

# MONITORING FOR THE PUBLIC INTEREST: GUIDELINES FOR EFFECTIVE INVESTIGATION AND DOCUMENTATION

This chapter explains:

- what monitoring is and its purpose and importance
- factors for preliminary consideration
- how to prepare a monitoring project
- steps in conducting an investigation
- methods of analyzing data gathered
- procedures for documentation
- how to present project findings effectively

## 1. WHAT IS MONITORING?

Monitoring is a broad term, used in many contexts, that describes various stages of collection, verification, and analysis by nongovernmental organizations (NGOs) of information concerning public interest issues, including civil, political, social, and economic rights. Monitoring, sometimes called fact-finding, encompasses

two principal elements: investigation and documentation. Generally, human rights monitoring involves investigating incidents or government practices by gathering evidentiary material to identify and document the types, prevalence, and causes of human rights violations in an entire country, in a particular region where there has been conflict, or at the site of an individual incident.

There are a variety of methods for conducting monitoring activities. Investigation can occur, for example, through interviews with victims and witnesses of human rights violations; observation of events such as trials, elections, and demonstrations; or the use of more scientific survey techniques. It can also involve visits to relevant sites, including refugee camps or prisons. Documentation of the information and evidence gathered can take the form of a written, printed report or an open letter, or it may serve as the basis for a public meeting. Selecting the appropriate monitoring methods and forms depends not only on the objectives of the public interest organization, but also on a myriad of external and internal factors, described in more detail below.

One cannot overemphasize how critical it is that the information gathered is accurate and reliable, and that it is presented in as timely a manner as possible. In the context of human rights advocacy, challenges to the accuracy of the monitoring process and its results can undermine an entire campaign effort. All human rights advocacy activities, from the submission of complaints before national, regional, or international bodies to legislative initiatives and public education efforts, rely on the veracity and thoroughness of the underlying investigations and documentation. Regardless of the strategy

or activity, accurate information concerning the violation(s) in question will always be necessary. An effective public interest campaign thus depends on following certain fundamental steps to investigate and document the actions or violations on which it is based.

## 2. WHY INVESTIGATE AND DOCUMENT?

Monitoring is important for many reasons. Monitoring exposes human rights abuses or other public interest problems, providing a vital public education tool by helping to dispel the myth that such problems do not occur or that they are rare. With respect to human rights issues, not only can such exposure compel recalcitrant governments to cease violations or decrease their numbers; it pressures other states and human rights organizations to act as well. In addition, monitoring assists in securing effective legal recourse and other remedies.

Most relevant to the immediate concerns of public interest advocates, monitoring is vital to developing effective advocacy strategies, as it allows advocates to become fully informed of the nature and extent of human rights abuses or violations of other rights. Through monitoring, for example, an advocate is able to

discern whether a specific violation is an isolated event or falls within a larger pattern of abuse. Once an advocate is knowledgeable about the facts concerning a public interest issue and understands what requires attention and reform, the advocate can devise an appropriate plan of action. Such a plan may include efforts to change the law (for example, to improve poorly written or harmful legal provisions), its interpretation (for example, to correct mistaken or overly narrow interpretations of the law), or the practice of a state entity (for example, to stop one individual's abusive conduct or general practices that violate rights), or it might include a larger-scale plan to mobilize public opinion.

### 3. PRELIMINARY CONSIDERATIONS

Preparation is a major component of any monitoring project. Even before such preparation begins, however, advocates should examine several issues. Preliminary considerations should include, but are not limited to, the purpose of the monitoring project, the intended use of project findings, the political situation in the country, region, or locality where the monitoring is to take place, and some important ethical issues.

#### *3.1 Purpose of the monitoring project*

At all stages of both strategic and short-term planning, it is extremely important to state with the greatest possible precision the actual goals that the organization intends to achieve, both through the public interest campaign as a whole and at each consecutive stage. The most common mistake is to define the goals too broadly, potentially weakening further stages of planning and the effects of monitoring. Planning should start with a careful selection of the aims of those activities, that is, with identification of what the organization intends to change. Moreover, advocates should assess the scope of their purpose in conducting a monitoring project in relation to the broader goals of the public interest organization. Selecting monitoring as an immediate priority of project activity depends on, among other issues, the possibilities for action, the severity of the problem, the number of people affected, and the realistic chances of bringing about change in that area within a reasonable period of time.

The choice of monitoring also depends on the availability of sufficient human and financial resources. An organization must carefully evaluate the manpower needed to conduct a monitoring project, as well as realistically assess its budget

with respect to the organization's entire scope of activities. The resources needed to conduct a monitoring project may affect the project's purpose in view of an organization's overall plan of action. For more detailed discussion of resource evaluation, allocation, and management, see chapter 1, "Setting Up a Public Interest Law Organization," and chapter 4, "Campaigning for the Public Interest."

The choice is further influenced by such factors as popular attitudes, the number and impact of potential allies, the response by state officials and other decision makers, and the political needs of the group in power. Other considerations may include whether the state under observation is nearing any deadlines for submission of reports on the implementation of international agreements; whether there are announced visits by any international missions; and, more generally, whether the state is under international scrutiny because of a public interest issue.

### *3.2 Intended use of findings*

Monitoring is part of a broader spectrum of advocacy activities aimed at changing the status quo; it is not an aim in and of itself. The intended use of a monitoring project's findings affects the construction of the particular project. When findings are intended for use in a legal proceeding,

the project must be planned somewhat differently from one designed for other purposes. For example, an organization may seek to challenge in domestic court the constitutionality of a selected legal provision, or it may bring an action before an international tribunal to prove that state's violation of a convention or treaty provision. If advocates intend that project findings will lead to litigation, the project must emphasize the need to uncover a violation or pattern of violations that will satisfy the organization's criteria for selecting the best test case.

Where advocates plan to use findings in support of public education activities, the monitoring project should be tailored accordingly. For example, if findings are to be revealed at a public meeting for informational purposes, the impact will be greater if such findings are presented in a more direct, tangible manner. Or the project might seek to identify victims of human rights violations who would be able and willing to appear in public and share their experiences with people, and whom the public would find credible. Likewise, the project should endeavor to identify sympathetic victims if the findings will appear as part of a press campaign. Of course, advocates should be careful not to pressure a victim to appear publicly if they believe there is a risk of negative consequences from publicizing that person's particular situation

(see section 3.4 below). In contrast, where monitoring results are compiled in government or shadow reports or counter-reports, and submitted to legislatures or institutions such as the United Nations or the Council of Europe, the monitoring project should try to gather statistics and figures, to the extent possible.

### *3.3 Effects of political climate*

Another important factor to consider as a preliminary matter is the political climate. The manner in which human rights monitoring, particularly investigation, occurs depends on the political environment or circumstances existing in the country or region to be monitored. In a state where civil society is well developed and relations between governmental and nongovernmental actors are good, local governmental institutions and agencies may prove to be reliable sources of assistance. On the other hand, where this is not the case, government officials are unlikely to provide assistance, forcing a monitoring project to conduct its own independent, sometimes secret, investigations. A state's willingness or likelihood of providing assistance is not solely a matter of political circumstances, but may also hinge on other issues such as the perceived need for reform, the level of bureaucratic formalities, and the extent to

which time and resources are available to provide such aid.

