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Introduction

Documenting human rights violations is an essential component of protecting human rights globally. Documentation helps to authenticate the situation of human rights in a country through lived experiences of persons is the first step in accessing justice. This protocol establishes the standards and guidelines for documenting human rights violations in the Shared Incident Database (SID).
For Civil Society Organizations (CSOs) involved in human rights work, the process of collecting, recording, and analysing information about human rights violations must be systemic for it to be credible and usable. This protocol serves as a practical reference guide for each component of the documentation process and directly supports the implementation of the Shared Incident Database developed by the Caribbean Vulnerable Communities Coalition (CVC).

The goal of this protocol is to standardize and optimize the recording of human rights violations by CSOs and improve their processes for determining redress options. It especially supports documenting reports affecting Inadequately Served Populations and those most at risk to human rights violations.

This protocol assists organizations to fulfil all the components of effective documentation within SID necessary to support investigation, case management, advocacy, and redress. It sets out a method for ensuring that information is accurate, thorough, and useful while upholding the inherent dignity and best interests of victims. In doing so, it raises the standard of the civil society response to human rights violations and increases the prospects for positive case resolution and advocacy.

This protocol is divided into two parts: Part 1: Basic Principles for Human Rights Documentation – which outlines a series of inter-dependent standards for documenting human rights violations effectively; and Part 2: The Information Collection Protocol – which gives detailed practical guidance on collecting information from various sources and through different methods. At the end are various Annexes with helpful resource information.
The Caribbean Vulnerable Coalition is a coalition of community leaders and non-governmental agencies that are advocates and service providers, working with and on behalf of Caribbean populations who are especially vulnerable to HIV infection or often forgotten in access to treatment and healthcare programmes. These groups include marginalized youths, persons of trans experience, sex workers, people who use drugs, orphans and other children made vulnerable by HIV, migrant population, persons in prison and ex-prisoners, and men who have sex with men.

A central pillar of CVC’s region-wide strategy is to equip local human rights defenders and CSOs with the knowledge, tools, and resources to protect the rights of those most vulnerable. Through CVC’s technical and financial support, CSOs have been outfitted with modern technology to document human rights violations, capacity-building on human rights, and platforms to secure redress at the national and international level.

This protocol expands that work by providing a roadmap for individual users and their CSOs to comply with global best practices for human rights work and thereby drive the change that the Caribbean so urgently needs. For more information about CVC and its projections across the region, visit http://www.cvccoalition.org/

The Shared Incident Database (SID) is a web-based platform that records reports of human rights violations, facilitates analysis of those violations, and aggregates statistics on violations for research and advocacy purposes. It establishes a comprehensive and standardized procedure specifically designed to reduced variations in the quality of cases documented by NGOs.

SID was launched by CVC and other Caribbean CSOs in 2016 to scale up the regional human rights response and improve the enabling environment for meaningful HIV-related interventions. SID is supported by financial resources to user organizations and is connected with targeted redress opportunities facilitated by CVC such as CariBono – a regional network of social justice lawyers providing pro-bono legal services.
Access to SID is based on organizational affiliation. SID users are CSO personnel granted various levels of database access by their respective entities. Each NGO maintains separate and autonomous access to SID, which totally separates entries for each organization. Only users within an organization can access its entries. The level of access is determined by the organization. Simply put, **SID is a secure, yet shared platform.**

### 1.3.1 Using SID for Analysis of Data on Human Rights Violations

SID facilitates the generation of descriptive statistics on incidents for internal and external purposes. Statistics do not include personally identifying information and can be generated by manipulating the reporting parameters to meet users’ needs. SID enables organizations to share portions of their non-identifying data with other organizations and users. Users can send requests to generate statistical reports, which may be approved by organizational administrators. This allows organisations to better understand and support cross-regional responses.
Basic Principles for Human Rights Documentation in SID

Human rights Documentation is the systematic process of collecting, recording, and analysing information about alleged human rights violations for monitoring, advocacy or redress purposes. Information used for human rights documentation can come from different sources of evidence – direct evidence from victims and witnesses – such as testimony given in an interview) or physical and documentary evidence – such as police reports and photographs (see section 3.1 for details on sources of evidence). This section provides human rights-based principles that must guide documentation of reports in SID. A thorough understanding of these principles is required for all users.
**Human rights documentation** is an essential aspect of human rights work and requires a unique perspective to ensure that accurate and useful information is recorded while respecting the inherent dignity of subjects. Given that human rights violations have the potential to be traumatic, it is essential that an amount of understanding and empathy be a characteristic of human rights documentation.

**WHY DOCUMENTATION MATTERS?**

Documentation in SID helps human rights defenders and CSOs with three key functions:

1. **Understanding the situation**
   An essential outcome of the documentation process is providing a clear understanding of the context or circumstances in which the human rights violation occurred.

