

Part Four



FOLLOWING-UP AND REPORTING

.....Chapter XIX

FOLLOWING-UP

AND SEEKING

CORRECTIVE ACTION.....

Key concepts

“Follow-up” includes actions taken by a human rights field operation to address human rights problems about which it has gathered information, for example, seeking corrective action by national and local authorities directly or through the use of international human rights protection mechanisms.

Human rights officers should:

- | *prepare an organization chart/ list of key officials at local/ national levels;*
- | *make regular contacts with key authorities before major problems arise;*
- | *decide which information can safely be given to the authorities;*
- | *be aware of and coordinate with efforts of other international organizations in the field;*
- | *encourage the national and local authorities to function properly;*
- | *decide which higher authorities to address, if there is no improvement;*
- | *report in a timely manner within the human rights field operation;*
- | *report to the head of the UN presence in the country and seek his/ her intervention with higher authorities if necessary;*
- | *be aware of and address the human rights situation through UN mechanisms as relevant, for example, (a) any relevant country rapporteur or representative of the UN Commission on Human Rights, (b) relevant thematic procedures of the Commission and General Assembly, (c) treaty bodies, (d) the High Commissioner for Human Rights.*

A. Introduction

1. The term “follow-up” is employed here to describe the **actions taken by a human rights field operation or its individual officers to address human rights problems** identified through the different activities explained under Part Three — The Monitoring Function (Chapters V to XVIII). Specifically, follow-up refers to *the use HROs make of the information they have gathered on violations or other human rights abuses*. The **most prominent form of follow-up involves seeking corrective action by national and local authorities**.

2. Once the HRO has verified the information and, where appropriate, consulted with colleagues, s/he may determine that the case is an urgent matter which may require prompt follow-up. The question of follow-up raises several **issues**: Who will have the **authority to decide** whether such interventions should be made? **At what level** should various kinds of interventions be made? (For example, should a case be raised with a junior judicial official or with the minister of justice?) Should a case be **raised by the HRO who began the enquiry**, by his/her supervisor, or by the chief of the operation? What are other international, national and local organizations doing? How can the UN human rights operation **coordinate their interventions with other actors** in the field? If efforts to persuade the local/national authorities are not initially successful, **are there UN and other mechanisms for pursuing the matter?**

3. Errors in judgement at the crucial follow-up stage can have serious consequences. In order to avoid making such mistakes, HROs should always act in close consultation with colleagues. Difficult or especially sensitive situations should be referred to the appropriate level of the operation for advice.

4. As a general rule the *first stage of follow-up will be to take information to the relevant authorities*. Ultimately, most human rights violations can only be addressed by the authorities themselves. It is however important that *HROs select the correct authorities to meet*. They must also be careful in *choosing the information they give to the authorities* — remembering in particular the basic principle of monitoring: “do no harm”.

5. *Where the first meetings with the authorities do not lead to any improvement in the human rights situation, it may be necessary to address higher authorities*, to make written communications to ministries, or to make use of other United Nations mechanisms. This chapter addresses each of the above points.

B. Preparing for follow-up at local and national levels

6. **At the local level**, HROs should prepare for later interventions by **developing contacts with local authorities** and by **identifying the key officials** of the civil administration, military administration, police, courts, prosecutors, prisons, and other sectors of the society. Area offices should **prepare an organization chart** of these key officials, so that it will be possible to determine the appropriate official for particular

contacts. In addition, the area office should keep a **list of authorities with contact information** (name, address, telephone number, etc.) It is also useful to develop a file mentioning very briefly each contact made with the most relevant officials. All this information will be useful as a record and quick reference facility for the staff members of each area office.

7. Similar information — an **organization chart of Government ministries and divisions and contact details** — should be gathered by the **central office at the national level**. It is important that the **HROs maintain periodic contacts with key authorities** at both the local and national levels. HROs should visit these authorities regularly; the visits should be made apart from other visits regarding a specific case or problem. If HROs have developed good relations with the most important and relevant officials, they will find it much easier to address problems when they arise. It is often a good idea to establish regular weekly meetings.

8. As a general principle, the field operation should try to encourage the national and local level authorities to function properly. The operation should **avoid displacing or replacing ordinary governmental functions**. For example, if there is a functioning criminal justice system, it would be far better for investigations of criminal offences to be pursued by the police and prosecutors than by HROs. Indeed, if the criminal justice system is not functioning properly, the objective of the human rights operation should be to encourage and assist the national system to work rather than replacing it.

C. Initial steps at the local level

1. Selecting the right authority to address

9. If an HRO has received information which would indicate a need to get the reaction of the authorities, the officer should ordinarily consult the files and appropriate colleagues (for example the area coordinator, if any) to **get a sense of which local administrator or police official would be most appropriately contacted**.

10. Depending upon the relations which have been developed and the procedures which have been followed, it may be easiest to make contact at a relatively low level in the hierarchy. Unless the case is obviously and unusually controversial, the **lower level officials may be able to provide routine information which may resolve the matter**. It is in the interests of both the local officials and the human rights operation to resolve problems at this early juncture. The *contact should not, however, be made with an official who has no power to respond appropriately*.

2. Coordinating follow-up with other organizations

11. Some human rights violations might draw the attention of other organizations and UN operations. At a minimum HROs should **be aware of what efforts have been**

made by other international organizations, so that they do not unnecessarily duplicate or conflict with each other. At best human rights operations should **coordinate information gathering and follow-up** with other international organizations in the field. With particularly serious cases HROs should coordinate their interventions with partner organizations. Sometimes it can be useful for several different organizations all to approach the same authorities on one specific case of human rights violation. This combined approach can help to place greater pressure on the authorities to correct the abuse. HROs should, however, ensure that the different interventions are coordinated and that the requests made of the authorities are consistent with each other. Where there are inconsistencies the authorities may use them to stall and to do only the very minimum to address the problem.

12. HROs should ascertain and be aware of the mandates and scope of activities of the other organizations present in the country of operation, so as to be able to assess which kind of assistance, contribution or coordination may be expected with a view to improving the human rights situation in the country — particularly as to follow-up. A brief overview of the most common organizations and departments present in the field is provided below. The list does not purport to be exhaustive, but only to provide a general orientation to HROs. Human rights field operations have at times developed memoranda of understanding with several of these organizations to facilitate cooperation. Memoranda of understanding may also exist between the Headquarters of the human rights field operation (for example the Office of the High Commissioner for Human Rights or the Department of Peace-Keeping Operations) and other organizations present in the field. HROs should be aware of any such agreement, when they exist.

a. Peace-keeping operations

13. In coordinating with other international organizations, it is useful to note that *human rights field operations are sometimes components of a larger UN presence or peace-keeping operation in which the other components may, depending upon the mandate, be an armed military component, military observers, civilian police, humanitarian assistance, civil affairs, civil administration and electoral monitors.* Such a larger UN presence is usually under the direction of a Special Representative of the UN Secretary-General. There are various types of peace-keeping operations, including the maintenance of cease-fires and separation of forces (e.g., in Cyprus and Kashmir), preventive deployment (e.g., in Macedonia), implementation of comprehensive settlements (e.g., Cambodia and El Salvador), and protection of humanitarian operations during continuing conflicts (e.g., former Yugoslavia). *The UN Security Council gives different peace-keeping operations their mandate depending upon political exigencies and the needs of the situation.* Those mandates often involve observation, reporting, interposition between opposing factions, liaison, negotiation, good offices, maintenance of physical presence in specific sectors or checkpoints, guarding of facilities, and public information.

14. The United Nations Department of Peace-keeping Operations (DPKO) serves as the operational representative of the UN Secretary-General for the planning and management of peace operations, and as such has been responsible for managing various human rights field operations, for example in Cambodia. The United Nations Department of Political Affairs assists the Secretary-General by providing research, analysis and policy advice. The DPA also includes the *Electoral Unit* which has

coordinated and provided assistance to election monitoring and elections. Other human rights field operations have been mounted under the auspices of the High Commissioner for Human Rights, such as the Human Rights Field Operation in Rwanda (HRFOR), the Human Rights Field Operation in Burundi (HRFOB), the Cambodia and Colombia Offices of the High Commissioner for Human Rights, and others. Still in other more recent cases, such as in Angola or Sierra Leone, human rights components of peace-keeping operations, although administratively managed by DPKO, receive substantive guidance from the High Commissioner for Human Rights.

i. Military component

15. Under the terms of reference provided by the Security Council, the *military component* usually functions within a Status of Forces Agreement with the country of operations, Standing Operating Procedures (SOP), and Rules of Engagement (RoE). Military components are usually armed though under strict constraints as to the use of arms, normally organized in battalion size units, and directed by a Force Commander; they provide a large number of small armed detachments for observation posts, patrols, escorts, etc.¹ UN Peace-keeping missions are usually staffed by soldiers who carry unloaded weapons, but are prepared to act in self-defence.