### *3.4 Importance of ethical issues*

Ethical considerations constitute another vital aspect of the preliminary factors that must be examined. Those involved in monitoring human rights violations must remember that their ultimate duty is to ensure the rights and interests of the victims of human rights abuses whom the monitoring project is meant to serve. This means keeping in mind the security and welfare of the people who provide information. Advocates should consider whether the dissemination of certain information will cause any victims further harm. People likely to be affected by the monitoring process should be consulted on matters that may affect them as a result of the project. The security of monitors and all other people responsible for the execution of the monitoring project must also be considered carefully. Such risks should be kept at a minimum. Other ethical issues are addressed later in the chapter (see section 5.1).

## 4. PREPARING A MONITORING PROJECT

Careful planning and preparation are essential to the success of any monitoring

project. Although unexpected difficulties may always arise, thorough preparation contributes to the efficacy of the investigation and helps to ensure that the project's objectives are accomplished. The following steps are general guidelines for preparing a monitoring project:

- 4.1 Set investigation objectives
- 4.2 Specify the issue
- 4.3 Identify key actors
- 4.4 Determine informational needs
- 4.5 Analyze the law
- 4.6 Select research tools and techniques
- 4.7 Assemble and train monitoring team(s)
- 4.8 Make logistical and other arrangements

#### *4.1 Set investigation objectives*

Determining what the monitoring project will investigate and document clarifies the direction that the organization has chosen in its campaign and specifies the type and amount of human and financial resources necessary to accomplish project aims. Setting objectives also provides a better understanding of the size and scope of the project itself. Although the objectives may change as the inquiry progresses, it is best to begin with a clear idea of what issues are to be investigated, what the monitoring seeks to achieve, and what

advocacy strategies might emerge from the findings of the investigation.

In identifying the initial focus of the investigation, it is critical to consult with those likely to be affected by it. Consultation should involve, at a minimum, discussion with victims and survivors of human rights violations, as well as any other groups already working on the issue. This type of advance consultation helps clarify the investigation's objectives and lays the groundwork for further cooperation.

Since the goal of a particular investigation or advocacy campaign may be very specific or very broad, an organization must tailor the investigation procedures accordingly. A narrower objective is usually easier to achieve than one that is more extensive, but a limited monitoring effort can still bring attention to broader issues. For example, an investigation into instances of a specific human rights abuse, such as a highly politicized trial, may shed light on broader defects in the judicial system as a whole. Yet sometimes a narrower focus is neither possible nor expedient. Generally, the broader the goal, the more expansive the investigation must be. The breadth of the inquiry will in turn affect the time allocated for the effort, the human and financial resources necessary, and the ability to articulate a clear and achievable remedy.

## WHAT RIGHTS CAN BE MONITORED?

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An organization may choose from a broad scope of objectives for its monitoring project, which can evaluate a state's status in protecting and promoting

- **one specific right in a specific geographic area**, such as the right to personal integrity, the right to a fair trial, the right to privacy, or the right to freedom of speech;
- **any or all rights of subjects of various open or closed institutions**, such as correction facilities, hospitals, military units, or welfare homes;
- **rights of members of social minorities**, such as national, ethnic, or religious minorities, indigenous peoples, refugees, migrant workers, homeless people, people with physical or mental disabilities, people infected with the HIV virus, or people addicted to drugs and alcohol;
- **rights of people in incidental contact with state institutions**, such as the search or arrest of a person by police, seizure of property by a court officer, or participation in litigation;
- **rights of people in incidental contact with quasi-governmental officials**, such as private investigators, bodyguards, restaurant, shop, and club guards, or ticket collectors in public transportation vehicles;
- **rights relating to measures undertaken or supervised by state institutions**, such as elections, or activities aimed at stifling social protests;
- **compliance with human rights standards through the promulgation of laws**, including laws enacted by legislative and executive government at all levels;
- **implementation of newly enacted laws addressing the protection of human rights**, such as a mental health act, a labor code, or a penal code.

To initiate public discussion on a court system or practices of local police, broad issue, such as the operation of the and advocate significant changes, it is

often sufficient to focus on a relatively small number of incidents. A project's success in relation to one important aspect of its objective may bring about success on other levels. Consider, for example, that police officers who respect the right to privacy or the right to have a lawyer present during questioning are unlikely to behave brutally during arrest or detention. Thus, in aiming to improve human rights observance by a state institution, it is not always necessary to include all spheres of that institution's activity in the monitoring. Improvements in a few but well-chosen areas often lead to reform of the entire institution.

Furthermore, an organization can formulate specific tasks within the overall objective of the investigation, in order to structure and focus investigation efforts. For example, if the monitoring project's objective is identifying and removing the causes of widespread rights violations by the police, the project can divide its investigation into tasks such as examination of police brutality, observance of the right to privacy during searches and seizures, and compliance with existing procedures related to arrest. With regard to the last two tasks, monitors may ask, for example, whether detained people were allowed to contact a lawyer and notify their family or someone else as to their whereabouts. If a medical examination was necessary, mon-

itors may ask whether the detainees were permitted to be examined by a doctor of their choice. If the investigation objective is identifying and removing the causes of violations of the right to a fair trial, tasks may include examination of the length of proceedings, an assessment of the impartiality and independence of the court, analysis of the procedural correctness of proceedings, and observance of the right of access to courts for underprivileged people.

#### *4.2 Specify the issue*

It is often more difficult than it seems to identify the issue that will come under investigation. For example, international human rights law generally binds the state, but not individuals. For a specific violation to constitute a human rights abuse, the monitoring findings must therefore connect the violation to some form of state action or inaction. Investigations must show either that the state, through its officials or other representatives, is committing human rights violations or that private individuals are committing violations while the state is consistently failing to respond to those violations. Thus, in cases of domestic violence, for instance, the actual violation is not only the domestic abuse itself but also the state's failure to prevent or punish



such abuse. Defining the nature of the violation at an early stage can help advocates formulate appropriate questions and be alert for information that either confirms or refutes that initial definition.

#### *4.3 Identify key actors*

The process of setting objectives, including advance consultation with potential sources of information, will help to identify key actors in the situation. Relevant actors should be identified as soon as possible. Waiting until after the investigation has begun may add needless time and pressure to the process and thus may lead to a less complete investigation. Determining the players in advance also helps with resource allocation and selection of interviewers. Key actors will generally include victims and survivors of human rights violations, their families or representatives, other advocates working on the issue, individuals or entities suspected of perpetrating such violations, and people with direct knowledge of the violations or with responsibility for addressing them.

Identifying the alleged perpetrator(s) is also critical to the planning process. Governments may be directly accountable for particular issues or indirectly responsible as a result of their failure to act in preventing human rights violations or punishing private actors. Different

types of information may be needed and a variety of people must be interviewed, depending on the particular situation and relationship of the perpetrator to the state. Demonstrating state responsibility often requires a broad range of interviews to support the contention that a given violation was not an isolated incident but part of a pattern of behavior for which the government is directly or indirectly responsible.

#### *4.4 Determine informational needs*

Determining what kind of information should be gathered is often easier than determining from whom the information can be acquired. Yet in every investigation, some likely sources of information are readily apparent. Generally, potential sources of information include individuals who provide information through interviews or surveys, observations of events by monitors, and official documents collected from and by institutions, such as court files and records maintained by a prison administration or other relevant agency. Other sources may include human rights organizations and other groups in the locality or country that may already have documentation based on preliminary or local investigations, and lawyers, courts, or government officials who may have

information about applicable laws and state actions or responses to the violations. The more clearly and specifically they can

be identified in advance, the more effectively investigators can utilize their time during the actual investigation.

