.

If you are interviewing someone for the first time, or receiving information from someone you don't know, try to find out about their background and ask one or two people you trust for their view. If no one in your network knows the person, you could ask a colleague to sit in on the interview with you to compare impressions. You can also cross-check their testimony with your field observers, ask them if the account is plausible and if there are any obvious errors.



If I'm speaking to someone for the first time, I ask lots of questions and I take notes of everything. Then I do a second or third interview and I ask some of the same questions and see if they give the same answers. I can also send a friend to go and meet the person and see if they give him the same information (without saying that I asked him to do this). Or I can ask a friend to interview the person from scratch. Sometimes I can go to the place where the victim is from, after the interview. I won't meet them, but I ask other sources there and go through local people to check the information.

Local human rights defender working under the radar in his country

As part of the standard process of verification (see Chapter III,3,e), you will be seeking information on the same events from other independent sources. Questioning each source about how they know a certain event occurred will be crucial to establishing the credibility of their account.

A human rights defender working from exile explained how his organisation assesses the credibility of information:

"We evaluate the credibility of information in light of what we know about the patterns of the torture in that country. For example, if someone says they were subjected to electric shocks but we have never come across that technique in that country before, we may disregard the testimony. We have to ask ourselves each time: is it plausible?"

We verify the credibility of allegations by asking precise questions and studying their replies. What terms is the witness using? In one country, a particular torture technique has a particular name and in another country, it will have a different name. We check the circumstances of arrest, the profile of the victims, and see if they correspond to established patterns. [...] We also ask about the motives for the arrest. In many countries, people accused of "terrorism" are tortured. In other countries, some common criminals are also tortured, particularly those accused of drug trafficking. The alleged offence is important to help establish the likelihood of torture, as is the state institution that

arrested or detained them. Some institutions are well known for torturing people, others less so."

Even if you are familiar with the patterns of torture in your country, don't accept information without questioning it. A human rights researcher had observed that: *"some activists [working remotely] tend to accept testimonies as fact without asking many questions. Their attitude is often: 'we've heard it before, we know how they [the authorities] work'. There is some discomfort at probing facts from afar. Distance can make you simplify your views. You adopt a more black and white perspective."*

Occasionally a witness may come up with information that no one else has mentioned -- sometimes serious information which you cannot easily dismiss. For example, someone may tell you that 25 people died in custody in one week as a result of torture in a particular detention centre, or that the head of the police personally tortured detainees.



Beware of dramatic revelations and treat them with caution.

Some sources may deliberately try to feed you false or exaggerated information, either because they are sympathetic to the opposition and want to cast the government

in a bad light, or because they are close to the government and want to discredit you. Some governments also pay witnesses to say certain things. Finally, some victims or witnesses may hope to obtain help from you if they make their story sound more dramatic.

While you need to be open to receiving information from all sources and all sides, beware of “fake” victims and associated security risks.



I have been approached by real victims and by people with a hidden agenda [...] Sometimes the government can send people to trap us. If someone we don't know approaches us with a story, we can't publish it straight.

Some people posing as victims send us documents [...] I'm very careful and I check whether it is a genuine victim. It takes time to check, but it's better than taking the risk. [...] I first search for the name of the person to see if he or she exists. But this will only work for high profile or known people. Most torture cases are unknown and secret. Only local people will know them. I ask the person for their address and location and send the profile details to my contacts in the country, who will try to find them.

Some people send "friend" requests on Facebook, but when I go on their page, I see they have only two or three friends. It's clear they've just set up a fake Facebook page. They ask me to e-mail them but I don't.

Experienced human rights defender working from exile

E. VERIFICATION

Verification of information can be one of the most laborious and time-consuming tasks when documenting torture from a distance, but it is not a stage you can skip. Accuracy is crucial for your credibility, your effectiveness, and even your security. As one human rights defender said: *"Information is everything. If the information is weak, everything is weak."*

Torture typically takes place in private, often in secret or unofficial locations where detainees may be held incommunicado. The only direct witnesses may be the victim and the perpetrator. Even if the victim is willing to speak, who can confirm their story? As one human rights defender, said: *"It's impossible to confirm a torture case 100% unless there is someone in the field to check it or a policeman or intelligence agent tells us it happened [...] Sometimes we don't have the evidence as we don't have anyone on the ground [...]. In that situation, we have to drop the case."*

In cases of sexual violence, it may be even more difficult to corroborate the allegations.⁷ Victims may be reluctant to speak, especially to a stranger on the end of a phone, and may not have told anyone else about the abuse. Even if they have, their relatives may not be willing to divulge the information, since social taboos still surround sexual violence in many countries. Furthermore, there may be no obvious physical signs or documentation to back up the allegations.

Some human rights defenders have reported a shift in torture techniques in their country. They had noticed a relative decrease in the use of crude, physical torture that leaves visible and lasting injuries and an increase in more sophisticated techniques and psychological torture: electric shocks, suspensions, stress positions, blindfolds and other sensory deprivation, keeping the lights on or subjecting them to loud noise for prolonged periods, sleep deprivation, and death threats against the victims or their families. These methods have long-lasting physical and psychological effects, but leave few, if any, visible traces.

Here are some basic points to remember when verifying information on torture:

- ✓ **Don't publish information on the basis of a single testimony or allegation.**
- ✓ **Check the information with several sources that are independent of each other and establish their relationship with the victims or the event (if any).** For suggestions on types of sources and on how to approach them, see Chapter III,3,b.
- ✓ **Ask each source how they know the facts of a case or event.** Some people present information very convincingly, as if they were personally there when the event occurred. Were they physically present? Did they see it with their own eyes? If not, who told them about it?

7. For guidelines on documenting sexual violence, see UK Foreign and Commonwealth Office, "International Protocol on the Documentation and Investigation of Sexual Violence in Conflict" (2014). <https://www.gov.uk/government/publications/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict>

- ✓ **The broadly accepted standard is at least three unconnected sources for each incident.** Depending on the quality and reliability of these sources, you may want to seek more than three. A human rights researcher working remotely said he usually tried to find five or six sources for each incident, as he knew some would not be reliable. *"Especially in the refugee communities, people may recycle information or repeat things that haven't been checked,"* he said. *"Lots of people tell the same stories even though they weren't there."*
- ✓ **Compare different witnesses' accounts of events and probe any inconsistencies or contradictions by going back to the witnesses directly and/or by checking with other sources.**
- ✓ **Documents, photos, videos and open source material are useful ways of verifying elements of a case, especially when it is difficult to locate or interview witnesses from a distance.** See Chapter III,3,g for details.
- ✓ **Make sure you check information that comes from trusted sources too.** A human rights defender working in exile pointed out that even local human rights observers in the field don't always get things right: *"Once one of our investigators said a person had been killed, but we found out it wasn't true. We removed him from the team. He said it was a genuine mistake. This shows we have to verify information even from our investigators."*
- ✓ **The verification process does not end once you have satisfied yourself that someone has been tortured.** You will also need to verify other elements of the case or incident. Always check the basic facts, such as the exact places and dates on which incidents occurred, the location of detention centres, and the exact names and functions of officials allegedly involved in carrying out or ordering torture.
- ✓ **If you find, during the process of verification, that some of the details provided by a witness are not correct, go back to them and ask them to confirm what they said.** They may have made a genuine mistake and confirm that they said something in error. On the other hand, they may stick to their original version, and this could cause you to question the credibility of the rest of their account. There is no hard and fast rule on this, but the more thorough the process of verification, the more likely you are to discover mistakes. This in turn may help you to discard unreliable accounts.
- ✓ **Accept that some information is not useable.** An experienced investigator working on a closed region of his country said: *"It's impossible to do human rights investigations there. No one will speak. We only have unconfirmed cases. Every week I receive information from unknown numbers giving me information about human rights violations. I ask them who they are and whether they can give me the names of victims. They say no. So we have no way of verifying the information and can't use it."*

Verifying locations

Your intermediaries in the country can check the location of sites where torture allegedly occurred or identify landmarks to help pinpoint the sites, as explained in this example from a local human rights defender working under cover:

"There were reports of torture in buildings in a particular neighbourhood. I went to the area and visited a friend who lived nearby. He didn't know why I was visiting him. I took photos of the area casually. I knew some people had been detained there as I had interviewed one of them before. I checked that the location and description of the buildings was correct. I did this casually, as if I was just walking past.

Sometimes a local friend can tell me if there are police outside the location. Usually I prefer to see the places for myself, but I have to be discreet.

In the case of another house used as a detention centre, a taxi driver had told me: 'Don't go there as I have heard people are detained and tortured there.' That was all the information I needed. It wasn't confirmation of the torture but of the location."

MOST IMPORTANTLY



Don't cut corners. You and others can pay a high price for making mistakes.

If there is any element of doubt, don't include the information.

If your instincts tell you to be wary, trust your instincts.

If there are any "red flags" in someone's testimony, for example allegations that seem implausible or wrong or contradict information from another source, or if you just have a feeling that something is not quite right, ask the witness to confirm what they said, run it past one or two other trusted sources.



If you've made a mistake, correct it. Otherwise, it may come back to haunt you. Having the honesty to admit you've made a mistake will enhance your credibility and demonstrate concern for accuracy.

One human rights defender said that if she or her colleagues find out a witness has lied to them deliberately, they sometimes make it public to show they are not automatically against the government and don't believe everything they are told.

Don't rush the process of verification. Patience will pay off. You may be able to locate additional witnesses a few days, weeks or months later, and then publish the information more completely and confidently. As one local human rights defender said, "You can't have a strict timetable for verification of information. Sometimes it works, sometimes it doesn't."

Contacts in the diaspora

For human rights defenders working on countries or regions that are completely closed, the diaspora may be a good avenue for verifying at least the basic facts of a case, if not the details of the torture. However, bear in mind that these will usually be secondhand sources.

A human rights defender from a community that was being targeted by the authorities explained:

"People [in the country] are strictly monitored. We can't communicate with them at all. But in the diaspora, everyone knows each other and everyone will know about cases. We can check cases with neighbours, friends or relatives. If someone from a particular area says their son was arrested, we ask where he lives. We then ask someone from that area and they will know. We can ask friends of the person who was arrested, even old schoolfriends. They can confirm if the person was arrested on X date or disappeared X months ago. Our community is very close. We come together all the time in cultural, social or religious occasions. We all know each other. So everyone knows if someone has been arrested, but the family [in the country] can't communicate."



CONSEQUENCES OF NOT VERIFYING INFORMATION PROPERLY

- **Loss of credibility:** Your credibility and effectiveness rest on thorough investigation and verification. If you have a reputation for accurate research, your reports and advocacy will have more impact. The reverse is also true: if some of the information you've published turns out to be inaccurate, you will lose credibility and your reports will not be taken seriously, even if everything you publish thereafter is correct.
- **Security risks:** Publishing inaccurate information could affect your security. For example, if you or one of your colleagues is arrested or disappeared, local and international actors will be more likely to mobilise rapidly on your behalf if they respect your work and know you are conscientious. If you are in the habit of publishing unverified or exaggerated information, they may be more reluctant to intervene.