16. Peace-keeping should be achieved without use of military force, except in self-defence, i.e., direct attacks, threats to the lives of UN personnel, jeopardy to UN security in general, forceful entry into UN positions for use as a fire base, or attempts by force to disarm UN troops. *UN peace-keepers may only use the minimum of force as last resort*, should prevent the use of force by negotiation or persuasion, should give prior warning (for example orally, using flares, giving warning shots in the air, firing short) unless to do so would increase the risk of death or grave injury to the peace-keeper or any other person.

ii. Military observers

17. United Nations Military Observers (UNMOs) normally monitor the performance of the military *in the context of demilitarization or a broader peace process*. They are generally not armed. *Some human rights field operations have developed close working relationships* with UN Military Observers and other military components of international peace-keeping operations, for example, to meet regularly — for example, every morning — to coordinate their efforts or at least be aware of their respective activities. The establishment of Civil-Military Coordination Centres has become standard practice in countries where multi-component peace-keeping operations are established, or where peace-keeping operations coexist with humanitarian, human rights and other civilian-run operations. Military observers and other military components have been able to provide transportation, communications, information, and/or security for HROs.

iii. Civilian police

18. Human rights field operations have also worked closely with the United Nations Civilian Police (CIVPOL or UNCIVPOL). CIVPOL components of

¹United Nations Department of Peace-Keeping Operations/Office of Planning & Support/Training Unit, *Peace-keeping Handbook for Junior Ranks* 12, 19, 54-55 (1994).

peace-keeping and other field operations are composed of professional members of police organizations who are provided to the UN by member countries. CIVPOL officers are generally not armed. CIVPOL helps to ensure human rights and criminal justice standards are fully respected, monitor law enforcement activities of local police and judicial investigative authorities, sometimes carry out general police duties (such as investigation of incidents), provide appropriate assistance to the UNHCR and other humanitarian agencies, advise local police on procedures, and assist in (re-)training of local police forces. CIVPOL components are organized in groups or teams under a Police Commissioner. CIVPOL activities are conducted in accordance with the overall mandate of the peace-keeping operation and pursuant to Standard Administrative Procedures (SAP) and Standard Operational Procedures (SOP).

19. *CIVPOL officers who come from countries where police are regularly engaged in the investigation of crime may be particularly helpful* in encouraging local police to investigate violence and other human rights abuses. If local police are not able to pursue such human rights abuses, HROs may cooperate with CIVPOL in undertaking inquiries to document the facts and thus to encourage more effective response by the local authorities.

iv. **Civil affairs and electoral components**

20. A peace-keeping operation may also have components for civil affairs, civilian administration and electoral monitors. *Civil affairs* may provide the diplomatic/political component of the operation. Civil affairs officers may serve as the local eyes and ears of the Special Representative, focusing on human rights as well as other aspects of the UN presence. In the UN Transitional Authority in Cambodia (UNTAC) there was also a *civilian administration* component to fulfil the administrative responsibilities delegated to UNTAC under the Paris Accords. The civilian administration component worked very closely with the human rights component — often sharing office space and projects in the provinces. *Election monitors* have served in UNTAC, Namibia, Bosnia, and elsewhere, often in parallel with human rights field operations and/or components. In these cases, electoral monitors have focused on the technical aspects of preparation and monitoring of elections, while HROs have focused on monitoring respect for the human rights related to the electoral process (see **Chapter XIV: “Election Observation”**).

v. **Humanitarian aid component**

21. The *humanitarian aid* component of peace-keeping or other UN field operations may include UNHCR, UNICEF, UNDP and non-governmental organizations to help distribute food, supply medical aid and shelter; provide other necessities for living; and work on development projects. The United Nations Office of Humanitarian Affairs (OCHA) has been responsible for coordinating the efforts of UN relief agencies in the context of complex emergencies and natural or technological disasters, including armed conflicts, floods, earthquakes, hurricanes, etc.. OCHA operations may also be present independently of peace-keeping operations. A very brief descriptions of several of the international humanitarian organizations which human rights offices may encounter in the field is provided below.

b. UN Resident Coordinator

22. The UN Resident Coordinator is designated by and responsible to the UN Secretary-General and has overall responsibility for, and coordination of, the UN system operational activities for development carried out at the country level. This coordination function is to be pursued in conformity with the objectives and priorities of the Government. The main concern of the RC is to support effective dialogue and interaction in the UN system with the Government's policy-making and coordinating mechanism, to develop a coherent frame of reference for cooperation and assistance by the system, and to promote effective division of labour and joint reviews of major programmes and projects.

c. UNHCR

23. **Appendix 1 to Chapter X** contains an introduction to the *United Nations High Commissioner for Human Rights (UNHCR)*.

d. UNICEF

24. UNICEF (*United Nations Children's Fund*) has established a defined role for itself in the sorts of emergency situations in which human rights field operations often are conducted. UNICEF's *principal focus is on protection and advocacy for children*. UNICEF brings both a developmental and a human rights perspective to its emergency action, which has four primary elements: advocacy, assessment, care (including the provision of essential services), and protection of vulnerable children and women from intentional harm.² The basic framework within which UNICEF operates is the UN Convention on the Rights of the Child. UNICEF is centred in New York, but has programmes in over 130 countries principally working on child survival, care and protection of vulnerable children from harm, development, capacity-building, strengthening civil society, re-establishment (and improvement) of basic social services, education, health care for children and women, demobilization of child soldiers, family reunification of unaccompanied children, work with internally displaced children, employment, physical and psychological recovery and social integration of child victims of neglect and abuse, etc.

e. UNDP

25. The *United Nations Development Programme (UNDP)* is the largest provider of economic and social *development assistance* to countries throughout the world. The UNDP Resident Representative in many countries not only directs UNDP assistance, but also serves as the Resident Coordinator of the UN. Through a network of 134 country offices, UNDP works in 174 countries and territories to support development, focusing on poverty elimination, environmental regeneration, job creation, the advancement of women, and increasingly, and in close cooperation with OHCHR, human rights institution building. UNDP is frequently involved in promoting "good governance" and support for rebuilding societies in the aftermath of war and

²UNICEF, *Children and Women in Emergencies: Strategic Priorities and Operational Concerns for UNICEF*, UN Doc. EICEF/1997/7 (1996).

humanitarian emergencies. Its principal mission is to help countries build national capacity to achieve sustainable human development, as the largest member of the UN development family. UNDP works closely with OHCHR, in a relationship governed by a Memorandum of Understanding signed in 1998, pledging the two offices to collaborate in advancing the right to development, staff human rights training, programming and policy development.

f. IOM

26. The *International Organization for Migration* (IOM) is an intergovernmental organization which assists in meeting the operational challenges of migration, advances understanding of migration issues, encourages development through migration, and works towards the effective respect of migrants' rights. Founded in 1951 as a response to the problem of displaced persons and refugees in Europe after World War II, today, IOM is operational in over 70 countries in the world. IOM is also concerned with issues relating to trafficking in persons — particularly women. The IOM is centred in Geneva.

g. WFP

27. The *World Food Programme* (WFP) provides *food aid* to low-income countries to combat hunger, *promote economic and social development*, and respond to relief needs of victims of natural or other disasters. The WFP operates in more than 90 countries and is the largest multilateral food aid organization in the world. The WFP administers the International Emergency Food Reserve and is providing humanitarian assistance in some areas of conflict. The World Food Programme is centred in Rome.

h. WHO

28. The *World Health Organization* (WHO) works with national health administrations, professional organizations and others to achieve the highest possible level of health throughout the world. It provides and coordinates technical assistance, expert advice, emergency relief, and prevention/control of diseases through its Division of Emergency and Humanitarian Action. The WHO is centred in Geneva.

i. ILO

29. The ILO is the United Nations specialized agency which seeks to promote social justice and internationally recognized human and labour rights. Its Headquarters are in Geneva, but it has offices in various countries. The ILO main activities include:

- ✓ the formulation of international labour standards in the form of Conventions and Recommendations setting minimum standards of basic labour rights: freedom of association, the right to organize, collective bargaining, abolition of forced labour, equality of opportunity and treatment, and other standards regulating conditions across the entire spectrum of work related issues;
- ✓ providing technical assistance primarily in the fields of vocational training and vocational rehabilitation, employment policy, labour administration, labour law and industrial relations, working conditions, management development, cooperatives, social security, labour statistics and occupational safety and health;

- ✓ promoting the development of independent employers' and workers' organizations and providing training and advisory services to those organizations;
- ✓ promoting the rights of migrant workers.

j. Regional organizations

30. In some parts of the world, human rights operations may work in cooperation with regional organizations, such as the **Organization of American States**. Indeed, the human rights operation in Haiti has been conducted jointly by both the OAS and the UN (through the Department of Political Affairs). The **Organization for Security and Co-operation in Europe** has had responsibility for monitoring the human right situation in Bosnia-Herzegovina and in cooperating with the UN human rights field operation there. The Organization for Security and Co-operation in Europe (OSCE) arose from the Conference on Security and Co-operation in Europe (CSCE) and the Helsinki Final Act of 1975. For its first 15 years the CSCE met periodically to discuss reducing tensions between Eastern and Western Europe and developing cooperation in such fields as democracy, economics, environment, family reunification, human rights, rule of law, science and technology. Several of the CSCE meetings resulted in final standard-setting statements. Under the CSCE Governments were entitled to express concerns and initiate dialogue with countries in which human rights problems were arising. In the 1990s the CSCE became the OSCE with its central office in Vienna and an Office for Democratic Institutions and Human Rights in Warsaw, the Conflict Prevention Centre in Vienna, and the High Commissioner for National Minorities in the Hague. The OSCE has sent conflict prevention, crisis management, election, and human rights monitoring missions to a number of countries including Bosnia-Herzegovina, Estonia, Georgia, Latvia, the former Yugoslav Republic of Macedonia, Moldova, Tajikistan, Ukraine and Kosovo. The **Council of Europe** — although not directly responsible for managing field operations as defined in this Manual has a number of institution building projects on human rights, often involving the presence of experts in the field, in countries where UN field operations have been or are operating.

k. Non-governmental organizations

31. In addition to the international and regional organizations, there are also a large number of international non-governmental — humanitarian assistance, relief and advocacy — organizations, which should be very helpful to the human rights field operation. Among the most prominent is the **International Committee of the Red Cross**, which is discussed in **Chapter IX-E: “Coordination with ICRC”**. Other international organizations the UN human rights operation may encounter in the field are Adventist Development and Relief Agency, Action Internationale Contre la Faim, Amnesty International, American Refugee Committee, Cooperative for American Relief Everywhere (CARE), CARITAS, CONCERN, Catholic Relief Services, Church World Service, Danish Refugee Council, Diakonisches Werk, Equilibre, Handicap International, Human Rights Watch, International Catholic Migration Commission, International Commission of Jurists, International Federation for Human Rights, International Federation of Red Cross and Red Crescent Societies, International Islamic Relief Organizations, International Rescue Committee, Jesuit Refugee Service, Lawyers Committee for Human Rights, Lutheran Immigration and Refugee Service,

Lutheran World Relief, Médecins du Monde, Médecins sans Frontières, Mercy Corps International, Minnesota Advocates for Human Rights, Movimondo, Norwegian Refugee Council, Oxford Committee Famine Relief (OXFAM), Pharmaciens sans Frontières, Rädda Barnen (Save the Children Fund), Refugees International, Reporters sans Frontières, Save the Children, Trocaire — Catholic Agency for World Development, World University Service, World Vision, *and many others*. To the extent these organizations are active in the country, **they may be able to assist the human rights field operation in gathering information, follow-up, dealing with requests for assistance** (education, emergency aid, food aid, food production, health care, legal assistance, logistics, medical supplies, shelter, transport, sanitation, water, etc.), and in other ways.

32. There may also be local *human rights* organizations with which the human rights operation will want to cooperate as discussed in **Chapter VII-B: “Developing contacts and establishing a presence in the community”**.

3. Deciding what information may be given to the authorities

33. Before contacting the authorities, the HRO should be **careful to determine precisely what information should be given to the authorities** in raising a case. Has the complainant or witness given permission to use his/her name or even to raise the matter at all? What risks might mature in harm if the authorities are contacted? Are those risks worth taking in the light of the information or response which is expected?

4. Planning the meeting with a particular authority

34. It is very important to note that when visiting authorities, especially the military and law enforcement officials, **two HROs should always be present**. HROs should plan their intervention with the authorities carefully. Where there are two or more officers it should be clear as to which roles each person will play. It is usually easier if *one person “leads” the meeting and the other supports*.

35. In preparing for the meeting, the HROs should identify **which issues they wish to raise**, and in which order. **Should they take notes**, and if so which HRO will do so? What is the **precise objective of the visit**? **What information or undertaking would the HROs like to obtain** from the authority? **What objections are expected**? How should the HROs **overcome those objections**? For example, objections may be countered: by reference to the terms of reference; by showing that it would be in the interests of the Government official to cooperate; by politely giving responsive arguments; by simply repeating the question or the point to show that the HROs can not be diverted from their objective; or by indicating that it may be necessary to raise the issue at higher levels, etc.

36. Thought should be given as to what **language** the meeting will use. In general, it is best to use a language in which the HROs can communicate easily — and without having to use an interpreter — but in which the Government officials can also converse comfortably. There is some advantage in selecting a language in which the HRO will be

able to communicate comfortably, but the Government official must be able to understand and respond. HROs should use interpreters only where there is no other alternative.

37. In setting the visit or interview with the Government official, it is useful to determine how long the Government official will have for the discussion. The strategy for the interview will be different depending upon the **amount of time** which is expected.

5. Conducting the meeting itself

a. Introductions

38. The meeting will usually begin with introductions. If this is the first contact between any member of the field operation and this particular authority, the HROs should briefly **explain the mandate of the operation and their own specific tasks**. They may also *refer to any relevant agreements* with the national authorities and should be prepared to present a *copy of the relevant terms of reference* or governmental authorization for the operation.

39. In order to be taken seriously the HROs should be clear, impartial, and professional in presenting themselves and the reason for their visit. HROs *should carry and present official visiting cards* which will simplify spelling of names and giving addresses. The presentation of a card will also encourage the official to present his/her card with useful information as to full name, official title and address. They should be careful to observe customary rules of courtesy and dress and should use the correct title of the official — Captain, Colonel, Justice, Doctor, Mr, Cheik, etc. The HROs' demeanour towards the authorities should be **firm and polite**. In addition, the HRO should avoid an arrogant or provocative attitude towards the authorities.

b. Addressing the main reason for the visit

40. The leading HRO should then explain the reason for the visit. There may be *different strategies for reaching the purpose of the visit*. If there is adequate time to handle the significant issue, it might be useful to begin with a less important and less controversial question, so that a tone of cooperation can be developed. The HROs should, however, try to avoid being side-tracked or lectured, so that all the time of the visit is consumed with inconsequential matters. In this case, it may be necessary to immediately raise the major reason for the visit.

41. The HROs should **listen carefully** to the response of the official. Has the official given any useful information or response? The HROs should try to pursue their objective with **firmness and clarity**, but they should not try to push the Government official into a negative or defensive attitude. Whatever occurs with regard to the principal issue or issues, it may be useful to raise another more easily resolved issue towards the end of the interview, which will allow more easy agreement. Such a tactic should, however, be avoided, if it would distract from the major thrust of the interview and would not significantly improve the atmosphere. In any case, at the end of the meeting the leading HRO should **outline the results of the meeting and the next**

steps which will be taken based on the discussion. Where possible the HROs should try to fix with the authorities a date and time for a second meeting, and to define the steps that the authority will take in addressing the problem. In any event the tone at the conclusion of the meeting should leave the door open for further contact.

6. Addressing the problem through a written communication

42. As the level of the intervention rises, the area coordinator may **consider whether an intervention should be made on the basis of an oral and/or written presentation**. Correspondence with the authorities on human rights violations should be approved by the head of the operation or a person by him/her delegated for this purpose.

43. Unnecessary correspondence with the authorities should be avoided. The operation should only resort to writing a letter in serious cases, when oral communication is impossible, or when oral communication has not produced the expected results. The same rules regarding demeanour to be observed vis-à-vis the authorities apply here with regard to a written communication. When a written communication is to be sent to the authorities, the operation must devote special attention: to remaining **within the mandate**; to being extremely **accurate** in their reference to facts, cases and legal aspects; to using **formally correct written expression** (these letters should be written or at least carefully reviewed by an HRO whose mother tongue is the language used); and to using the **customary polite terminology**.

