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Training Guide

*Documenting Human Rights Violations
for Syrian Human Rights Defenders*

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Introduction



This guide was prepared by the Euromed Rights, as part of a series of training guides to help Syrian activists and human rights defenders document human rights violations and crimes being committed in Syria.

The guides are intended for use by groups and individuals seeking to document incidents taking place where they work and by organisations seeking to conduct trainings. As a result, they include practical tools to help individuals understand theoretical concepts and to help trainers explain these concepts to others.

Although the guides are interrelated and sometimes overlap, the three guides cover three different topics, which are (1) Documenting Human Rights Violations, (2) Definitions and Classifications for Casualty Recording according to International Humanitarian Law Principles, and (3) International Criminal law. The process of documentation of violations varies and depends on the intended use of the material. The purposes of documentation can be to advocate for change, to raise awareness about violations, to engage with UN mechanisms, to preserve memory of victims and a historical record, to support the work of other groups or to build media campaigns around an issue. A long term goal of documentation may also be to support prosecutions of those responsible for the crimes. However, these guides are not intended to be used by professional investigators. Instead, they are intended to help Syrian human rights defenders collect reliable and credible information in a secure and safe manner.

All three guides set out international standards on each their topic while providing examples from the Syrian context. Although each guide can be used as a stand-alone resource, they are complementary and users are encouraged to familiarise themselves with all three. Where appropriate, a guide will refer a user to another guide, which may have more information or more details on a particular topic.

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The goal of this guide is to provide the Syrian human rights activists with the essential principles of documenting human rights violation in a professional way. It could be used for both field officers collecting information from the field, as well as trainers facilitating a training workshops on monitoring and documenting human rights violations.

As for the field officers, the guide entails all the steps required to collect reliable and accurate information, starting from monitoring the human right situation in his/her area, to building up a documentation file- which will help those who will use the information for different purposes, such as advocacy, writing a research, submitting reports to the different UN bodies, or to become a professional source of information for future accountability. You will find in the annexes several documents which will help in collecting the information and evidence to be used to prove your case. This will be found in the documentation file section.

As for trainers, this guide has been prepared to include all the information needed to help you in your training sessions. Starting from the first chapter which includes some tips for any trainer on the basic principles of holding a training workshop and forward, you will find at the beginning of each chapter some guidelines on how to prepare your sessions. In the annex you will find a sample of an agenda for two and three days' workshop.

The importance of this guide is that it has been compiled after my experience of working with the Syrian human rights defenders for over two years with the Euromed Rights, which allowed me to identify their needs, hoping this will be helpful for them in their daily struggle for a better human rights situation.

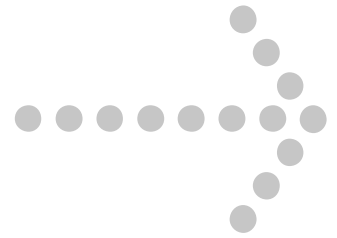
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Training Methodology



① Aims of the session

First, and before preparing for the training sessions, we must define a **goal for each session**, which leads to the goal of the training as a whole.

As every session is an integral part of the whole training, it contributes to the overall goal regardless of its topic. For example, as far as documentation is concerned, a workshop on monitoring and documentation has a general goal, to raise the level of competencies of workers in the field to gain access to accurate, true, objective and credible information.

Training is not intended merely to give information and practice the various techniques we mastered as trainers. Rather, it is intended to create a dialogue and facilitate an exchange of views. Some sessions consist of theoretical content which aims at presenting a theory and checking whether it matches the reality faced by the participants. The theoretical material is usually dry. Therefore, some flexibility is required in delivering it and in order to achieve the defined objective.



Asking questions and conducting discussions are the best ways to reach the goal of each session, regardless of the method used in conveying the information. For this type of training to succeed, it is preferable to set up the meeting room in a semi-circle or U shape, so that all the participants are face to face with each other.



The first session is particularly important in any workshop because it paves the way for the rest of the sessions. Its aims should include breaking the barriers between the participants and the trainer, and establishing mutual respect.



The first session usually lasts for half an hour to achieve the following:

- ▶ The trainer introduces him/herself, his/her work, his/her experience and his/her expectations from the participants.
- ▶ The participants introduce themselves to each other. One should present his/her own experience, in addition to the name and a brief presentation of the organization at which he/she works. There are several exercises that can be used to create such an atmosphere of familiarity and interaction.
- ▶ Listening to the expectations of the participants in the workshop, which may often be unrealistic or unrelated to the goal of the workshop. In this case, the trainer should better explain the nature of the workshop and its goal.
- ▶ Presenting the training programme; its sessions; and summarizing the content of each session and its goal.
- ▶ To agree on a code of conduct that includes respect for time, switching off mobile phones, and respecting each other's views, etc.



Ice Breaker Exercise:

Several exercises can be used at the beginning of the training workshop; one of them is to divide the participants into pairs; each one of the two talks about him/ herself for two minutes. Then, everyone meets again, and every participant introduces the other person in the pair. This method is quick, and creates a positive interaction.



② Training methods

There are various methods that can be followed during the training. They depend primarily on the number of participants, the extent of motivation, age, cultural background, and experience. Diversity of methods is important, but we must keep in mind that it is a learning process, not education, in the sense that the training consists of providing the participants with knowledge and benefiting from their experiences as much as possible.



Therefore, the methods can be summarised as follows:

- ▶ **Lecture:** You can sometimes use this method, specifically when you present certain theories or definitions. However, questions should be incorporated in the lecture to encourage the participants to think and to reveal their relevant knowledge and experiences. Questions also help to avoid monotony in presenting information and facts.
- ▶ **Workshop or brainstorming:** This means working within a large group, which helps to create an atmosphere of active participation, exchange of ideas, and to raise interest in the subject. It also contributes to exploring the extent of the knowledge of the participants. But care should be taken not to drift into discussions that would be unrelated to the context; and to remain focused on the topic of discussion. A presentation can be used to introduce ideas. However, the trainer should discuss the ideas and make sure that everyone participates in summarising them, and putting them in the right context.
- ▶ **Small working groups:** This method is usually used after introducing a theory or a topic. Participants are asked to split themselves into small groups to discuss the topic and come up with specific ideas about it. This method allows the participation of everyone and gives them an opportunity to present their ideas, as it is expected that the large group would have individuals who are shy or lack self-confidence. This method is also used as a form of exercise. After presenting an analysis of a certain topic, participants are asked to work together in small groups, and to transform the theory into a practical exercise. For example, when you present the subject of writing the testimony of a victim, testimonies are distributed to the participants so they can read them and identify the strengths and weaknesses in them.
- ▶ **Case Study:** This method can be used as an introduction to a discussion. The method entails dividing the participants into small groups, giving them a story from the field, and asking them to analyse it and find a solution for it. This method helps them develop their analytical skills and imagine solutions to the problems they may face in their work. Case studies are also an opportunity to discover the common errors made during documentation which builds the participants' sense of accuracy and objectivity, while training them on team work.
- ▶ **Role play:** This is a form of learning which contributes to the development of personal skills and helps the trainee to understand other people, by putting himself in their place. This method can be used after presenting the methods of interviewing the victims. For instance, one member of a pair is asked to play the role of a victim and the other plays the role of the field officer. The coach should clarify the goal of the exercise, select the topic, and explain the roles. This exercise creates an atmosphere of constructive criticism and enhances the participation within the group.





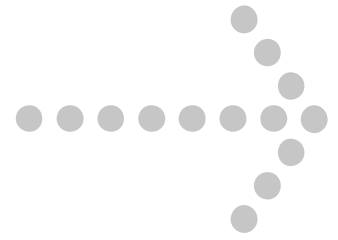
Important notes for the coach:

- ▶ **Dress code:** It is necessary that your dress is not out of line with the customs and milieu of the location. Your outfit should reflect respect for the participants and the culture of the area in which the training is taking place.
- ▶ **Movement:** It is necessary to move amongst the group. However, avoid quick movement, back and forth, as this creates tension and leads to distraction
- ▶ **Facial expressions:** Avoid expressions that show reaction to what is being said. At the same time, it is necessary to interact with the group. Respect what is said, regardless of content. Correct information in a tactful manner which respects the opinion of others.
- ▶ **Tone of voice:** High or low voice impacts the conduct of the meeting and the reaction of the participants.
- ▶ **Avoid** making any comments that have **sexist, religious, racist, ageist or gender stereotypical connotations,** if such comments were made by one of the participants make sure that you correct as much as the situation permits.

Avoid monotony in performance, especially when you present theoretical subjects.



Information, Importance and Objectives



These days, there are several conflicts and disputes, especially in the Arab world. As human rights violations escalate, and their types and severity increase, human rights activists have a cause to defend, namely the **protection of the rights of civilians**, regardless of who committed the violation. The most important role for the activists is to monitor and document these violations and understand the disproportionate impact of such violations on particular vulnerable groups such as women. Their effective means in this endeavour is information. Acquiring this tool is their first task.

“Since these organizations or individuals usually do not have the power nor influence or money as a means to impose a certain reality, or change behavioural patterns, we need to resort to other means to defend human rights: it is information, but not any information: only the one that is true, detailed, and accurate”.

(Jonathan Kuttab. An article entitled: “The protection of human rights: the front line of defence”. HURIDOCs News, No. 12, May 1993).

 **Information helps us reveal the truth, which perpetrators often try to hide, or find ways to erase its effects or evidence.**

Our role as human rights activists is to work hard using the different methods that will be addressed in this guide, to uncover the violations and to limit or end them if possible. This surely requires cooperation between organizations working in the same field. One organization cannot do this big job alone, regardless of its capabilities and resources. Cooperation between organizations leads to the desired result.

 **Information also helps us to prove a pattern.**

A party that violates human rights may claim that the violations are committed by individuals, as a way to escape liability. Thus, research and documentation are required to confirm whether this fact is true or not. Proving the existence of a pattern requires establishing that the violation has happened more than once, in more than one place and by more than one individual.



SESSION 1

Subject

▶ Information, Importance and Objectives.

Duration:

▶ Two hours.

Objectives:

- ▶ Introducing the importance of information as a basis for the defence of human rights.
- ▶ Introducing the uses of information.
- ▶ Familiarity with the steps that must be followed to gain access to accurate and true information and uncover the facts.

Method:

- ▶ Discussion and interaction, with the use of a presentation.



For example, the ruling authority may claim that there is no policy of torture in prisons, and that a report about torture only refers to the personal conclusions of a single investigator. It can further state that there are no instructions to use violence during investigations.

In this case, our mission is to document the circumstances of the detention and interrogation with more than one detainee in several prisons. If the torture proves to be carried out by one individual, the demand would be to hold this individual accountable for his/her acts. If the torture occurs in most detention centres and prisons, and is carried out by most investigators, this proves the existence of a policy based upon instructions from a higher authority. We can then say there is pattern in dealing with detainees. -



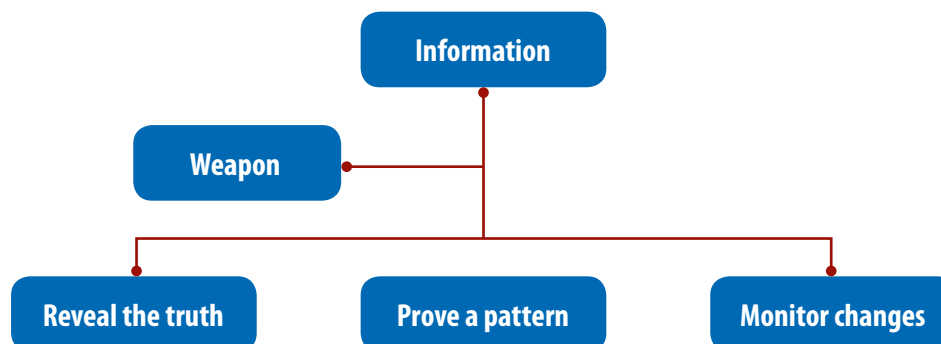
Information also helps us to monitor changes of human rights situation, either for the better or for the worse.

A regime might claim in a report to the UN, for example, that it issued instructions to end violence against women and that it had included the instructions in its legislation and policies. However, the regime in practice does not enforce these laws and fails to hold to account the individuals who practice violence.

Documentation in this context will establish whether there is indeed an improvement in the situation of women's rights and whether there is punishment and accountability for those who engage in violence against women. Conversely, the documentation can establish that what the regime had reported was simply claims, and that there was no change in reality.

Accurate information related to sexual abuses against women helps analyze the social, cultural, and political aspects of these violations, which would be used to hold to account their perpetrators and as a tool of defence in a certain case; it will also help analysing other rights that women lose due to the likelihood of sexual and gender-based violence like the right to movement, work and education.