2. **Supporting redress and access to justice**
   Documentation is a useful tool for establishing a body of evidence, which can be used to prove that a human rights violation occurred. It can facilitate understanding of the severity of abuses so that appropriate action can be taken. Therefore, documentation is essential to holding perpetrators accountable.

3. **Conducting advocacy for change**
   Documentation can shed light on communities that are often pushed to the shadows and help achieve positive change. This includes raising awareness for the issues they experience, providing evidence highlighting their realities and exploring opportunities for advocacy and activism towards
To effectively document human rights violations using SID, all users must demonstrate the following competencies.

1. **In-depth knowledge of human rights standards** at the domestic and international level. To assist victims in securing redress, users must actually understand what human rights are in order to determine when they are violated and the relevant obligations of state and non-state actors regarding these rights.

2. **Basic understanding of relevant systems of accountability** and their applicable legal frameworks, if any. Without understanding how perpetrators are to be held accountable, users will be unable to effectively advance complaints from documentation to redress. For example, a complaint of illegal police detention could result in lodging a formal complaint with a police oversight body (or internal affairs division) which could result in administrative sanctions such as termination or suspension, while denial of employment based on sexual orientation may be resolved by a complaint to a Ministry of Labour or Industrial Dispute Tribunal. Moreover, both reports could also be resolved through strategic litigation. Determining which redress mechanism is most appropriate and documenting the most relevant information for each requires that user have working understanding of systems of accountability in their jurisdictions.

3. **Sensitive and non-discriminatory approach.** Human rights violations can be traumatic experiences that disproportionately affect marginalized persons. Users must possess a considerate degree of empathy and understanding. Users must be aware of the risk of re-traumatization (which is the reminder of a past trauma that reproduces that trauma) and approach interviewing and documentation activities with that in mind.

Similarly, users must consider the social context in which violations occur against marginalized or vulnerable communities – which can be geographic (e.g. a certain town), identity-based (e.g. the LGBT community) or organizational (e.g. an NGO) to properly understand how a person’s membership in that community impacts the violation.
SID requires that all documentation efforts comply with the following standards, without exception. These principles are indivisible and interrelated. This means that they cannot be separated or ‘divided’ and must be understood in the context of each standard’s goals.

### 2.2.1 STANDARD 1: REQUIREMENT FOR ACCURACY AND PRECISION

To the highest degree possible, **only factually accurate information should be entered into SID**. This places an affirmative obligation on SID users to conduct due diligence in their documentation efforts and take all reasonable steps to verify and clarify information. Where uncertainties about the veracity of information exist, users should clearly indicate this so that information is used in the most responsible way.

**As a general principle**, the more factually accurate and technically precise that a report is, the more likely it is to be successfully resolved. **SID users must ensure validity of information and that analysis entered into SID is as precise as possible. For this reason, SID requires that the same parameters be applied to each complaint, ensuring that the approach is consistent and rigorous.**

Especially in stressful or urgent cases, the accuracy and precision of information are most at risk yet are most critical to providing relief. Within the documentation process, compliance with this standard can be compromised because:

1. Despite suffering a violation, persons may unintentionally or **intentionally exaggerate the situation or pressure themselves to make a particular impression** – especially if they are attempting to justify receiving services from an NGO or another entity. Probing for accuracy in a sensitive way is therefore essential.

2. Subjects may **repeat stories they heard from others or in the media without actually witnessing them** to emphasize the severity of an incident. Frequently, documenters record these as direct evidences and inadvertently compromise the strength of reports. Section 3.2 of this protocol provides guidance on verifying testimony during interviews.
3. Users **misunderstand information and do not seek clarity** prior to submitting it. This especially occurs when interviews are rushed, when interviewers are hesitant to interrupt subjects, and when interviews are reluctant to admit they do not understand something such as a colloquial term/slang, a location, or a concept. The section of this protocol on interviewing provides an approach to minimizing this.

To avoid these risks to the integrity of the documentation process, all users must adhere to the elements of this protocol and exercise good professional judgement in their approach. The graphic below outlines key considerations for ensuring accurate and precise documentation.

### 2.2.2 STANDARD 2: OBLIGATION TO “DO NO HARM”

In many instances, the documentation and reporting of human rights violations can cause or exacerbate the risk to victims, witnesses and persons connected to them. Documentation and reporting of incidents in SID should never come at the expense of someone’s safety or wellbeing. This means that no action should be taken that:

- Creates or increases undue risk or threat to persons; or
- Harms or endangers persons

However, in some circumstances the failure to act may also increase the risk of harm to persons. As such, the obligation to do no harm requires that users assess and balance the risks to persons. Compliance with this standard requires that users:

1. Obtain **informed consent** for the documentation of reports (see section 2.2.4)

2. Keep interview details (such as date and location) as well as the identity of subjects **confidential**, unless the subject expressly consents to the disclosure.

3. Avoid explicitly **referring to information provided by another subject** when interviewing a connected person. These references oftentimes occur accidentally.