## INVESTIGATION CHECKLIST

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Although it may be impossible to anticipate all of the information that investigators will need to obtain, having a strong sense of the goals of the investigation, the violations to be investigated, and the main players involved can help determine informational needs.

Most investigations must include certain fact-finding aspects, including the following:

- the nature of the violation
- whether the violation is an isolated incident or part of a pattern of abuse
- the violator(s)
- any actions taken by those affected by the violation
- government action or response
- actions taken by any third-party governments or institutions

As factual information is obtained, other informational needs become apparent, including the following:

- relevant laws, regulations, and procedures, both local and national
- the common practice with respect to those laws, regulations, and procedures
- relevant international law
- the government's obligation, if any, under the law

Many investigators and advocacy organizations develop checklists of the kinds of information that investigators are most likely to need. This helps to guide investigators in planning the investigation and in managing their time, by helping them

to remain focused as they gather information, thereby increasing the likelihood of obtaining useful results and reducing the need for follow-up work, which can be quite costly.

Adapted from *Women's Human Rights Step by Step: A Practical Guide to Using International Human Rights Law and Mechanisms to Defend Women's Human Rights*, Women, Law & Development International and Human Rights Watch, 1997, Washington, D.C., chapter 6.

#### 4.5 Analyze the law

The analysis of relevant law begins during the preparation stages of a monitoring project and continues through the completion of the project. In accordance with the hierarchy of sources of law, analysis of the law for monitoring purposes should include both international and domestic law.

Who should conduct the analysis of the law is frequently a concern of advocates involved in a monitoring project. Legally trained professionals, of course, are essential to a comprehensive understanding of the relevant legal provisions. It is equally important, however, for others with specialized knowledge about the particular matter being monitored to be involved. Legal analysis should be a cooperative interdisciplinary effort, in order to maximize knowledge of the law as well as of the relevant social, political, and economic situation.

#### 4.6 Select research tools and techniques

Choosing among a broad range of investigative tools depends on almost as many factors as does the initial decision to conduct a monitoring project. Selecting such tools not only depends on what the project intends to investigate and examine but also hinges on such factors as political conditions in which the monitoring project will operate; the size of the community, country, or region; the level of attention to the issues being investigated; safety issues involved in conducting an investigation; and even the need for translators.

Analyzing such factors to determine the most appropriate research tools and techniques is critical to preparing an investigation. Research tools and techniques should ensure not only that all necessary information is gathered, but also that it is collected in a way that is appro-

### THREE PRINCIPLES OF RESEARCH TOOL SELECTION

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1. **Ensure the impartiality of investigators.** To the extent possible, the chosen technique(s) should reveal all facts and make certain that all relevant parties are heard. An investigation that appears unbalanced can lead to conclusions that are unsupported and thus readily challenged or dismissed.
2. **Check and recheck facts.** The strength of any advocacy campaign depends on the facts on which it is based. Investigators should agree on a research method that promises accuracy by incorporating the steps and time needed to guarantee it. Thus, any reliable research tool should include questions or some other means of testing the veracity of both the monitor and the individual providing information. One incorrect piece of information could undermine the credibility of the entire investigation.
3. **Seek specificity.** The more specific an investigation's findings, the more useful they will be. Advocates should employ research tools that enable the investigation team to target and gather data that is detailed enough and that can be directly relevant to the particular human rights violation.

priate to the circumstances. Thus, choosing research techniques is a series of strategic decisions based on an informed assessment of what needs to be accomplished and of the most effective way to accomplish it. Choosing the order in which interviews will occur, for example, can make all the difference in the effectiveness of the investigation. Speaking to relevant government officials before interviewing those most affected by the abuse

may result in missing key questions that should have been asked of the officials.

**4.6.1 Uniformity in documentation and presentation.** The success of the investigation will ultimately depend on the effectiveness of the effort to document and present research findings. Advocates must therefore be careful to select tools, such as mailed or in-person questionnaires, surveys, and specialized instruc-

tion for monitoring teams, that will maximize the results of the research. The selection and consistent use of a particular research tool will also have consequences regarding what method of analysis can be employed and whether the information obtained will be comparable for purposes of determining patterns.

It may be helpful to utilize research tools such as diagrams or charts to categorize information obtained from official documents, which can state precisely what type of information is obtained from what documents or parts thereof, as well as the principles of classification of such information. A standardized form describing important traits of examined documents, such as the timeliness in receiving the document or the physical characteristics of the document that may imply the frequency of its use, can also be useful. Most importantly, monitoring teams that utilize the same research tools consistently are able to more easily compile and analyze their findings. With this aim, several regional networks, such as the European Coordination Committee for Human Rights Documentation, provide NGOs with basic tools for information handling and documentation control.

An organization of particular note is the Human Rights Information and Documentation Systems, International (HURIDOCS). HURIDOCS seeks not

only to improve access to and dissemination of human rights information through effective information-handling techniques, but also to help establish the infrastructure necessary to organizations investigating and documenting human rights information. This network provides basic tools, including directories, standard formats for recording various types of information, and standardized terminology, in addition to expert advice on technical, organizational, and managerial practices. HURIDOCS also sponsors meetings, seminars, consultations, and even training courses.

**4.6.2 Interviews.** Information obtained from individuals may be gathered in the course of an interview. Generally, there are three forms of interviews: (1) the unstructured interview, in which the monitor and the individual have free-flowing conversation on a specified subject; (2) the semi-structured interview, in which the monitor and the individual engage in dialogue that follows a general pattern decided in advance; and (3) the structured interview, in which the monitor asks the individual previously written questions in a specific order.

Monitors can decide how many interviews to conduct based on statistical methods chosen in advance or on the principle of saturation. Under the principle of

saturation, monitors interview many different individuals until they find that several of the individuals in succession fail to augment the already-obtained information. Monitors may choose to select whom to interview on the basis of the snowball principle, whereby the monitor asks each individual during the interview to name other individuals whose information or opinion could assist the investigation and who may be willing to participate in an interview.

When planning interviews, monitors should decide in advance how to document the information obtained. For example, the monitor could choose to take notes during the interview or to conduct the interview while another monitor takes notes. Interviews could also be recorded, though monitors should be aware that this form of documentation often contributes to an individual's reluctance to speak freely or is simply rejected by the individual to be interviewed. In the event that monitors cannot document an interview in any form while it is conducted, the information obtained should be documented as soon thereafter as possible. Waiting to reconstruct the details of the information obtained in an interview, particularly if monitors delay doing so until after other interviews have been conducted, could sacrifice accuracy and precision in docu-

mentation. A related factor in planning interviews is the location of the interview. Monitors should make sure the location is safe and allows the interviewed individual to feel comfortable. Interviewers should endeavor to talk to individuals in private, or at least outside the presence of any actors involved in the subject under discussion.

Monitors should seek to interview witnesses of events, as they are often good sources of information. When interviewing a witness to an event, monitors might consider asking the witness for a written and signed statement describing that event. On the other hand, if the individual could potentially suffer negative consequences from his or her testimony, being asked to put such a statement in writing may discourage the witness from providing information.