You could also inadvertently put other people at risk by publishing incorrect information. The authorities may assume that certain witnesses fed you false information and subject them to reprisals. In addition, many people believe what they read without questioning it, especially if it is posted by a respected human rights defender, and you may not be able to anticipate and control their reactions.



I've seen competition in the human rights community to get a piece of information out first. But we're documenting people's suffering and they deserve better than that. We have to keep data accurately. We can't rush. If we do, we may make mistakes and our credibility will suffer. People trust us and risk their lives to give us information. You can't play with that.

Human rights defender working from exile

- **Risk of counter-attack and prosecution:** Governments will always seek to deny information and discredit their critics. If you can substantiate everything you publish, you can handle their attacks. But if you have not taken the trouble to corroborate information, you put yourself in a vulnerable position. Those who want to harm you will know your weaknesses and seek to exploit them.

Increasingly governments sue, or threaten to sue, human rights defenders and journalists for publishing allegedly erroneous information (even if their information is correct). Some governments also force victims to testify against human rights NGOs or journalists and to deny that they were tortured.

There is no safeguard against this, but you can protect yourself, to the extent possible, by being thorough, rigorous and truthful about what you know and don't know. If the authorities still decide to prosecute you or launch a propaganda war against you, you will be on stronger ground when defending yourself.

F. THE ROLE OF INTERMEDIARIES

Intermediaries play a critical and often unacknowledged role, especially when investigations are conducted remotely. To a large extent, the success of investigations hinges on them. In some cases, you may have to depend on a chain of several intermediaries before you can reach the victim or witness you want to speak to.

Intermediaries fall into two main categories: members of your organisation or network (most of whom are human rights defenders in a broad sense) and people who are connected to the victims or witnesses you want to interview, for example relatives, neighbours, friends or co-detainees.

Ideally, intermediaries will put you in touch with victims or witnesses and you will interview them directly. But in some situations, this will not be possible, so the intermediaries will have to collect the information themselves, then report back to you.

When the intermediaries are members of your organisation or network, it is easier to guide them in whom to approach, how to approach them, and what questions to ask. Some may already be experienced investigators and have been trained in the working methods of your organisation.

Others, however, have no formal experience of human rights work. Human rights defenders from several countries said that many of their intermediaries and members of their networks are not professional human rights defenders, but members of local communities such as teachers, tribal leaders or elders who collect information in informal ways. In such situations, you can still provide them with guidance, but you may not be able to dictate the exact methods of collecting information.

Selecting intermediaries

Two human rights defenders in exile explain how they work through intermediaries:

"In addition to our observers and monitors [...] we picked other people to be our investigators. We know them, but no one would know they were human rights defenders. They may be schoolteachers or bank workers. We hesitate to use people who are known as NGO workers, so we choose people from other professions [...] They usually approach victims' families through someone else. Teachers are respected in their area so they can ask questions.

Our local members interview torture victims. Usually they do it through someone who knows the family. The family may even be present during the interview. It is not a formal interview. For example our network member may be a village elder. [...] We try to find very local interlocutors. They are not professional human rights workers. [...] Some members don't have a high level of education, but they are trusted locally so they can get information through existing networks. You can't train for that. If you parachute someone in from a different region, I'm not sure people would talk to them. It depends on whether they have the networks, ethnic or family connections, language, religion etc."

Human rights defenders often use lawyers as intermediaries. Some of these lawyers may already be part of the broader network of human rights defenders, in which case it is easier to ask them for information about their clients. Indeed, in many countries there is a big overlap between human rights defenders and lawyers. Even lawyers who are not known to you may be willing to cooperate. Some human rights defenders give lawyers a list of questions in advance and the lawyers report back to them after visiting their client.

Even when you provide intermediaries with detailed guidance, they may not deliver in the way you expect or would like. Intermediaries are hard to control, especially remotely. You

don't know how sensitively or carefully they approach the victims, whether they put them under pressure to speak, to what extent they ask clarifying questions, and, on an even more basic level, whether their account of that person's statement is accurate and faithful.

With the possible exception of local human rights defenders, most intermediaries are unlikely to take notes or be able to record interviews, so rely on their memory to convey the information back to you. They may forget or misremember certain facts.

The conditions in which they interview witnesses may be far from ideal; it may be difficult to find a discreet place to talk and

they may have to cut the interview short or skip over important points. A human rights defender working on a closed country said: *"We can't expect the human rights defenders who are inside to spend long hours collecting information. They have to work surreptitiously, as if they were committing a crime. They can't even trust their friends and family."*

Therefore, in many cases, these will probably not be interviews as such, but a few basic, factual questions asked under cover of a casual conversation or in a social setting. If this is the only way of reaching witnesses, you may have to accept these limitations. In that case, verifying the information with other sources becomes even more important.

When the intermediary is not a human rights defender, or if you don't know them and don't know whether you can trust them, ask them simply to connect you to the witness but not question the witness themselves. You can then ask one of your local observers or another trusted contact to try to interview them instead.

This may be particularly important when researching a sensitive issue such as sexual violence. Special care needs to be taken when approaching victims of sexual violence, not only to elicit information but to avoid re-traumatizing them. Intermediaries will not necessarily know how to do this and could inadvertently cause distress to the victim, as well as shut down the possibility of obtaining information.

When to approach witnesses

Local intermediaries may have more flexibility in choosing when to approach victims, in response to local events.

In some situations, it may be more productive to move fast. A local activist working in his country explained: "When people are angry and frustrated, they want to talk, especially straight after an incident. They want to talk immediately and spontaneously. If you approach them later, it may not work and they might be scared. There is a small window in which they are more likely to speak, and we can take advantage of that. The authorities often only think of blocking access to places and witnesses afterwards. [...] If we go to the location immediately, we can often get more information, even if it's risky to be seen there. The authorities may only impose surveillance measures once they've realised information is getting out."

In other situations, it may be the opposite: it may not be possible or desirable to interview a victim or a witness until long after the torture or incident.

G. OTHER FORMS OF EVIDENCE



i. PHOTOS, VIDEOS AND AUDIO RECORDINGS

Photos of torture injuries taken by victims, friends or relatives are often genuine. If the injuries on the photo correspond to the person's description, you may have to put your faith in these photos, since you may not be able to meet the victim, or if you do, it could be a long time after the torture and their scars may no longer be visible.

However, there could be questions as to whether the injuries photographed were caused by torture, as illustrated by this example from a human rights defender: *"In one case, a man told us he had been tortured and our investigator collected information and medical documents. But someone then*

told us the man's injuries had been caused by an accident, before he was detained and tortured. In our reports [if we are not sure], we sometimes say a person claims he was tortured but we couldn't get any further information, and we call on the government to investigate whether it's true."

Human rights defenders and journalists working in the field can also take photos or videos. For useful guidance on how to document human rights abuses using video, see materials produced by Witness, listed under "Further Resources" at the end of this chapter.



Take particular care with photos, videos and audio recordings posted on social media or circulating in WhatsApp or other groups. Some may be fake or have been altered.

There have been several instances of fabricated photos, as well as videos of alleged human rights violations, circulating widely, which turned out to have been shot in a completely different country, several years earlier. You may not always have the technology or resources to authenticate

material, but there are some basic steps you can take:

- ✓ If someone you know posted or sent you the photo or the recording, ask them where they got it from and work your way up the chain to establish the

original source. Who physically took the photo or recorded the event? In what circumstances? You or one of your local sources may be able to contact that person directly to obtain confirmation and ask to see the original photo or recording.

- ✓ Check if the person appearing on the photos, video or audio looks or sounds like the person they are supposed to be. If you don't know the person, ask someone who does to give you their assessment.
- ✓ Check if other details in the photo or video correspond to the environment of the country or region it purports to be from, for example: is the uniform worn by soldiers on the picture the same as that used by the military in your country? Are there recognisable buildings or landscapes? Conversely, are there features which do not correspond to those that exist in your country? Do the accents and language of the people speaking on the video or audio correspond to those commonly used in your country?
- ✓ Free tools exist to enable you to search for a particular photo and find out if it has been published online before.

► For details of some of these tools and other techniques for verifying photos and videos, see

🔗 https://lab.witness.org/portfolio_page/verification/

- ✓ If you want to use a photo or video that clearly shows the face of a victim, try to obtain that person's consent to use it, as it could put them at risk. If you do use it without explicit permission, you can blur or conceal the face on the photo or video, or the voice on an audio recording, and use a pseudonym for the victim.

► For technical guidance on how to conceal people's identity in videos, see

🔗 <https://library.witness.org/product/concealing-identity/>

- ✓ If you want to use a photo or video that clearly shows the face of an alleged perpetrator, especially if s/he is in the process of carrying out a human rights violation, think twice. The person has not had a chance to explain themselves and they are innocent until proven guilty. They could also sue you for defamation. As above, one option is to blur or conceal the face on the photo or video so that the person cannot be recognised.



If a photo or video is the only source of information about a particular event, and you have no other evidence, don't use it.



Tool: eyeWitness to Atrocities

"EyeWitness to Atrocities", developed by the International Bar Association, is an organisation that provides human rights defenders with a mobile camera application that captures photos and videos that can be more easily verified and authenticated than those captured with a standard mobile camera.

Human rights defenders can take photos and videos using this application on their phones. The application automatically records the time and place of the footage in a manner that cannot be altered. This information is saved in encrypted form together with the image. The application also embeds a unique identifying code (known as a hash value) that is used to verify that the footage has not been edited or altered in any way. The user then sends the information directly to the eyeWitness organisation where it is stored on a secure, private server.

The application can be used for short video clips of about five to ten minutes; it is less suitable for recording long interviews.

It requires access to locations inside the country and is intended for documenting crime scenes or filming events and locations, such as demonstrations. It can also be used after the fact, for example to show injuries, graves, property damage, movements of troops or civilians. It is therefore primarily for use by field staff and local observers rather than human rights defenders in exile.

The eyeWitness organisation focuses specifically on crimes of genocide, war crimes and crimes against humanity, rather than human rights abuses more broadly. It keeps a bank of information collected through the application. All material received is reviewed by a legal team, which also works to identify potential uses of the information to hold alleged perpetrators of crimes to account. In this way, eyeWitness aims to bridge the gap between information collected by local activists and national, regional and international accountability mechanisms. The long-term objective is to document potential evidence of these crimes and feed information into criminal or other investigations.

EyeWitness has produced simple, user-friendly instructions on the application in several languages. Human rights defenders, with an Android device, can simply download it and use it, and submit the footage they collect to eyeWitness; the human rights defenders can of course also keep a copy of the footage for their own purposes after it has been sent to eyeWitness. Alternatively, human rights organisations can set up a formal partnership with the eyeWitness organisation, which can then support and train them in using the application.

For further details on eyeWitness, see <http://getjustice.eyewitnessproject.org> or contact Eleanor Farrow at general@eyewitnessproject.org



ii. DOCUMENTS, NOTES AND OTHER WRITTEN INFORMATION

MEDICAL CERTIFICATES, DEATH CERTIFICATES, AUTOPSY REPORTS, OR PSYCHOLOGICAL REPORTS

These can confirm a victim's injuries and their likely cause, as well as their psychological state. However, as indicated above, some victims may only be able to obtain medical certificates once they are out of the country. In their own country, they may not have any medical documents at all, or at best a formulaic certificate from a doctor or hospital containing a superficial description of their injuries. A small number may be able to obtain a medical report from an independent doctor or private hospital.