4. Adopt an organizational **risk-management plan** where possible, to identify potential risks, consider the likelihood and severity of those risk, and determine a response. The adoption of a risk-assessment for each case can be an important step.

5. Never undertake an intervention that **goes against the subject’s well-being** for a larger purpose.

6. **Always provide complete information** about a possible course of action when discussing
options with persons. Decisions based on inadequate information can endanger victims, witnesses, those around them, and even organizations.

7. **Never coerce someone to take any action** and never motivate persons to make decisions unless they **fully understand the outcomes** of those decisions.

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Questions to consider when applying the Do No Harm principle:

- Do you truly need the information for what are you hoping to achieve?
- Are other groups/persons collecting the same information that you can coordinate with?
- Can you actually ensure physical safety and discretion at the interview location?
- Do you need specialised training to collect the information you want, for instance, documenting sexual violence or crimes against children?
- Can you refer the witness to specialised services if they need it?

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**2.2.3 STANDARD 3: OBLIGATION TO OBTAIN INFORMED CONSENT**

Human rights principles require that subjects freely participate in documentation activities and fully understand what the process entails and how the information may be used. At no point should subjects be misled into participating. Moreover, for formal redress processes, information that is not freely given is ordinarily not viewed as credible, difficult to rely on if external verification does not occur, and in some jurisdictions is not admissible in legal proceedings.

**To avoid threats to the validity of the documentation process and to protect the rights of subjects, all SID users must obtain informed consent to collect and use someone’s information. To secure informed consent SID users must:**

1. **Inform subjects** about the documentation and reporting process, including the types of information to be collected and how that information will be used,

2. Ensure that subjects **fully understand any potential risks** or benefits from disclosing information. This also includes ensuring that the subject has the **capacity to consent** – meaning, they have the physical and psychological capabilities to understand all the facts about the process and communicate their decision.
3. Secure the **explicit approval from subjects** to document and use their information, subject to any limitations that may be imposed (such as not naming the subject in public advocacy). Informed consent is best provided in writing, using a consent form. Consent forms should indicate that the subject understands what will take place and wilfully agrees to participate.

4. Only use information from subjects **in the way that they consented to it being used**. Misusing or abusing information is highly unethical and may put subjects at risk. Organizations must ensure that users with access to information are always aware and mindful of the extent to which subjects consented. They must refrain from even unintentionally using or sharing information that goes beyond that consent without first obtaining new permission from subjects.

**Informed consent is not an unlimited authorization:** Even if consent is granted to use information in a particular way, information should not be used in a way that would violate another minimum standard in this protocol. For example, if the circumstances under which someone gave informed consent change and using information for which they gave consent would now put a subject at risk, then the obligation to “do no harm” would prevent using the information in such a way – even though the subject originally gave consent.

### 2.2.4 STANDARD 4: REQUIREMENT FOR OBJECTIVITY AND IMPARTIALITY

The extent to which persons will respect the documentation process depends in a large part on whether it was conducted in an objective and impartial manner. The requirement for objectivity and impartiality means that users should take all steps to eliminate the impact of their personal judgements and perspectives on the documentation and management of a case.

This standard requires constant vigilance. It requires that users be attentive even to **unconscious biases** and take steps to reduce their impact. It also requires that SID users be forthright and **honest if they are unable to objectively and impartially work on a case** due to personal background, past experiences, political or religious opinions, or any other reason, and remove themselves from the case if possible.

**Compliance with this standard is especially important because subjects will come to the process with their own opinions, judgements, and biases – many of which may be quite strong due to their circumstances.**
Some subjects may even have assumptions about a SID user’s identity based on appearance, nationality, name, or the area in which the parent organization operates. SID users must be able to mitigate the risk of those perceptions by maintaining a neutral and impartial position throughout documentation.

To comply with the requirement for objectivity and impartiality, documentation processes must adhere to the following points.

1. **Respect professional boundaries** between interviewers and subjects. Interviewers should not seek to befriend or counsel respondents in order to facilitate the documentation. To be clear, this does not mean that subjects should be treated indifferently or that courteous questions about family, safety, and living conditions should not be asked. Compliance with this standard creates a pleasant, enabling, and professional atmosphere without creating any unrealistic expectations.

2. Respondents should **not be paid to participate**. Organizations can consider covering traveling or incidental expenses incurred by respondents to participate, but actual compensation in exchange for participating is prohibited. This would create a financial incentive to participating and immediately undermine the credibility of the process. To avoid any uncomfortable expectations of support, clarify the scope of the process early (and if possible, ahead of time).

3. Avoid **revealing social or political opinions**. Unless reasonably relevant to the process, unnecessary injection of social and political opinions may undermine credibility in the entire process and allow persons to ascribe motive to actions. Moreover, during collection of information, revealing these opinions may encourage (or discourage) subjects to provide answers based on their views of a user’s opinion. This also undermines credibility.