**4.6.3 Consent and confidentiality.** Monitors must make many important decisions regarding confidentiality. They need to decide what information will be made public, through the publication of a report or otherwise, and what information will be kept confidential. This decision applies not only to particulars of an institution under investigation but also to individual data. The decision to make certain information public must involve consultation with and consent of all sources of

that information. In order to obtain consent, monitors will need to explain to their sources both the organization's need or desire to make the relevant information public and the potential effects of doing so. Monitors will face the difficulty of balancing the need to obtain more information against the possible effects of publicly naming a person, group, or institution with a record of rights violations. Decisions regarding confidentiality should be made as early as possible in the monitoring process so that they can be applied consistently throughout the process.

Sources should be informed prior to being interviewed what degree of confidentiality is being promised (for example, the information will not be made public, or the information will be made public but the name of the source will be withheld). Once the information is obtained from a source on the basis of a particular understanding, it should never be used in a different manner without obtaining the express consent of the person who provided it. Doing otherwise would be unethical and would potentially undermine the organization's ability to obtain sensitive information in the future.

It is particularly important for monitors conducting a secret investigation to inform each individual being interviewed how they intend to use the information

they gather; whether they intend to disclose the source of the information, such as the identity of the individual; and how and to what extent they are able to guarantee the safety of the individual. Monitors involved in a project in which a risk of retaliation exists assume responsibility for these actions.

**4.6.4 Observation.** The observation of events by monitors is another research technique. Observation as a monitoring technique can be either "external" or "participatory." Monitors conduct external observation when they want to investigate the work of state officials in a public setting, such as a judge's implementation of the due process principle in the courts or police conduct during street demonstrations. During external observation, monitors usually use an observation sheet prepared in advance, specifying what is to be observed, noted, and documented, and the form the documentation should take, such as photography, video recording, or sound recording. Monitors should select the subjects of observation with utmost care.

Participatory observation involves the monitors' direct participation in the event being observed. When conducting participatory observation, a monitor plays the role of a person who would ordinarily attend the event being observed. For

example, a monitor investigating police conduct during a demonstration or sporting event would assume the role of a protester or sports enthusiast. Monitors should be careful to look inconspicuous, not to stand out among the other participants or spectators at the event. A moni-

tor's task would then be to regularly take notes on data specified in advance. Participatory observation requires more flexibility in that it involves looking for different things or occurrences and requires different levels of analysis and less recording.

### **MONITORING POLICE CONDUCT: BERKELEY, CALIFORNIA'S COPWATCH**

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Copwatch is a community organization whose stated purpose is "to reduce police harassment and brutality" and "to uphold Berkeley's tradition of tolerance and diversity." Established in 1990, its main activities are monitoring police conduct through personal observation, recording and publicizing incidents of abuse and harassment, and working with Berkeley's civilian review board, the Police Review Commission.

Copwatch sends teams of volunteers into the community on three-hour shifts. Each team is equipped with a flashlight, tape recorder, camera, "incident" forms, and Copwatch handbooks that describe the organization's nonviolent tactics, relevant laws, court decisions, police policies, and the actions that citizens should take in an emergency. At the end of a shift, the volunteers return their completed forms to the Copwatch office. If they have witnessed a harassment incident, they call one of the organization's cooperating lawyers, who follows up on the incident.

Copwatch holds weekly meetings, and its activists attend public hearings of the Police Review Commission. It publishes a quarterly newsletter, *Copwatch Report*, which features a "Cop Blotter" column describing examples of alleged police misconduct gleaned from Copwatch incident reports.

Although the group's impact has not yet been studied independently, Copwatch activists are convinced that their monitoring activities deter and thus reduce harassment and abuse.



## COPWATCH INCIDENT REPORT FORM

Date\_\_\_\_\_ Time\_\_\_\_\_ Place\_\_\_\_\_

Officers (names & numbers)\_\_\_\_\_

Police Car License No.\_\_\_\_\_

Arrestee/Victim's Name\_\_\_\_\_

Other information\_\_\_\_\_

Suspected charge\_\_\_\_\_

Witnesses (names & phone numbers)\_\_\_\_\_

Injuries?\_\_\_\_\_ If yes, describe\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Photos or tapes?\_\_\_\_\_

Does arrestee need a lawyer?\_\_\_\_\_

Description of incident \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of Copwatcher\_\_\_\_\_

*For more information, please contact Copwatch, 2022 Blake St., Berkeley, CA 94704, USA;  
tel: (1 510) 548 0425; E-mail: [berkeleycopwatch@yahoo.com](mailto:berkeleycopwatch@yahoo.com); Web: [copwatch.home.sprynet.com](http://copwatch.home.sprynet.com).*

Investigators examining police conduct can obtain further information by (1) monitoring admissions of victims of police actions to hospitals, as well as medical help rendered to such people by emergency departments; (2) determining under what circumstances the police summoned ambulances; (3) visiting police stations where arrested people are brought; and (4) attending proceedings

at penal administrative commissions or courts.

### *4.7 Assemble and train monitoring team(s)*

Another important activity in planning a monitoring project is assembling one or more monitoring teams for the investigation. In addition to carrying out the proj-

ect objectives, the monitoring team(s) will be seen as representatives of the organization conducting the investigation and will interact with other advocates, victims, government officials, and anyone else who is involved. A successful investigation relies on the ability of such monitors to carry out an investigation in a knowledgeable, directed, and respectful manner. It is also critical that monitors use information gathered during the investigation only for the purposes of the investigation and do not make independent use of that information without prior consent from the monitoring project leaders.

**4.7.1 Assembling teams.** Monitoring is often carried out by several teams that work independently from one another but within the framework of a single project. Individual monitors should possess not only the necessary professional qualifications, but also strong interpersonal skills and the ability to work well as part of a team. It is important that all team members be able to trust and respect one another. Thus, individual members of a monitoring team should be chosen strategically and should not be replaced during the project unless absolutely necessary. Equally important, the nature of the investigation will shape the composition of the monitoring team(s). While all individual monitors in a team should possess objec-

tivity, impartiality, and training in interviewing and data collection, the team as a whole should include a diversity of skills, knowledge, and backgrounds.

For example, a team investigating prison conditions would ideally include a lawyer, a physician, and someone who is familiar with the internal workings of a prison, such as an expert in prison administration, a former prison guard, or a former inmate. A team investigating child labor would ideally include not only a lawyer and a physician, but also a child psychologist or specialist; in addition, that team should include someone who is familiar with company practices regarding children who are subject to forced labor, such as a parent, former company officer, or former victim of forced labor.

It is also important that a team include individuals who are well prepared to deal with people or places that the team will likely encounter. A team investigating public demonstrations, for example, should not include a monitor who fears large crowds or seeing physical violence. Likewise, a team investigating psychiatric hospitals should not include a monitor who is uneasy with or unable to handle situations involving mentally ill people.

Each monitoring team should appoint a team leader responsible for coordinating the team's activities and for making decisions, particularly in unexpected situa-

tions. In dangerous communities or under threats by police or other officials, for example, teams often confront certain difficulties or disagreements. A team leader is indispensable to and responsible for resolving such problems between the team and others or among team members themselves in a safe and efficient manner.