Another difficulty is that the victim's injuries may have healed if they were detained for a long time before they could see a doctor and the torture occurred during the initial period of their detention.

Professional psychological and psychiatric support is practically non-existent in many countries or not safely accessible to torture victims. You may therefore only be able to obtain evidence of the psychological impact of the torture once the victim leaves the country.

If victims or their families provide you with medical documents or autopsy reports, you may be able to contact international forensic experts for a legal and medical analysis, for example through the Independent Forensic Expert Group.

► Contact: ifeg@irct.org

An international medical opinion can be crucial, particularly if the government denies torture, offers its own, contradictory account, or produces inaccurate, incomplete or false certificates.

In one example of a death in custody, human rights defenders had access to an autopsy report and asked an international forensic expert for a professional opinion. The autopsy report did not state torture as the cause of death, but contained enough information about the injuries to allow the forensic expert to conclude that the government's version of events was implausible. In other cases, international medical experts have been able to go further and conclude that a victim had been tortured, even when the autopsy did not state torture as the cause of death.

In individual cases, and if resources are available, it may be possible to arrange for torture victims to travel abroad, to a safe location, for a medical and/or psychiatric

examination by international experts. These experts' assessment could be especially important if physical traces of the torture are no longer visible and specialised expertise is required to ascertain that torture occurred. During such a trip, you may also be able to arrange for the victim to access treatment and rehabilitation services.

In countries where torture is, or has been, systematic, and where many victims are living in exile, you may be able to team up with an international organisation to carry out a more comprehensive study, by arranging specialised medical examinations of a larger number of victims, in accordance with the Istanbul Protocol (the recognised international guidelines

on investigating and documenting torture). This approach can be used even many years after the events and can be an important tool for documenting historic patterns of torture.

COURT AND LEGAL DOCUMENTS

Documents such as summons and arrest notices, releases notices, notification of charges, and court judgments can all confirm the official facts of a case, even if some of the information is inaccurate or has been falsified. Evidence of those errors can be useful too. For example if an arrest warrant has been post-dated, there may be no official record of the period between the person's real arrest date and the date on which their detention was acknowledged by the authorities. This may well correspond to the period when the detainee was tortured. The error in the date may indicate the authorities' denial or attempt to conceal the truth about the detainee's treatment in the preceding period.

Lawyers may also be able to obtain custody records. Some victims state that they were tortured when questioned by the prosecutor, before their case goes to trial, but prosecutors don't follow up on the allegations or launch investigations.

TRANSCRIPTS OF COURT HEARINGS AND NOTES OF TRIAL OBSERVATIONS

In many countries, defendants state in court that they have been tortured or that their




confession or statement was extracted under torture. These statements are on the public record, and it is therefore easier and safer to quote them rather than quoting their confidential accounts.

If there are no official transcripts of court hearings or you can't obtain them, try to send a trial observer, if the hearings are open to the public. The observer does not have to be an official representative of your organisation. In countries where hearings are public, anyone can attend. The more discreet the observer, the better.

If you are unable to send an observer to the trial or believe that the presence of a trial observer whom the authorities might suspect of being linked to your organisation would attract too much attention, you may

be able to ask a trusted journalist to observe the trial instead. Some journalists record court proceedings and may be able to share their recording with you. International human rights organisations also observe trials and may be willing to share their notes with you confidentially. Diplomats from friendly embassies also occasionally attend trials, especially of human rights defenders. If none of these options are possible or if the hearings are closed to the public, you can ask the defendant's lawyer for information.

Transcripts or notes of court hearings will also help you document whether the trial was fair⁸. For example, convictions on the basis of confessions extracted under torture are a common occurrence in many countries, even when defendants retract these.

 *Most torture victims who cases go to trial tell the court what happened to them in detention. We send our researchers to observe trials so that we can quote what is said in court. There are fewer security risks that way. We do further investigations ourselves, but we only quote what is said in court.*

Exiled human rights defender working with field-based researchers

In some countries, however, trials not only take place behind closed doors, but defendants are tried without a lawyer, or with a lawyer assigned by the state. In these situations, you may not even know the trial has taken place until long after the event. One human rights defender cited the case of an activist who was arbitrarily

arrested, tried and sentenced to several years in prison for comments he had posted online. He defended himself at his trial and with the help of a friend, smuggled out a long, eloquent letter, describing his arrest and challenging the verdict. His letter reached organisations outside the country and was published.

⁸For guidance on fair trial standards, see Amnesty International, "Fair Trial Manual" (2014), <https://www.amnesty.org/en/documents/POL30/002/2014/en/>

COMPENSATION CASES

Some lawyers file compensation claims on behalf of their clients who have been tortured. Regardless of whether these cases succeed, they have the advantage of placing the information in the public domain, so you can use the information they contain.

POLICE REPORTS OR VIDEOS

Lawyers or inside sources in the police may be able to obtain copies of police reports or recordings. In some countries, police record or film forced confessions, in which detainees are told to read or recite a script prepared by the police. These materials may also contain visual or other evidence of torture.

CORRESPONDENCE

Letters and other correspondence, for example between the victim, their family or their lawyer and the authorities, or with national oversight bodies such as an Ombudsman or a national human rights commission, can be useful in showing that victims or their families have filed complaints. Responses from these bodies or from government authorities can also contain useful information. A government denial or a claim that the authorities are investigating can provide you with hooks for advocacy.

MINUTES OF OFFICIAL MEETINGS

Inside sources in the government may be able to share confidential minutes of meetings. You may not be able to publish them, but they could contain important information about torture and other abuses, implicating particular officials.



Bringing documents out: If any of the above documents are only available in hard copy, think carefully about how the source can send them out to you. They will probably have to go through one or several intermediaries. Make sure these intermediaries are trustworthy, take appropriate precautions and do not expose themselves to unnecessary security risks; carrying copies of sensitive documents could land them in trouble if they are searched by the authorities. International NGOs, journalists and occasionally embassy staff may sometimes be willing to carry or send documents out for you.



iii. OBJECTS

Objects and samples of material evidence, such as articles of clothing, bullets or cartridges, debris or substances can back

up witness testimony. In some cases, victims may be able to provide these. In other cases, human rights defenders or

journalists working in the field may be able to collect them, but always consider security implications before taking such materials out of the country.

Once the objects or materials are in your safe possession outside the country, preserve them carefully as you may need to ask forensic, military, medical or other experts to analyse them.



Take care to protect the materials and avoid contamination, especially when arranging transport.



Make sure no one is exposed to security risks by carrying objects or equipment that may be illegal or potentially incriminating (for example military equipment) or hazardous to their health.

If in doubt, seek specialist advice. Don't transport or arrange the transport of objects or material evidence until you are satisfied that you have taken appropriate precautions in terms of protecting the materials and the people carrying them.



iv. OPEN SOURCE INFORMATION

A wealth of open source (publicly available) information is available, especially online, and access to most of it is free. Open source information does not replace first hand research, but it can supplement information you obtain from other sources.

You may need to spend some time identifying websites or social media accounts that are the most relevant for your

work. Sifting through them can be time-consuming. You will have to differentiate between sources that are usually reliable and those you know to be biased but that may still contain useful details or set the position of political actors on the record. For example, a government's or an armed group's version of events can be useful even if it does not correspond to your own.



Remember to archive or take a screenshot of web pages that contain useful information, and download and save relevant documents or videos, since information can be removed or websites disabled and you may not be able to find them again.

A few examples of open source information that can be useful when documenting torture:

✓ **Government websites** containing official statements or speeches, national laws, information on the composition of the government and the security forces, lists of official prisons, local government offices, and other official documents. Check the websites of the security forces as well as those of relevant ministries or the presidency.

Some websites of government officials, as well as local governments and councils, can provide leads on specific cases. For example there may be information on a prisoner who allegedly died of illness or after a fight, and whose body was returned to his family. If there was a prior allegation that that prisoner may have been tortured, you may be able to get in touch with the family to find out what happened.

Some government or security force officials have personal websites or social media accounts or pages. It is worth following these, as some perpetrators publish information to glorify themselves, for example bragging about how tough they are in dealing with alleged terrorists. They may post photos or videos of themselves in incriminating situations. In one country, a video was circulating, allegedly taken and posted by the military, showing soldiers kicking and beating people.

✓ **State media:** Some governments use the media to publicise human rights violations, or information linked to human rights violations, as part of their propaganda. State media may show alleged terrorists making forced confessions, retracting information they gave to human rights groups or denying they were tortured. Sometimes authorities force people to make these statements in press conferences and invite the media to film proceedings. Some trials are also televised and shown on state media. In some cases, you may be able to see whether a person has visible injuries.

✓ **Parliamentary websites** containing reports of parliamentary commissions, inquiries into human rights issues, information about parliamentary debates and laws.

✓ **Websites of opposition groups,** including armed groups, containing official statements and other leads that, like government websites, could lead you to information on human rights abuses.

✓ **Reports of credible national and international human rights organisations.**

✓ **Reports by UN agencies, particularly the Office of the High Commissioner of Human Rights.**

✓ **Reports and articles by academics. Online or print newspapers, broadcasts and websites of independent media.**

✓ Online **satellite imagery and maps.**

These can enable you to identify distances and specific locations, such as prisons, and see what certain places look like. You will need to know what you're looking for and be familiar with the geography to identify the right places. Some victims may not be able to identify the exact location where they were tortured, especially if they were detained in a small, unmarked house, but they may be able to recognise nearby landmarks or points of reference that you can find on a satellite image or a map, such as a river, a big building or a large empty ground.

Google Earth is freely available and exists in several languages. More sophisticated images and expertise can be commissioned but may be expensive.

✓ **Independent websites that post information on the composition of the security forces and command structures,** for example:

🔗 whowasincommand.com

🔗 securityforcemonitor.com.

At the time of writing, these websites only publish information on a few countries. Always check that the information is up to date, as governments frequently rotate their security force personnel and change or reorganise their units.

✓ **Social media,** particularly information posted by sources that you trust. This can be a useful starting point for investigations, especially when you don't have access to the country or locations where abuses are taking

place. Indeed, this is often how human rights defenders first hear about a case. Many rely on social media as a way of receiving news quickly, or even in real time. However, other defenders hardly ever rely on social media as so much of the information posted is incorrect.

A lot of information and images are posted and reposted on social media without any form of verification, sometimes in good faith by normally reliable sources. However, in other cases, information is deliberately distorted for political ends or to trap human rights defenders. Those who post the information often jump on the most sensationalist or gruesome aspect of a story in order to attract attention, without taking the trouble to check it or asking the victim for their consent.

A human rights defender recalled an instance in which information about an alleged disappearance was circulating on social media: *"I found out that the person had not disappeared. He was in prison. From talking to his housemates and other prisoners, I found out he was not even detained for political reasons. Yet at least two NGOs had reported his disappearance."*

Another said that the wife of a victim was shocked to find that her husband's case was widely reported on social media. No one had asked her for her view and she was afraid of the consequences for her family.