4. Be extremely cautious in **sharing opinions about the responsibility of particular parties** or actors involved in an incident during the initial documentation process. While it is natural to have instinctive judgements about culpability, blame, and victimhood, sharing these during initial documentation could derail the entire process. Subjects may pander to those opinions, alter or exaggerate their responses to influence those opinions, or have a premature expectation of the outcome.

In practical terms, this requires not asking leading or loaded questions
during interviews, among other things, Section 3.4.3 provides very specific and practical guidance for interviewers. For example, instead of asking: what human rights abuses did you see the police committing? avoid inserting a judgement into the question and use more neutral phrasings such as: did you see anyone being harmed? What exactly happened?

5. SID users should **exercise careful judgement when sharing any personal information** about themselves. Subjects may ask specific questions about a user’s background which could unduly impact the subject’s perceptions of the person and their organization. While users should never give false information, responses should be short and measured. Users must always emphasize their neutrality.

### 2.2.5 STANDARD 5: OBLIGATION TO PROTECT CONFIDENTIALITY AND PHYSICAL SAFETY

Confidentiality and security are complementary concepts. Assuring the confidentiality of information obtained through the documentation process and the personal safety of subjects is critical. Failure to consider both can put all parties at risk, including the subject, anyone named by or connected with the subject, and the organization at large.

In certain setting there may be legal restrictions on sharing information about subjects (such as attorney-client privilege and restrictions on identifying children publicly) that heighten the importance of compliance with confidentiality standards throughout the documentation process.

The **security risks that subjects face will vary depending on different factors** such as the location in which they live or have to travel through to participate in documentation, the subject’s own ability and resources for self-protection, existing or previous threats against the subject, the broader security environment in the community or country, and the capacity of the organization to protect subjects – which oftentimes is limited.

**There is no single security plan.** Instead, the steps that organizations and SID users take should be **highly specific to the security context** and should fully consider the factors above. These measures include the guidance under the “do no harm” standard outlined in section 2.2.2. To comply with the obligation to protect confidentiality and physical safety, SID users must adhere to the following points.

1. Meeting and interview settings should optimize privacy and security for the subject. Unless beneficial to the process, interviews in **public places should be avoided.**
2. Keep details of someone’s participation in the documentation process confidential, unless the subject expressly consents to the disclosure.

3. Avoid referring to information provided by another subject when engaging a connected person. These references oftentimes occur accidentally.

4. Never motivate subjects to take actions unless they fully understand the outcomes.

5. If necessary, conduct security risks assessment and always consider the personal views of subjects regarding the potential risks when evaluating the level of risk.

SECURITY PARAMETERS OF THE SID PLATFORM

SID is a secured, password-protected online database, which encrypts information provided to prevent unauthorized access to information. When generating statistics or organizational reports within SID, no personally identifying information is exported. All information is presented in an aggregated manner (e.g. total number of cases) without any identifying reference to specific cases.

Some organizations will maintain additional information management and filing systems, such as a paper-based copy of case-files or an online folder with recorded interview. In those circumstances, it is the responsibility of organizations to ensure that all information is securely stored.
This chapter describes in detail how SID users should approach collecting and using certain types of information throughout the documentation process. It provides both general and specific guidance on different sources of evidence and different methods of collecting information, with a detailed protocol on conducting interviews. This chapter deepens the requirements of the minimum standards outlined in Part 1 and includes helpful tips to ensure that SID users are sufficiently equipped to comply.
Users document reports using the Shared Incident Database (SID) in order to benefit from a standardized mechanism for distilling information from various sources. SID organizes the documentation process into consequential steps to capture the relevant information. By complying with the SID documentation method, users complete three essential processes:

1. Process of documenting the incident details
2. Process of determining what rights have been violated
3. Process of determining what action is necessary

Effective documentation of reports using SID will successfully determine the nature and extent of the violation, consider possible causes of the violation (including structural causes, such as laws or cultural practices), establish the consequences of the harm suffered, and evaluate the options for redress available to victims while considering the outcomes they desire.

Each step in the SID process is configured with a series of questions which prompt the user to enter information relevant to the incident. SID also supports the uploading of files containing relevant information, such as pictures. This graphic provides the basic structure of information collected by SID.
SID enables information collected from various sources and via different methods to be entered in an incident report. The source of evidence refers to where the information originated from. The method of collection refers to how the information was obtained. Within SID, the standard methods of information collection are interviews (with victims, witnesses or perpetrators), document acquisition, field visits, and observations.

Among these methods, interviews are the most common method of information collection – and is therefore the primary focus of this protocol. Moreover, because interviews are the form of information collection that requires the greatest interaction with human subjects, SID is uniquely tailored to standardize the collection of information via interviews.

Information input into SID can come from two possible sources: direct evidence from victims and complainants – evidence received straight from victims or witnesses – and physical and documentary evidence – material that provides evidence not directly elicited from victims or witnesses. An incident may include both sources or only one source. The most robust reports tend to have both sources. All SID users must have a working knowledge of the relative differences, strengths, and limitations of each source of evidence in order to successfully document reports.