**4.7.2 Training teams.** A project should spare no time or energy in training its monitors. The quality of an investigation's results, and thus of the project itself, greatly depends on the preparedness of the monitoring teams. Monitors should understand the purpose of the monitoring effort and how it relates to an organization's project goals and overall mission. Monitors must understand the objective(s) of the investigation, and who and what are subjects of the inquiry. They should receive appropriate instruction and training for utilizing the selected research tools so that each team's results are comparable to those of another team. Monitors should also be acquainted with relevant law, including international law as well as pertinent domestic provisions. For example, a team investigating state institutions should understand, among other issues, the institution's internal documentation procedures and terminology. Team members should conduct themselves with the utmost professionalism, so

that the institution's staff members treat the monitors appropriately and seriously. A team investigating specific social or geographic communities, such as ethnic minorities, should acquire some knowledge of community-specific customs.

**4.7.3 Conducting pilot surveys.** In large-scale and elaborate monitoring projects, monitors may conduct a pilot survey prior to dispatching the monitoring teams to conduct the actual investigation. A pilot survey is a survey conducted by a team to test the utility and effectiveness of the selected research tools and techniques. Those who developed the selected research tools should participate in the pilot survey, along with people who did not have a direct role in the project's planning and preparation. The latter group can provide an objective perspective in appraising the use of specific research tools. A pilot survey is beneficial in that it can reveal difficulties that may not have been foreseen during project planning, and it also tests the rationality of the time period and amount of funds allocated to carry out the project.

Pilot survey findings should be analyzed with the aim of confirming or fine-tuning the selected methodology for the investigation. In many cases, pilot survey results demonstrate flaws in research tools and intended methods of analysis. Project

participants can then make any necessary changes to research tools, techniques, or methods of data analysis, and they may even reappraise scheduling and budget considerations accordingly.

#### *4.8 Make logistical and other arrangements*

An organization must also examine in some detail the financial and technical resources required for investigators' travel, lodging, and other expenses related to gathering data and other information. Project leaders, in consultation with monitors, must determine what equipment and other things will be needed to properly obtain information, such as paper, postage fees, recording devices, and the like. Assessing travel needs is yet another consideration. Once these and other expense-related questions are posed, advocates can decide whether additional funding is required and, if so, make plans to secure such funding.

Because language skills are critical to the accuracy of interviewing and of gathering other information, a monitoring project in another country, and even in some communities in the same country, must often select interpreters. The key issues in the selection of an interpreter are whether he or she can elicit honest and complete information from the individual

being interviewed, will remain objective, and is willing to follow the monitor's instructions carefully. Interpreters must be carefully instructed to translate everything that the monitor and interviewee say, literally and completely. This ensures that the monitor, and not the interpreter, will be able to judge the relevance of the information provided and the proper sequence of the questions.

## 5. CONDUCTING THE INVESTIGATION

Preparing a monitoring project can be a substantial undertaking. The real substance of a monitoring project, however, lies in conducting the actual investigation. Conducting interviews, observing events, visiting sites, and gathering secondary information form the essence of human rights monitoring. Each of these steps, however, must take into account relevant ethical concerns and security precautions.

Generally, monitors must observe two principles in the course of conducting an investigation. First, monitors must distinguish facts from opinions, suspicions, and hypotheses. Information without a reliable basis can undermine the final report and compromise the efforts of the entire monitoring project. Second, and

related to the selection of proper research tools, monitors need to maintain impartiality. Monitors cannot allow themselves to become emotionally involved. Fellow monitors and team leaders need to be alert to this possibility and consider removing a monitor who experiences this problem.

### 5.1 *Balancing ethical concerns*

Monitors often face ethical problems in the course of monitoring. For example, a monitor who has learned from a victim that a state functionary has committed a serious offense must decide whether to reveal that information to the appropriate authorities against the wishes of the victim. In many countries, social organizations have an obligation to report offenses they discover in the course of their activities. Enforcement of this obligation, however, is practically nonexistent.

Making such a decision is most difficult in cases where the monitor, in disclosing the information, has to reveal the identity of the source, thereby exposing that person to the risk of repression and even physical harm. Aside from concerns for the safety of a victim, monitors also may have to weigh the need for in-depth inquiry—for example, into homosexual rape in prison—against the desire to minimize any interference with a victim's privacy.

Arguably, even the source's consent to disclose information that he or she has provided is not the final word on the issue. A monitor may still need to further evaluate the ethics of disclosure. Ultimately, decisions such as these have to be based on a balanced appraisal of each particular situation.

How monitors resolve certain ethical problems may also depend on the political circumstances in which they are operating. Monitors sometimes encounter difficulties in obtaining court or other legal documents, for example. They must assess the need for the information contained in such documents, and then decide whether to obtain them through illegal means if necessary. Such a decision clearly depends on each specific case. In a totalitarian regime, where human rights allegedly are violated on a mass scale, monitors may decide it is morally justified to take such action. In a democratic regime, monitors should consider taking such action only if there is a legitimate public interest in doing so and if disclosure of the information is consistent with human rights guarantees, including the right to privacy. Sometimes monitors withhold portions of the information they obtain, such as individual identities, if disclosure would interfere with privacy rights or put individuals at risk.

### 5.2 *Taking security precautions*

Project leaders should reassure monitors that they will take all possible measures to guarantee their safety, a particular concern during difficult interviews, such as ones with severely mentally disabled people or dangerous criminals, and during projects carried out in communities experiencing violent social conflict. Security precautions should be a key component of any investigation, and it may be necessary to implement a check-in procedure, for participants in the monitoring project to contact colleagues or family members on a regular basis, or to create a mechanism for protecting notes and other documents. Monitors and their families should have recourse to all legal, economic, and medical assistance available in the event that they fall victim to repression by authorities.

Where safety concerns prohibit field visits or where the government denies entry to foreign monitors, testimony may still be gathered from displaced people, refugees, or others who have left the country. Methods for obtaining information under such circumstances, though less reliable than in-person testimony, include telephone calls and signed statements of witnesses and victims. Here again, protecting the identity of a source of information, should that be

necessary, is another essential security measure.

### 5.3 *Conducting interviews*

Conducting interviews is one of the most crucial stages of the monitoring process. It is important that the monitors conducting the interviews are well prepared and that the individuals being interviewed are fully informed about the process. Moreover, interviewing is a skill that benefits from experience and extensive practice. Each monitor conducting an interview, in addition to adhering to fundamental principles of consent, confidentiality, impartiality, and security, should consider several guidelines and tailor them to his or her own skills and judgment.

When the objective of a monitoring project is to investigate the functioning of a state institution such as a court, children's home, or prison, there are some special issues to consider in conducting interviews. First, monitors must obtain the necessary consent from the proper authorities to interview subjects and staff at the institution. Interviews with state staff members should include inquiries into their safety, the conditions of their work, the relationships with their superiors, and the like. If the investigation seeks to examine the observance of students' rights or prisoners' rights, for example, monitors

may be unable to rely on the cooperation of staff members, as they may tend to mis- represent the conditions and other aspects of the institution for which they work.