D. Taking the problem to a higher level

44. If the HRO does not receive an adequate response, the next step may be to pursue further inquiries outside of the authorities before raising the issue at a higher level in the local governmental structure. The objective at this stage is usually to encourage the authorities to provide information and possibly to initiate their own investigation about the case.

45. As the level of the concern and/or the Government official rises, however, it becomes *more necessary to involve staff of the field operation with corresponding levels of responsibility, up to, in some cases, the chief of the operation*. The initial HRO who did the inquiry and who knows the case should obviously continue to be involved.

46. The intervention of the head of the operation or the central office may be required when the human rights violations are particularly bad, and/or when the violations may have been committed or at least sanctioned by a high level member of the local authorities. In these situations it may be easier to address the problem through the national authorities.

47. HROs may also wish to *refer a case to the central office and the leadership of the operation* when they feel that it may be *dangerous for them to pursue the case locally*. If, for example, the perpetrators of a particular violation are local soldiers, it may be very risky for the human rights staff to continue an enquiry that may threaten those soldiers. The operation's staff in the capital will be better able to address the problem.

48. In some situations the field operation may find that it is unable to provide the necessary follow-up on a situation of human rights violations. A number of different methods can then be used, including the **publication of information** in the national and international press and discussions with concerned governments through their ambassadors in the country of operations. *Decisions of this kind rest with the leadership of the operation.* Consultation with the High Commissioner for Human Rights in Geneva, or with the Special Representative of the Secretary-General, or both, may be needed, depending on the institutional arrangements relevant to each human rights field operation. The following section of this chapter provides some guidelines on the use of the media and different possibilities offered by other UN mechanisms.

E. Contacts with the media

50. With regard to contacts with the media, each staff member of the United Nations is bound by Staff Rule 101.2, stating that “*staff members shall not, except in the normal course of official duties or with the prior approval of the Secretary-General, engage in any of the following acts, if such acts relates to the purpose, activities or interests of the United Nations: (i) issue statements to the press, radio, or other agencies of public information; (ii) accept speaking engagements; (iii) take part in film, theatre, radio or television productions; (iv) submit articles, books or other material for publication.*”

51. In addition, guidelines on “United Nations Secretariat Relations with the Media” were issued by the Secretary-General in April 1999. These provide, *inter alia*, that, as a matter of principle, every member of the Secretariat may speak to the press, within the following limits:

- ✓ to speak only within their area of competence and responsibility;
- ✓ to provide facts, not opinions or comment;
- ✓ to leave sensitive issues to officials who are specifically authorized to speak on them based on the same guidelines.

52. The officials authorized to speak on sensitive issues are: the United Nations Spokesperson, on the basis of guidance; designated members of the Secretary-General's staff and Heads of Departments, within their area of competence; staff authorized by their Heads of Department, on the basis of guidance; and Directors of United Nations Information Centres, on the basis of guidance from Headquarters.

53. Within these rules, **guidelines concerning contacts with the media** may be issued for each specific human rights field operation, and may differ depending on whether the operation is part of a larger peace-keeping presence administered by DPKO, or part of the Office of the High Commissioner for Human Rights. In general, however, the **chief of the human rights operation has delegated authority to**

decide how the operation and its results are presented to the media. For particularly sensitive issues, he/she may need to consult UN Headquarters in Geneva or New York, or the Special Representative of the Secretary-General leading the peace-keeping operation, prior to taking part in interviews, making statements to the press and issuing media releases. Careful consultation will help to avoid errors and will help prepare officials at each level for further questions from the media. **Other staff** of the field operation **should have specific authorization from the chief** of the operation **before** providing information on the operation to the media. It is important for HROs to be aware that while deployed in a field operation there is no such thing as “speaking in my personal capacity” about an operation. Any staff member talking to the press about an operation — on or off the record — while deployed in that field operation is, for all intents and purposes, speaking in an official capacity. It is therefore important that all staff abide by the relevant staff rules and the specific guidelines for contacts with the media relevant to each organization and/or operation.

54. When the chief does need to make statements for media use, those statements should be broadly disseminated through UN Headquarters, to relevant UN agencies, to non-governmental organizations, and to international and local media. In general, insofar as consistent with security concerns, its mandate, and the effectiveness of its protection efforts, the human rights operation should **make available its general findings** and achievements on a regular basis. **Details of specific cases under investigation by the operation should, however, never be made public** while the investigation is going on. The chief of operation may also wish to consider appeals to the general population, contending parties, moderates, influential groups, or other targeted groups as techniques for dealing with grave problems.

F. Longer-term follow-up

55. Through monitoring human rights, field operations collect a considerable quantity of information. Some of that information needs to be communicated through appropriate channels and at the appropriate levels to Government officials so that they may deal with particular problems. If the Government fails adequately to respond, the information may need to be *disseminated further through the UN mechanisms* discussed below. The human rights information gathered by the field operation, however, may also be useful in developing medium-term promotion and technical assistance within the context of the field operation or longer-term capacity-building efforts.

56. In fact, monitoring, protection, promotion and technical assistance are usually interconnected and complementary tasks. For example, if a prison is not handling its inmates properly under international standards, the best way of handling the problem may be to discuss the problem with the responsible Government officials. If they do not respond adequately, the field operation may prepare a critical report. At the same time, if the analysis of the causes of this specific human rights problem suggests that the lack of preparation of the prison staff is the main cause of the violations, the operation may offer training or technical assistance in prison management and techniques for achieving international norms for the protection of detainees.

57. Another example of the relatedness of monitoring and promotion arises in the context of nearly every contact between HROs and Government officials. If HROs realize that there are repeated human rights violations in the area where they work, they are encouraged to meet with the local administration responsible for that area. The HRO may devote an hour explaining to the official the mandate of the operation, explaining the role the field operation can play in the region, and perhaps providing examples of the way in which human rights operations have contributed to improving human rights in other countries. If at the end of the conversation the official has a better understanding of the operation and is receptive to future contacts with the HRO, human rights will have been promoted.

58. Information developed through monitoring can be used in encouraging the Government to develop a needs assessment and to select priorities for **building its capacity for the sustainable protection of human rights**. The needs assessment can identify a relationship between a situation of human rights abuse and an institutional weakness/absence. In the short and medium term, the needs assessment/priorities might identify promotion and technical assistance with which the human rights field operation might help in partnership with the Government, local NGOs, other intergovernmental organizations (such as UNDP, UNHCR or UNICEF), etc. In the longer term, the needs assessment might identify the programmes which the Government should pursue and the capacity-building assistance which the UN might provide. Capacity-building involves the development and strengthening of structures that contribute to the protection and promotion of human rights. Capacity-building can refer to governmental structures, such as courts or legislative committees, but can also concern neighbourhood human rights committees or NGOs which will help to protect human rights. *The objective is to foster and develop sustainable local institutions and not to substitute HROs for the people and Government of the country of operations.*

59. Depending upon the presence or absence of non-governmental organizations (NGOs) in the country of operation, it may be necessary for the human rights field operation to **encourage the formation and/or strengthening of NGOs**, provide financial support to fledgling NGOs, and train them in how NGOs are organized and function with regard to promotion, assistance, and ultimately monitoring. NGOs are critical — not only because they may assist the operation in achieving their objectives, but also because they should continue serving those functions after the operation departs.

60. Since most human rights field operations are not themselves funders of promotion and technical-assistance activities, field operations may **assist institutions**, such as the Ministry of Justice or NGOs, **in developing proposals for funding by interested agencies**, governments and foundations. They may assist in identifying the potential funders, clarifying the intersection between the interests of the funders and the needs of the institutions, determining the range of funds available from each potential funder, reviewing proposals, making sure that initial contacts are made with the funders before submission of proposals, assuring that the funders actually receive the applications, assuring that institutions keep in touch with the funders, monitoring supported activities, encouraging that an evaluation is prepared as to whether objectives were achieved, making sure that adequate reports are prepared on the work accomplished, etc.

61. Protection and reporting activities cannot be effective without promotion and capacity-building as possible remedies, but, similarly, promotional activities must be based on an accurate analysis of the human rights problem. Hence, there must be a cooperative approach between the monitoring tasks on the one hand, and promotion and technical assistance within the context of the field operation, as well as longer-term capacity building efforts on the other.