"Therefore, information is the means and primary tool for human rights defenders, regardless of the mechanism of their work. It is the starting point of the work, and in many instances, determines the methodology of the response".



The importance and purpose of documentation:

As mentioned earlier, each organization or group chooses a mechanism according to its capability and resources. It may choose more than one mechanism without being necessarily able to handle them all. However, all means and mechanisms lead to the desired goal, namely to improve the situation human rights. Also, all of them are different ways to disseminate information. Documentation is not carried out for its own sake. It can be done to have historical records. In other words, an organization may resort to documentation to keep a record of its history at a certain period of time or to put it for the use of other domestic or international organizations.

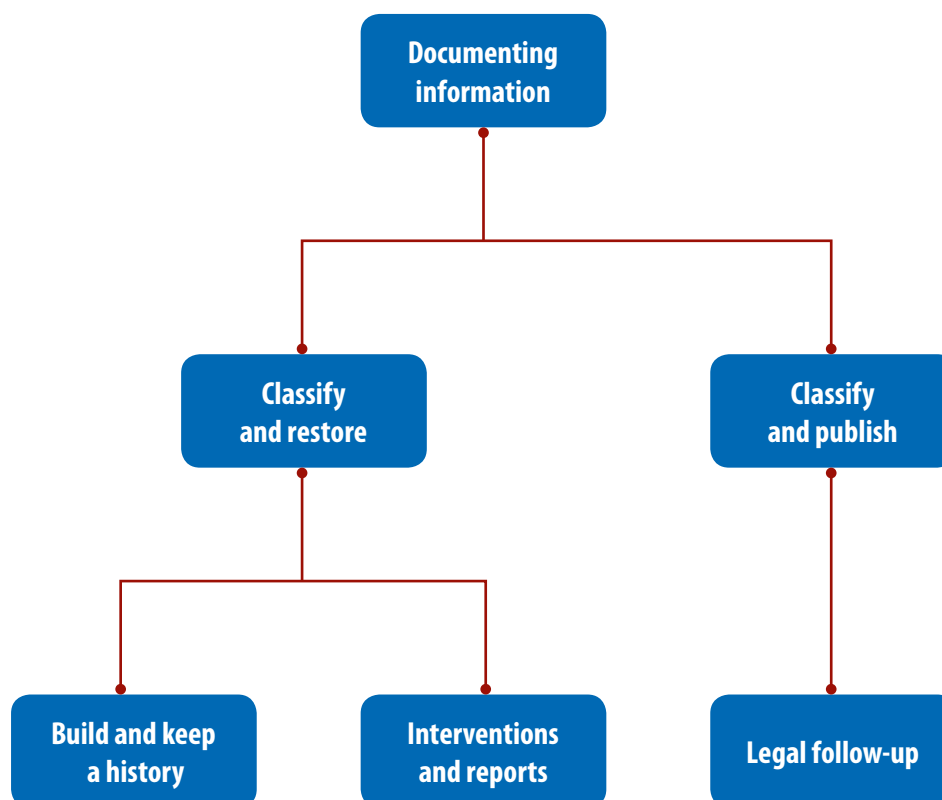


What matters is that documentation has a given goal.



As you will read in the Guide on Definitions and Classifications for Casualty Recording according to International Humanitarian Law Principles, casualty recording is a particular form of documentation whose main goal is to have a comprehensive account of those who died or were injured in the conflict and this can serve many goals such as memorialisation, contribution to advocacy on the conflict as well as legal follow up.

The purpose of this guide is to **train participants on general documentation practices**





The **goals** can be summarised as follows:

- ▶ **Providing urgent assistance to the victims of violations**
(To draw attention to a particular violation to end it and/or to limit it; to protect victimized women; to break the silence; to ensure proper treatment, integration within the community and recovery).
- ▶ **Supporting the legal action in a case, if taken to court**
(To achieve justice and compensation for victims; to hold perpetrators of crimes to account).
- ▶ **Conducting campaigns to change policies**
(Identification of needs; linking one's experience to others for mutual support; working jointly with policy makers to bring the policies into line with the principles of human rights).
- ▶ **Addressing issues through research and/or studies**
(Broaden horizons to understand new violations and to establish mechanisms for accountability).
- ▶ **Building historical records**
(For history and memory).
- ▶ **Writing contributions and shadow reports for international committees**
(Monitor the extent of states' compliance with international treaties and conventions).



① Stages necessary to gather and verify the information

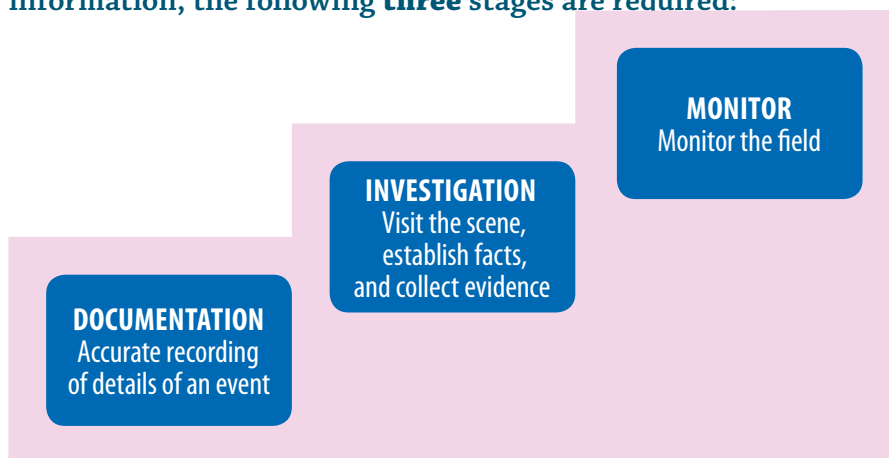
In this guide, evidence means to prove the incident and/or to reveal the truth, it doesn't mean evidence for the court.



To proceed for further information on accountability, and the evidence required for it please refer to the Training Guide on International Criminal Law.



To access objective, accurate, detailed and credible information, the following **three** stages are required:



Monitoring Stage

It can be defined as follows:

*"It is the first stage of the documentation process. It includes **monitoring the situation of human rights**, whether it was positive or negative, in order to **identify violations and patterns** that may exist. This stage acts as an early warning radar to start a long and continuous work of investigation, followed by documentation."*

Full knowledge of the **work or conflict area**, with its **geographical** and **social components**, and **maintaining the network of relationships** established by the field officer are very important.

As it is difficult to access information in all areas, it may be provided by different sources such as the victims who contact the organization or the field officer, the news or press reports, internet, and social media. However, the information obtained is often rumours or exaggerated news, which makes it **important for the field officer to have highly credible contact persons, who are impartial and reliable.**



EXERCISE

Subject

- ▶ Building contacts

Duration

- ▶ 30 minutes

Method

- ▶ Dividing the participants into working groups

Every working group should answer a question from the following:

- ▶ If cases of sexual abuse are reported, who should we contact and by what means?
- ▶ In the case of violations against detainees, who should we contact and by what means?
- ▶ In the case of murders or collective executions, who should we contact to get accurate information and by what means?
- ▶ In asylum cases, who should we contact to get information and how can we reach him/her?

Then, the results made by the working groups are to be presented and discussed.





The first task of the field officer is to **build contacts with people from all sectors**, such as youth leaders, influential people, and heads of village councils or municipalities, medical clinics, and others. Plus, in order to better document cases of sexual abuses and others violations against women, it is relevant to have **contacts from women's centres, female school principals** and **female personalities** who have moral authority within local societies. It is necessary to **retain their phone numbers**, and to **provide them with a means to contact you**.

The most important qualities in these contacts are credibility and impartiality. We are talking here about documenting violations of all parties to the conflict. Therefore, objectivity and impartiality, in addition to the confidence placed in them, are important for carrying out the process of documentation and its credibility. You are advised to continue to get in touch with these contacts every now and then to remind them of yourself and to maintain the link with them.



Visits to hospitals and medical clinics are one of the sources of information. Sometimes the presence of a person in these places may help to know information. Moreover, **building relationships with human rights activists working in the same field**, and cooperating with them professionally, make it easier to reach victims and access to correct information.

As noted previously, this is the early warning stage in relation to information, which may be correct or rumours. However, no information should be dismissed, as it might be much more significant than what is being covered in the media, or reported by people. Likewise, it can be much less significant, or based on a misunderstanding, i.e., nothing has happened.



Investigation stage / collection of evidence

"The process of fact-finding begins when a violation or an event is reported. The aim is to collect information and evidence and to establish their accuracy and credibility, in order to prove that a crime has occurred".

When an incident is reported, the process of investigating begins.



The scene of an event should be visited [if possible] in order to get details. A visit is very important. Do not rely on the news in the media, or what you may have heard. The accuracy of information you receive should be verified. There are many cases in which the initial information published by an organization is not accurate, and is based on what people or media have said. Per example, you cannot document a case in the country side of Damascus while being in the city.

As stated previously, the contacts you have established in those areas enable you to reach the scene of event, and to interview people who witnessed it. At this stage, you



must listen to everyone, and then determine who the primary witnesses are. Available evidence must be collected. Details of what have happened must be established. Some contradiction may emerge in statements. **You must establish the facts before you start documentation,** even if you have to go to the scene of the event more than once and interview many people.



What matters is to establish the facts.

Regarding the cases of sexual abuses or violations against women, as these cases often remain obscured, the field officer should wisely do his/her investigation in order not to endanger the victim's life.



For further information on documentation and investigation of sexual violence; please refer to the International Protocol on the documentation and investigation of sexual violence in conflict available in English and Arabic here
www.gov.uk/government/publications/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict



Documentation Stage

“It is the stage of accurately recording the details of incidents, events and evidence that contravene the provisions of human rights law and international humanitarian law”.

After confirming the credibility of the event, the documentation process begins. **Documentation means recording the event in all its details to create a complete, accurate and objective dossier.** The documentation is carried out according to the mechanism determined by the organization. It may involve filling a questionnaire, or a sworn statement. Sometimes, an organization may choose to write a field report. At other times, it may do all these things.



The role of the field officer is to follow the policy of the organization and act according to its objectives.



② Evidence: Types and Importance

"The evidence is any material that provides information about an event; it confirms that an event has occurred, and substantiates the truthfulness of a statement or account. Evidence may be physical/material and/or documentary".

Types of evidence



SESSION 2

Subject

- ▶ Basic elements of documentation

Duration

- ▶ Two hours

Objectives

- ▶ Present the elements of documentation to the participants
- ▶ Focus on the role of the field officer in the credibility of the information
- ▶ Promote the importance of accuracy and objectivity of information to ensure credibility

Method

- ▶ Dialogue, discussion, and a presentation. Exercises in small groups or pairs

① Physical evidence



Any sample material that was used in an event. For example, the type of weapon or tool, blood spots on the ground, the body of a victim. These are considered evidence of a killing.

② Documentary evidence



Sworn statements from eye witnesses (the credibility of the witnesses is important); medical reports that confirm the occurrence of a killing or torture. For example, the place of injury in the body confirms the intention to kill if the injury is in the upper part of the body. Medical reports from psychiatrists on cases of rape confirm the condition of a victim; an autopsy report can prove that death occurred due to torture or any other reason. Photos and videos as well as official statements on a particular decision can also constitute documentary evidence. For example, a presidential decision to use deadly force to disperse demonstrations is evidence of prior intent.

Evidence is the foundation upon which the entire event is based. If one piece of evidence is missing, an alternative must be found. For example, in the case of torture in a prison, there would be no physical evidence of torture. Only a detainee makes a statement about his arrest and torture. In this case, one additional person or more should be found who were arrested and held in the same detention centre, and who would also state that torture was used. If all other detainees denied there was torture, one should not rush to judgment. Information must be verified. **In the absence of physical or documentary evidence about a certain case, it is preferable not to refer to it at all.**

For example: the rape of a female during the arrest. You would not be able to build a case if she refused to talk about the subject. In other words, she is still in a psychological state that compels her to refuse to talk, and she does not want anyone to know about her case. Even though the field officer is sure that the rape has occurred, he/she cannot report the case, or even claim that a rape has occurred.



We reiterate that it is necessary to be sure of the evidence before it is published. Documentary evidence must be from a **trusted source based on the testimony of the victim or eye witnesses.** Care should be taken to avoid fatal errors while documenting cases of sexual abuse. It is usually preferable to have official documents in order to protect the organization for which you work. The credibility of the organization stems from the credibility of the information.