## GUIDELINES FOR CONDUCTING INVESTIGATION INTERVIEWS

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1. Be clear about who the interviewers are and what they are doing.
  - Explain in advance the nature and purpose of the monitoring project.
  - Provide information on the NGO(s) conducting the investigation.
  - Clarify whether and how the project's findings will be made available.
  - Detail whom the information obtained in the interview will be disclosed to, unless nondisclosure is requested.
2. Seek affirmative agreement to conduct interviews, with as much privacy as possible, one at a time.
3. Guarantee that the interview is confidential and that no information will be shared without express consent. Ask individuals being interviewed whether they wish to remain anonymous. Explain that anonymity will preclude the individual's participation in legal actions in which the state requires complainants to be named.
4. Reassure individuals that they are safe with interviewers.
5. Determine whether photography or recording devices may intimidate individuals, encroach on their cultural norms, or otherwise interfere with obtaining the most accurate information possible.
6. Use a series of open (not leading) questions when interviewing witnesses, including "What happened?" and "What happened next?" Ask questions beginning with "who," "what," "where," "when," "why," and "how."
7. Use leading questions, which suggest an answer, only when interviewing witnesses likely to provide information opposing the monitoring project's objectives, including "Isn't it true that . . . ?" and "Are you denying that . . . ?"

8. Use directing questions—such as “Could you describe more about . . . ?” and “Can you explain what is important about . . . ?”—when interviewing witnesses who are nervous, lack verbal skills, or have difficulty remembering details; however, do not provide answers for them to affirm or deny.
9. Take careful notes, including general impressions of an individual’s demeanor and credibility, as well as the circumstances in which the interview is conducted.
10. Maintain a list of sources and contact information.
11. Create a tracking or cross-referencing system to compare the comments of several individuals regarding the same incident, in order to assess the credibility and reliability of information obtained.
12. Maintain a list of additional information to collect, and request documents necessary to substantiate gathered information.
13. Utilize interview protocols included in monitoring instructions to sustain focus.
14. Do not share information on or given by one individual with another individual, and determine when to withhold information that may jeopardize the safety or well-being of an individual being interviewed or a third party.
15. End each interview by thanking the individual for participating in the investigation and asking if there is anything that he or she would like to add to the information.

Adapted from *Women’s Human Rights Step by Step: A Practical Guide to Using International Human Rights Law and Mechanisms to Defend Women’s Human Rights*, Women, Law & Development International and Human Rights Watch, 1997, Washington, D.C., chapter 6.

Monitors should consider simultaneously investigating the violation of the rights of all people who fall under the framework of the state institution, rather than investi-

gating the staff and subjects of the institution separately.

Monitors investigating a state institution, such as a corrective facility or a mili-



tary unit, confront an ethical dilemma in addition to those regularly encountered. Even though monitors may have specific and quite limited information they need to obtain, and therefore would need to conduct only a rather narrow inquiry, authorities may condition their consent to an investigation on terms that would impede the ability of monitors to obtain the necessary information. However, monitors should not simply accept terms that hamper their investigation, but rather should negotiate assertively with the authorities.

Whatever may be the objective of the investigation, the testimony of the victim(s) of abuse is crucial. Such direct testimony usually must be gathered in some detail, and other firsthand testimony of witnesses is also relevant. Investigating a representative number of cases can demonstrate the seriousness of the problem. Even in circumstances where monitors are not attempting to show a pattern or practice of abuse, direct testimony about similar cases can help strengthen the advocacy argument and highlight the need for remedial action.

#### *5.4 Obtaining secondary data and corroborative evidence*

The gathering of secondary data is another important, yet often overlooked, step in conducting an investigation. After conducting interviews and completing all

other research tasks, monitors should obtain information needed to supplement any gaps that may have been left while accumulating direct evidence. Monitors should carefully document evidence from all sides, verify facts, and corroborate stories so that charges of abuse are well founded and a strong basis for the overall advocacy effort exists. Credible reports of other governmental organizations and NGOs, interviews with other witnesses, complaints by other individuals or entities about similar violations, and evidence of physical abuse are all sources of corroborative evidence. The investigation should represent only what can be verified. In circumstances where it is hard to arrive at solid conclusions, it is important to state this and explain why.

Secondary information can also be obtained through depositions and subpoenas. Other supporting evidence may be identified in medical records and reports, public records, court cases, and statistical documents. Less formal sources of secondary data also include newspaper articles, reports from local organizations, and similar documents.

If the opportunity arises, it can also be helpful to conduct additional or follow-up interviews as a way to obtain corroborative evidence. Monitors should keep in mind, however, that they initially determined the number of interviews to be conducted based

on the scope of the investigation during project preparation. It is thus important for monitors to have a clear sense of when they have obtained all the information possible

from their interviews, to avoid inadvertently broadening the scope of the investigation, duplicating their investigative efforts, or expending additional resources unwisely.

### FACT-FINDING INQUIRIES BY THE ROMANIAN HELSINKI COMMITTEE

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Since 1990, the Association for the Defense of Human Rights in Romania–Helsinki Committee (APADOR-CH), otherwise known as the Romanian Helsinki Committee, has conducted monitoring activities and engaged in dialogue with governmental authorities in order to (1) modify existing civil rights and other relevant legislation, (2) promote new legislation on freedom of information, (3) provide legal assistance to victims of alleged human rights abuses, and (4) raise public awareness on human rights issues. APADOR activities focus primarily on the right to privacy, the right to a fair trial, and the rights of minorities.

Generally, APADOR follows certain internal procedures for investigating a complaint and making relevant inquiries. Such procedures follow the form and substance of the initial information that APADOR receives. A complaint brought in person to APADOR by an alleged victim usually prompts an APADOR representative to conduct a discussion meant to clarify the complaint by tactfully questioning the person, repeatedly summarizing information, and obtaining names of potential witnesses. Whether or not an alleged victim has filed an official complaint with an authority, the APADOR representative limits assistance to providing advice on legal rights and procedures, possible courses of action, and potential outcomes. An APADOR representative examining information received by mail about an alleged violation is limited to the contents of the letter in deciding whether to conduct a fact-finding mission. In each of these situations, APADOR seeks to obtain an initial objective and impartial assessment of an alleged human rights violation.

In order to achieve a balance between an alleged victim's common tendency to exaggerate claims and events and the authorities' tendency to deny them, APADOR

aims to compare and corroborate versions of the allegation(s) through the following: extensive knowledge of the relevant laws and procedures; on-site investigation of the place of the alleged abuse(s); thorough discussion with the alleged victim, family members, local authorities, and any other available witnesses; and collection of any physical evidence. Information that authorities provide and any evidence collected, such as medical certificates and photographs, is critical to support contradictions and inconsistencies. APADOR emphasizes the need to obtain as much solid evidence as possible before deciding whether and how to move forward with a case.

For example, as a result of photographs presented to it and certain media reports, APADOR took on a case in 1997 that involved the alleged torture of a ten-year-old boy by municipal police. APADOR had to reconcile differing accounts of the alleged violation given by the boy, his mother, and members of the prosecutor's office. After several failed attempts to contact the heads of the municipal police department involved in the case, APADOR opted to publish a report delineating its conclusions: that the boy had been a victim of torture; that such action was illegal under Romanian constitutional and criminal law, as well as under several international and regional instruments; that the police should have notified the boy's parents of his whereabouts; that the failure of the police to do so and the subjection of the boy to brutality reflected insufficient training; and that cases in which the victims are children should be adjudicated by prosecutors specialized in child psychology.