Be aware of the pros and cons of using information in the public sphere. The proliferation of social media provides many opportunities, but as always, check that the information is correct before using it.



Beware of figures and over-simplification. Don't just adopt figures because they're circulating widely, and don't advance figures if you can't back them up.

Recycling figures

The recycling of figures is a particular problem. Journalists and even some human rights organisations love to quote figures. Statements such as "more than 5,000 people have been tortured in country X over the last two years" or "350 people have been killed in country X in the last year" may crop up in media or social media reports. Within a short time, these figures have been accepted as common knowledge and recycled by anyone and everyone reporting on the country.

But where did these figures come from? How were they calculated and what methodology was used? In many cases, it is extremely difficult to estimate the total number of victims, especially when documenting torture in closed or semi-closed countries, since only a small sample of cases reach the public domain. Such figures may therefore be unreliable.



FURTHER RESOURCES

"Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (2004).

🔗 <https://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>

Verification techniques

Christoph Koettl, University of Cambridge, "Citizen Media Research and Verification: An Analytical Framework for Human Rights Practitioners" (2016).

🔗 <https://www.repository.cam.ac.uk/handle/1810/253508>

Craig Silverman (ed), "Verification Handbook" (aimed primarily at journalists),

- "Verification Handbook: An Ultimate Guideline on Digital Age Sourcing for Emergency Coverage"

- "Verification Handbook for Investigative Reporting: A Guide to Online Search and Research Techniques for Using User-Generated Content and Open Sources Information in Investigations"

- "Verification Handbook: Additional Materials to Verifying Digital Content for Emergency Coverage"

All available at:

🔗 <http://verificationhandbook.com/>

Citizen Evidence Lab: Tutorial, Case Studies and Authentication Techniques for Human Rights Researchers

🔗 <https://citizenevidence.org>

Exposing the invisible: short films, video interviews, guides and resources for the verification of online data.

🔗 <https://exposingtheinvisible.org/guides/verification%20/>

Video documentation and verification

Witness Media Lab: A selection of verification tools, guidelines and other resources aimed at those curating online video can be found here:

🔗 https://lab.witness.org/portfolio_page/verification/

Witness: Video as Evidence Field Guide, available at:

🔗 <https://vae.witness.org/video-as-evidence-field-guide/>

eyeWitness App:

🔗 <https://www.eyewitnessproject.org>

Verifying geographical locations

Bellingcat: A Beginner's Guide to Geolocating Videos

🔗 <https://www.bellingcat.com/resources/how-tos/2014/07/09/a-beginners-guide-to-geolocation/>

Geoguessr Game: a game that uses Google Street View to make users guess at what location they are. Useful to sharpen your geo-locating skills.

🔗 <https://geoguessr.com>

Wikimapia,

🔗 <http://wikimapia.org>

Google Earth,

🔗 https://www.google.com/intl/en_uk/earth/





IV. SECURITY

Security considerations underpin all human rights work, particularly when documenting torture which governments will do everything to hide.

This Guide does not include detailed security advice, as international human rights organisations with expertise in protection have already developed a range of materials and training manuals covering personal security, security of information and security of communications. A selection of these materials is listed under "Further Resources" at the end of this chapter.

Nevertheless, human rights defenders consulted as part of this project asked for some security tips to be included in this Guide. A few basic points are listed below, with a particular focus on the needs of those working from exile. These points are far from comprehensive, and none of these measures are completely failsafe, but they may offer a degree of protection.

Human rights defenders are encouraged to contact international organisations who have expertise in security and protection for human rights work, and who may be able to help you set up security structures and protocols; some have small grants for this purpose.

A. CROSS-CUTTING POINTS

✓ **One measure taken alone will be of limited use unless accompanied by other measures.** Security is part of a package, and physical security, security of information and security of communications are all inter-related. For example, careful measures to talk to someone discreetly can be cancelled out by forgetting to delete or encrypt messages. Likewise, if you develop an emergency protocol that only some members of your organisation observe or are aware of, it will not be effective.

✓ **Try to anticipate security risks not only in the present or in the near future, but in the weeks, months or even years ahead.**

The risk may not be just around the corner. It could surface unexpectedly, a long time after the event.

✓ **Review your security assessment frequently.** Assessing security risks in your country accurately may be harder when you are working remotely. Some of your instincts and reflexes may fade over time and the security environment may have changed since you left. Seek the advice of colleagues and other sources in the field and review your security assessments frequently, since circumstances can change in a matter of days.

B. SECURITY OF WITNESSES

✓ **Avoid unleashing a sequence of events you can't control.** Human rights defenders take decisions about their own security every day, but taking decisions on behalf of others is more

complex, especially when you are not on the ground. Consider the possible consequences of your actions on others, particularly witnesses and sources in the country.



Defending someone's human rights shouldn't lead to exposing them or other people to further human rights violations.

Human rights defender from a closed country

- ✓ **Take time to explain.** Some victims or witnesses may not realise the importance of confidentiality or be fully aware of security risks, particularly digital security. Take time to explain the risks to them, in a calm and realistic

way, without unduly frightening them. Remind them to be discreet and tell them to delete all traces of communications with you on their phone after each conversation.

C. SECURITY OF HUMAN RIGHTS DEFENDERS IN EXILE


- ✓ **Don't assume you are completely safe just because you have left the immediate dangers of your country.** Some human rights defenders, particularly those who live in a country bordering their own, have been threatened and even attacked in exile. If there is a close relationship between the governments of your host country and of your country of origin, take appropriate measures to protect yourself, your information and your communications.

Even if you are working far away from your country, take personal threats seriously and report them to the police in the country where you are living or to the office of the United Nations High Commissioner for Refugees (UNHCR). Some human rights defenders working in Europe and the US, for example, have received serious threats from government officials from their country and have come under intense pressure to stop their human rights activities.

D. SECURITY OF COMMUNICATIONS

- ✓ **Ensure that someone in your organisation keeps up to date** on the safest systems of communication or consult friendly international human rights organisations for advice. New technology is being developed all the time. At the time of writing, applications

such as Signal and encrypted e-mail systems such as Proton or Tutanota are believed to be among the safest channels of communication, but by the time this Guide goes to print, new and safer applications may already be available.



We are very aware of digital security and protecting the security of our networks, but complete security doesn't exist online.

We shouldn't have a false sense of security.

Human rights defender working from exile

PGP e-mail encryption is freely available through open sources. It provides an additional layer of security as it can only be accessed with a special key. However, if very few people in your country use e-mail encryption, it could alert the authorities who may be monitoring communications. Using encryption is also illegal in some countries.

✓ **Try to keep up to date on your government's capacity to monitor and intercept communications, as well as any new laws on digital surveillance in the name of "security".** Governments regularly acquire new technology and some spend huge amounts of money on digital and other forms of surveillance. They may not be able to keep track of every citizen's communications, but human rights activists will invariably be among their targets. There have been cases, in several countries, of trials of human rights defenders or government critics during which prosecutors have produced messages written or received by defendants on applications that were supposedly encrypted. There are also examples of officials recording conversations between torture victims and human rights defenders outside

the country on supposedly encrypted applications.


✓ **Get into the habit of deleting messages as soon as you have sent or received them.** You never know when the authorities may seize your phone or your computer (but remember to save the information elsewhere before deleting it). Don't wait until the memory on your phone is full.

✓ **Be suspicious.** Don't click on links or open attachments sent by people you don't know, even if the message or file has a tempting title, such as "list of torture victims".


✓ **Use a variety of channels of communication and change them regularly.** Use multiple phone numbers and create multiple e-mail accounts to make it more difficult to monitor your communications.

✓ **Conceal your number or use different numbers to call your sources.** You can use different country codes for your WhatsApp numbers, for example; try to avoid using codes of countries associated with the opposition.



It is easy for governments to obtain call logs from phone companies, and some comb through phone calls going back several years. Don't make it easier for them to see that someone has been receiving calls from abroad.

-  **Avoid using people's real names in your contact lists and in conversations and messages.** Use a pseudonym when talking to people inside the country and change it regularly. Agree on simple code names for people (sometimes substituting male for female names and vice versa), locations, and types of events or abuses. Have a code phrase for the most common situations, for example to mean someone has been arrested, tortured or disappeared, or has fled the country. It's also useful to have a code to mean it's not safe to speak. Use codes in written messages


too, so that if the police confiscate a phone and messages haven't been deleted, it won't be obvious what the messages refer to.

-  **Avoid sharing sensitive information or expressing strongly critical views on big WhatsApp groups or other group chats that include large numbers of people.** You don't know who may be part of the group and some participants may add others without you realising it. There have been numerous instances in which information shared privately on a WhatsApp group suddenly goes public or is leaked (intentionally or not) and makes it way back to the government, leading to arrests, abductions or prosecution. Consider using pseudonyms in chat groups and social media networks.

E.SECURITY OF INFORMATION

-  **Back up all your notes, photos and recordings.** You could do this on an external hard drive; systematically make a copy or a photo of all your notes and give or send them to someone you trust outside the country or e-mail them to yourself.
-  **Make sure all your computer files are protected with strong passwords.** Having a single password to log into your computer is not enough. Each file

should be password protected, with a different password.

-  **Choose file and folder names that don't give the contents away.** For example don't entitle a folder "torture cases, X province, X date" and don't use victims' or perpetrators' names in file or folder names. Even if the authorities can't open the files, this will alert them to the type of information in your possession. Use false or misleading file names that have

nothing to do with their content. Apply the same principle to e-mails.

- ✓ **Better still, hide the files or e-mails so that they are not immediately visible** if the authorities seize your computer and force you to reveal your password.
- ✓ **Consider contacting an international organisation** for assistance in setting

up a secure database of information on torture cases, for example HURIDOCs (<https://www.huridocs.org>). Not only will this help you systematically organise and file information for easy and safe access, but it will be important for keeping records for the longer term, especially in situations of severe repression where it may not be possible to act on the information immediately.

F. SENDING MONEY

- ✓ **Choose a secure payment method.** If you are sending money to colleagues and intermediaries inside the country or reimbursing witnesses for travel or communication costs, choose a secure method that the authorities cannot easily trace.

Some human rights defenders find it quicker and safer to send money in an electronic form. Others prefer to use cash as it doesn't leave any traces and wait until someone is travelling to the country to physically hand over the money. To avoid having to arrange secret meetings, some use large social gatherings such as parties to hand over the money.

- ✓ **Seek advice locally.** Bank transfers can easily be monitored, and an international transfer will immediately stand out, especially if it is a large amount. There are many private companies that

transfer money, but check how safe they are before you use them. Be aware that some governments have asked international companies like Western Union to share information with them about transactions. Smaller, regional money transfer or courier companies may be safer. Always seek advice locally. If possible, change the company you use every few months.

- ✓ **Consider setting up a sequence of steps and multiple accounts so that you are not transferring money directly to the final recipient.** One option for sending money to local observers is to set up several collective bank accounts. The account signatories won't be the local observers themselves, but people who have no connection to human rights work, who will then transfer the money to the observers. You can change these accounts and the account holders regularly.