Second-hand or indirectly obtained information – such as newspaper articles and rumours – cannot form the basis of a complete report in SID. It can only supplement a report. This standard should not affect media monitoring activities, which are an important aspect of human rights work that should be encouraged. However, while archival information from newspapers may very well form part of supporting documentary evidence, its mere existence cannot give rise to a complete report in SID.

3.1.1 DIRECT EVIDENCE FROM VICTIMS AND WITNESSES

Direct evidence is the most common source of evidence when documenting human rights violations in the Caribbean. It consists of information directly obtained from victims or witnesses through methods such as interviewing, recording testimony, and documenting written statements.
The primary method of collection when receiving direct evidence from individuals is an interview. Section 3.4 provides detailed information on effective and compliant interviewing as well as guidance for other methods of collecting direct evidence from individuals. However, as a general principle, when receiving any direct evidence from witnesses, the closer the subject is to an incident, the more valuable their evidence tends to be.

### 3.1.2 PHYSICAL AND DOCUMENTARY EVIDENCE

Physical evidence includes material that was involved in the incident or that is relevant to substantiating it. An example of physical evidence includes the weapon used in a physical attack. Documentary evidence refers to material that substantiates some aspect of the report being made, such as medical reports that can confirm physical injuries, correspondence from institutions that can demonstrate discrimination, photographs, videos and recordings that depict an event, and files documenting policies and administrative decisions that result in human rights violations.

Generally, physical and documentary evidence complement and verify direct evidence from complainants but may pose unique risks in sensitive circumstances. As such, when receiving any physical and documentary evidence, SID users must:

- **Ensure that it is legal to collect, store or share the evidence.** In some circumstances, the storing or sharing of certain evidence may not be legal. For example, if a report also involves a criminal act, that evidence may be necessary for legal proceedings and retaining or tampering with it could be unlawful. Similarly, a video of a child involved in a sexual act may constitute child pornography and sharing it without certain conditions may be a crime. Organizations must ensure that their actions are legal within their respective jurisdictions.

- **Exercise extreme caution in accepting or collecting physical or documentary evidence if you cannot ensure its security,** if possessing the material poses a risk to safety, or if they are part of an investigation by law enforcement. SID users must also avoid committing to using physical and documentary evidence in ways that are not possible. Be direct and straightforward with persons about what can and cannot be done with the items.
COMMON OFFICIAL DOCUMENTS USED IN REPORTING HUMAN RIGHTS VIOLATIONS

*Police Report*

This is a document that outlines details of a complaint lodged, an investigation conducted, an event responded to, or other matters handled by police officers. Because the police are a legal institution, information contained in their reports can be used to externally verify information provided by victims and witnesses. They are therefore an important source of evidence for the documentation process and should be included in SID where possible.

*Medical report*

This is a document created by a certified medical professional which outlines date of treatment or visits to medical professional, injuries sustained, treatment and medication prescribed, medical prognosis, estimated time for recovery and any other information the doctor may deem to be necessary. This could be helpful to prove any injury suffered by a client and should be included in SID where possible.

*Autopsy report*

An autopsy (also known as a post-mortem) is an examination of a body after death to determine the cause of death, or to evaluate, characterize and determine the extent of disease that a person may have had. All violent, suspicious, sudden and unnatural deaths should be investigated. The authorization of the autopsy depends on the circumstances of the death and the protocol of the medical examiner’s office. An autopsy is performed by a pathologist and should be included in SID where possible.

3.1.3 ASSESSING SOURCES OF EVIDENCE FOR ENTRY INTO SID

As a principle, **direct evidence is normally the most comprehensive**. This is chiefly because the subject is normally a person capable of providing large and varied information, supply context, and respond to questions that explain events – as opposed a photograph, for example, that cannot explain the situation that it depicts.

Conversely, direct evidence is the most susceptible to inaccuracies and biases because information is filtered through persons’ different understandings of the incident (both the subject’s and recipient’s) who then interpret that information in their respective social
contexts. This risk is exacerbated when documenting incidents that include multiple victims or witnesses, where various versions of the same event exist.

**Physical and documentary evidence is normally stronger at establishing critical facts.** For example, a record of arrest in a police station diary proves that someone was arrested while direct evidence from complainants can only allege that they were. However, physical and documentary evidence is oftentimes unable to fully explain incidents in a manner that demonstrates the causes – which are central to determining certain violations. The record of arrest cannot, on its own, prove that someone was unlawfully detained because they were transgender. But combined with testimony from the victim, it may be able to.