G. More long-term follow-up: truth commissions and tribunals

1. International tribunals

62. As discussed in **Chapter VII-I: “Evidence for criminal prosecutions”**, human rights field operations must develop policies as how to handle information which might be relevant to criminal prosecutions — either in international criminal tribunals for such places as the Former Yugoslavia and Rwanda, or in any future situation that may be dealt with by the International Criminal Court — or by national courts.³ In general, the lawyers and investigators for such tribunals prefer to do their own investigations and have difficulty relying upon information collected by others. Indeed, in some cases action by HROs and other organizations, if not professionally conducted, may even tamper with criminal investigations conducted by international tribunals and therefore be detrimental to the effective prosecution of perpetrators of human rights violations. As indicated above, HROs should avoid disrupting criminal justice investigations and should generally avoid gathering physical evidence. Hence, if personnel from a relevant tribunal or court is available and/or present in the country of operation, specific arrangements need to be established for coordination and exchange of relevant information between the human rights field operation and the tribunal’s staff. The issue of coordination with international tribunals raises various **important questions** including, for example, how to balance the need to preserve the confidentiality of the sources of the information gathered by the HROs and not to endanger witnesses and victims, the need to preserve the ability of the human rights field operation to independently carry out its mandate, and the need to assist international tribunals to enhance human rights protection. These issues raise significant *policy decisions* which can only be determined by the leadership of the human rights operation or its Headquarters, and *not by individual HROs*. Such policy decisions may wish to *distinguish between the needs of (1) national or local criminal justice procedures, (2) reporting by truth and justice commissions, and (3) investigations for international criminal tribunals.*

³The UN Security Council established the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda. Security Council resolutions 827 of 25 May 1993 and 955 of 8 November 1994. The Statute of the permanent International Criminal Court was developed under the auspices of the UN General Assembly and agreed in Rome in July 1998.

In any case, HROs should *strictly follow the guidelines* issued by the leadership of the operation or its headquarters on this matter⁴.

2. Truth commissions

63. Similarly, human rights field operations may also **collect information relevant to truth and justice commissions which have been established to provide an authoritative historical record of past abuses**, to permit the Government to **acknowledge past violations** and thus provide some closure for suffering, and to **recommend prosecution, compensation, and/or other redress**. For example, in Haiti the International Civilian Mission received information about abuses which had occurred during the Duvalier period. That information was outside the mandate of Mission but it was relevant to a national truth and reconciliation commission later established by the Government of President Aristide. In the case of El Salvador a United Nations Truth Commission was established in 1992 as a result of the Peace Accords to investigate the “serious acts of violence” that occurred in El Salvador between 1980 and 1991. The three commissioners came from Colombia, the United States and Venezuela. The leadership of human rights field operations needs to develop policies about what information to share with such truth and reconciliation commissions at the national or international levels. Indeed, human rights operations may need to consider what information to collect in the expectation that a later truth commission may be established.

H. Addressing the human rights situation through UN mechanisms

64. As will be discussed in the following chapter, the chief of the human rights operation is responsible for reporting to the head of the UN presence in the country, for example, the Special Representative of the Secretary-General or the UN High Commissioner for Human Rights. There are various kinds of reports which may be produced by a human rights field operation, including: (1) *reports on individual cases* as indicated in the interview form, (2) *periodic* (weekly, monthly, etc.) *situation reports* which state the present conditions relating to matters within the mandate (including specialized activity reports) and indications of trends, (3) *emergency reports* of situations which require particular attention (for example attacks on human rights personnel, imminent risks of grave injury to individuals within the operation’s terms of reference, etc.), and (4) *incident reports*. Samples of forms for preparing such reports are found in **Appendices 1, 2, 3, and 4 of Chapter XX: “Human Rights Reporting”**. (See the same chapter for more detailed discussion.)

⁴For example, guidelines on cooperation with the International Criminal Tribunal for the Former Yugoslavia were issued by the Office of the High Commissioner for Human Rights for staff of the *Special Mission of the High Commissioner for Human Rights to the Former Yugoslav Republic of Macedonia, Montenegro and Albania* in 1999.

65. There are also various UN human rights bodies and mechanisms — especially *thematic or country mechanisms of the UN Commission on Human Rights* — which can be used to maximize the impact of UN work in the country of operation, by **making available to them the information gathered and analysed by the field operation**. The chief of the operation and all HROs should be aware of the existence of these mechanisms and how they can be used in relation to a specific country or problem. Depending as to whether the field operation is part of a peace-keeping presence or directly managed by the Office of the High Commissioner for Human Rights, there will be specific guidelines as to the channels for the transmission of the field operations' reports to other relevant UN mechanisms. In any case, however, the chief of the operation should, in consultation with OHCHR, assess to which office/official/body within the UN or elsewhere information should be provided so as to contribute to human rights protection and the achievement of the operation's overall mandate.

66. The material produced by human rights field operations may be used in **several UN procedures within the United Nations system**. These procedures can produce a public report, or raise individual cases with the Government, and — by *making the information more visible* — can help increase the pressure on Governments to improve their conduct. Since it often takes considerable international attention to mount a UN human rights operation, it is likely that some of these UN procedures will already have been invoked by the time the operation has been established. For example, the UN Commission on Human Rights may well have already established a Special Rapporteur on the situation of human rights in the country where the operation is located.

67. There are quite a large number of UN organs and procedures relevant to human rights. Those **organs** include the Security Council, the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the Commission on the Status of Women, which all derive their authority **from the UN Charter**. There are also a number of **treaty bodies** established under human rights treaties. A quick sketch of those bodies may help to place the human rights operation into the context of the UN system and to identify some of the organs and procedures in which the reports of the human rights operation may be relevant.

68. From the perspective of the human rights field operation the various UN bodies indicated below may have quite different accessibility and relevance to their mandate. While all of these organs may find information from the human rights operation to be useful in considering an issue arising in the country of operation or if the country is on their agenda, the **most likely recipients of reports** from the operation are: (1) any relevant **country rapporteur or representative** of the UN Commission on Human Rights; (2) relevant **thematic procedures** of the Commission and General Assembly; (3) the **Commission on Human Rights**; (4) **treaty bodies**; and (5) the **High Commissioner for Human Rights**.

1. The Security Council

69. The Security Council is the principal organ of the UN, on which the Charter confers **primary responsibility for the maintenance of international peace and security**. The Council is composed of fifteen members, including five permanent members (China, France, Russia, the United Kingdom and the United States) and ten

non-permanent members elected for two-year terms by the General Assembly. Under Chapter VII of the Charter, the Security Council makes recommendations or decides what measures should be taken to maintain or restore international peace and security. Council measures may include humanitarian aid, economic sanctions and military intervention. With the end of the Cold War, the Security Council's role has become more visible as the permanent members have more frequently agreed on action.

70. The Security Council's activism becomes apparent when contrasting the number of actions taken during and after the Cold War. During the Cold War, the Security Council considered on five occasions whether human rights violations qualified as threats to the peace so as to justify measures under Chapter VII. Furthermore, from 1945 to 1987, the Security Council established only 13 peace-keeping operations. The Council established more than twice that number of operations between 1987 and 1997. In addition, based principally upon Security Council decisions, UN operations with a significant human rights dimension have taken place in more than a dozen countries since 1989, including Angola, Burundi, Cambodia, El Salvador, Guatemala, Haiti, Mozambique, Namibia, Rwanda, Somalia, South Africa, the former Yugoslavia, and others. Information from the human rights field operation can be transmitted to the security council if the human rights operation is part of a broader peace-keeping operation authorized by the Council, and in this case the periodic reports by the peace-keeping operation will contain a section on human rights developments. In other cases, reports by human rights field operations established directly under the authority of the High Commissioner for Human Rights have been transmitted by the Council as part of reports of the Secretary-General.

71. In 1993, the Security Council further contributed to the development of human rights law when it authorized an international tribunal to prosecute persons responsible for serious violations of international humanitarian law committed in the former Yugoslavia (Security Council resolution 827 of 25 May 1993). In addition, following widespread killings in Rwanda during April 1994, the Security Council established a second tribunal using the same basic approach as in the former Yugoslavia.⁵ The Yugoslav Tribunal is located in The Hague, Netherlands, and the Rwanda Tribunal is in Arusha, Tanzania.