FURTHER RESOURCES

Frontline Defenders have produced a series of guides on security, including:

"Security in a Box" (guide to digital security),

🔗 <https://www.frontlinedefenders.org/en/resource-publication/security-box>

"Workbook on Security: Practical Steps for Human Rights Defenders at Risk",

🔗 <https://www.frontlinedefenders.org/en/resource-publication/workbook-security-practical-steps-human-rights-defenders-risk>

"Protection Manual for Human Rights Defenders",

🔗 <https://www.frontlinedefenders.org/en/resource-publication/protection-manual-human-rights-defenders-0>

"Digital Security and Privacy for Human Rights Defenders" (2007).

🔗 <https://www.frontlinedefenders.org/en/resource-publication/digital-security-privacy-human-rights-defenders>

Protection International have produced various manuals available at:

🔗 <https://www.protectioninternational.org/en/protectionmanual> including the New Protection Manual for Human Rights Defenders: <https://www.protectioninternational.org/en/node/1106>

Advice on security of information and communications

Security of data, computers and phones:

🔗 <https://ssd.eff.org/en/playlist/human-rights-defender#keeping-your-data-safe>

Security of communications:

🔗 <https://orgsec.community/display/OS/Secure+Organisational+Communications>

🔗 <https://teamsammut.com/scf/>





V. USING INFORMATION STRATEGICALLY

When working remotely, you may need to adjust your strategy and redefine your objectives, targets and audiences. Domestic constituencies in your own country or region will always feature among your targets, but some of them, such as local authorities, may be harder to reach or influence once you have left the country. You may therefore increasingly turn your attention to international or regional audiences. This may determine your choices about whether and when to publish information, and in what form, as well as choices about advocacy targets and engaging with universal or regional mechanisms, as explained below.



1. DECIDING IF, WHEN AND HOW TO MAKE INFORMATION PUBLIC

Human rights defenders receive information all the time, but most only publish a small fraction of what they collect. Publishing information may often be the first reflex, especially when you hear about a serious case of torture, but there may be good reasons not to do so or to use the information in other ways.

Decisions will be based on a number of considerations, including:

- ✓ **Quality of information:** do you have enough strong evidence and have you verified it?
- ✓ **Impact:** could publishing the information stop or prevent torture or other abuses in the short term or in the longer term?
- ✓ **Provoking a response:** could publishing the information trigger a government response? For example, could it force the authorities to acknowledge a person's detention, reveal their whereabouts, or disclose other information?
- ✓ **Security:** could publishing the information negatively affect the security of victims, witnesses or colleagues?
- ✓ **Consent:** have the victims consented to publicising their case?
- ✓ **Public record:** is it important for you to place this information on the record, even if you don't believe it will have an immediate impact?

You may not be able to tick all the boxes. As one human rights defender said: *"You may have all the information, but the victim may not want his case to be known publicly. Or you may trust the victim but not have enough supporting information."*

It may also be difficult to anticipate the impact of publishing a case. *"Sensationalising news about a disappearance can go either way,"* said one human rights defender. *"It could lead to the authorities killing that person or producing them alive."*

If your organisation has staff or local observers in the country, ask for their opinion on whether and when a particular piece of information should be published. They may mention factors that are not obvious to you from outside.

"Decisions on whether to publish are taken by our local contacts together with our steering group in the country," said a human rights defender based outside his country. *"All decisions are taken locally."*

A. PUBLISHING IMMEDIATELY OR IN THE SHORT TERM

The main challenge in publishing information immediately, or soon after you receive it, is the time it may take to verify it. If you're lucky, you may be able to reach the victim and several other sources quickly, but when working remotely, it can take several days, weeks or even longer.

In an urgent situation – an arrest or an abduction that may lead to torture or death – you may feel it necessary to publish an unverified allegation in order to alert public opinion and prevent the situation from getting worse. In that case, you can:

✓ **Publish it in a very short form:** one or two lines may be sufficient, for example on social media or as an alert that you

can post on your website and send out to journalists, diplomats and international NGOs. Keep the information to a minimum and omit any details, since the more details you include, the more errors are likely to creep in.

✓ **Use careful language and qualify the statement to make clear that you haven't been able to verify all the details,** for example: *"According to unconfirmed reports, X may have been arrested by intelligence agents and taken to an unknown location. We are still trying to gather information on the circumstances of his arrest and his whereabouts."*

✓ **If you have confirmed that the person** is in detention but you don't where or in whose custody, publicly call on the authorities to provide that information and ensure that the victim's rights and well-being are protected (without accusing them of torturing the person if you haven't been able to verify the allegations).

✓ **Use it as a way of eliciting more information.** A human rights defender working from exile gave the example of the discovery of a dead body in his country. One of his investigators happened to be on the scene when the dead person's ID card was found. He took a photo of it and his colleagues published it. Someone then contacted the organisation through its website after seeing the photo to say that the

person on the photo was their brother. The human rights organisation could then begin its investigation.

✓ **Publish weekly and monthly bulletins** in which you can flag cases where information may be incomplete but where there are sufficient indications to raise concerns. Update cases in subsequent bulletins if new information comes to light.

✓ **Regularly publish brief news** on your organisation's website and update it as and when new information comes in. Information doesn't always need to be very detailed or complete so long as you make clear the status of the cases and explain that you are still investigating the allegations.

B. PUBLISHING LATER



When the state really doesn't want information to come out, they keep the person disappeared. You can't document a case out of thin air.

Researcher working for an international human rights organisation

Some cases are extremely difficult to document or verify in real time. If you don't have enough evidence or haven't

managed to verify a case, you have the option of holding the information back and publishing it later. The information will

remain valid and relevant, even months or years after the event. For example one organisation operating from exile, but with extensive contacts in the field, regularly publishes information on individual cases of enforced disappearances. Sometimes it is able to publicise cases within a few days of a disappearance, but in other cases, it publishes them one or two years later because it has taken that long to piece together all the information.

There may also be gaps in information due to dramatic changes in the political or security situation, for example during periods of intense armed conflict. Once fighting has died down or moved to a different area, you may be able to start gathering information again, but it could take time to locate witnesses who scattered. For example, human rights defenders from one country are still completing their information on events that took place four years ago, when a particularly violent armed group took over certain regions and they were unable to contact victims or other witnesses at the time.

You may also decide, for strategic reasons, that it is more effective to publish a longer report with lots of well-documented cases, rather than short statements on a case-by-case basis. Substantial reports documenting and analysing patterns of torture over a given period can sometimes have more impact (see Chapter III,2 on patterns).

The timing of publication is also important. You may want to wait for a media hook,

for example a regional summit that your government may be attending, a major public event in your country, or a debate on the country at the Human Rights Council or the Security Council.

If you are submitting information to a national or international body, especially one that makes all submissions public (for example a parliamentary or UN committee), you will need to make sure that your information complies with that body's guidelines, rules or criteria, regarding both content and presentation of information.



Pre-emptive statements

In some countries, members of groups who are frequently targeted for arrest, such as human rights defenders, lawyers or members of political or religious groups, make pre-emptive statements. They write down or record a statement, or prepare a set of documents or photos, and hand these over to a human rights defender or a colleague with instructions on when to release it.

Human rights activists and lawyers in one country where defendants are often denied the right to choose their own lawyer have written or recorded messages in advance saying they would never renounce their lawyer unless they were tortured or forced to do so. The human rights defender or the person to whom the message has been entrusted will keep it until it is needed, for example if the person is arrested and the authorities claim they didn't want a lawyer or chose a state lawyer. This tactic is particularly useful in countries where forced confessions are common.

C. DISADVANTAGES OF GOING PUBLIC

There are two important factors that might deter you from going public:

- the likelihood of reprisals
- the risk of getting information wrong.

The government may know or suspect that particular individuals provided you with the information that you published, even if you don't say so explicitly, and this could put them in immediate danger. Even if you didn't interview a torture victim's wife, for example, the authorities may assume that she gave

you the information and target her. You therefore need to be sure that the victims, and/or their immediate families, agree to the publication of the information in full knowledge of possible risks, especially if the case is not already in the public domain (see Chapter III,3,c,ii on consent).

Even if the victims give their consent, the decision to go public should not be automatic, and you will have to consider patterns of reprisals against witnesses.

The risk of reprisals



This kind of work can put people in danger. People have been sentenced to long prison terms for submitting information to human rights organisations, so we are reluctant to put them at risk.

We are afraid of making things worse. There can be repercussions. [...] Media reporting can help or hurt. In some cases, giving information to the media has been cited by the prosecution as "evidence" of a crime.

Two human rights defenders expressing concern for witnesses' security

If the media seizes on the information you have published, it could also create unwanted attention on the victims or their families, with many journalists and NGOs all trying to interview them. The victims and their families may simply want privacy. In addition, some of these journalists may not be as careful as you in their approach,

so may inadvertently expose the victims or witnesses to security risks.

There is also a risk of reprisals against members of your organisation or your family if the information was published in your organisation's name or the authorities suspect you of being behind the information that was published.



Keep in touch with organisations that offer protection and advice to human rights defenders at risk. Inform them of any threats against you, your colleagues or your family so that they can provide support or set emergency measures in motion if necessary.

If you publish information prematurely, you may find that it is inaccurate. Once the information is in the public domain, you can't control it and you can't retrieve it. You can delete a post from your social media page or website, but it may already have been

widely circulated and reposted by others. You may then have to issue a correction, but the original version will still be available somewhere online. It is infinitely preferable to get the information right first time around.

D. NOT PUBLISHING: PRIVATE ADVOCACY AND OTHER ACTIVITIES

Deciding not to publish doesn't mean you can't use the information. You can still use it in many ways, for example:

- ✓ Private advocacy meetings and briefings for government officials and diplomats, UN officials and others. incorporate the information in a report of its own, without linking you to the information.
- ✓ Letters to governments or international bodies, or submissions to UN or regional mechanisms, committees and other organs, either in the name of your organisation or jointly with other organisations. These types of submissions can be private or public. ✓ Sharing the information with a national or international commission of inquiry or other accountability mechanism.
- ✓ Including the information in a report or press release of a coalition of several organisations. This may provide you with some protection as it will not be obvious which organisation collected the information. ✓ Submitting the information as part of a legal case, to a national, regional or international court.
- ✓ Sharing the information with a trusted international NGO which may be able to carry out further investigations and ✓ Sharing the information with a truth commission or a similar body set up in your country.
- ✓ Storing information in your archives, for future use, and building a database of torture cases. Cases can resurface years later, and information rarely goes completely out of date.