③ Basic elements of the documentation

When you begin the process of documentation, four basic elements must exist. They are shown in the below illustration:

The field officer

The person who will carry out the documentation is an essential element in this track, because it is through him/her that the organization is able to get information and establish the facts. The main qualities the field officer must have are the following:



Objectivity and impartiality

This is the most important characteristic of the field officer, since his/her role is to get the information regardless of who the perpetrator is. No one can deny anybody's right to subscribe to an ideology or belong to a certain party. However, when working in the field of human rights, there must be an appreciation for the importance of the goal that we are working for, namely to establish the facts. Therefore, one should put aside his/her party affiliation or political views during the work. **Impartiality** can also be seen in the use of **legal terms**.



Instead of using terms such as pro-governmental militias **"shabiha"** [thugs], use terms such as **"pro-government armed civilian groups"**. Also, instead of saying the **"barbaric agencies"**, say **"security agencies/services"**. The term "martyr" cannot be used in legal work. It is a nationalistic, religious term, not a legal one. Use **"killed"** instead of **"martyred"**; or the **"victim"** instead of **"martyr"**.



For more information on classification of victims and using impartial terminology, please refer to the Training Guide on Definitions and Classifications for Casualty Recording according to International Humanitarian Law Principles.



Credibility and accuracy

Since the organization depends on the field officer to get information regardless of his/her personal convictions, he/she must be honest and sincere, and collect information as it is, without distortion or justification. He/she must be accurate and pay attention to details. **Precision and diligent search are the primary task and should become one of the field officer's convictions. Accuracy requires follow-up.** Some cases may remain pending because the facts take a long time to be established. Also, a certain case might be followed up by a governmental or non-governmental body, which makes it necessary to communicate with the victims or their representatives to know the outcome. For example, if ambiguity surrounds the death of a citizen in a detention centre or during the abduction and the family insists on an autopsy, the work of the field officer does not end here. He/she must come back to the matter after the autopsy report is released, which usually takes a long time. The field officer should get a copy of it and inform his/her organization of the results.





Appreciation and conviction of the importance of the cause.

This takes us back to the previous points. Being convinced of what you are doing will help you **maintain objectivity** and **credibility** in your work. Very often, the work is done to earn a living and there is nothing wrong with this. However, it should not be the priority. No one can continue in this work if the primary motive is to earn money. Achieving success in this area starts with believing in it, and treating it as your personal cause.



Open-mindedness towards others

This attitude must be demonstrated regardless of the political or ideological differences with the victim or witness. Since you are an activist in the field of human rights, your task is to get information even from people whose views are different from yours, and even if you refuse their personal stands and opinion. Everyone must be reached through **good listening, acceptance,** and **respect.**



Speed and accuracy of observation

Timing is sometimes important, especially when the goal is to intervene with the authorities or groups in order to stop a certain violation. The same applies to the evidence. Delay in arriving at the scene might mean arriving after the evidence was removed. Therefore, it becomes difficult to prove a crime. The successful field officer is the one whose observation is accurate. **Attention to details and accuracy** helps to access **accurate information.**



For example, you notice during a meeting that a witness or victim is confused, or trying to jump over some stages or details, or that there is a contradiction in what he/she is saying. You should be aware of this and try to establish the facts by interrupting the person and asking for explanations. He/she may be trying to hide a certain fact, or exaggerating. Therefore, you should remain focused, and act promptly to address any discrepancy.



Sensitivity and respect for the privacy of others

You must recognize that you are entering homes of families and invading their privacy. You must respect this. Do not interfere or express opinions in matters unrelated to your work. More importantly, you should **respect the customs and traditions of the witnesses or the victims** in order to **gain the trust of the community** through your professionalism and work.





Knowledge about the general situation in the country

It is always preferable for the field officer to be from the same area or district in which he/she works. This is so for several reasons, such as being familiar with the customs and traditions of the local population; and being familiar with their culture and their way of thinking. This makes it easier to deal with them. The most important thing is to be **familiar with the political and economic situation** there, **identify the parties to the conflict** and know how they deal with these issues.



Knowledge about international laws

This will help you monitor violations. In many cases, ordinary citizens are not aware that a particular act is a violation of their rights. It is the field officer's role to raise their awareness about their rights. For example, when an arrest is made, a warrant must be presented. People usually do not ask for this warrant when their homes are invaded and a member of the family is arrested. Also, when a female is arrested, the security personnel must include a female member. International law does not prevent arrests. However, it places controls on the process.

The field officer should be knowledgeable about the treaties and agreements signed by his/her country. Being a signatory entails compliance. Otherwise, the country is committing a violation which should be documented. The same applies to the opposition or armed groups. Fighting within residential neighbourhoods is a flagrant violation of international laws. Fighters should be as far away as possible from civilians during armed conflicts. There are international agreements governing the practices of these groups. They must abide by and comply with them.

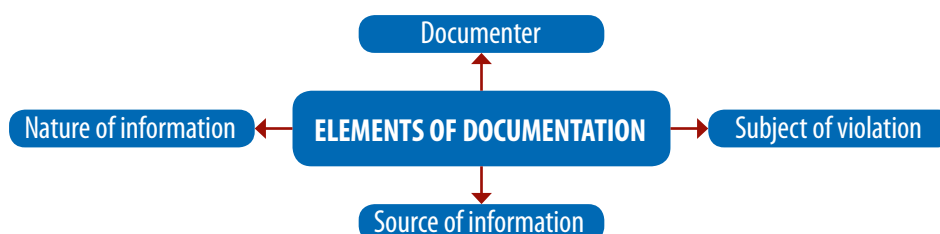


For more details on International Law, please refer to The Training Guide on International Criminal Law and Training Guide on Definitions and Classification for Casualty Recording according to International Humanitarian Law Principles.



In addition to the qualities that the field officer must have, there are duties that should be observed. These are summarised as follows:

Monitor the scene, and seek information; visit the scene, explore conditions/circumstances, and formulate a preliminary idea about the situation; reach the concerned parties (the victims and/or witnesses); gather information and document it; collect material and documents related to the violation; follow-up.



Source/s of information

The credibility of information is its most important characteristic. Therefore, information should be obtained from its primary source, i.e., the **victim** and/or **witness**.

You cannot rely on information from someone who heard about an event, even if he/she had heard it from his/her closest relatives, such as the father, mother, brother or sister. He/she must have witnessed an event. Otherwise, his/her testimony cannot be considered reliable. He/she may have heard less than what had happened, or the persons who told him/her may have exaggerated.



A victim or a witness is the only person entitled to give his/her testimony.

We are not talking here about the testimony of one person: a victim or witness. In many cases, there is a need for the testimony of more than one witness or victim. For example: We cannot claim that there is a phenomenon or a pattern of behaviour by a certain party to the conflict without getting information that proves the occurrence of this behaviour. Therefore, it will be necessary to have testimonies from a group of witnesses or victims within a specific period of time. You cannot claim that there is a pattern of using women as human shields during the fighting. You must prove this claim by collecting information from a group of women who had been through this experience at the same time and by the same party.

The nature of information

Accuracy: The information we get from a victim or witness must be accurate. This must be the case whether the form of documentation is a testimony or report, and regardless of the purpose of getting the information and how it will be used. By **accuracy** we mean that the information is **true, objective, detailed and credible**.

If the information lacks these qualities, it is useless from the standpoint of human rights activists and public organizations, and cannot be relied upon in the work of human rights. Accuracy gives credibility to the organization at the international level. The assessment of the work of an organization is usually based on its sources of information. Relying on its sources depends on the extent of the accuracy and credibility of its information.



Therefore, before the information is received by an organization, the field officer should ensure and verify that it is accurate and credible. An organization builds its future and credibility depending on the accuracy of the field officer.

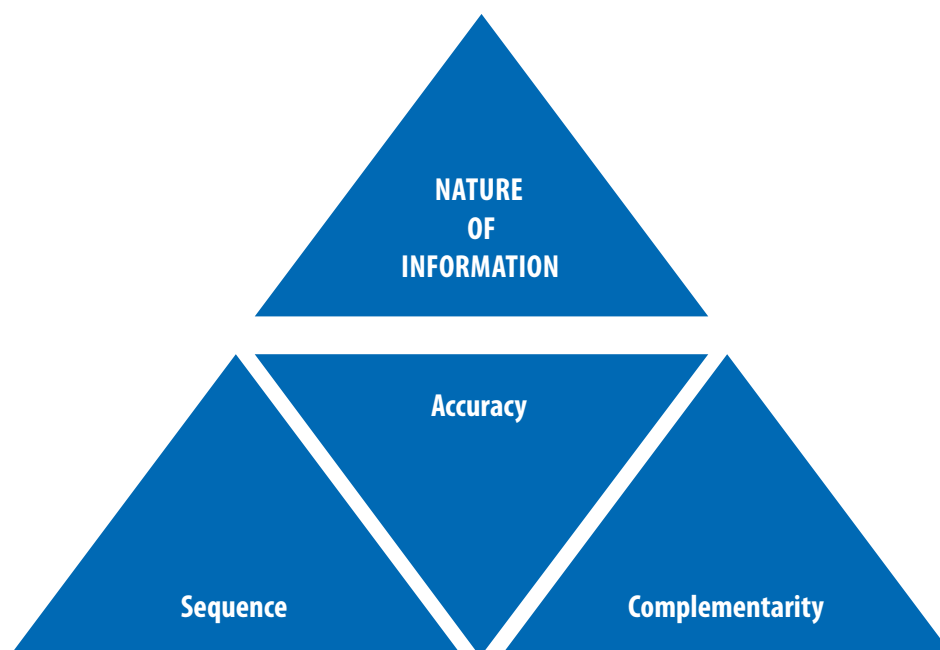


In the case of documenting sexual abuses, caution must be taken while collecting information and one has to be accurate to avoid putting the safety of others at risk. The consequences can harm or even worsen the situation of vulnerable women in their families and local societies.



The sequence in the account of an event from the beginning to the end is evidence that the field officer has listened to everyone, and written the details of an event smoothly, coherently, and without repetition. The sequence makes it easier for the reader to understand the details of the event and how it happened. Regarding violations against women, sequencing helps to identify any missing elements that the victim wasn't able to state due to trauma or fear from her family members or society.

Complementarity: It is necessary in the documentation that the parts complement each other. We may see that a particular story lacks an important stage in the sequence of the event. For example, in the case of a killing, we see that the story is accurate; it contains all the details of the killing at the moment of confrontation; and the sequence of the event is clear. However, the field officer overlooked an important question: what was the victim doing at the moment of confrontation? (Someone may say this does not matter because the victim was killed by the perpetrator). However, in many instances, this question either supports the case, or leads to classifying it as a case of execution, a deliberate killing, or as a case of self-defence. If the victim was unarmed, and could have been arrested, the act of killing would be an execution, liquidation, or extrajudicial killing. Likewise, if the victim was running away, he/she would not have posed a threat to the killer. If there was a confrontation, or he/she was carrying an instrument which poses a threat to the killer, this is considered in law as self-defence.



The subject of violation

When the field officer collects information and documents violations committed by a ruling authority or its agencies, whether military or civilian, or violations committed by the opposition or armed groups, the field officer should be familiar with the details of the law which defines the duties and responsibilities of each party during armed conflicts. These duties and responsibilities clarify the nature and scale of the violation. For example, kidnapping is forbidden internationally, and so is using civilians as human shields.



For further information on international crimes that may be relevant to your work, please refer to the Training Guide on International Criminal Law.

Arrest itself is not forbidden in international laws. However, the manner of the arrest should be known, and the same applies to interrogation. It is a violation to use torture during an interrogation, or to force the detainee to sign a certain confession under torture and threat.

Holding a person in prison is not forbidden. However, the field officer should know the conditions of detention. For example, is there any ventilation in the cells? Do detainees leave cells to an open area once a day at least? Is the food and place to sleep suitable? Is hygiene provided? Is there a proper treatment and medicine for the sick detainees? The same applies to the female detainees as all their needs should be provided and female guards should supervise them.

Therefore, the field officer should know such details, as well as the conditions that must be taken into account and made available during the detention. In other words, the clarity of the topic in the field officer's mind is very important in order to identify and highlight the violation.



The violation must be defined. Conditions of detention differ from torture during interrogation, and differ from the conditions in prison. There are international standards for each situation. The role of the field officer is to focus on the stage at which the violation occurred.

Arresting a woman is not forbidden. However, the field officer should identify the violations that occurred from the moment of arrest, and if the women had her basic needs met. He/she should cover the arrest; details of interrogation; prison and its conditions. He/she should note whether there were humiliating or degrading practices, such as sexual harassment or rape, or if the woman was forced to undergo examinations of a sexual aspect, especially if she was targeted as the spouse of a combatant.