2. The General Assembly

72. The General Assembly is the most authoritative **source of international declarations and conventions**. Human rights issues are generally discussed in the Assembly's Third Committee. The General Assembly is also the most representative decision-making organ of the UN, where all members of the UN are entitled to vote. Furthermore, the General Assembly elects the ten non-permanent members of the Security Council, elects the members of the Economic and Social Council (ECOSOC), regularly reviews ECOSOC recommendations, and receives reports from several of the human rights treaty bodies. The General Assembly usually meets from September to December and considers resolutions on several hundred matters.

⁵Security Council res. 955 of 8 November 1994.

73. Despite long-standing tension between Charter Article 2(7)'s prohibition against invading states' domestic jurisdiction and human rights protections in Charter Articles 1, 55 and 56, the General Assembly has increasingly drawn attention to the situation of human rights in several countries. Since the mid-1970s the General Assembly and other UN organs have more regularly expressed concern and taken other actions with regard to country situations. Information from the human rights operation can be transmitted to the General Assembly if authorized by the General Assembly, the Economic and Social Council or the Commission on Human Rights. Annual reports on the activities of the Cambodia Office of the High Commissioner for Human Rights, for example, are submitted to the General Assembly.

74. In 1993 the General Assembly voted to create the post of the *High Commissioner for Human Rights*, which is described more in detail below.⁶ In 1996 the General Assembly authorized a Special Rapporteur on Children in Armed Conflicts which will receive information on this subject from all over the world, have an operational capacity through UNICEF, and report annually to the General Assembly.⁷ (See the discussion below on the thematic procedures of the Commission.)

3. The Economic and Social Council

75. The Economic and Social Council (ECOSOC) oversees the Commission on Human Rights and the Commission on the Status of Women. The Council is also responsible for monitoring compliance with the Covenant on Economic, Social and Cultural Rights through the Committee on Economic, Social and Cultural Rights. In addition, it has issued such human rights standards as the Standard Minimum Rules for the Treatment of Prisoners and the Principles on the Effective Prevention of Extra-Legal, Arbitrary and Summary Executions.

4. The Commission on Human Rights

76. The Commission on Human Rights, composed of 53 member-states elected by the Economic and Social Council for three-year terms, meets annually in Geneva for six weeks in the spring. In urgent situations the Commission can convene for extraordinary sessions. As its name suggests, the Commission is the **most important UN body concerned with human rights**. It may **initiate studies and fact-finding inquiries, draft conventions and declarations** for approval by higher bodies, **discuss specific human rights violations** in public or private sessions, and initiate suggestions for improving the UN's human rights procedures. Non-governmental organizations (NGOs) are allowed to express their concerns to the Commission during the six-week session.

77. Reports from some human rights field operations are submitted to the Commission, either in the name of the Secretary-General — as for Cambodia — or in the name of the High Commissioner — as in the case of Colombia.

⁶High Commissioner for the Promotion and Protection of All Human Rights, G.A. res. 48/141, 48 UN GAOR (No. 49) at 411, UN Doc. A/48/49 (1993).

⁷See United Nations, *Impact of Armed Conflict on Children*, UN Doc. A/51/306 (1996)(report of Graça Machel).

78. The Commission has established three principal approaches to serious and widespread violations of human rights: establishment of country rapporteurs and working groups under the authority of ECOSOC resolution 1235; consideration of country situations under the confidential procedure of ECOSOC resolution 1503; and review through 18 thematic procedures.

a. Country rapporteurs

79. The most visible action the Commission can take regarding a serious human rights situation is the appointment of **special rapporteurs**, special representatives, experts, working groups, and other envoys **to monitor human rights violations in particular countries**. These countries have included Afghanistan, Bolivia, Burundi, Cambodia, Chile, Cuba, El Salvador, Equatorial Guinea, Guatemala, Haiti, Iran, Iraq, Myanmar, Nigeria, Occupied Palestinian Territories, Poland, Romania, Rwanda, Somalia, Southern Africa, Sudan, Togo, former Yugoslavia and the Democratic Republic of Congo. The special rapporteurs, representatives, and others **collect information on human rights violations and prepare annual reports to the Commission**, and, if requested, to the General Assembly. Information can be gathered from individuals, groups, organizations and governments. The experts or rapporteurs often attempt to obtain the relevant information by visiting the countries. Difficulties arise, however, when governments refuse to grant permission for these visits. In some cases, human rights field operations have been present in countries on which the Commission on Human Rights had appointed a Special Rapporteur or Representative — such as in Rwanda, the Democratic Republic of Congo, Cambodia — or have been established *to support* the work of country Special Rapporteurs — such as in the case of the Special Rapporteur on human rights in the Former Yugoslavia. It should be noted that reports by Special Rapporteurs are public, while reports by human rights field operations are not always made public in their entirety. In this respect, Special Rapporteurs may therefore have a complementary role with respect to field operations.

b. Thematic procedures

80. The Commission has also established thematic procedures on the issues of forced disappearances, arbitrary detention, summary or arbitrary executions, torture, religious intolerance, independence of the judiciary, racism, arbitrary detention, internally displaced persons, violence against women, freedom of opinion, sale of children, mercenaries, development, migrant workers, and human rights and toxic waste, effects of foreign debt, human rights and extreme poverty, education, compensation of victims of human rights violations, right to development, etc. In general, the thematic working groups, rapporteurs and representative of the Commission receive information with respect to their subjects of concern and prepare **annual reports** to the Commission summarizing the information they receive. If the information relates to an urgent matter, most of the thematic procedures are entitled to make **urgent appeals** to the governments concerned. Most of the working groups, rapporteurs and representatives have also been invited to visit specific countries and to prepare reports for the Commission on their visits. Complementary action by thematic procedures — through both reports and urgent appeals — and human rights field operations through all the means highlighted in this Manual, can be usefully considered to address specific human rights problems and cases faced by the operation.

5. The Sub-Commission on Prevention of Discrimination and Protection of Minorities

81. The Sub-Commission on Prevention of Discrimination and Protection of Minorities is composed of 26 persons elected by the Commission, for four-year terms, in their **individual capacities** rather than as governmental representatives. The Sub-Commission plays an important role in selecting countries for consideration under the confidential procedure established by ECOSOC resolution 1503, reviews other information regarding human rights violations, and reports its findings to the UN Commission on Human Rights. The Sub-Commission is often the source of resolutions and ideas that are considered and adopted by the Commission. With the assistance of the Office of the High Commissioner for Human Rights, members of the Sub-Commission also prepare studies on human rights problems. Representatives of NGOs actively participate in the Sub-Commission's sessions.

6. The Commission on the Status of Women

82. The Commission on the Status of Women was established by the Economic and Social Council in 1946. The Commission is composed of representatives from 45 United Nations member states, elected by the Council for four-year terms. Its functions are to prepare recommendations and reports to the Council on **promoting women's rights in political, economic, civil, social and educational fields**. The Commission may also make recommendations to the Council on problems in the field of women's rights that require immediate attention. The Commission has a procedure for receiving confidential communications on human rights violations. The Commission's works to implement the principle that men and women shall have equal rights, to develop proposals that give effect to its recommendations, and to adopt its own resolutions and decisions. The Inter-American Commission of Women and the Commission on the Status of Arab Women submit reports to each session of the Commission on the Status of Women.

7. Treaty bodies

83. In addition to the above organs and procedures which derive their authority directly or indirectly from the UN Charter, there are **six treaty bodies** which have played and continue to play an increasingly significant role in the implementation of human rights. These expert bodies include the *Human Rights Committee*, which considers States' reports under the International Covenant on Civil and Political Rights and adjudicates individual cases under the Optional Protocol to the Covenant on Civil and Political Rights. The other five treaty bodies that oversee the implementation of multilateral conventions in their respective domains are: *the Committee on the Elimination of All Forms of Racial Discrimination*, *the Committee on the Elimination of Discrimination Against Women*, *the Committee Against Torture*, *the Committee on the Rights of the Child*, and *the Committee on Economic, Social and Cultural Rights*.

a. Reporting obligations

84. The main aim of the reporting requirements is to **help governments bring their laws and practices into conformity with their treaty obligations**. The reporting requirements encourage governments and citizens to focus their discussions regarding a nation's human rights performance. Governments may then remedy problems that become evident while preparing reports and, thus, reaffirm their commitment to comply with treaty obligations.