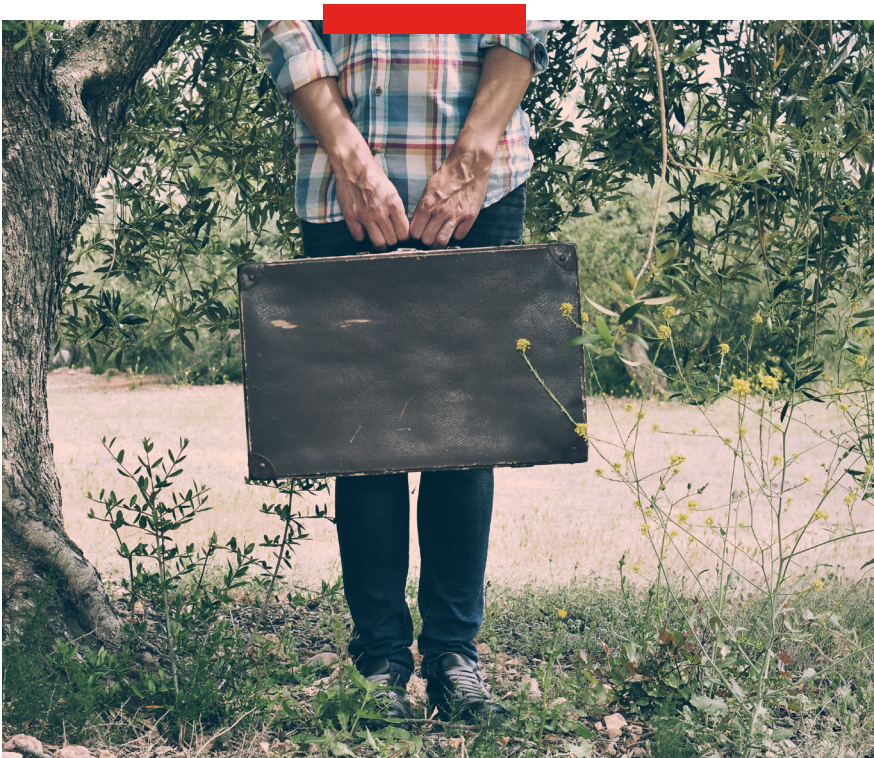
Make sure your archives and databases are well organised and easy to use, so that you and your colleagues can retrieve information whenever you need it. Knowledge of how to access and retrieve information from the archives should be restricted but should not rest only with one person. Always back up or keep a copy of your archives.

VI. WORKING IN EXILE

CHALLENGES AND
OPPORTUNITIES

Choosing the path of exile, even for a short period, is a hard and painful decision. Many human rights defenders resist for a long time, until the threats against them become so serious or the overall situation so insecure that they have no choice.

Living and working as a human rights defender in exile presents many challenges, but also a number of opportunities. Initially, you may feel as if you are starting from scratch without any points of reference, but once you have adjusted to the situation, you will discover potential for effective work. It will require creativity, stamina, and a willingness to redefine your objectives, your methodology and your audiences.





1. CHALLENGES

Human rights defenders who flee their country find that their problems do not end once they have reached a place of relative safety. They may no longer be physically at risk, but will face a range of other personal, professional and practical hurdles. Those who have been working from exile for many years with no prospect of being able to return to their country in the near future may feel discouraged or burnt out.

These experiences are common to many human rights defenders in exile, so you may find it helpful to talk about them with fellow activists, from your country or other countries. Local or international NGOs in the country where you are living may be able to advise you on accessing medical or psychosocial support, finding housing, learning the language, looking for employment, or navigating the laws, rules and regulations of your host country.

Some international NGOs have a small budget to provide emergency assistance to human rights defenders who have had to leave their country because of threats linked to their work. This support is only ever limited and temporary, so does not replace the need to find longer term sources of income, but it can be a lifeline in the first few weeks. A few organisations provide financial support in the form of seed funding to set

up new structures or institutional support for organisations whose members have had to leave their country. However, this support is very limited.

A few other common challenges that impact human rights defenders' work are mentioned below, with suggestions on how to address them.

DISTANCE

Within a short time of leaving your country, you may experience a feeling of distance and disconnection from the places and people you left behind. Events and conditions in your country may begin to feel remote. This can be difficult to manage both personally and professionally: effective human rights work depends on an intimate knowledge and understanding of the setting in which the violations occur.

There is no substitute to being in the country, but there are ways in which you can overcome the feeling of distance. Make sure you speak to several people in the country every day (if it's safe to do so) and not always the same ones. In addition to helping you bridge the distance, it will ensure that you are up to date with recent events. Don't limit your exchanges to text messages. Speak to people, if possible.

ABUSES AGAINST COLLEAGUES IN THE FIELD

Many human rights defenders in exile have friends and colleagues who have been arrested, tortured, disappeared or killed in their country of origin. Coping with such events from a distance can be especially difficult. Exiled human rights defenders said they sometimes felt guilty and powerless, as if they were observing from the sidelines.

Try to turn your position into an asset. From exile you will be better placed to alert and mobilise international actors on behalf of your colleagues and can devote your energy to sustaining international pressure in a way that they are unable to do in the field. By being their voice outside, you can not only demonstrate solidarity but contribute in a very real way to trying to redress the situation.

Take the opportunity to review how your organisation operates on the ground and sharpen your security plans. While your colleagues on the ground are concerned with daily survival and don't have the "luxury" or the time to reflect on the bigger picture, distance may give you a clearer perspective. You may suggest temporarily evacuating colleagues to safer areas, for example, and refreshing your security protocols.

'OUT OF TOUCH'

One of the criticisms levelled at human rights defenders in exile is that they are out of touch and therefore lack credibility. The best way to counter this perception is simply to ensure that you are closely in touch with people and events in the country, on a daily

basis (as suggested above), and that your public reports and statements demonstrate that. Don't limit yourself to recycling old information. By highlighting new cases and recent developments, you will show that your information is up to date.

POLITICISATION

Governments typically accuse exiled activists of being close to, or part of, the political opposition. It is normal for exiled human rights defenders to have contacts with exiled opposition politicians, especially because they often have information about torture and other abuses against their members. However, in order to preserve your independence, it may be best to avoid sharing a public platform with opposition activists, issuing joint statements, or distributing or retweeting their statements.

Some exiled human rights defenders become more politicised over time and may eventually stray into opposition politics. That is a personal choice, but one that may affect their objectivity and influence their agenda, as well as put a strain on relations with colleagues. It is also likely to tarnish their reputation as independent human rights defenders.

CHANGING RELATIONS WITH COLLEAGUES IN THE FIELD

If you are living and working from exile, your relationship with human rights defenders who are in the field will change. Those still working in the country may feel that they are exposed to greater security risks; they may feel exploited or resentful if they believe that you are living a comfortable life in exile.

Those in exile, on the other hand, may feel guilty that they have escaped to a relatively safe environment. They depend heavily on those who are still working in the field and may get frustrated if the fieldworkers do not deliver.

The priorities of these two groups may also change and diverge. Exiled human rights defenders may spend more time focusing on international advocacy and travelling to meetings and conferences, while local activists feel they are left to do the more difficult work. This can lead to tensions, especially in situations where exiled human rights defenders have greater access to international support and funding.

A human rights defender working with colleagues inside and outside the country observed:

"There can be splits between activists inside and outside the country. Those outside can become distant and may take decisions that are a bit naive about possible consequences in the country. There is a disconnect between some local groups and exiled groups. Exiled groups sometimes tailor their information to international audiences. Local groups don't do this so much. It is a question of basic survival for them. They have a different perspective.

The two groups can sometimes work well together, especially on advocacy, but there may be different viewpoints. [...] Those in-country are a bit resentful of those in exile, while the exiles claim those in-country are corrupt or working with the government.

There is no real dialogue. There is a lot of suspicion, especially if people don't know each other."

Part of the solution lies in **good communication**. If you speak often and regularly to those who are working in the field, you are more likely to pick up on negative feelings and be in a position to address them. Be sure to recognise in an explicit way the risks they take to collect information, take their needs and security concerns seriously and do not put them under pressure. If they are members of your organisation, make sure they are involved in decisions about strategy, seek their opinions, give them feedback on their work and on your activities, for example on the results of your advocacy work or on the impact of a report. This will keep them motivated. Show them how your role complements theirs and vice-versa. *"Continuing our work is the best way of keeping their trust,"* one activist said.

FAMILY SEPARATION

Initially you may find yourself separated from your family, especially if you left your country in a hurry to escape an immediate threat. Most exiled human rights defenders eventually manage to be reunited with their closest relatives, but this can take time, especially if the government controls movements tightly and your family wants to avoid attracting attention.

Human rights defenders whose families are unable to join them straightaway will worry about reprisals against them, especially if the defenders are well-known and have been outspoken from exile. Authorities have

arrested, ill-treated and even killed relatives of several exiled human rights defenders, and banned others from travelling. A human rights defender whose wife was arrested and beaten after he left the country said he faced a real dilemma: the authorities had warned her that if she spoke out, they wouldn't allow her to travel. He had to calculate whether it was worth continuing to speak out or whether this might endanger his wife's security. He decided that publicising the threats against her could prevent the situation from getting worse, so he opted for that course of action. His wife was released and eventually joined him abroad.

In the most extreme scenarios, human rights defenders have had to cut off all contact with their family in their country as a direct result of their human rights work. One human rights defender told OMCT that she had not spoken to her parents for several years; this was her decision, as she did not want to expose them to repercussions from her work. Another said he never contacted his relatives back home, and at least one of them had disowned him: *"We even deny they are our relatives to avoid reprisals. I don't know what has happened to my relatives and I don't want to communicate with them. They are forced to denounce us. We don't get upset or take it personally. We are blacklisted as human rights activists."* One of the side-effects of human rights defenders cutting off communications with families is that an important channel of information is shut down.

PSYCHOLOGICAL IMPACT

Human rights defenders are often so busy helping victims of torture that they forget about their own needs. Yet many of them have been victims of arbitrary arrest and torture themselves, and may still be suffering from the after-effects of prolonged periods in detention. Added to that, they may experience other forms of hardship in exile. Psychological support could therefore be important.

Several human rights defenders said they and their colleagues were reluctant to seek support for psychological problems, because of a broad perception that they might look weak. Women were more willing to accept and address this need. One activist spoke openly about her psychological problems in exile, and called on younger activists to express themselves and not be afraid to show their emotions.

For those who are unable to access counselling or therapy in the country where they find themselves, there is the option of online counselling, for example by Skype, with therapists who specialise in working with clients long distance.



We created a centre to help torture victims from our country, but we don't think of it for ourselves. I have never had any counselling or therapy, even though I could use it.

Experienced human rights defender working in exile

ORGANISING HUMAN RIGHTS WORK IN EXILE

Many human rights defenders want to continue their human rights work from exile. Initially, most of them do this in an informal and voluntary capacity, but if or when it becomes clear that they will be unable to return to their country in the near future,

they may decide to establish an official branch of their organisation, or create a new organisation, outside. Similarly, some journalists have set up radio stations in exile, broadcasting from the host country or online.



Think carefully and strategically about whether, and to what extent, you want to set up a formal structure. There are clear advantages to doing so, since you will then become a recognised, legal entity; that in turn will help you fundraise and enhance your profile. However, you will have to go through numerous and time-consuming administrative, financial and legal processes, some of which may be overwhelming.

You will need to familiarise yourselves with the laws governing NGOs or the media in your host country, some of which may be quite restrictive or onerous. You will probably have to register the organisation legally in the host country, although this may not be necessary in all cases. There are big variations in terms of legal requirements, as well as restrictions on fundraising. Your immigration status may affect your

possibilities, since you may need a work permit and/or a residence permit before you can register your organisation.

Domestic human rights NGOs in your host country may be able to offer advice on some of these issues. They may also be able to support you temporarily by offering to share office space and other facilities or connecting you with people who can help.