As such, a combination of both direct evidence from complainants and physical or documentary evidence facilitates the strongest report and increase the likelihood that redress will be obtained. **SID users should attempt to secure different sources of evidence where possible and feasible.**

### 3.1.4 GUIDANCE ON STORAGE AND HANDLING OF PHYSICAL AND DOCUMENTARY EVIDENCE IN SID

The way an item or document is stored and handled can impact its utility for the redress process – especially when it involves legal proceedings. If the origin and authenticity of items or documents cannot be assured, then they may be excluded from processes to resolve the complaint, such as court trials or tribunal proceedings. As such, SID users handling physical and documentary evidence must maintain a clear and appropriate **chain of custody**.

The chain of custody is a record of how and what documents are collected and who handles them from the moment of collection. The chain of custody starts at the time a document is collected and ends when it is presented in court. For an item to be used in court, the court will need to be satisfied of the way in which it was created, collected and preserved before it arrived in court. If there are gaps in the information concerning an item, and for instance, there is no information about who kept an item for a certain period, the validity of that item is greatly diminished because no one can be sure that it was not tampered with.

As a rule, **the fewer people handle an item, the better**. Adherence to this principle reduces the risk to the integrity of items and makes it easier to keep track of its management – especially if it is sensitive or vulnerable. In practice, users should maintain a log for physical and documentary evidence that shows a clear record of what was received, when, how, in what form, and from whom, inclusive of contact information. That log must be updated each time the item is used, removed, moved or transferred with the relevant information. See the accompanying graphic for basic features of a chain-of-custody log.
Establish a clear chronology of events: SID users should organize the interviews so that the responses establish a clear timeline of what took place and when. At times, interviews can become so fluid that they miss critical information. Credible documentation in SID requires that the evidence that users enter be capable of establishing a timeline—also called a chronology of events.

As such, if interview responses are scattered or unclear, free-flowing narrative interviews are inadequate to provide clarity and accuracy. Establishing a clear chronology that can withstand scrutiny is an important aspect of ensuring that information is reliable.

Test the consistency and coherence of narratives without challenging the interviewee’s credibility: If someone’s interview responses are not convincing, users can utilize skilful questioning to verify or probe answers. A simple method of doing this is by tactfully asking similar questions in different ways during the interview and noticing any changes in the response.

Conduct independent verification activities and inform subjects that verification may occur. Whenever possible, SID users should fact-check information they receive. For example, this involves requesting identity documents to verify persons’ identity, confirming the existence and nature of physical locations, confirming the existence of alleged perpetrators, and generally probing each allegation critically. *Does the street address exist?*
Is it where the interviewee said it was? Does the phone number given actually work? Does the clinic actually offer the services that the interviewee claims were denied?

SID users should also respectfully inform subjects that verification of information may occur to ensure that due diligence is done. In many instances, the mere expression that external verification will occur makes subjects more attentive to their own accuracy and dissuades them from any exaggeration or embellishment.

**Always conduct separate interviews for people involved in the same incident.** Collective interviewing poses a high risk to the credibility of information because subjects oftentimes rely on the recollection of others to fill in gaps or adjust their testimony based on the testimony others – even if unconsciously. This makes it extremely difficult for interviewers to identify vulnerabilities in the testimony and identify inconsistencies that may later be exploited.

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### What is the most reliable interview evidence?

<table>
<thead>
<tr>
<th>Source? First hand</th>
<th>Level of detail</th>
<th>Corroborated by other witnesses or documents?</th>
<th>Consistent with other accounts</th>
<th>Does it show a pattern?</th>
<th>Is it recent?</th>
<th>Most reliable</th>
</tr>
</thead>
</table>

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**3.3 Special Guidance for Interviewing Vulnerable Subjects**

### 3.3.1 SUBJECTS EXPERIENCING TRAUMA

As mentioned under “obligation to do no harm,” discussing past traumatic events like sexual violence and torture may be retraumatizing. While this cannot always be avoided, SID users may reduce the risk by taking the following steps:

1. **Manage the pace** of the interview to avoid overwhelming subjects.
2. Acknowledge subjects’ potential difficulty recalling traumatic events without condescending.

3. Allow and encourage respondents to speak freely without interruption until they gain enough confidence. In this instance, interviewers must make a note of areas of testimony that may need to be probed because it was inappropriate to interrupt the subject with a question.

4. Once the necessary facts about the abuse have been determined, move on. There is no need for lengthy focus on traumatic details that are not directly relevant and may cause undue discomfort.

5. Avoid labelling or categorizing the respondent’s behaviour, even if the label is harmless.

6. Avoid attempting to counsel or treat respondents, while still being sympathetic.

3.3.2 CHILDREN

Children are uniquely vulnerable during the documentation of human rights violations and pose special complications that SID users must be attentive to.

Children can be affected differently from adults by the same violations. Children and adults are at different levels of physical, cognitive, and emotional development. Interviewers should never assume that an incident impacts a child in the same way that it would impact an adult. For example, young children kept in detention may experience more severe trauma simply from separation from a caregiver than an adult may.