85. Each treaty body meets periodically — usually two or three times per year — to review the States' reports. Each reporting Government is invited to send a representative to the public meeting who may orally introduce the report and place it in legal, social, economic and political context. The representative also may update information submitted earlier. After the introduction, Committee members in turn engage in a dialogue with the representative by asking questions about the report and the Government's fulfilment of treaty obligations. **Committee members** are not limited to information in the State's report but **may utilize** their own expertise, information **available from other sources** (*including reports from field operations*), and materials submitted informally by NGOs.

86. After a Government representative has presented his/her report and answered questions from committee members, most of the committees have since about 1992 or 1993 begun to issue **concluding observations** evaluating the State party report, the dialogue with the delegation, the positive developments that were noted during the period under review, and difficulties affecting the implementation of the treaty, as well as specific issues of concern regarding the application of the provisions of the treaty. Comments also include suggestions and recommendations formulated by the Committee for the attention of the State party concerned.

87. Based on their overall experience in reviewing State reports, most of the treaty bodies have also issued **general comments or recommendations** which authoritatively interpret the provisions of their respective treaties or provide guidance to reporting States.

88. Human rights field operations may play an important role in assisting governmental authorities in preparing reports to be submitted to the treaty bodies, by advising on methodology, data collection and legal issues, or by providing training. They may encourage national NGOs — through training and other forms of assistance — to submit relevant information as provided by the treaty bodies' methods of work.

b. Individual complaints procedures

89. **Three of the treaty bodies** — the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the Committee against Torture — **receive and adjudicate individual complaints from individuals** whose governments have agreed to become the subject of such complaints. The Human Rights Committee has received and made decisions on a considerable number of complaints. The other two treaty bodies have received only a handful of complaints. Similar individual complaint mechanisms are being considered for the other treaty bodies. Human rights field operations need to be aware of the existence, applicability

and methods of work of these complaints procedures, and may advise individuals as to how to access them to submit specific cases.

8. High Commissioner for Human Rights

90. The post of United Nations High Commissioner for Human Rights was created in 1993 by the General Assembly. The High Commissioner has principal responsibility for UN human rights activities and is specifically mandated to:

- ✓ Promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights, and in particular the right to development;
- ✓ Provide, through the Centre for Human Rights [*now Office of the High Commissioner for Human Rights*] and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights at the request of the State concerned and regional organizations;
- ✓ Coordinate relevant United Nations education and public information programmes in the field of human rights;
- ✓ Play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action;
- ✓ Engage in a dialogue with all Governments with a view to securing respect of all human rights; and
- ✓ Carry out the tasks assigned to her/him by the competent bodies of the United Nations system in the field of human rights with a view to improving the promotion and protection of all human rights.

91. The High Commissioner can provide “follow-up” — as defined in this chapter — to actions by human rights field operations through private communications with Governments, public statements, reports and long-term technical assistance interventions. The Office of the High Commissioner for Human Rights is based in Geneva, and is also responsible for providing secretarial and substantive servicing to the special procedures of the Commission on Human Rights and the human rights treaty bodies, thus providing the most direct channel for transmission of information to those bodies.

92. The High Commissioner has established or maintained human rights field operations in Bosnia-Herzegovina, Burundi, Cambodia, Colombia, Rwanda, as well as smaller offices in Abkhazia, Georgia, Democratic Republic of Congo, Gaza, El Salvador, Guatemala, Malawi, Mongolia, South Africa, Togo, Republic of Croatia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia. In other cases, the High Commissioner is responsible for providing substantive guidance to human rights operations established within peace-keeping or other UN missions, such as in Angola, Sierra Leone, Central African Republic and Liberia.

.....Chapter XX

HUMAN RIGHTS

REPORTING.....

Key concepts

Reports should be:

- (1) precise and accurate; based on verified information;*
- (2) promptly prepared; and*
- (3) action-oriented.*

There are typically four kinds of internal reports within the operation:

- (1) Periodic reports document work accomplished and plans;*
- (2) Emergency reports provide a quick way of alerting managers of the need for action;*
- (3) Interview reports/ questionnaires provide a way of recording the results of an interview and do not provide an interview protocol;*
- (4) Incident reports.*

External reports are designated by the chief of the operation:

- (1) for the Government as a means of working with the Government to improve their protection of human rights;*
- (2) within the UN system, including to report to the operation's Headquarters; and*
- (3) to the media.*

External reports are usually based on internal reports from area offices, which must provide detailed information, use consistent terminology, and adopt consistent approaches to information, so that the officer at the central office who prepares the external report can rely on the facts gathered and can draw useful general conclusions about the evolving human rights situation.

A. Introduction

1. **Reporting is an essential element of the human rights monitoring function.** Reporting must be adapted to the mandate of the human rights field operation and to the needs of those officers who are managing it. A distinction is made

in this chapter between *internal* and *external* reporting. From the point of view of a specific field operation, **internal reports** are those which are produced by the field operations staff for use within the operation only. **External reports** are those which are produced by the field operation staff using information contained in the internal reports, for a wider distribution including, for example, UN Headquarters in Geneva or New York, other UN bodies (*e.g.* the General Assembly, the Commission on Human Rights) or mechanisms (*e.g.* country or thematic rapporteurs), the international community, or the media.

2. HROs, particularly those working in offices other than the central office of the field operation, sometimes see their report writing tasks as peripheral to the actual human rights work that they accomplish. They can become frustrated with requests from the central office for a variety of different reports written in a particular way. It is very important that officers be informed of the *reasons for which* they are required to write reports and *how those reports will be used*. Knowing the exact way in which a report is to be used will make it easier for the HROs who have to write them. The HROs should be made aware that certain of their internal reports will later be used in the compilation of reports destined for external use. In order to make sure that complete and accurate reports are prepared, the reporting structure within a field operation should be clearly defined as early as possible.

3. This chapter gives suggestions on some of the *different types of report that a field operation may have, and on the different uses that may be made of them*. Brief guidelines are given on how reports should be written and on the use of report forms.

B. General principles on human rights reporting

1. Accuracy and precision

4. The **first step** in preparing any report is to **verify the information received**. Reports cannot be prepared and interventions with the authorities cannot be undertaken unless they are made on the basis of verified information. Once the inquiry is completed and the information has been checked, the HRO may proceed to write a formal account, for example, of the violation based on the available evidence.

5. Human rights reporting may take different forms, but certain elements are crucial to a UN HRO's report. First, the **report should be precise and accurate**. It should *not be based on rumour or unverified information*. Obviously, more serious allegations require the HRO to exercise a heightened standard of care regarding the precision with which the facts are reported.

2. Promptness

6. Second, the report **should be produced promptly**. The HRO should assemble the relevant evidence and complete the report while the matter is fresh in his/her

memory. This technique is especially important in situations where the officer must make inquiries and report on numerous individual cases containing similar facts. Prompt reporting is also crucial to the effectiveness of the UN operation in raising concerns with the authorities.

3. Action-oriented

7. Third, the **report should be action-oriented**. The HRO should set forth recommendations for the next steps that should be taken. It is important for the officer to make recommendations for the action to be taken because the officer may be in the best position to assess the situation and identify the appropriate responses.

C. Reporting within the Human Rights Field Operation

8. *Internal reports* are most likely to be written by individual HROs or by area offices¹ of the operation, and submitted to the *operation's central office*. HROs should remain informed of the organizational structure and function of the UN field operation in the country and/or region in which they are stationed in order to know where they fit in the flow of information and to whom they should report. Different matters need to be reported to different units/persons. Urgent matters may need to be reported to different units/persons than less pressing individual complaints or general assessments of the situation. The HRO should be provided with forms to report on various kinds of urgent matters, individual cases and general developments. These forms should be used to report information in a structured fashion. This chapter anticipates the need for at least four sorts of internal reporting: periodic reports (including specialized activity reports), emergency reports, interview reports and summary reports on particular incidents.

1. Periodic reports

9. Each area office/officer will generally be asked to prepare reports to:

- ✓ **document work accomplished** (with regard to each aspect of the mandate);
- ✓ **alert managers as to major developments or trends;** and
- ✓ **to plan future efforts to improve the human rights situation.**

10. In some operations such reports have been needed on a weekly basis, but in others periodic reports have been prepared daily, every two weeks, every fifteen days or every month. It appears that **monthly reporting is most common in human rights**

¹The term “central office” is used here to designate the office of the field operation based in the capital of the country. The term “area offices” designates offices established by the field operation at the *regional, provincial or local level* in the country of operation — that is, outside the capital.

operations, but frequency of reporting must reflect the situation, the time available for preparing reports, the ability of HROs to assemble at the central office for meetings, and the needs of managers. Indeed, the periodic reports should ordinarily be timed so as to *coincide with regular meetings at the central office* of a representative from each area office — which is a common practice of field operations — so that progress can be assessed and further objectives can be established. The periodic reports should indicate both improvements and negative trends.