Seek advice and build up a network of friendly organisations and contacts in your host country who can orient and support you. International organisations or networks with which your organisation may have been affiliated may also be able to advise you, share useful experiences from past similar situations or even assist you in setting up an organisation in exile.

RELATIONSHIP WITH HOST COUNTRY

The relationship between your country of origin and your host country will be an important factor in determining how freely you can work. On several occasions, the authorities of the host country have asked human rights defenders to cancel activities, such as press conferences or public campaigns, presumably under pressure from the authorities in the defenders' country of origin. Other governments may not be actively colluding in the repression in your country of origin, but could be turning a blind eye or allowing intelligence agents from your country of origin to operate freely on their territory. Several human rights defenders working in exile said they knew they were watched and suspected the diaspora had been infiltrated by intelligence agents. Some refugees and asylum-seekers they interviewed also worried about being seen with them and feared deportation. These problems don't have to constrain your work, but you should remain vigilant.

The opposite problem may also occur: if there is a hostile relationship between the government of the country where you are living and your home country (for example, if

the former is believed to support opposition groups from your country), you may be accused of being biased or manipulated, which could affect your image. While maintaining a positive relationship with the authorities of your host country, you may prefer not to be seen to be too close to them to preserve your impartiality. You may also choose not to register officially in that country to avoid accusations of proximity with the opposition.

Some organisations in exile register in two countries, for example one in their own region and one in Europe, either because of the above perceptions, or in case problems arise in the country in which they are living. Human rights organisations working from countries where governments are very sensitive about their own human rights record have to make it clear that they will only work on human rights issues in their country of origin, not in their host country; this may be a condition for the government of the host country to grant them registration. Even then, the broader political context in the host country may not be favourable to human rights work, so legally registering in another country can be a useful safety net.



2. OPPORTUNITIES

Human rights defenders from multiple countries have shown that working from exile can be turned into a positive experience. Opportunities can open up, particularly in terms of new contacts and partnerships, support networks, possibilities for advocacy and reaching new audiences.

A. MAKING CONNECTIONS

From outside the country, you may find it easier to build or strengthen relations with international and regional human rights NGOs. These relations can open up a range of possibilities and exposure to different ways of working, particularly in the field of advocacy (see below). Working with reputable international NGOs, formally or informally, can also increase your visibility.

International networking may be particularly important if you and your organisation are not known in your host country and potential partners there may not know whether you are a legitimate human rights defender. Connections with established international organisations or networks can help overcome hesitation by partners, build trust and establish your credibility.

International NGOs can connect you with human rights defenders from other countries, including in the country where you are living. You may be able to forge new links, exchange experiences and work together on certain projects. Some regional human rights coalitions, bringing together human rights defenders from several countries, engage in effective advocacy work, for example with regional human rights bodies.

There are also international networks and membership-based organisations (for example OMCT, International Federation for Human Rights and others) or regional organisations (for example Defend Defenders in East Africa) who have expertise across countries or regions and with whom


your organisation may have worked in the past. Renewing these contacts may prove useful, not only to support your own work but to connect you to other groups for possible joint advocacy, for example.

International NGOs can also put you in touch with organisations that provide rehabilitation and assistance to victims of torture and other relevant groups.

As mentioned above, some international NGOs have emergency funds that can help you for an initial period. They can also connect you with other donors who have budgets dedicated to the protection and relocation of human rights defenders at risk. However, most donors prefer to support civil society organisations that are still working in their country, and may doubt your ability to work effectively from a distance. You will

therefore have to demonstrate the relevance and credibility of your work to convince them to support you and show how you remain connected and engaged with your country, despite the distance. You may initially be able to obtain small, institutional support grants to get started, but in order to secure longer-term, sustainable funding, you may need pro-active support from respected international NGOs. They may be able to recommend your work to prospective donors and help you develop work plans or even funding proposals.

Another source of support and partnership might be human rights defenders from your own country, who find themselves in exile like you, perhaps even in the same country. You may be able to work collaboratively in exile, as you did in your own country.



A lawyer and human rights defender explains how he and several other exiled lawyers formed a collective to gather testimonies from victims and organise advocacy work:

"We kept running into more and more people who had fled. We organised a lot of meetings of human rights defenders in exile and got together. After a while, we found ourselves working as if we were still in our own country."

The friendship of human rights defenders who find themselves in the same situation as you can also be valuable in times of personal distress. One activist who was unable to

return to his country when his father fell ill or to attend his funeral said fellow human rights defenders and journalists in exile had helped him through this difficult period.

B. IMPROVING SYSTEMS AND ORGANISATION

On a very basic level, you will probably be able to operate more freely outside your country, without the immediate threats and daily stress of working in the field. This will give you a chance to reflect and to develop strategies in a way that you would rarely have time to do in the field. You will also be able to organise and improve your systems for collecting and storing information and producing reports.

Many human rights organisations consulted for this project are structured around a similar model: their registered office is outside the country, and from there, they receive, review and process information sent to them by colleagues in the field. Since human rights defenders can't publish information inside the country, they do so from outside.

Organising documentation from exile

A human rights defender based outside his country, but working closely with colleagues in the field and in neighbouring countries, explains his organisation's system for collecting, verifying and storing information:

"We have three stages for the collection of information:

- 1) Documenting human rights violations. This is done by our colleagues in the country.*
- 2) Reviewing all the information. This is done mostly by colleagues based in the border countries.*
- 3) Entering the information in the database. This is done mostly by those in Europe.*

Our team in the country collects information and sends it to the verification team outside. In the verification team, there are people from different regions who are trained in human rights and international humanitarian law. They are aware of the background and context of events. They review the information and identify gaps or missing points, then go back to the documenters and ask them to complete it, for example by interviewing X, Y or Z, getting information on a particular aspect, visiting a specific hospital, etc. We can't always complete everything, but we try as much as possible.

The data team then enters the information into the database and links it to similar information from that region or on that theme. The information is classified, for example on torture, killings, etc. We review the data on a monthly and annual basis to see if we can collect more. We go back to witnesses we couldn't contact at the time. Some of the victims may now be in Europe so we can interview them there."

C. INTERNATIONAL ADVOCACY

Engaging in effective and sustained advocacy is often easier when you are outside your country and you can reach audiences which were not accessible to you before. Indeed, that may be an important strategic shift in your focus, and you may find yourself in a position in which access to international actors compels you to adopt a new role. One of the most useful roles exiled human rights defenders can play is informing and mobilising the outside world about torture and other violations in their country.

Navigating the complex and sometimes bureaucratic processes of international or regional institutions and mechanisms can be daunting. International NGOs can support and guide you through this maze. For example, NGOs based in Geneva (such as OMCT and others) can be important partners for engaging with UN human rights mechanisms. If resources are available, they may be able to arrange for you to travel to meet officials, brief members of the Committee Against Torture, the Human Rights Committee or other UN bodies, or make statements at the Human Rights Council. Regional or international organisations can play a similar role with regard to regional bodies and support you in making submissions, for example to the African Commission on Human and Peoples'

Rights. They may be also able to introduce you to relevant officials in their government, in the ASEAN or in the European Union, to UN staff, special rapporteurs and others.

From exile, it is also generally easier to submit information to and cooperate with regional or international courts, as well national courts of various countries which may be prosecuting officials from your country under universal jurisdiction. This is an area where exiled human rights defenders can play an important role, since activists in the country may find it difficult to access these jurisdictions.

You may be able to make joint submissions with some international NGOs, participate in joint press conferences or panels, or organise your own activities in parallel with theirs. Some human rights defenders are wary of associating themselves too closely with international NGOs, partly to preserve their autonomy and partly because they may not always agree with their strategy. A close public collaboration could also create security risks for their colleagues in the field. For example in some countries, people have been arrested for collaborating with NGOs such as Amnesty International or Human Rights Watch. But even informal, behind the scenes collaboration can be productive for advocacy work.

D. MEDIA WORK

From exile, you will have greater access to a range of media outlets and platforms and can take advantage of these to inform public opinion about the human rights situation in your country. For example:

- ✓ Publishing information on social media. Most exiled human rights defenders have active Twitter or Facebook accounts, and if they regularly publish up-to-date and credible information, they soon build up a big following. Be careful what you write. Most governments monitor social media closely, especially posts by activists and journalists.
- ✓ Publishing press releases and distributing them widely to journalists, including to international media and correspondents based in or covering your country.
- ✓ Giving radio, television or print media interviews.
- ✓ Organising or taking part in press conferences or other public events. You may be able to organise these in the country where you are living, but that may not always be safe or strategic. You can also organise them in other strategically selected countries, in conjunction with international organisations.

FURTHER RESOURCES

Reports on HRDs in exile

Defend Defenders, " 'Exiled and in Limbo': Support Mechanisms for Human Rights Defenders in Exile in Kenya, Uganda, and Rwanda" (2016).

🔗 <https://www.defenddefenders.org/wp-content/uploads/2017/09/ExiledandinLimboSept2017.pdf>

DefendDefenders, "Between Despair and Resilience: Burundian Human Rights Defenders in Protracted Exile in Uganda and Rwanda" (2018).

🔗 <https://www.defenddefenders.org/wp-content/uploads/2018/09/Between-Despair-and-Resilience.pdf>

Forefront, " 'Continuing the Struggle': Human Rights Defenders in Exile" (2005).

Peace Brigades International, "Enhancing Support for Exiled Human Rights Defenders in Nairobi" (2017).

🔗 https://pbi-kenya.org/sites/peacebrigades.org.uk/files/Report%20PBI%20Kenya_WEB.pdf

Article 19, "Iran: Defending from the Outside. A Needs Assessment of Iranian Human Rights Defenders in the Diaspora" (2015).

🔗 https://www.article19.org/data/files/medialibrary/38183/9-11-final-Iran_defending_from_the_outside_report-for-publication.pdf

The Advocates for Human Rights, "Paving Pathways for Justice and Accountability: Human Rights Tools for Diaspora Communities" (2014). Aimed primarily at diaspora groups in the USA.

🔗 https://www.theadvocatesforhumanrights.org/uploads/paving_pathways_2014_3.pdf

Organisations that may provide emergency assistance to HRDs or journalists:

World Organisation Against Torture

To apply : grants@omct.org

Agir Ensemble pour les Droits de l'Homme

🔗 <http://www.aedh.org/en/home/what-we-do/emergency-fund-for-human-rights-defenders>

To apply: agir-ensemble@aedh.org

Frontline Defenders

🔗 <https://www.frontlinedefenders.org/en/programme-protection-grants>

Freedom House

🔗 <https://www.csolifeline.org/emergency-assistance>

To apply: info@csolifeline.org



Reporters Without Borders

🔗 <https://rsf.org/en/presentation-0>

To apply:

- assistance@rsf.org (+33 1 4483 6056): for NGO and media outlet requests for assistance

- assistance2@rsf.org (+33 1 4483 8466): for individual requests for assistance

Defend Defenders (for countries in the East and Horn of Africa)

🔗 <https://www.defenddefenders.org/get-help/>

To apply: +256-783-027611 (24/7 Emergency Phone Line)

International Federation of Human Rights (FIDH)

🔗 <https://www.fidh.org/en/issues/human-rights-defenders/financial-support/grant-application-for-human-rights-defenders-at-risk>

To apply: C1@fidh.org

ProtectDefenders.eu/ European Union Human Rights Defenders Protection Mechanism, European Platform of Shelter Initiatives, Lifeline Consortium <https://www.protectdefenders.eu/en/supporting-defenders.html>

🔗 To apply fill in the secure online form here: <https://www.protectdefenders.eu/en/form-c1.html>

Asian Forum for Human Rights and Development (FORUM-Asia)

🔗 <https://www.forum-asia.org/?p=7302>

To apply: protection@forum-asia.org

For a selection of further resources and other funding organisations:

🔗 <http://www.humanrightsfirst.org/sites/default/files/HRF-Defenders-Resources.pdf>

🔗 <https://www.frontlinedefenders.org/en/resource-publication/other-funding-organisations>

Organisations that provide rehabilitation and care to torture victims

International Council for the Rehabilitation of Torture Victims (IRCT): network of torture rehabilitation centres in more than 70 countries.