The report received much publicity, prompting the prosecutor's office to bring four police officers and guards to trial that same year. APADOR hired a lawyer to represent the boy and his mother. Several hearings were held, and four of the defendants were each sentenced to one to two years' imprisonment; however, the sentences were later suspended. The court awarded the boy and his mother 10 million lei in compensation (approximately USD 400), but the APADOR lawyer is seeking additional compensation on appeal.

This case is considered a success, in the sense that the original report prompted such a quick and active response by the authorities. Although the court decided in favor of the boy, APADOR has continued follow-up activity and appealed the decision to obtain appropriate recompense, particularly in light of the defendants' suspended sentences. Of course, advocates should be aware that governments do not

always, if at all, take swift and prompt action, and whether they do is often a matter of political circumstances.

*For more information about this case and APADOR's activities, please contact APADOR-CH, Romanian Helsinki Committee, 8 Nicolae Tonitza Str., 704012 Bucharest, Romania; tel: (4 01) 312 4528, 312 3711; fax: (4 01) 310 2178; E-mail: apador@dnt.ro; Web: apador.org.ro.*

## 6. EVALUATING THE FINDINGS

A successful investigation will usually challenge and refine initial premises developed about the violations during the planning stages. A post-investigation analysis can provide for much more precise, reliable, and defensible conclusions regarding the premises made about the nature of the abuse, the alleged perpetrator(s), and the relevant governmental entity or entities accountable and responsible for a remedy.

The aim of post-investigation analysis is to carefully examine the facts gathered in order to demonstrate that a violation of human rights has occurred; assert that the state, whether by commission or omission, is accountable for the abuse; and make clear all required or recommended remedies. Clear and convincing arguments here will greatly assist the overall advocacy effort.

With regard to human rights issues, advocates should show that the investigated

abuses violate a right that the relevant government is bound to uphold under national or international human rights law. Where regional or international instruments guarantee the protected right, advocates must demonstrate that the involved state has ratified the instruments and is legally bound to uphold them. If several rights are involved, advocates must indicate each respective violation and show that the state was under an obligation in each case.

## 7. PRESENTING THE FINDINGS

A central aspect of any public interest advocacy strategy is determining how best to present the findings of a given investigation. This decision will depend on the overall goals of the advocacy strategy and the audience that the findings are intended to inform. Several forms of presentation exist, including public meetings in which advocates

inform attendees of the project's findings, either verbally or through the distribution of printed materials; written reports delineating the findings and recommending potential solutions; memoranda, informal written notes, records, or statements that may contain selected information, such as legal arguments based on the project's finding; open letters; and newspaper articles.

### *7.1 Preparing written reports*

A report is the most common form of presenting investigation findings. In a report, clear arguments asserting any violations of domestic violence or international law

should be made based on a careful analysis of the facts and the state's legal obligations. These arguments should be well defended using authoritative sources such as local court decisions, government position papers or statements, and international instruments. Linked to specific international obligations, the arguments can lead to recommendations to the government(s) responsible for the violations and to the international community. In designing recommendations, advocates should seek to make them as specific as possible, and efforts should be made to identify remedial steps that are firmly grounded in national or international law and capable of implementation and success.

#### **TIPS FOR PREPARING MONITORING REPORTS**

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1. **Decide** who will participate in the writing, editing, and publication of the report.
2. **Note** any disagreements among the participants as to findings or recommendations.
3. **Describe** the following: objective(s) of the investigation, circumstances surrounding the gathering of evidence, research techniques utilized by the monitors, and methods applied and sources used to verify the monitoring findings.
4. **Support** descriptions of violations, where possible, by direct quotations from individuals who provided an account during an interview.
5. **Include** varied sources of evidence, if possible, and specify each source unless a confidentiality or anonymity agreement was made.

Moreover, a report should detail any government response or lack thereof. Related to this point, advocates might consider advancing a copy of the report to the relevant state agency, providing the opportunity for comment before the publication of the final report. In some instances, however, doing so would be unwise because of a likelihood that the government would attempt to suppress the report or discredit it before it were even published. Finally, the project should distribute copies of the report to individuals who provided information, either through interviews or otherwise, or their representatives; relevant national, regional, and international governmental institutions and organizations; other NGOs that may have cooperated with the project's efforts; the media; and any other interested or implicated governments.

Frequently, advocates must tailor the presentation of findings to appeal to and influence a narrower audience, such as decision-making institutions. This involves making determinations regarding, among other things, the structure used to present the findings, the terminology and syntax of the content, and the languages in which the report should be printed.

**7.1.1 Structure and terminology.** An international organization may require the contents of a report to be set out in a spe-

cific manner, and advocates should make sure their report is written in accordance with those specifications. If there are no such requirements, of course, organizations are free to design their report as they see fit. Depending on the focus that advocates choose, a report can take a variety of forms, structures, and arrangements. For example, some advocates choose to arrange findings that demonstrate violations of rights contained in international instruments, such as the Universal Declaration of Human Rights and the European Convention on Human Rights, according to the order in which those rights appear in the relevant instruments.

As to terminology and syntax, the contents of a report should be written to conform to the target recipient's use and definition of certain words and legal terms. A report prepared for the media may contain so-called buzzwords: words or phrases that journalists frequently use to describe a particular person, event, or phenomenon. A report prepared for officials should usually be persuasive but neutral—in other words, unemotional—and not contain any personally inflammatory remarks. Basing a report on accurate, reliable data and presenting it in a rational yet compelling manner will maximize its effectiveness and potential impact. Reports intended to elicit broad public support, however, may emphasize

more emotional and human interest aspects.

**7.1.2 Languages.** Reports should be printed in the language(s) of the intended recipient(s). When a report is submitted to an official organization, tribunal, or other institution at the international level, advocates should print the report in the institution's official languages. An organization may want to print its report in several languages even if it is not required, in order to maximize the number of people who can read and learn from it.

## 7.2 *Working with the media*

The media is an effective implement for any monitoring project. Both broadcast and print media can be used as forums to

disseminate the findings of an investigation. A project can choose to make its findings public through press conferences, press releases, and other media-related forums, using them as an alternative to other forms of presentation. A project can also use media coverage to supplement and broaden exposure of its efforts, discoveries, and conclusions as a way to bolster the presentation of its findings and generate public pressure in favor of its recommendations.

In dealing with the media, advocates should focus on identifying, and clearly and concisely communicating, the main message of the organization and of the project. They should explicitly detail what information is official or unofficial, distinguishing between information that is "on the record" and "off the record."

### ATTRACTING MEDIA COVERAGE

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1. **Identify** potentially interested journalists early in the planning process.
2. **Encourage** journalists to cover the investigation by informing them about the issues under examination and the organization's commitment to its project and human rights generally.
3. **Send** key journalists advance copies of the report or other documents drafted by the project that include information on the investigation.
4. **Maintain** contact with journalists and follow up with telephone calls to prompt coverage or spur an independent media investigation.

5. **Draft and distribute** press releases on the progress of the investigation and, if a final report is published, summarize key findings, conclusions, and recommendations of the project.
6. **Hold** a press conference or other event to mark the completion of the investigation.