For more information about the international legal standards of detaining women, please refer to www.icrc.org/eng/assets/files/other/irrc-877-ashdown-james.pdf



The same applies to killing, for example, firing at peaceful demonstrators at the upper parts of the body; the shelling of residential neighbourhoods with full knowledge of the existence of civilians in the area. International law emphasizes the need to stay away during armed conflicts from residential areas and objects, such as schools, hospitals and shelters. Combatants should avoid harming civilians as much as possible. It is forbidden to hide amongst civilians and fire from their homes. **Field executions are a war crime.** Capturing combatants is not forbidden. However, their lives should be spared, and they should be given the necessary treatment during their period of captivity.



It is necessary to inform the field officer of the goal of documentation by the organization for which he/she works.

For example, the documentation in the form of casualty recording differs in form and substance from the documentation for litigation and prosecution. The latter requires more detailed and stringent information and evidence. For casualty recording, it may be sufficient, for example, to collect information about the victim and the circumstances of the killing, while ensuring accuracy.



For more details on information needed for prosecutions, please refer to the Training Guide on International Criminal Law.

In conclusion, documentation must have a **clear** and **declared goal** to satisfy its requirements of reliability.





SESSION 3

Subject

- ▶ *Challenges and Problems*

Duration

- ▶ *One hour*

Objectives

- ▶ *Familiarize the group with the nature of the problems that arise during field work, and finding solutions to them*

Method

Cards and pairs exercise

- ▶ *Participants work in pairs and are asked to write down a problem and imagine a solution for it*
- ▶ *Problems and solutions are read out*
- ▶ *Discuss every problem and the suitable solution for it, if one exists*
- ▶ *Write these problems on a flip chart*
- ▶ *Participants suggest remedies for the problems and challenges that were displayed*

④ Challenges facing the field officer

There are significant challenges that face human rights activists in general, and during conflicts, in particular. Usually, governments, factions, or opposition groups involved in the conflict, do not wish to be criticised and have their actions uncovered. Therefore, they try by legitimate and illegitimate means to obstruct the work of human rights activists, males and females. Sometimes, other general conditions of such conflicts constitute an obstacle to their work. Consequently, field workers become the most targeted, and face a great deal of challenges. Here, we will highlight these challenges and try to find ways to address them as much as possible.

The most important problems are:

Security and safety of the field officer

The most important problem facing the field officers is **detention** or **abduction**. Often, this is difficult to avoid, because the group involved in violations tries to hide the information and evidence against it. It is usually advised to work quietly, as the aim of the work is to bring information and prove the crime, not to challenge any party. The safety of the field officer should be his/her first priority, and the priority of the organization for which he/she works.

Female field officers face challenges because of the customs and social barriers that exist in patriarchal societies; they often face defamation and direct threats of violence. Thus, it is important to recognize that documenting and monitoring in conflict situations is riddled with dangers and it is up to the field officer to evaluate the degree of danger surrounding him/her. However it is of utmost importance to train enough female field officers as they have better access to women victims and survivors.



Therefore, the field officer should keep in mind the following tips regarding his or her safety:

- ▶ Avoid hot spots.
- ▶ Inform the office of his/her movements.
- ▶ Follow the instructions of the organization accurately.
- ▶ Avoid direct confrontation with the parties, or challenging them.
- ▶ Do not work under cover, as this raises doubts about your identity.



Security and protection of the witness

It is important to protect the witness. He/she may be persecuted for giving information that may land him/her in trouble. He/she should be given the option to decide the **place of meeting**, and whether to **reveal or hide his/her name**, as the witness is the one who knows the extent of danger that he/she may face. It is important not mislead the witness. As previously stated, the witness or victim must be aware of the purpose of the information obtained from him/her.



The mechanism for dealing with such information, which must also be protected, includes the following:

- ▶ Keep documents in a safe place.
- ▶ Destroy notebooks.
- ▶ Use codes instead of names, and keep a list of names in a safe place.
- ▶ Use CDs/DVDs [and other flash drives] instead of storing information on computers.

Difficulty of access to a scene of an event

This is the most common problem to face field workers. A field officer cannot reach the scene when there are armed clashes; houses are attacked; areas are closed; checkpoints are setup. These situations prevent a field officer from visiting a scene to investigate and collect evidence, especially during or after a military operation or attacks. Sometimes, an area may be open but is being monitored by one of the parties. In this case, the field officer may risk his/her life if he/she visits the area. Overcoming these problems can be achieved by **pre-planning**. As mentioned before, **building contacts** with reliable people **in all areas** will help the field officer in these circumstances to establish the facts, by getting in touch with his/her contacts.



We reiterate here that the contacts must be credible, impartial and accurate in order to save you from being involved in a situation which will be hard to rectify afterwards, such as making your organization release incorrect information or figures, thus undermining its credibility.



Contradictory information

Often the statements of witnesses or victims are contradictory. Therefore, it becomes difficult to establish the facts. A good field officer can **recognise the contradictions** quickly. Sometimes, contradictions stem from the lack of objectivity by the witness, who may claim that he/she saw the event, but you find out in the end that he/she was not there when it happened.



You must meet many witnesses, and continue to verify information until you can establish the facts, even if this delays the work on the case.

In the case of sexual assault or rape, the statements are often contradictory, as according to psychiatrics, this usually results from the mental trauma the victim is suffering from, which must be taken into account by the field officer.

Exaggeration or withholding information

This can be due to the partiality of the witnesses, either because of their political affiliation, or because they think exaggeration can help their cause, or attract more sympathy from the international community. You should **be convinced**, and be **able to convince others, that the credibility gained from impartiality and accuracy is more important and more effective** in making international organizations sympathise with you and your cause. Otherwise, they will doubt the information you release even if it was true.

Fear of giving information

Due to a state of chaos that prevails during armed conflicts, and the failure to prosecute the perpetrators of violations, **fear from the party engaged in violations** prevail. Witnesses, therefore, worry sometimes about being arrested, abducted, or killed if they testify. It is your role to reassure them that the information they give will remain confidential if they so wish. You can also stress that their names will not be published. You must respect their wishes when releasing the information. Women also **fear the community** as well in cases of sexual violence. Because of the sensitivity of this issue in the social context, there is insufficient documentation of cases of raping women during detention or entering homes forcefully. Reaction to rape is usually harsh on women, not only by the community, but also by the parents or spouse. Many divorce instances occur after a woman is raped during detention, even before the rape is confirmed. There was a documented case of a woman who was arrested, and justified her absence for two months by saying she was with a friend, but could not contact the family because there were no means of communications.





In such a case, where it is difficult to reach women who were raped during detention or abduction, it is possible to resort to psychiatrists or gynaecologists, who survivors go to in order to seek psychotherapy or abortion, of course after getting the approval for this visit from the victim.

It is not necessary in such a situation to know the total number of women who have been harassed or raped in detention centres. It is enough to document several cases to be able to prove the occurrence of such gross violations against women, and to hold the perpetrators accountable, even if this happens after a while.

Lack of awareness towards human rights

Lack of awareness or despair of the international community due to lack of urgent action to stop gross violations. Lack of awareness of the importance of information can hamper the work sometimes. However, you must **persuade witnesses and victims that the accurate and detailed information is very important**, even if it takes a while to be seen. Quick action regarding human rights does not happen all the time. Also, it is not possible to document human rights violations when they are widespread and committed by all parties. However, that does not mean we should ignore the matter.



We must document the information; verify it; collect clear evidence; and identify the party responsible. All this will help to hold the perpetrators to account. It is necessary to explain the importance of the information to the victims and witnesses. In this regard, the field officer has role in raising public awareness concerning the importance of information, even if it is not used when collected. In other words, as a field officer, you have a role in raising awareness.

Shortage of sources of information

This happens in two cases:

The first case is when there are no witnesses, thereby hindering the ability to follow-up an event. **Analysis here is essential** if there is some information available. For example, a whole family was affected. The women were killed and there are no men in the house. In this case, some residents of the neighbourhood may have seen on the same day some armed men roaming the streets. Therefore, everyone stayed at home fearing for their lives. In the meantime, however, screams from one the houses were heard. It is necessary in this instance to get a testimony from the person/s who heard the screams, and their time and duration. Also, it is necessary to get a statement from those who saw the group of armed men roaming the streets, and to get a detailed description of the group: how many members, and the kind of vehicle they used, if such information is available.



In other words, **information about the circumstances of an event may at least contribute to identifying the perpetrators.** Also, collecting evidence from the affected house is important because the weapon or instrument used can lead to identifying the perpetrators.

The **second case** of shortage of sources of information is when the witnesses or victims refuse to give information for several reasons, some of which were mentioned before.



Although a field officer is sure that a violation has happened, he/she cannot find anyone to give a statement about an event. It is necessary to try and persuade the victims or witnesses to give a statement. However, it is also necessary to respect their decision, as mentioned before. In this case, it is not possible to document or interfere.

The nature of the questions directed at the witness

If the field officer is unable or not qualified enough to deal with the people who were victims of certain violations, or witnesses to serious violations, the result will be information that is either incomplete, contradictory, or lacks details. Lack of professionalism contributes to distracting the witness or victim. Leading questions could make the witness give incorrect information to please the field officer. The role of the field officer in such instances is to deal with in a highly professional manner, appreciating the psychological state, and **asking the right questions at the right time.** As mentioned before, the primary goal of the field officer is to collect information that is impartial and accurate.



It is recommended for the field officer to be a female if dealing with violations against women. This is due to the sensitivity of the issue and the complex attitude of the community towards victims of violence. Organizations responsible of documenting gender based violence must train their workers to adopt a positive and unconventional approach.

These are the basic problems faced by the field officer in the field. There are also challenges and problems that face the organization itself, such as the lack of financial and technical resources; the lack of training for people who will work in the field; losing some field officers because of fear, immigration, or other reasons. These issues, however, will not be dealt with in this guide.



The Interview

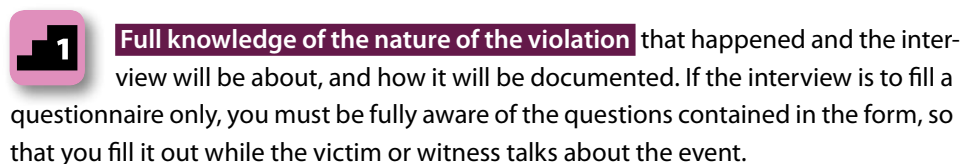
The interview is considered the most important pillar of the documentation process. Details of an event can be obtained through interviews with people who went through or witnessed it. Let us not forget that we are talking in this section about an interview with a victim or witness about details of an event. This does not mean we should not interview or meet other people.

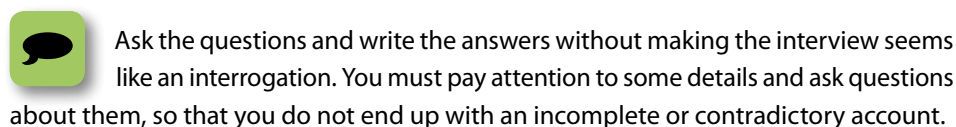
For example, in a case of domestic violence, interviewing neighbours who may have heard screams can be an important element in proving what has happened. They did not see what happened, but they may have heard screams or requests for help. Such interviews or meetings help to complete the picture. Another example relates to people who have heard the sound of flying planes before a massacre occurred. This helps to identify the source of fire or bombs. These interviews would be quick. In this section, we are interested in interviews that will lead us to details of an event, i.e., with people who were witnesses or victims of the event.

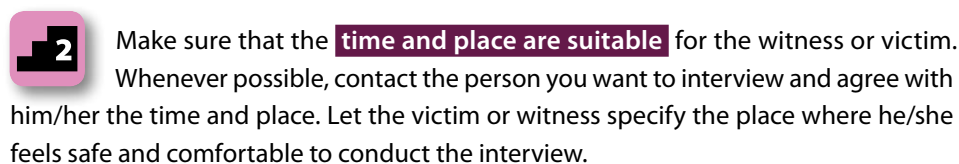
① Good preparation for the interview

For an interview to be useful and lead to the facts, there are necessary steps to consider before conducting the interview. Good preparation will save time and effort, and will spare you making another visit to the witness or victim, especially if the matter is related to a victimized woman, thus saving her from reliving her experience of pain and suffering again.



 Full knowledge of the nature of the violation that happened and the interview will be about, and how it will be documented. If the interview is to fill a questionnaire only, you must be fully aware of the questions contained in the form, so that you fill it out while the victim or witness talks about the event.

 Ask the questions and write the answers without making the interview seem like an interrogation. You must pay attention to some details and ask questions about them, so that you do not end up with an incomplete or contradictory account.