🔗 <https://irct.org/>

Includes a list of rehabilitation centers across the world:


🔗 <https://irct.org/who-we-are/our-members>

World Organisation Against Torture (OMCT)

🔗 <http://www.omct.org/assistance-to-victims/>

Please contact: victims@omct.org

VII. TRAINING



Exiled human rights activists may have opportunities to participate in training sessions organised by international human rights organisations and others, but their local observers rarely have such opportunities. Yet the success of the organisation's investigations will depend on its local observers' skills. The security of local observers also hinges to a large extent on appropriate training. *"Without this kind of training, they can put themselves and victims at risk"*, one human rights defender said.


Another human rights defender complained about a lack of training: *"Most researchers have not been trained except informally. They don't have legal training either. They are just activists who become investigators. There is a risk of lack of attention to detail and they may make mistakes just because they don't know."*

Some local activists may be able to travel abroad to attend training sessions, but in the most repressive countries, it will be difficult for them to go in and out without attracting attention, especially if the trip is connected with their human rights work. There have been numerous cases of even relatively unknown activists being stopped at the border, and some have been arrested and detained. Some may also be under a travel ban.

Below are a few suggestions, based on the model of human rights organisations working from exile in close collaboration with observers in the country.

- ✓ Identify the training skills most needed by your local observers. Feedback from selected human rights defenders indicates that practical skills in investigation techniques, verifying information, and interviewing traumatised victims may be among the priorities.
- ✓ If some of your observers can travel safely, arrange for them to attend training sessions on the most relevant topics. If an international organisation invites you to send a representative to a training workshop on one of these topics, prioritise participation by your field observers rather than staff working outside the country.
- ✓ Ensure that the contents of the training are directly relevant to your organisation and to the individual trainees. Prioritise practical training and don't waste precious resources on sessions that are too theoretical or too technical. Lectures and workshops may not always be useful. Some of the most effective training is done informally or on the job.
- ✓ Plan some form of follow-up training, for example once a year, and sustained training on the job. A one-off session with no follow up will be of limited use. Give regular feedback and advice to your observers once they return to the country.

Continuous training and support



Some human rights defenders have been through a lot of training, but most of the training is of a low quality and too short. My best training was ongoing supervision in my work by a well qualified person. Training should be on the job, not only in workshops. Most training sessions are not very practical and there is no assessment by experts. They familiarise us with concepts and basic notions but there is no implementation after that.

Training sessions don't always translate into good habits. They are one-off workshops. There is no sustained support. It would really help us to have long-term support, supervision and review [...]. We need ongoing support for real-life work.

Two human rights defenders voicing criticism of some training approaches and calling for sustained support

- ☑ Design your own training programmes, tailored to your organisation's specific needs. These may combine elements of international training with guidance suited to the local context.
- ☑ In some cases, it may not be safe or practical to bring several observers out of the country at the same time, or you may not want your observers to meet each other. You may be able to bring observers out individually, at different times, although this will be more resource-intensive.

As an alternative, some organisations train their field observers remotely, on a secure online platform, every few months.
- ☑ Some observers may travel abroad for personal or professional reasons. These trips could be an opportunity to meet them, to receive information from them and build some training into their visit. Some human rights organisations whose leadership is based in exile try to meet their local staff once every few months, not only for training but to discuss strategy and security, exchange information and share experiences.
- ☑ If you are organising the training yourselves, think about the location. It may be cheaper and easier to bring observers to a nearby country, but there may be security issues or problems with the government of that country. Organise trainings in small groups and in inconspicuous locations.
- ☑ Try to ensure that most of the trainers speak the language of the participants. If you are bringing in external trainers who don't speak the language, make sure you have interpreters on hand and that materials are available in the language of the participants.
- ☑ Spend some time looking at available resources, such as online guidance and handbooks produced by international human rights organisations (some of which are listed under "Further Resources" at the end of several chapters of this guide) as they are likely to contain useful advice. Pick out the parts that are relevant to you, adapt them as necessary, and translate them into the language/s of your country.
- ☑ If it is difficult to bring many people out of the country, you can opt for the "training of trainers" model: you can bring out and train a small number of colleagues who are working in the country, then send them back to train others at the local level. This can be an efficient way of ensuring your methodology filters down to a larger number of people than you are able to bring out, particularly grassroots workers.

VIII. CONCLUSION AND RECOMMENDATIONS

Human rights defenders working remotely, whether inside or outside their country, are trying to address some of the most intractable situations: severe repression, prolonged armed conflict, insecurity, and widespread human rights abuses. The experiences gathered during the research for this guide have shown that it is possible to overcome these challenges and to continue documenting and campaigning against torture and other abuses effectively from a distance.

The success of this work depends on patience, perseverance, creativity, flexibility, a combination of caution and determination, and a rigorous approach to verification. As one human rights defender said, *"It will be a long time before all the information on torture comes out, but it will come out some day"*.

Opportunities and risks for human rights defenders working remotely are changing all the time, and working methods have to be adapted and reviewed regularly. A rich

pool of experience already exists among human rights defenders across the world. By sharing this experience and exchanging advice and information with each other and with international human rights workers, human rights defenders can continue to strengthen their work and ensure that distance does not become an obstacle to effective documentation and advocacy to end torture.

Below is a synthesis of some of the main recommendations included in this Guide.

MAIN RECOMMENDATIONS



CONTEXT AND FRAMEWORK OF INVESTIGATIONS

1

Lack of access to a country or region does not mean you cannot investigate torture and other abuses. On the contrary, the need may be even greater. Take advantage of the range of techniques and opportunities available.

2

Identify your framework, objectives and main targets in advance. Consider international (including regional) conventions and mechanisms as well domestic references in your country. Even if some national laws seem less effective in the short term, continue engaging with them in order to hold your government to account

3

and strengthen the national justice system in the longer term.

4

Familiarise yourself with the definition of torture, cruel, inhuman or degrading treatment or punishment and other human rights violations before starting your investigations.

Working on behalf of political prisoners may be your priority, but don't forget detainees accused of common crimes. Documenting both categories of cases will help you build up a more comprehensive picture of the use of torture in your country.



INVESTIGATING REMOTELY: STANDARDS AND PRACTICES

- 1 Uphold the same high standards of investigations whether you are working inside or outside your country. Lack of access or difficulties in obtaining or verifying information do not mean that you can sacrifice standards. Even greater rigour is needed when working remotely. Remember that accuracy is crucial for your credibility, effectiveness and security.
- 2 Accept that documenting torture and other violations from a distance takes time and that the process of verification may be laborious. Be patient and don't rush your investigations. Even if the information comes out months or years later, it will still be useful.
- 3 Always verify information with several independent sources and cross-check as many elements as possible. Refer to the checklist of points for verification of information in Chapter III,3,e of this Guide.
- 4 If in doubt about any aspect of an allegation, don't include the information.
- 5 Building trust with victims is essential, especially when face-to-face contact is not possible. Take time to set up the right conditions for interviews, especially when interviewing victims on the phone. Put aside plenty of time for each interview and ensure adequate follow up.
- 6 Consider not only the information victims can provide but their own needs and risks. Provide them with assistance if you can, or put them in touch with rehabilitation and other organisations who may be better placed to assist them.
- 7 Avoid interviewing victims in writing where possible.
- 8 Try to reach torture victims soon after their release, while details are still fresh in their minds and before physical evidence fades.
- 9 Set up a system for identifying former prisoners who were tortured, especially those who have left their country or region, and try to interview them face to face.
- 10 Depending on security and resources, consider bringing individual victims or key witnesses out of the country to interview them. If resources are available, facilitate examination of victims by international medical specialists while they are outside their country.



SOURCES OF INFORMATION

- 1 Maintain an up-to-date and diverse network of sources in the country, particularly in areas where torture is prevalent, and keep in regular contact with them. Don't limit your sources to those working in the human rights field.
- 2 Be careful and vigilant when recruiting in-country observers and monitor their work regularly. To protect their security, your observers don't need to know each other.
- 3 Choose your intermediaries carefully and don't assume their investigation methods are as thorough as yours. They can connect you with witnesses and obtain preliminary information, but ideally you or one of your local observers should conduct the more detailed interview.
- 4 Take into account photos, videos, documents and other resources to back up witness testimony, but don't use materials that you cannot authenticate or for which you don't know the original source. Refer to the checklist of points in Chapter III,3,g,i and iv of this Guide.
- 5 Explore open source information and social media as additional resources, but be aware of numerous inaccurate or false allegations, especially on social media. Always check the information is correct before using it.
- 6 If a photo, video or second hand account is the only source of information about an incident, don't use it.



SECURITY

- 1 Keep in mind your security, the security of witnesses and the security of colleagues at all times. Don't take unnecessary risks. Postpone an investigation or an interview if the security conditions are not right. Consider the risk of reprisals against witnesses or colleagues before publishing information.
- 2 Protect your information and your communications. Consult international organisations and available resources for up-to-date advice.
- 3 Keep in touch with international organisations that may be able to provide emergency assistance to human rights defenders at risk.



OPPORTUNITIES OF WORKING FROM EXILE

- 1 Contact international human rights organisations or domestic organisations in your country of exile for practical support and advice, including on setting up systems for working remotely or establishing an organisation abroad; pooling of experiences; opportunities for networking; and possible joint advocacy. International networking will be crucial to developing and enhancing your work from outside the country.
- 2 Don't forget your own needs. Seek psychological or other support if you need it.
- 3 Review your strategy and adjust the objectives and targets for your anti-torture work as necessary, to make the most of new opportunities. At the same time, the impact of your work on those who are still in the country should always be foremost in your mind.
- 4 Keep in daily contact with a range of people in your country to ensure you don't lose touch with the mood and events there. This includes communicating frequently with colleagues in the field and being receptive to their needs.



TRAINING

- 1 Ensure that any training for local observers or partners is relevant, practical, and tailored to their needs. Plan regular follow-up.
- 2 Consider bringing colleagues out of the country if it is safe to do so and developing a "training of trainers" model, so that they can go back and train others in the field.
- 3 A wealth of freely available advice, handbooks and training materials for anti-torture and other human rights defenders already exists, some in different languages. Exploit them to the full, adapt them to your needs, translate them into your own languages if you can. Contact OMCT or other international human rights organisations if you need more detailed advice.



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