Of course, the aim of a monitoring project is not merely to prepare and disseminate findings, whether in a report or by other means. In certain cases, such as where the victims and witnesses are at risk, however rare, the monitoring report may best be left unpublished. Most importantly, monitoring is an element of a broader public campaign directed at improving respect for individual rights and freedoms, and sometimes even respect for monitoring itself. The role of monitoring in such campaigns is discussed further in chapter 4, “Campaigning for the Public Interest.” Moreover, monitoring findings and reports can serve to support public interest litigation activities. See chapter 3, “Strategic Litigation: Bringing Lawsuits in the Public Interest.” No matter how monitoring findings are utilized, ultimately the fact that public scrutiny is focused on a certain problem is one of the effective techniques used to improve the overall human rights situation.

## RESOURCES

### *Readings*

Asian Human Rights Commission, *Human Rights Monitoring and Fact-Finding*, 2000, Hong Kong. <<http://www.hrschool.org/modules/lesson6.htm>> (last accessed on July 26, 2001).

Discusses the basic elements of human rights monitoring and fact-finding.

Centre for Human Rights, *Manual on Human Rights Reporting: Under Six Major UN International Human Rights Instruments*, UN Doc. HR/PUB/91/1, 70–125, 1991, Geneva.

English, K., and A. Stapleton, *The Human Rights Handbook: A Practical Guide to Monitoring Human Rights*, Human Rights Centre, University of Essex, 1995, Colchester, United Kingdom.

Giffard, C., *The Torture Reporting Handbook: How to Document and Respond to Allegations of Torture within the International System for the Protection of Human Rights*, Human Rights Centre, University of Essex, 2000, Colchester, United Kingdom. <<http://www.essex.ac.uk/>>



torturehandbook/index.htm> (last accessed on July 26, 2001).

A reference guide on taking action in response to allegations of torture or ill-treatment.

Guzman, M., and H. Verstappen, *What Is Monitoring*, Human Rights Information and Documentation Systems, International (HURIDOCS), 2001, Versoix, Switzerland. <<http://www.huridocs.org/basdocen.htm>> (last accessed on July 26, 2001).

A practical guide on documenting human rights violations, seeking information, producing and acquiring documents, and related matters.

Lawyers Committee for Human Rights, *What Is a Fair Trial? A Basic Guide to Legal Standards and Practice*, 2000, New York. <<http://www.lchr.org/pubs/fairtrialcontents.htm>> (last accessed on July 26, 2001).

Deals with the basic legal standards that should be used in evaluating the fairness of a trial, and with how a trial observation mission should be prepared and carried out in practice.

Mendes, E., J. Zuckerberg, S. Lecorre, A. Gabriel, and J. Clarck, eds., *Democratic Policing and Accountability: Global Perspectives*, Ashgate, 1999, Aldershot, United Kingdom.

Offers different perspectives on the accountability of police conduct in a liberal democracy.

Minnesota Advocates for Human Rights, *Handbook on Human Rights in Situations of Conflict*, 1997, Minneapolis.

For use in monitoring, reporting, advocating, and reacting to human rights violations during, before, or after armed conflict.

Office for Democratic Institutions and Human Rights (ODIHR), *Election Observation Handbook*, ODIHR/Organization for Security and Cooperation in Europe (OSCE), 1999, Warsaw. <[http://www.osce.org/odihr/documents/guidelines/election\\_handbook/index.htm](http://www.osce.org/odihr/documents/guidelines/election_handbook/index.htm)> (last accessed on July 26, 2001).

Outlines the general methodology of election observation under the umbrella of the Organization for Security and Cooperation in Europe (OSCE).

Office of the UN High Commissioner for Human Rights, *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 2001, Geneva. <[http://erc.hrea.org/Library/medical\\_personnel/ohchr01.html](http://erc.hrea.org/Library/medical_personnel/ohchr01.html)> (last accessed on July 26, 2001).

Contains a description of documentation methods, which are also applicable to other contexts. Includes annexes with principles of effective investigation and documentation, diagnostic tests, and guidelines for the medical evaluation of torture.

Orentlicher, D., "Bearing Witness: The Art and Science of Human Rights Fact-Finding," 3 *Harv. Hum. Rts. J.* 83 (1990).

Provides a comprehensive analysis of the professional standards and institutional imperatives of international NGOs. Part I discusses the importance of human rights fact-finding. Part II addresses the manner in which an NGO must confront official skepticism and

shifting standards of credibility. Part III describes methods of obtaining evidence, interviewing witnesses, and establishing responsibility for human rights violations.

Spirer, H., and L. Spierer, *Data Analysis for Monitoring Human Rights*, American Association for the Advancement of Science and HURIDOCS, 1997, Washington, D.C., and Geneva. <<http://erc.hrea.org/Library/monitoring/analyse/index.html>> (last accessed on July 26, 2001).

A book on the use of statistics for monitoring and reporting human rights violations. In French.

Women, Law & Development International and Human Rights Watch, *Women's Human Rights Step by Step: A Practical Guide to Using International Human Rights Law and Mechanisms to Defend Women's Human Rights*, 1997, Washington, D.C.

Designed as a basic guide to the operation of human rights mechanisms and strategies at national, regional, and international levels, the manual explains why and how to use these strategies and mechanisms to protect and promote women's human rights.

### *Organizations*

#### **Canada-U.S. Human Rights Information and Documentation Network (CUSHRID Net)**

Secretariat, AAAS Science and Human Rights Program

1200 New York Avenue, NW

Washington, DC 20005, USA

Tel/Fax: (1 202) 326 6787

E-mail: [cushrid@aaas.org](mailto:cushrid@aaas.org)

Web: [shr.aaas.org/cushrid.htm](http://shr.aaas.org/cushrid.htm)

Provides information on human rights documentation and other human rights issues, as well as training.

#### **Human Rights Information and Documentation Systems, International (HURIDOCS)**

48, chemin du Grand-Montfleury  
CH-1290 Versoix

Switzerland

Tel: (41 22) 755 5252

Fax: (41 22) 755 5260

E-mail: [huridocs@comlink.org](mailto:huridocs@comlink.org)

Web: [www.huridocs.org](http://www.huridocs.org)

A network of human rights organizations providing assistance and training on human rights information handling and other relevant human rights activities.

#### **Human Rights Internet**

8 York Street

Suite 302

Ottawa, Ontario K1N 5S6

Canada

Tel: (1 613) 789 7407

Fax: (1 613) 789 7414

E-mail: [hri@hri.ca](mailto:hri@hri.ca)

Web: [www.hri.ca](http://www.hri.ca)

Provides a database of information related to human rights, including directories of human rights organizations, funding organizations, human rights publications, and human rights education programs.

**International Helsinki Federation for  
Human Rights**

Wickenburgg 14/7

A-1080 Vienna

Austria

Tel: (43 1) 408 8822

Fax: (43 1) 408 882250

E-mail: [office@ihf-hr.org](mailto:office@ihf-hr.org)

Web: [www.ihf-hr.org](http://www.ihf-hr.org)

Monitors compliance with the human rights provisions of the Helsinki Final Act and its follow-up documents. Offers training and technical assistance to human rights NGOs in the region covered by the Organization for Security and Cooperation in Europe (OSCE).

**Women, Law & Development  
International**

1350 Connecticut Avenue, NW

Suite 407

Washington, DC 20036-1701, USA

Tel: (1 202) 463 7477

Fax: (1 202) 463 7480

E-mail: [wld@wld.org](mailto:wld@wld.org)

Web: [www.wld.org](http://www.wld.org)

Provides information and resources on women's human rights and conducts projects to empower women around the world.