Children may not always understand that a violation has occurred or that they are a victim. Because children’s understanding of the world around them evolves with age and is dependent on the quality of values imparted to them. Certain actions that constitute human rights violations, including against the child, may not be understood as a violation by a child. For example, children who are sexually maladaptive due to how they were socialized may not understand certain acts as sexual violence. Many children who are victims of domestic human trafficking may not see themselves as victims of trafficking because they have been taught that their situation is normal.
Interviewers should resist the desire to re-socialize the child during the documentation process and instead focus on extracting as much information as possible without trying to change the child’s understanding of the world – which may be accomplished as part of a later response.

Communicating with children may be especially complex. Children may not understand certain terms or may lack the ability to express themselves fully to an interviewer. Gaps in understanding between the interviewer and the child can threaten the accuracy of the documentation process. Interviews must exercise patience and depending on the circumstances they should:

1. **Use simple language** that children can understand

2. **Ask similar questions in slightly different** ways to ensure that answers are consistent

3. **Consider the use of props or non-verbal cues** to express sensitive terms – such as having children use anatomically correct dolls to show where they may have been touched.

### 3.3.3 MARGINALIZED PERSONS

When interviewing marginalized persons, the identity and experience of both the interviewer and the subject will significantly affect the conduct and outcome of the interview. The personal characteristics of the interviewer (their gender, nationality, expression, appearances, language, etc.) may impact the subject’s comfort or openness. In these circumstances, organizations may need to designate an interviewer that best matches the needs of the subject, such as someone of the same gender, identity, or community.

In each case, the circumstances may change, but organizations and interviewers must always consider how an interview subject’s identity and experience will impact the interview and make any changes accordingly. Three first steps are:

1. **Consider the interviewer’s identity if known.** For example, many LGBT persons may not feel comfortable fully expressing themselves and any intimate details of their situation to someone who they perceive may not understand their experience as someone of LGBT identity would.
2. **Evaluate whether community membership matters.** In some cases where communities are small, members of a community – whether identity-based or geographic – may prefer to share their stories with someone not part of their community.

3. Preferably, **women should be interviewed by other women**, especially when reporting gender-based or sexual violence. A woman who has been raped by a man, may be uncomfortable recounting that intimate ordeal to a man, especially if the trauma is recent. Given the unique experiences that women face and the special need for trust and rapport to quickly develop between interviewer and subject during the documentation process, it is normally better to have only women conduct these interviews unless circumstances suggest otherwise.

### 3.4 The Interview Process

#### 3.4.1 INTERVIEW PREPARATION

**GETTING THE BACKGROUND INFORMATION**

Before an interview, users should have a basic knowledge of the social and political context. This may be the human rights situation in a community, the legal environment in which certain group of people exist, or the public perception of a particular issue. Without context, documentation efforts are limited.

**SELECTING AN INTERVIEW LOCATION AND PRIVACY**

As discussed in earlier sections, the location of an interview should optimize privacy, security, and comfort for the interview subject. In certain high-risk settings, interviews may need to be especially discreet and occur in a short period. Unless beneficial to the process, interviews in public places should be avoided.

**OTHER INTERVIEW PREPARATIONS**

Always have more than one writing implement and sufficient capacity to record notes (whether on paper or electronically). Having extra pens ensures that documentation can still
occur if one is defective, but also allows the subject to make use of writing if needed during the interview.

While audio and visual recorders can be very useful, never rely solely on a recording of an interview because if it is lost or damaged, there will be no record. If recording, always ask for permission.

### 3.4.2 QUESTIONING

There is no single best style of asking questions. Some interviewers structure the interview around standard questions in a pre-determined sequence while others are more free-flowing in form, with less direction, but still attentive to the necessary questions. Depending on the circumstances and interviewer’s skills, the style changes.

While it is always good to prepare general questions that can effectively start the interview and move things in the direction you want to go, this is not always possible. As such, the steps in SID present various questions to ask in order to always extract the correct and useful information. Each question fits into one of three basic categories of questions.

- **Background factual questions**: These are questions about the general situation that provide as much useful contextual information about the incident and interview subject. For example, how long have you lived in the community? When did the protests first begin? These questions normally occur early in the interview and normally give subjects the chance to relax and get comfortable with the interview process.

- **Specific factual questions**: these questions cover more detail about what was learned from the general questions. For example, where did the shooting occur? On what street did the protest start? How many police did you see take your son away?

- **Questions about opinions or feelings**: These questions contextualize facts and help interviewers understand why and how certain things may have occurred – both of which are essential to building a case. These questions are especially important for advocacy planning and the redress process. They allow subjects to shift focus from recall and to express themselves. For example, what impact does your son’s detention have on your family? Do you think that the protesters were violent? Do you feel safe from this happening to you again in the future?
3.4.3 GENERAL GUIDANCE ON CONDUCTING THE INTERVIEW

In section 2.2 the Minimum standards for effective human rights documentation already give critical guidance applicable to all methods of information collection, including interviews. Please refer to that section for overarching guidelines. The following guidance on conducting interviews provides specific points for interviewers to adhere to and consider when conducting interviews for entry into SID.