 Make sure that the time and place are suitable for the witness or victim. Whenever possible, contact the person you want to interview and agree with him/her the time and place. Let the victim or witness specify the place where he/she feels safe and comfortable to conduct the interview.



SESSION 4

Subject

- ▶ *The Interview*

Duration

- ▶ *An hour and a half*

Objectives

- ▶ *To become familiar with the basics and professional procedure of conducting an interview*
- ▶ *To show particular sensitivity during a meeting with victimized women*

Method

- ▶ *discussion, dialogue and a presentation*

Exercise

- ▶ *"Role play": At the end of session, two persons are asked to play the role of a field officer and a victim. Give the two a couple of minutes to prepare and choose the role. The person who plays the role of the victim should have the details of an event that he/she had witnessed or documented. The role play pair should be asked to take into account in the exercise all the points mentioned previously. You must wait until the role play ends, and then ask the participants about their opinions in how the interview went: the strong and weak points that emerged during the exercise. It is the coach's role then to mention the points that were missed by the participants.*





Try to **interview the person alone**, except in cases where religion or traditions do not allow the field officer and victim/witness to be together alone. In this case, of course, allow the presence of another person. However, make sure that he/she does not interfere, give information, or comment. This can affect the accuracy and credibility of the information.



Consider the possibility that a violation or more had taken place. Prepare for this possibility and how you will document the violation/s. You will be able to consider this possibility if you know the party which probably carried out the violation.



For example, if the meeting is with a woman who was arrested by a government security agency, it is necessary to take into consideration that in addition to bad conditions of arrest and interrogation, she may have been subjected to a form of sexual violence. Therefore, it will be necessary to prepare well for an interview with a woman who is going through a psychological trauma. Therefore, you can consider the best way to deal with her, and to think about the information you want to obtain.



Write down the documents and evidence you will need to collect during the visit, especially if it is to be in a remote area that is not easy to reach all the time. Also, prepare to meet more than one witness or victim in the same area.



② How to conduct and lead the interview

You, the field officer, are the one who leads the interview. You control it for beginning to end. To achieve the goal of the interview, namely to obtain details of the information accurately, objectively and professionally, you should consider the following:

- ▶ **Build trust between you and the witness or victim.** The first impression is very important. It is important for the victim or witness to trust you so that he/she can talk to you with ease and comfort.



To achieve this, introduce yourself: your name; where you work; some information about your organization; the goal of the visit; and how the information obtained will be used.

- ▶ Give the impression that you are a professional by explaining that the **purpose of the meeting** and **getting the information** is to **establish the facts**, and does not stem from curiosity.
- ▶ Reassure the witness or victim that the **information will be kept confidential**, and will be used only by the organization, confidentiality here refer to the use of the informant's name and also the use of information. Nobody could guarantee the circumstances which is beyond the field officer's control. If he/she was captured by any groups or security forces and these documents were confiscated, or if he/she was arrested in his way to work, these are circumstances beyond his control.



For more details on the issue of safe-guarding information, please refer to the Training Guide on International Criminal Law.

- ▶ Let the victim or witness **tell the whole story**. You should **be patient and listen until the end**, even if some of the things being said are of no interest to you. This way, you make the witness or victim feel that you are interested in him/her as a person, not only in the information.



You can ask questions during the conversation, if you detect a contradiction in information, for example, or insufficient details. Always ask the witness or victim, "How did you know?" This question helps you to assess the reliability of his/her information.

- ▶ **Avoid asking leading questions**, so that the question does not produce a specific answer. For example, in the case of the abduction of a woman, avoid asking her whether she was beaten or tortured. You can get an answer to this question by asking her to talk in detail about what happened to her during the abduction. Such information will come up in the context of telling you what had happened. If the victim tried to hide such information, observe her body language and how she tells her story. This will help you to know whether there is something she wishes to hide or does not want to talk about it.



- ▶ **Remain in control of your feelings** while listening to details. You must show empathy with the victim, but up to a certain limit. If you get carried away emotionally, you could lose your ability to be objective.



Good listening and silent interaction are characteristics of a good field officer.

- ▶ If during the meeting you conclude that what is being said is not true, or exaggerated, **avoid facial expressions or body language that would indicate disbelief**. Avoid making the victim feel that way. Complete the meeting, and write down the information in your notebook, so that you can verify it from other sources.
- ▶ **Do not jump over details** that may at first seem unimportant, but may later confirm or negate a story. For example, in the case of a deliberate killing, the intent to kill must be proven. Were there civilians when the building was shelled? Was that clear or known to the party which shelled the house? We cannot claim that there was a premeditated murder without proving a prior intent of the party which carried out the violation.
- ▶ **Refrain from being judgmental.** The purpose of the meeting is to get information. For example, do not say “you should have asked for the arrest warrant”. Instead, ask “Did you ask the people who came to the house about the arrest warrant? What was their response?” You must refrain from the use of sexist language or gender stereotypical statements or judgements.
- ▶ **Do not give promises.** A victim will be waiting for anyone to help her/him. You must explain the extent of your organization’s capabilities. Unrealistic or irrational promises have negative consequences for the victim, you, and the organization.
- ▶ **Avoid ending the interview quickly.** This indicates a lack of respect for the person who has given you a lot of his/her time. You should not schedule other meetings close to the time of your meeting with a victim or witness. Let him/her choose the time. You can end the meeting tactfully if you feel that he/she is not serious, or lacks credibility. Courtesy is important as an expression of respect for the person regardless of the outcome of the meeting.
- ▶ **Language is important in communication.** Make sure that you use the language of the victim or witness during the meeting. The use of colloquial or spoken language of the area creates an atmosphere of familiarity and trust, and helps to communicate better. Using jargon or classical language alienates the victim or witness.



It is also important to use gender sensitive language particularly with women interviewees.



- ▶ Finally, **request permission to use the name of the witness or the victim.** His/her wish should be respected, whether to use the name or not. He/she is in a better position to decide what is better for him/her. You must truly respect the wish, even if that means not using the information obtained.



At the end of the interview and after the statement is read and signed, do not forget to get a copy of the documents related to the topic, either from the source of information him/herself, or another source.

For example, someone may have filmed what happened. Another may have collected material evidence, such as remnants of bombs or bullets. It is important to meet with these people to try to get those photos and evidence.

Also, if the victim did not bring a medical report, and the hospital or clinic he/she went to is nearby, you should go and get a copy before you leave the area. If other people are mentioned as witnesses in the interview, it is necessary to try and interview them if the circumstances allow. Otherwise, try to find out how you can contact them to make an appointment to meet them later.



The most important point is to agree with the victim or witness on the best way to contact him/her. This is beneficial in case there is a need to meet him/her again to fill gaps or remedy defects that may have been discovered in the information you obtained. Another benefit is to maintain a link with him/her for the future, in case you need to document another event in the area, and he/she proved to be a credible and reliable person. Finally, another benefit is that you leave a good impression on the victim or witness that you are interested in him/her and concerned to know how he/she is doing.

③ Interviewing women victims

This section will focus on conducting an interview with a victimized woman or one who suffered any form of physical, psychological or sexual violence, especially those who were detained and suffered harassment or rape.

These are very sensitive issues in Arab societies. Arab women, including Syrian women, suffered from social injustice after their detention. Instead of dealing with them sensitively, they are abandoned by their families before others. Divorce cases happened after detention, because of the way husbands and society view detained women, even if they were not raped. Therefore, a woman may find it difficult sometime to admit she was raped in detention. She may also claim she was raped. If there is doubt about that, you should consult psychiatrists to help you uncover the truth.





However, there are signs that you can detect when meeting victimised women, such as the following:

- ▶ Distraction and lack of focus because of the trauma she went through.
- ▶ Hiding some of the facts and refusing to talk about them.
- ▶ Body language indicates a state of anxiety.
- ▶ She may refuse absolutely to talk about detention.

In this case, and if there seems to be doubts that she was raped, even if she said she was, the field officer should abide by the following:

- ▶ Avoid asking embarrassing or detailed questions about the violence.
- ▶ Do not downplay her problem. Give the matter the attention it deserves, and give the woman the necessary support.
- ▶ Do not stop the woman from crying. Strike a balance here to avoid slipping into an emotional situation, which leads to losing objectivity.
- ▶ Do not make the victimized woman feel guilt by blaming her in part for what happened. Refrain from using any gender stereotypical statements or comments, particularly of religious connotations (like comments on abortion, dresscode... etc.)
- ▶ Do not ask her to be patient, or justify the violence she suffered.
- ▶ Do not make her feel the legal procedures are useless and that she should accept what happened and live with it.
- ▶ Do not make decisions on her behalf and instruct her about what must be done. It is better to discuss with her the steps to take, such as consulting a psychologist, joining rehabilitation centres for victims of violence, etc. She knows what is best for her so she has to be convinced that these solutions are suitable for her condition.



Keep in mind above points, as well as what was said before in relation to meeting in a public place, building trust, not involving others in the meetings, listening attentively to the woman, choosing a way to follow-up her case, reassure her regarding the confidentiality of information, and last, collecting data about the witnesses or supporting documents.




Building the documentation file

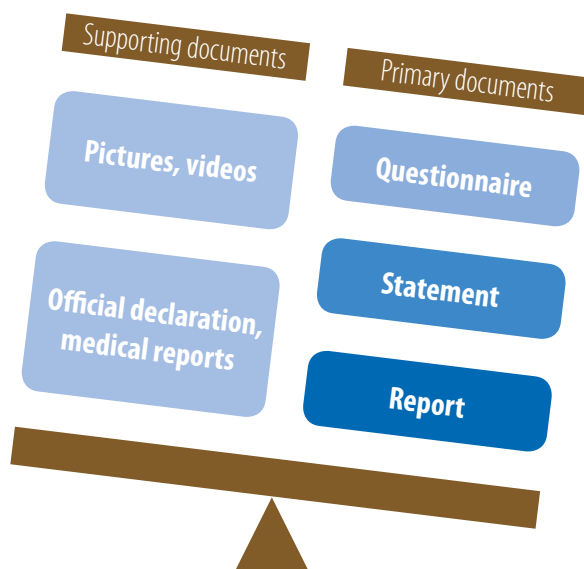


The components of a file

Here we will discuss the components of the documentation file, which will contain all the documents and evidence gathered by the field officer to prove that a violation or murder has occurred. **There are two types of documents: primary and supporting.** The focus here will be on the primary documents whose collection is the task of the field officer. We must also collect supporting documents from the field during the investigation and documentation process. The aim of this is to support the case being documented, or substantiating the violation.

It is of great importance to build a file of each case, which consists of the primary documents and the supporting ones. It is by this file you can prove the occurrence of the event or the incident. The purpose of building up the file is to build a case and to reveal the reality. **Never give the priority to only the primary documents, the supporting documents are important as well to build a case,** not only for the advocacy purpose or for publishing the case on the short time, but also for the future. All documents will be useful at all times and for all purposes.

 **It is the main job of the field officer to build up this file, never rely on others, most of the supporting documents can be collected during both the investigation and documentation stage, and some of these documents could be collected later.**



SESSION 5

Subject

- ▶ The components of a file / questionnaire

Duration

- ▶ Half an hour

Objectives

- ▶ To become familiar with mechanisms of documentation and the difference in their uses, and distinguish between primary documents and supporting documents
- ▶ To become familiar with the questionnaire and its elements

Method

- ▶ A presentation that explains the main points and a discussion



① Primary documents

These consist of the questionnaire, the testimony or statement, and the field report. Please see the graphic illustration in previous page.

Questionnaire

This is a form of documentation. Its aim is to arrive at figures and statistics. It is important in identifying certain indicators at specific violations. For example, an organization decides to produce statistics about the number of people killed during an armed conflict, but also wants the number of those killed per region; age groups; weapons used in the killings; the gender of those killed, or the perpetrators. In other words, there are specific questions for which the organization seeks answers in brief in order to conduct a study, or to identify the most violated section of international law, so that it concentrates on it for pressure and advocacy work. This form is called the **questionnaire**.

It consists of four parts

Let us take, as an example, a questionnaire regarding premeditated murder.

▶ Part 1

Questions include **personal information about the victim**, such as name, age, profession, etc.

▶ Part 2

Specific questions about the event or violation, such as date of murder; place of injury in the body; the party that committed the murder; type of weapon or instrument used, etc. (Regarding the issue of violence against women, it is important to include questions related to the social situation of the victimized woman and others related to sexual violence).

▶ Part 3

The follow-up questions and legal procedures. For example: Did the family file a complaint? (Date, result, and specify the authority who received the complaint); had a local or an international rights organization pursued the matter? Had the body of the victim been autopsied?

▶ Part 4

Information about the source of the information; the name and signature of the field officer; the name and signature of the victim or witness; and date of filling in the questionnaire.