1. **Introductions matter.** Users should begin by introducing themselves to the interview subject and explain the approach of the interview. Users should inform subjects of the types of questions that may be asked and how the information may be used. Subjects should be allowed to ask any questions prior to starting the focused interview if necessary.

2. **Avoid asking difficult questions at the beginning** of an interview. It may be intimidating, and certain subjects, especially marginalized persons, may feel that they are being challenged or pushed.

3. **Do not interrogate people** the way law enforcement officers do.

4. **Do not put opinions in questions.** Not only does it compromise objectivity and impartiality but may also confusing. Subjects may respond more to the opinion than the question. E.g. “The police are so brutal to poor people. How rude were they when they came to your house?”

5. Respect the subject’s **right to not answer.** If someone clearly refuses to answer a question once, do not repeat it or try to find another way to ask the same question.

6. Don’t ask **leading questions.** Leading questions encourage a specific answer – many times unintentionally. For example, “So, after you came outside and saw your mother being beaten you felt afraid, right? “And then after you went straight to the station, correct?”

7. Use **simple and direct language.** Avoid terms and expressions if you are not sure if the subject already understands them.

8. When subjects misunderstand questions, avoid **interrupting them immediately,** but wait for them to pause and redirect their answer respectfully. For example, “I understand what you are saying, but what I meant to ask was...”

9. If a subject’s answer moves away from your original question, but uncovers other important or interesting information, **don’t be afraid to pursue that direction** and...
resume your primary question later.

10. **Details matter.** Ask detailed questions until the principles of accuracy and precision are satisfied. Excessive details can help counter denial by perpetrators, demonstrates impartiality and thoroughness to others, makes a narrative more convincing (it is often the seemingly insignificant details that help make stories believable).

11. Ensure that you fully **understand the meaning of local or special terms** that are unfamiliar to you or to your audience.

12. Always **double-check numbers, names and dates**. One way to do this is to take these facts near the beginning of the interview, double-check them again a while later, and then when finishing the interview ask one last time. Then, check with other people.

13. **IF** necessary, **explain your understanding of subject's narrative** (without judgement) in order to ensure you properly understand the development of the story. Many subjects will appreciate the effort to fully understand the situation. You may explain that you are not asking because you do not believe but because you want to make sure that you can explain the story well enough to answer people’s questions later.

14. **Anticipate what opponents or sceptics will want to know** and ask questions that provide this information, without seeming like you agree with them.

### 3.4.4 ENDING THE INTERVIEW

Interviewers should be attentive to the following points when concluding their interviews.

1. Once you have exhausted your questions and finished recording responses, check to **ensure that your information is clear and complete**. *Do you need further information? Are your own notes clear to you?*

2. If you need more information, but cannot continue the interview, **ask the subject if a future interview would be possible.**

3. If these is **supporting material** like physical or documentary evidence to receive, finalize those arrangement in clear terms and with timelines.
4. Remind the subject about the purpose of the interview and how the information may be used. **Answer any questions** about that or the next-steps in the process.

5. Take a little time to answer any questions about what you do and who you are if appropriate – **you don't have to rush off**.

### 3.4.5 SPECIAL CONSIDERATION WHEN USING RECORDING DEVICES

1. Prior to using a recorder, **understand its functions**.

2. Always **inform the subject** that you intend to record the interview and obtain consent prior to recording.

3. Preferably record somewhere with **little noise** and plain visual background.

4. Start recordings by stating the subject and interview **names and the date**, time and location of the interview.

5. Check to ensure that **enough storage space exists** and have additional storage media (such as memory cards, tapes) available.

6. Ensure there is enough stored power on your device and that **backup power** (such as extra batteries) are available.

### Guidance on Preparing Written Statements

While interviews are the primary method of collecting information, information can also be received in written form as a statement. Similarly, users may want to capture the pertinent details from an interview in a written form. SID users should consider the following points when preparing written statements.

1. The statement should detail the event/incident/information in sequence – establishing a **clear chronology** where possible. Statement narratives should indicate the date and time of the beginning of the event very early in the statement.
2. Statements should include a section with the **personal information of the provider** of the statement, which includes name, age, and where appropriate their address and contact information.

3. Ensure that the **date** on which the statement was written is included.

4. If the statement is handwritten, **avoid erasing or leaving edit marks** such as strikethroughs, which diminish its credibility.

5. If the statement is handwritten, leave **no spaces or gaps** between text, and avoid writing in the margins.

6. If the statement is handwritten, avoid **changing the type and/or colour of pen**.

7. If the statement is taken by someone else, it must be read or shown to the person providing it, **they must agree with the contents**, and confirm that agreement by signing it.

8. If the statement is taken by someone else, include the name of the statement taker, if possible, at the end of each page.

9. **Attach any case notes** to the statement such as whether the subject’s name can be used publicly.