Testimony / sworn statement

You can go back to the interviews section to familiarise yourself with how to take a statement from a victim or witness.



However, it is necessary to follow the following steps:

- ▶ Allow a victim or witness to tell the story from the beginning.
You can step in cases of a lack of important information.
- ▶ It is necessary to specify date and time when the violation/s took place.
- ▶ Identify the party which committed the violation. The number of people who committed it; their clothes (uniforms); the kind of vehicle they drove; names of those involved if available.
- ▶ Always ask, **"How do you know that?"** to ensure the accuracy of the information and the credibility of the witness or the victim, especially when he/she did not see part of the event, or the information needs and expert. For example, the killing resulted from a shot from an M-16 gun. The question here is: How did you know the type of bullet? Another example: if the witness or victim said I was beaten by a stick, when earlier he/she had said he/she was blindfolded.
- ▶ Use **quotations** when necessary.
- ▶ Use of **terms** such as "nearly, about, approximately, in the region of" when referring to numbers, areas, ages, distances, and durations, unless it is certain that the information is exact.
- ▶ Use **legal**, not descriptive or ideological terms when talking about armed groups committing crimes. Do not say a criminal group. Use its name, and write the details of the event. Let the reader reach his/her own conclusion. This gives a sense of professionalism and impartiality to your work.
- ▶ Use **standard written language** not colloquial. However, use the words of the victim. For example, *"they took me into a room which had a desk and three chairs. There were three interrogators; two of them were interrogation me; the third was beating me when I refuse to answer their questions. They subjected me to shabeh [tying the hands and attach them to something high while the detainee stands on a chair; then removing the chair so that the detainee can only stand on his/her toes]. They did not let me go to the bathroom during the interrogation..."*
- ▶ Write what happened to the **victim only**, not to others.
- ▶ Write **positive actions** if they happened during detention.
For example, providing medicine if a detainee asked for it.
- ▶ Do not accept **terms like "heard"**. Accept only terms like "I saw", or "happened to me."
- ▶ **Sequence** in writing the statement.
- ▶ **Read the statement** to the information provider to be sure that he/she agrees with the content before he/she signs the statement.
- ▶ Ascertain whether he/she wishes to **publish** his/her **name**.



SESSION 6

Subject

- ▶ Testimony / sworn statement

Duration

- ▶ 4 hours

Objectives

- ▶ To be able to write an affidavit

Method

- ▶ A presentation
- ▶ Display a written statement
- ▶ Exercise: large groups to write a statement
- ▶ Presentation of the statements written by the groups.
Discussion and comments





When documenting a case of detention and torture, there are four basic stages you should follow:

- ▶ **Details of how the arrest took place** and the transfer to the detention centre.
- ▶ **The interrogation and torture;** who conducted the interrogation; how many of them; their ranks; methods of torture and duration.
- ▶ **Conditions of detention;** rooms/cells; treatment; food; medical treatment; duration; family visits.
- ▶ **Prosecution and courts;** formal charges; the presence of a lawyer; the judgment.

An example of a description of the place of detention:

"...The next day, they took me to the civilian prison in Homs, where I stayed two days. There were more than 375 women. Filth and dirt were all over the place. The food was served in a bucket that looked like a dust bin (trash can). We were assigned to three rooms. The area of each is 9m x 10m. Their doors were open. There were some beds in the corridors between the rooms. We took turns to sleep, because there were not enough beds..."

The following is a section from a statement to show how to tell what happened from the beginning

*"On 23 December 2012, I was with my relative (AB) and my friend (MS) in a car taking some clothes and books to her new house in Artouz. After leaving the city, about 11:30am, we stopped at the first checkpoint on Moadamyeh motorway, **which is known as the Forty's (40) checkpoint**. It belongs to the aerial intelligence agency. There were **approximately** twenty members; **most of them were wearing the usual military uniforms. Two were wearing civilian clothes**. One of them asked for the identity card of (MS), and took it to the **mahras, (a small concrete room where the people manning the checkpoint do paper work and rest)**. He then came with two other members, and asked for my identity card and that of (AB). They told us to leave the car, and took us to the room. Then, a man searched us. Judging from his conversation with the others, he seemed to be the highest ranking. He opened our purses and searched them. Then he searched us in a personal way, touching our bodies. **There was not any woman with them...**"*

The paragraph quoted above shows the following points:

- ▶ 1. The date, time and place.
- ▶ 2. It used terms such as about and approximately.
- ▶ 3. The word "*mahras*" was defined, because it is used in a local area, and may not be known in others.
- ▶ 4. Description of the soldiers at the checkpoint.
- ▶ 5. Mentioning that there were no women with the soldiers. The victim or witness may not have been aware of the importance of the presence of a woman during the search. In this case, it is necessary for the field officer to step in, and ask a question in this regard, but without being a leading question.





There are **standard requirements** that should be taken into account when **writing a statement**, namely:

- ▶ A paragraph with personal information about the provider of the statement which includes name, age, profession and address.
- ▶ Start the statement with the date and time of the beginning of the event.
- ▶ Write detail of the event in sequence, ensuring accurate description.
- ▶ Do not erase, change or be verbose.
- ▶ Do not leave spaces/gaps, and do not write in the margins.
- ▶ Use one type of pen and do not change it.
- ▶ Write the date of taking the statement.
- ▶ Read the statement for its provider, and make sure that he/she agrees with the contents before he/she signs it.
- ▶ Write the name of the statement provider, and the name of the field officer at the end of each page of the statement.
- ▶ Write a note about whether the name of the person is to be used or not by the organization.



Type of Reports

External Reports

These are written by legal researchers or lawyers in the organization. It is concerned with the outside world. It is based on the primary documents, i.e., the questionnaires, statements of victims or witnesses, and field reports.

There are three types of external reports:

- ▶ Reports to address the authorities or official bodies in relation to a human rights issue in order to improve and protect it.
- ▶ Reports submitted within the UN system and all its bodies and committees.
- ▶ Reports released for the media to highlight a certain violation and to generate popular pressure to end it.

Internal reports

These are written by the field officers in which they report the results of investigating a particular violation, such as extrajudicial killing, mysterious events that require an intervention from a field officer—after looking into the mystery and interviewing several people, and outlining a case or a multi-aspect issue. Field reports are based on the field work; hence the name.

Field report

It can be defined as follows:

“It is an essential form of documentation. We will mention here the type of reports that server the work in the field of human rights. However, what concerns us as field officers is the field report.”

A field report includes the following:

- ▶ **A simple introduction** about the scene and its nature: it is necessary after visiting the scene to give the reader an idea about the nature of the region, its geographical location, the number of people if relevant, and other general information.
- ▶ **Outline the human rights situation** in the area, then the violations related to the event. In some instances the violation stems from customs and traditions, especially when the matter is related to violence against women. Sometimes the political situation will help to know the reasons and background of the event.
- ▶ **Event description:** Here comes the important part of the report. The event should be described according the interviews with witnesses, and should be based on reliable information. The description should be detailed, accurate, and chronological. Then the report includes the name of the person who committed the violation; his/her age; the instrument used in the violation; and how the latter happened.





Details are very important for the organization. The report is usually written after investigating the event, interviewing witnesses, and collecting the evidence that proves the occurrence of the event and its details. Sometimes, there is a need to draw a map of the scene to assist in the understanding of the developments of the event, especially to illustrate the place of firing and the location of the dead body.

- ▶ **The conclusion:** It consists usually of the conclusions and the field officer's opinion, and a brief analysis of the violation and its background. The field officer would have formed an opinion about the event, so he/she ends the report with his/her personal opinion. For example, in the case of extrajudicial killings, **it is not required of witnesses to provide and analytical description of the event. Their role is to offer a factual description.** On that basis, the field officer might be able to conclude that what happened was case of extrajudicial killings. For example, he/she might write that "it was possible to arrest the victim, or fire at his legs had he/she tried to escape. However, without a warning, he/she was shot in fatal parts of the body such as the head or chest. This is evidence of deliberate killing.
- ▶ **Identify the source of information:** it is necessary to mention the source/s of information at the end of the report for credibility.
- ▶ **Mention the problems that emerged during the documentation.** It is important to mention the problems and obstacles that emerged during the investigation and documentation in the field. Also, refer to how they were overcome or that it was not possible to overcome some of them, if that happened.
- ▶ Attach to the report all **the documents collected during the visit** to the scene and the meetings with the witnesses.



Points to take into account when writing the report:

- ▶ Use clear and neutral objective language in presenting the information.
- ▶ Identify the violated rights.
- ▶ Use quotes when necessary.
- ▶ Analyse the event from the perspective of the field officer.
- ▶ Mention any positive actions that may have occurred during the event.
- ▶ Identify the extent of credibility of the information or sources.
- ▶ Submit the report in time, according to the necessity and the aim of writing it.



SESSION 7

Subject

- ▶ Writing a report/field report

Duration

- ▶ 4 hours

Objectives

- ▶ Mastering the technique to write a field report

Method

- ▶ The use of a presentation
- ▶ Display a sample of a field report
- ▶ Exercise: large groups to write a field report about subjects related to their working area. Per example, in the case of Syria, the subject may concern extrajudicial killings, torture, abduction by armed groups, or sexual violence against female detainees
- ▶ Present the work of the groups; discussion and comments



② Supporting documents

The documentation file should contain supporting documents, which amount to evidence that the event has occurred. This is in addition to the primary documents mentioned previously, i.e., the questionnaire; the statements of the victims and witnesses; and the field report.

The **supporting documents consists of any documents that will be as important as the primary ones, including but not limited to pictures, including pictures of the scene,** the victims, videos, statements made by officials about the event, medical reports, presidential or governmental decisions/decrees; a map of the scene if needed; and any other physical and/or documentary evidence which supports the case or disproves it.



The field officer has to collect these documents at the same time of documentation, never delayed this task for later stage. It could be lost, or disappear by intention, such as governmental decisions or statements.

③ Visual documentation

The importance of visual documentation to prove the violation

Visual documentation is a form of supporting documents. They are also important in advocacy work, if they have the key elements.

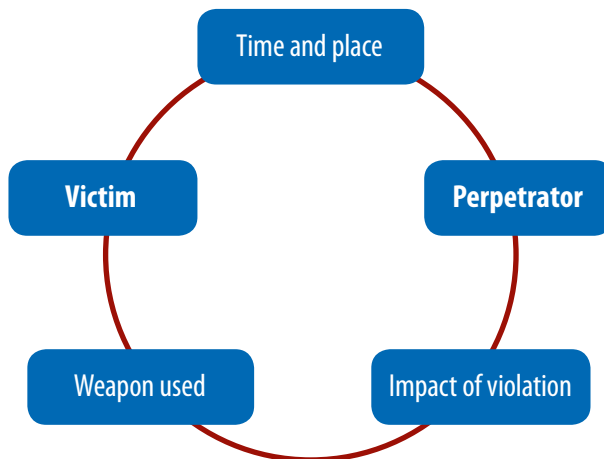
We have seen in recent years the use of videos in the dissemination of information about events and abuses that happened and continue to happen in the Arab conflict and revolutions. They were used widely in social media. We cannot deny the extent of the impact this information had internationally since the beginning of the revolution, as seeing an event is more effective than reading about it [seeing is believing].

On the other hand, visual material had a negative impact as well, especially when visual materials are not accurate, because misleading images and videos are published some times. Also, they can be refuted easily because they lack the essential documentary elements. Therefore, the credibility of the groups that publish such material was harmed.



The Components of the Image

To use as evidence of a violations, images must contain basic elements. Please see graphic illustration below.



SESSION 8

Subject

- ▶ Visual documentation

Duration

- ▶ Two hours

Objectives

- ▶ Identify the components of a credible image

Method

- ▶ A presentation to illustrate the elements and components of an image
- ▶ Display pictures of violations, and/or play parts of a documentary film to illustrate the idea



Important points to take into account when filming for documentation:

- ▶ Remember the basic elements of documentation: **accuracy, impartiality and credibility.**
- ▶ Take some pictures from a **distance** (long shots) so that they include the perpetrator, the victim, the weapon, and location. Make sure that the image/film includes a feature that points to the scene of the event. This is why long shots are important. This does not mean that there should be no close up shots that show the victim or instrument.
- ▶ It is very important to use a **camera that can show the date and time** (if available). Otherwise, the field officer should write the date and time on the back of the printed picture, as well as his/her name and signature.
- ▶ Filming/picture taking can take place **during an event or after.** Although it is important for a field officer to arrive at the scene as soon as an event happens, this is not possible all the time. Therefore, videos/pictures can show the impact of a violation on a victim. For example, torture, if the victim was released quickly, or was beaten without being arrested, whether the beating was done by the government security agencies or the armed groups.



In cases of deliberate killing, a picture of a victim showing the place of injury and the extent of damage will help using it as information of the distance from which the bullet was shot (in the case of fire arms) or the type of weapon used.



Sources

- ▶ University of Minnesota, human rights library [online].
Submitting reports on human rights, chapter 20. Available at the following link:
www1.umn.edu/humanrts/arab/HRM.html
- ▶ Monitoring and recording violations of human rights violations, Civic Platform, Baghdad.
- ▶ D. J. Ravindran et al (eds.). 1994. Handbook on fact-finding and documentation of human rights. HURIDOCs.
- ▶ Ahleh Shomar. 2000. That is Enough! Training manual concerning violence against women in the family (Domestic violence). Palestinian society of family planning and protection.
- ▶ Sima Nasser. 2013. Violence against Syrian women/The bleeding wound in the conflict. Euro-Mediterranean Human Rights Network.
- ▶ Assessing the challenges facing the documentation of human rights violations in Syria. 2013. A report issued by a coordination meeting in Brussels. The Euro-Mediterranean Human Rights Network.
- ▶ International Protocol on the documentation and investigation of sexual violence in conflict , available in English and Arabic at
www.gov.uk/government/publications/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict



① Three Days Training Program

MONITORING AND DOCUMENTING HUMAN RIGHTS VIOLATIONS

First Day

NUMBER	TIME	TITLE	OBJECTIVES
SESSION ONE	09:00 – 11:00	Information – importance and aims	<ul style="list-style-type: none"> ▶ Definition of the importance of information as a base for human rights defense ▶ Identifying usage of information ▶ Steps to be followed in order to seek true and accurate information that reveals the truth
	11:00 – 11:15	Coffee Break	
SESSION TWO	11:15 – 01:00	Main Elements of Documentation	<ul style="list-style-type: none"> ▶ Introducing the group to elements of the documentation process ▶ Focus on the role of the person who is carrying out the documentation in the integrity of the information ▶ Promoting the importance of accuracy and objectivity of the information to guarantee integrity.
	01:00 – 02:00	Lunch Break	
SESSION THREE	02:00 – 03:30	Challenges and Problems of Documentation	<ul style="list-style-type: none"> ▶ Prepare the group on the nature of problems that will be faced during field work ▶ Try to find solutions for such problems.



① Three Days Training Program

MONITORING AND DOCUMENTING HUMAN RIGHTS VIOLATIONS

Second Day

NUMBER	TIME	TITLE	OBJECTIVES
SESSION ONE	9:00 – 10:30	The Interview	<ul style="list-style-type: none"> ▶ Identify the basics and professional steps to conduct an interview ▶ Highlighting special sensitivities when meeting an abused woman
	10:30 – 10:45	Coffee Break	
SESSION TWO	10:45 – 11:15	File components / the questionnaire	<ul style="list-style-type: none"> ▶ Defining documentation mechanisms, differences of usage, and distinguishing between basic and supporting documents ▶ Defining the questionnaire and its content nature
SESSION THREE	11:15 – 01:00	The Testimony / Sworn Testimony Work/training groups on how to take a testimony	<ul style="list-style-type: none"> ▶ Defining the technical writing of an 'sworn' testimony ▶ Acquiring the knowledge of conducting an 'sworn' testimony
	01:00 – 02:00	Lunch Break	
SESSION FOUR	02:00 – 03:30	Presentations of work groups on writing testimonies	



① Three Days Training Program

MONITORING AND DOCUMENTING HUMAN RIGHTS VIOLATIONS

Third Day

NUMBER	TIME	TITLE	OBJECTIVES
SESSION ONE	09:00-10:30	Field Report	<ul style="list-style-type: none"> ▶ The technical writing of a field report ▶ Achieving the skill of writing a field report
	10:30-10:45	Coffee Break	
SESSION TWO	10:45-01:00	Work groups to write a field report	
	01:00 – 02:00	Lunch Break	
	02:00 – 03:30	Presentations of work groups on the writing of reports	



② Two Days Training Program

MONITORING AND DOCUMENTING HUMAN RIGHTS VIOLATIONS

First Day

NUMBER	TIME	TITLE	OBJECTIVES
SESSION ONE	9:00 – 10:45	Information – importance and aims	<ul style="list-style-type: none"> ▶ Definition of the importance of information as a base for human rights defense ▶ Identifying usage of information ▶ Steps to be followed in order to seek true and accurate information that reveals the truth
	10:45 – 11:00	Coffee Break	
SESSION TWO	11:00 – 01:00	Main Elements of Documentation	<ul style="list-style-type: none"> ▶ Introducing the group to elements of the documentation process ▶ Focus on the role of the person who carries out the documentation in the integrity of the information ▶ Promoting the importance of accuracy and objectivity of the information to guarantee integrity
	01:00 – 02:00	Lunch Break	
SESSION THREE	02:00 – 02:30	Challenges and Problems of Documentation	<ul style="list-style-type: none"> ▶ Prepare the group on the nature of problems that will be faced during field work ▶ Try to find solutions for such problems.
SESSION FOUR	02:00 – 03:30	The Interview	<ul style="list-style-type: none"> ▶ Identify the basics and professional steps to conduct an interview ▶ Highlighting special sensitivities when meeting an abused woman



② Two Days Training Program

MONITORING AND DOCUMENTING HUMAN RIGHTS VIOLATIONS

Second Day

NUMBER	TIME	TITLE	OBJECTIVES
SESSION ONE	9:00 – 11:00	Types of Documentation: Questionnaire, Testimony	<ul style="list-style-type: none"> ▶ Defining documentation mechanisms, differences of usage, and distinguishing between basic and supporting documents ▶ Defining the questionnaire and its content nature ▶ Defining the technical writing of an 'sworn' testimony
	11:00 – 11:15	Coffee Break	
SESSION TWO	11:15 – 01:00	Field Report Presentation and explanation of writing a field report. Dividing participants into groups to work on writing a field report	<ul style="list-style-type: none"> ▶ The technical writing of a field report ▶ Achieving the skill of writing a field report
	01:00 – 02:00	Lunch Break	
SESSION THREE	02:00 – 03:30	Presentations of different work groups on writing field reports	



③ Affidavit template

A SWORN STATEMENT

▶ Testimony Number

▶ I am, the undersigned,

▶ Identification card Number

▶ Date of Birth / /

▶ Place of residence

▶ Phone

▶ Nationality

▶ Occupation

▶ Governate

I declare, under penalty of perjury, that the foregoing is true and correct:

▶ In witness whereof, I sign in this day / /

▶ Signature

Name

▶ ☐ Hidden

▶ ☐ Not hidden

▶ Field Researched



④ Extra judicial killing questionnaire template

PERSONAL INFORMATION:

1- Victim's full name: _____ Mother's name: _____

2- Birth date and place: day _____ month _____ year _____ place _____

3- Identification card number: _____ Gender: _____

4- Address: _____

5- Marital status: _____ Number of children: _____

6- Was the victim the sole breadwinner for the family? Yes ☐ No ☐

Number of family members: _____

7- Occupation: _____

8- Was the victim a person of special needs (give details): _____

INFORMATION ABOUT THE INCIDENT:

9- Was the victim armed? Yes ☐ No ☐

If the answer is yes, what is the type of the weapon? _____

10- Did the victim receive a death threat or any other threat, directly or indirectly?

Yes ☐ No ☐

If the answer is yes, please specify: _____

11- Date and time of injury: day _____ month _____ year _____ time _____

12- Date and time of death: day _____ month _____ year _____ time _____

13- Place of incident: _____

14- The general situation during the killing: _____

15- What was the victim doing at the moment of killing: _____

16- Place of injury in the body: _____

17- Weapon used : _____

18- Type of ammunition: _____

19- Number of bullets that hit the victim: _____ from a distance of _____ meters

20- Perpetrator: _____



④ Extra judicial killing questionnaire template

THE FOLLOW UP:

21- Did the family file a complaint? Yes ☐ No ☐ Authority: _____

22- Did any international institution follow up the case: Yes ☐ No ☐

If the answer is yes; name of institution? _____

23- Field researcher's notes: _____

SOURCE OF THE INFORMATION:

24- Name of person who provided the information: _____

25- Relationship to the victim: _____

26- Was this person an eyewitness to the killing? Yes ☐ No ☐

27- Signature of the person who provided the information: _____

28- Date: day _____ month _____ year _____

29- Name of testimony taker: _____ signature _____



⑤ Sample of documentation file

As mentioned in chapter 4 of the guide, any documentation file should contain a particular incident, in addition to basic and supporting documents to prove the occurrence of the violation and the details of the incident. However, we will choose two incidents to compile a file, in order to provide more examples about the types of documents. This annex contains the following

- 1- An incident of murder. We will show a documentation form and a field report (basic documents), in addition to a number of supporting documents that consist of a map for the location, photographs, and video clips.
- 2- A case of arresting a woman, which will include a sworn testimony (basic document).

Field Report

Tochka SS-21 Missile Assault against Barzeh District of Damascus

"It is a very painful day; destruction across the district; houses on fire and we are trying to recover the bodies from under the rubble."

Abu Husam, an eyewitness to the missiles falling on the neighborhood of Barzeh on April 4, 2013

Introduction

The Damascene neighborhood of Barzeh is situated in the northern section of the capital and was annexed to the city in the 1950s. It takes its name after Abi Barzah al-Aslami, and dates back to ancient times. The neighborhood began to demonstrate against the regime in the early days of the revolution in April 2011, when the government forces committed their first massacre there by shooting and killing 15 people. Barzeh has been under a months-long siege with security barriers cutting off several routes in the district.¹

On every Friday throughout the Syrian revolution, the neighborhood of Barzeh stands out for its demonstrations, banners and peaceful and armed actions. Hundreds of neighborhood residents have been martyred thus far. The Barzeh neighborhood is a geographically dangerous zone for the opposition forces, being surrounded by government and pro-governmental militias "shabiha" forces from Ush al-Warwar neighborhood to Teshrin neighborhood and al-Buhouth al-Elmiya as well as the Security Branch no. 211, to which the majority of young neighborhood detainees are taken.

During the past two years of the revolution, the neighborhood has undergone significant developments, including most recently the Free Army's (primarily Liwa al-Islam) control over large parts of it, prompting the Syrian government to use excessive force to regain control of the neighborhood. The government forces besieged the neighborhood for more than three weeks, and deployed some 15 snipers at the neighborhood's entrances as well as the elevated surrounding areas in order to indiscriminately target neighborhood residents.²

⁰¹ See brief report by Al-Jazeera www.youtube.com/watch?v=g1TcgqvEgkU

⁰² According to the field researcher



Moreover, during its siege of the neighborhood, the regime used all sorts of weapons including mortar shells, heavy artillery and rocket launchers against the district.

The Free Army successfully thwarted numerous invasion attempts, causing losses for government forces, and attacked the headquarters of regime fighters and pro-governmental militias “shabiha” in Ush al-Warwar and Teshrin neighborhoods.

Report methodology

This report is based on the work of the field researcher, himself a resident of the Barzeh neighborhood. While the researcher did not witness the incident as he evacuated the neighborhood before it took place, he reported four logical accounts based on testimonies of eyewitnesses who accurately described the missile strike. Some of them lost family members and others helped recover bodies from under the rubble. In addition, the report is based on pictures depicting the scene the morning after the attack. These pictures demonstrate that heavy weapons were used considering the number of houses destroyed and the large scope of destruction. The field researcher also obtained footage recorded immediately after the strike and other footage showing residents recovering dead bodies from under the rubble. The field researcher provided a precise description of the weapons used, confirmed by the witnesses. The report is further based on information from the Violations Documentation Center in Syria about the victims killed in the strike. We attempted to pinpoint the Barzeh strike location on the map by comparing images, and created a map of Barzeh showing the locations of buildings destroyed in the strike.

03 The Tochka SS-21 missile is a Russian-made short range (70-120 km) missile. It can carry a 500-kg warhead and is fatal within a 10-meter diameter and destructive within a 500-meter diameter. The Tochka SS-21 missile is powered with solid fuel, and so requires less than 15 minutes to set up for launching. In addition to being precise, the Tochka SS-21 missile explodes about 15 meters in the air before hitting its target, creating a widespread explosion covering the entire targeted area

The incident

On 04/04/2013, the Barzeh district witnessed the largest military development in the conflict as the regime targeted the neighborhood with 18 surface-to-surface Tochka SS-21 missiles.³ Four buildings were completely demolished (we recognized two: Wahbeh building and Gharra building)⁴ and dozens of people were killed and wounded, including women and children. In addition, many houses caught fire and the neighborhood's infrastructure suffered massive destruction. Operations to rescue the wounded and recover the dead bodies from under the rubble began the same day using basic tools in total darkness and with a severe shortage of doctors and medical supplies due to the siege imposed on the neighborhood.

04 See images or map

Details

On the evening of Thursday April 4, 2013, the Barzeh district was targeted with three mortar shells fired by Syrian government forces, besieging the quiet neighborhood.⁵ At around 8:00pm, surface-to-surface Tochka SS-21 missiles hit the neighborhood, primarily targeting civilian residences.⁶ The missiles struck in a timed manner; approximately every twenty minutes until the ninth missile, after which a missile hit approximately every hour until dawn of Friday, April 5. The missiles were very destructive and caused panic and widespread devastation. *“When the missiles targeted the surrounding neighborhoods, we rushed from the house to the shelter. Then, one missile hit the bordering neighborhood;*

05 According to eyewitnesses, there were no clashes

06 According to the field researcher and eyewitness testimonies



we panicked because of the terrifying sound and very strange smell which almost suffocated us. The missile caused objects, including windows and doors, to fly in the air; the dust was everywhere and we could not see.” In addition to the massive physical destruction the missiles caused to civilian properties, they produced a repulsive smell that causes eye redness and soreness, headache and stomachache in some people. According to an eye witness:

“The missiles exploded some 16 meters before hitting the ground, producing fragments that sucked oxygen from the air and emitted a very strong smell that caused eye soreness and headaches. In some cases, people also suffered stomachache and eye redness.”⁷

07 Fourth witness

According to the witness, one missile destroyed the al-Boushi family's two-story house and killed a number of its occupants. *“A missile landed on a two-story house and destroyed it completely. All of the Al-Boushi family members were martyred. We were able to pull a child and a woman alive from under the rubble but their injuries were serious. We also pulled the bodies of three children and a 17-year old girl. The bodies of two other women remained under the rubble, as we faced great difficulty pulling them out.”⁸*

08 Fourth witness

The missiles were not aimed at military targets; they landed exclusively on civilian residences. The list of people killed in the strike does not contain any military personnel. It includes the following names:

- ▶ 17-year old Asma al-Boushi.
- ▶ Nadia al-Baida, also named Em Firas al-Boushi.
- ▶ Dalal al-Rayes, also named Em Mohammed Al-Boushi.
- ▶ Child Ghaith al-Hourani.
- ▶ Child Ghayath al-Hourani.
- ▶ Haj Mohammed Qaddah, also name Abu Zahreddine.
- ▶ A mother of a newborn.
- ▶ Ahmad, a Damascene young man originally from al-Salhiya neighborhood.
- ▶ Unidentified girl martyred with al-Boushi family.
- ▶ Unidentified little girl.

In addition to other unidentified martyrs, all of whom were civilians.

Findings

- ▶ Eyewitnesses and images of the missile strikes demonstrate that the attack was highly destructive and disproportionate to the powers of the Free Army. Liwa al-Islam and the other brigades active in the Barzeh neighborhood under the Free Army lack the military power to counter these missiles.
- ▶ The strike involved excessive and disproportionate use of force, aimed mainly at non-military targets. Two of the four demolished buildings that we documented were short houses on side streets. Gharra and Wahbeh buildings (see image/map) were located in the center of Barzeh neighborhood on a side street and do not carry any military significance, not to mention that the Free Army does not have



a presence in the center of the district where the missiles struck but remains on the outskirts to prevent the besieging forces from entering. Moreover, according to the field researcher, a government military checkpoint was stationed not far from Wahbeh building, which indicates that the Free Army could not be present there. The Free Army's well known tactic of targeting checkpoints involves a quick attack followed by pulling back. Therefore, it was not in the government's interest to strike civilian properties near checkpoints set up by its forces; yet it did, which suggests the use of indiscriminate shelling that targets civilians.

- ▶ Looking at the dead victims' names, we find that all of the victims whose names were identified were civilians and included no military or armed personnel, suggesting that the targeting was not accurate.
- ▶ It is a fact that the armed conflict in Syria has evolved into a non-international armed conflict, according to both the International Committee of the Red Cross and the International Commission of Inquiry in Syria. Therefore, the four Geneva Conventions relating to armed conflict, in particular Common Article 3, must apply with respect to gross violations of international humanitarian law.
- ▶ The crime documented in this report constitutes a war crime subject to Article 8 of the Rome Statute of the International Criminal Court, paragraph (b) in particular, which defines war crimes committed in violation of the rules and norms of international humanitarian law:
 - ▶ (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - ▶ (ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
 - ▶ (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
 - ▶ (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

Difficulties

- ▶ 1. Security-related difficulty of movement for the field researcher. The Barzeh district remains a war zone, with ongoing clashes between the Free Army and regime forces as well as heavy shelling and sniper fire targeting the neighborhood.
- ▶ 2. The residents' unawareness of the importance of human rights and their subsequent lack of cooperation.
- ▶ 3. Poor and lack of communication with the field researcher in Barzeh.



- ▶ 4. Witnesses' refusal to sign their testimonies.
- ▶ 5. Barzeh district is one of the most dangerous areas in Syria today. It is impossible for people to move there.

Attachments

Videos (2013)

REPORT BY ORIENT CHANNEL

The missiles landing in the neighborhood

www.youtube.com/watch?v=Ojt5rnr8i0&feature=youtu.be

Footage of houses on fire

www.youtube.com/watch?v=YWLHAYQdNZY&feature=youtu.be

www.youtube.com/watch?v=8QvHVxiCAmQ&feature=youtu.be

Destruction resulting from the strike

www.youtube.com/watch?v=oyejh-QCtQ0&feature=youtu.be

www.youtube.com/watch?v=OiEN6iWMvx4&feature=youtu.be

Attempts to pull dead and injured victims from under the rubble

www.youtube.com/watch?v=0M9a1OHUsl0&feature=youtu.be

www.youtube.com/watch?v=N7kftv9M3J0&feature=youtu.be

www.youtube.com/watch?v=Z2LEXPnlcnw&feature=youtu.be

www.youtube.com/watch?v=RWRfy_TkCi8&feature=youtu.be

www.youtube.com/watch?v=XZKh__JeaEY&feature=youtu.be

Pulling children from under the rubble

www.youtube.com/watch?v=g6vYQNKwNb4&feature=youtu.be

www.youtube.com/watch?v=F82ztI9IUJw&feature=youtu.be

www.youtube.com/watch?v=bRdnA3iHvJY&feature=youtu.be

www.youtube.com/watch?v=uCbaAOI2UZ0&feature=youtu.be

A list of victims' names as documented by VDC

www.youtube.com/watch?v=x9fbr8V5jPY&feature=youtu.be



Sources

- ▶ Field researcher report, investigations and views.
- ▶ Eyewitness testimony
- ▶ Videos taken from YouTube and correspondence with their uploaders.
- ▶ Photos on the internet and correspondence with their uploaders.
- ▶ Videos and photos taken by the field researcher.
- ▶ Al-Jazeera's report on the Barzeh neighborhood: www.youtube.com/watch?v=g1TcgqvEgkU
- ▶ Bing maps
- ▶ Violations Documentation Center's website, including details of the following documented victims:
www.vdc-sy.info/index.php/ar/martyrs/1/c29ydGJ5PWEua2lsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwchHJvdmVhZGZpc2libGV8ZXh0cmFkaXNwbGF5PTB8cHJvdmluY2U9MXxjb2RNdWx0aT0yfHN0YXJ0RGF0ZT0yMDEzLTA0LTR8ZW5kRGF0ZT0yMDEzLTA0LTV8
- ▶ Mohammad Qaddah www.vdc-sy.info/index.php/ar/details/martyrs/73107
- ▶ Ghaith Hourani www.vdc-sy.info/index.php/ar/details/martyrs/73108
- ▶ Ghayath Hourani www.vdc-sy.info/index.php/ar/details/martyrs/73109
- ▶ Nadia al-Baida www.vdc-sy.info/index.php/ar/details/martyrs/73110
- ▶ Asma al-Boushi www.vdc-sy.info/index.php/ar/details/martyrs/73111
- ▶ Dalal al-Rayes www.vdc-sy.info/index.php/ar/details/martyrs/73112



A testimony from a woman who was arrested

I am the undersigned, [REDACTED] from [REDACTED] Sanamayn, born in 1977. A mother of three children, college graduate in administration. "I was arrested on March 15th, 2012. I was in the [REDACTED] and officers from the Military Intelligence branch 215 – or what is known as the 'Raid Detachment' – set an ambush to capture me, as I found out later from interrogators. They told me that they besieged the whole area for that. When I came out of the car they arrested me directly, hand cuffed me, and put a black bag over my head. They were all dressed in civilian clothes. I was put in a car and taken to the Branch. I was not assaulted in the car, but the minute I arrived at the Branch, they removed the bag off my head, and blindfolded me. They took me straight away to interrogation. When the Interrogator saw me, he said to the warden "Take her. Undress this bitch". Fortunately, they only took off the jacket I was wearing.

Before they even asked me about anything, the Interrogator ordered the Warden to bring the tire – which is a torture tool. It consists of a car tire, 60 cm in diameter, and I was put in its middle, with my feet and hands dangling. I was unable to move a bit as I was completely fastened inside the tire. He started to whip me until I lost consciousness. They brought me back to consciousness when the warden threw water on me. Then they took me to a solitary cell around 1 sq meters and I was left there. The cell was very damp and moldy; the blankets were also very dirty and moldy. Then they got a doctor. At the beginning I thought the doctor was brought in to examine me, but he only came to spray medicated alcohol over my body – which I learnt later was for the purpose of hiding the traces of beating. The doctor was from [REDACTED] but I didn't know his name. His dialect was that of [REDACTED]. The weather was cold, and at around 2 am, the warden dragged me to the interrogation. My charge was transporting weapons to terrorists. They asked me where did I bring the weapons from and which terrorists was I dealing with.

When I didn't confess, they dragged me to another room. There I was tortured with electrocution until I fainted. Electricity was connected to me feet, shoulders and back. I remained in the [REDACTED] nearly [REDACTED] months. The first ten days there I was tortured as I described earlier on daily basis. After that and for a period of [REDACTED] I would be tortured once every two days. I suffered from partial loss of memory due to electrocutions. In the last week, I was put with ten other female prisoners until I regained my strength. They treated me medically and my pain became a bit less. I was never raped, but I was always referred to with very bad abusive words that concerned honor and morals. I did not see or hear during that period any cases of rape.

The food was very bad – boiled and moldy potatoes, raw olives, and sometimes soup that was not suitable for eating. My weight dropped a lot – from 70 to 49 kg. After [REDACTED] [REDACTED] I was transferred to the [REDACTED] in [REDACTED] I was transported in a car trunk. When I reached [REDACTED] they let me in blindfolded. When I entered the interrogation room, they asked me about a person who was a defected officer. When I told them I know nothing, they threw me between the chairs and started beating me up violently. After that, I was not subjected to any interrogation. They put me in a dirty bathroom, where I stayed for almost [REDACTED] days. They threatened that I will be hanged if I do not confess.



I was then taken to the [REDACTED] in [REDACTED]. Again, I was transported blindfolded in the car trunk all the trip. When we reached [REDACTED] I was put in a small room underground. I did not know which floor it was. There were surveillance cameras in the room. For that I couldn't sleep, unless I dropped off to sleep unconsciously. I used to sleep on very dirty blankets. In the [REDACTED] they did not torture me physically; the torture here was psychological – which was worse. They used to torture the young men in front of me. They would undress them but for their under pants. Then they would whip them a lot and torture them with electrocution. They would hang them from their hands, and put electricity heaters under their feet. I witnessed with my own eyes young men die under torture. When one would die, they would say to the officers in their dialect “take this carcass downstairs”. Of course I didn't know what ‘downstairs’ was.

In the [REDACTED] I heard many times the screams of women being tortured. They called me the ‘terrorist’. After I spent [REDACTED] in the [REDACTED] I was transferred to the Political Female Prisoners Section in [REDACTED] which belongs to the [REDACTED]. I appeared before the judge and was told that my file is at the National Security. I received the verdict of field death execution. In [REDACTED] Prison I was subjected to severe scrutiny. The situation there was worse than other security branches. I would have preferred to have remained in one of the security branches instead of being there. I was then exchanged in a deal with the [REDACTED] [REDACTED] who was arrested by the military opposition. I was released on [REDACTED]. Upon my release my husband divorced me because I was arrested. This escalated the deterioration in my family and social wellbeing.”

In witness whereof, I sign in this day

March 18, 2014

Lebanon





PART 04	PART 03	PART 02	PART 01
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