11. **Periodic reports should reflect all of the major activities** of the submitting area office/officer. A **draft periodic reporting form** (Appendix 1 to this chapter) has been provided so as to serve as an instrument for assessing results and developing plans. The draft form should be adapted to the mandate, the needs of the operation and of the managers. For example, **the form identifies certain aspects of the mandate, but the mandate may be different for each operation.**

12. The internal “Periodic” reports might cover the following subjects:

- ✓ Introduction; overview of human rights situation in the region; highlights requiring attention
- ✓ Summary of work accomplished during the reporting period (progress in completing the work plan)
- ✓ Major positive and negative trends in the situation during the reporting period (by mandate areas), for example:
 - ┆ Detention
 - ┆ Returnee monitoring
 - ┆ Demonstration monitoring
 - ┆ Election monitoring
 - ┆ Assistance to the judiciary
 - ┆ Assistance to non-governmental organizations
 - ┆ Etc.
- ✓ Plans for the forthcoming period (by mandate areas)
- ✓ Recommendations for the forthcoming period (by mandate areas)
- ✓ Administrative information on the office (illness/vacation of staff members, vehicles out of order, etc.)
- ✓ Conclusions
- ✓ Attachments

13. Under each section, information should be provided for each specific area of the operation’s mandate. If there are HROs specifically responsible for a certain area of the field operation’s mandate, for example detention or trial observation, etc., *specialized activity reports* on each specific area may be attached to the periodic report. Other documents, including interview forms or other backgrounds materials, may be attached as well to help explain the situation or the report recommendations. There will inevitably be a certain amount of overlapping between different sections, and the central office unit charged with reporting should try to reduce this duplication to a minimum.

14. Periodic reports by area offices/officers are used by the operation's central office to follow the activities of each office, to plan and develop strategies to address the evolving situation, to maintain contact with the present state of human rights, and to produce a single periodic report for the whole operation, to be used externally (see below).

2. Emergency reports

15. Occasionally, incidents occur in the human rights situation which require the *prompt/urgent attention of central office*. It may be necessary for action to be taken by the operation rapidly at a national level to address a particular problem encountered by the staff of an area office. Emergency reports are **intended to provide the most essential information that will enable the central office to take the relevant steps**. A draft emergency report form (Appendix 2) has been provided for this purpose. In some human rights operations, emergency reports have been identified as “flash reports” or “urgent action reports”.

16. Given that emergency reports must reach their destination as quickly as possible, it may not always be practical for the report to be taken by hand from the area office to the central office. Partly for this reason the emergency report form is designed to be brief enough for it to be faxed. Exceptionally, and where fax facilities are not available, it may be necessary to give the information contained in the report by radio or telephone. The emergency report form should be structured in such a way as to facilitate a communication of information by radio or telephone. **As a rule, however, no confidential information should be sent by radio or telephone.**

3. Interview reports

17. Generally, as a part of an inquiry into possible human rights violations or as a part of monitoring certain activities (such as demonstrations or returning refugees), HROs will need to conduct interviews. Reference should be made to **Chapter VIII: “Interviewing”**. Some of the considerations made there are summarized below.

a. Use of the interview form

18. In **Appendix 3** to this chapter, a **questionnaire or interview form** has been provided. This form gives the interviewer an outline of the questions that might be covered in an interview — more or less in the order they might arise. For example, it begins with a very open-ended question which would permit the witness to tell the story without much prompting or interruption for subsidiary questions. Nonetheless, the *questionnaire is intended as a way of recording the results of the interview and not as a protocol for the interview*.

19. It is *far more important for the interviewer to listen to the story and the other information provided by the witness than it is to follow the logic of the form* or even to complete the form. After hearing the story of the witness, the interviewer should ask questions which would clarify the information provided and develop facts which might indicate if human rights violations have occurred. Questions to a particular witness should be

more responsive to the story/situation than to any questionnaire or prepared list of issues.

20. The *form is intended to provide an instrument for reporting on the results of the interview and not really for taking notes during the interview or for dictating a particular logic to the discussion.* Instead, the discussion should follow the logic of the information provided. At most, the form (and a subsequent adaptation for a particular UN human rights operation or a particular interview) might **provide a checklist** of important questions which the interviewer might consult before the beginning of the interview and towards the end of the interview — just to make sure that significant issues have not been forgotten during the discussion. In consulting the form before the interview, the interviewer should commit major questions to memory. Eye contact and establishing a rapport are more important than adhering to a particular order of questions. As indicated above, the *form might also be used as a memory refresher just before the end of the interview to be sure that the major questions have been asked.* In any case, the HRO should be careful to avoid allowing the questionnaire to become an artificial barrier to communication with the witness.

21. This *form should also be adapted to the mandate of the UN human rights operation and the needs of the particular interview.* For example, the form anticipates that the interview might relate to such human rights problems as an arbitrary arrest or torture, but the mandate of the operation may focus on more or other human rights violations. Hence, the **form needs to be adapted for the particular operation.** Also, the form may need to be adapted for particular kinds of witnesses. For example, one area office, or an HRO, may find that they are in contact principally with displaced persons; another may be talking largely with persons who have been detained. The questionnaire should be adapted for the particular needs of such witnesses — both to remove unnecessary questions and to add new, relevant issues. In making those adaptations, it might be useful to note that the form requires the use of terminology that is very clear and thus does not require much interpretation. Accordingly, the results of interviews should allow the development of statistical reports. Also, the form is designed to provide precise details to officers at the central office or elsewhere who did not participate in the interview.

b. Contents of the interview report

22. First and foremost, an interview report about an incident must contain an **accurate account of the facts.** It should, however, also include other important information. The goal is to give the clearest description possible of the events based on the evidence available. In addition to personal details concerning the **victim**, such as age, gender, profession, etc., information about the **context of the violation** can be very important to understanding what happened. Moreover, the HRO must include the sources of information and assessment of their reliability (to the extent that one does not violate confidentiality).

23. If possible, the HRO should strive to include the identity of the **perpetrator**, as well as the relationship of the perpetrator(s) to the authorities. The *identity of perpetrators in internal incident reports can be particularly useful in determining whether several victims have suffered at the hands of a particular individual.* If chains of command can be identified, they should also be included. Information about the *identity of perpetrators should generally be kept confidential*, however, because releasing such information may expose the subjects to risk, for example, of retaliation by the victim's family or others. The alleged perpetrator

who is identified might even be killed by others who are responsible, as an exercise in “damage limitation”. If there are particularly strong reasons *for releasing the name of the perpetrator, the area office should consult with the central office* and should, in any case, not reveal the identity unless an effort has been made to permit the alleged perpetrator to respond to the allegations. *Where the system of justice is functioning, it is generally preferable to encourage the local authorities to bring the individual to justice.*

24. In addition, the HRO should **identify what rights have been violated**. The should also set forth **recommended actions** *at the local, national and international levels in the short, medium and long term*. It is useful to provide **attachments** to the report, for example copies of affidavits, maps, photos, documentary evidence, medical records and death certificates.

25. It would be helpful to *assemble a computerized list of all cases by name, case number, and a few other pertinent details in the area office and ultimately to develop a central registry at the central office to prevent duplicate inquiries* by different area office teams, by persons with overlapping responsibilities, or by the human rights component and other components of the operation (for example the civilian police), if any.

4. Incident reports

26. Once enough information has been gathered by interviews, direct observation, and by other means, the HRO who has conducted the inquiry should prepare a detailed and accurate account of the events which may indicate that there has been a human rights violation or which otherwise need to be reported to the central office. In most cases the interview reports will contain all the relevant information and the HRO will be able to provide an overall assessment summarizing the events and making recommendations for action by the operation at the local, national and international levels. **Appendix 4** provides a **standard incident report** which substantially follows the same approach as the interview report form. Since there are so many different sorts of events which might be covered by such incident reports, it is difficult to prescribe a single form which will cover all the needs of human rights officers. Nonetheless, the operation may recognize a certain repetition in violations or other events which might suggest the development of specialized forms.

D. External reports

1. Reporting to Headquarters

27. As discussed in **Chapter XIX: “Following-Up and Seeking Corrective Action”**, the chief of the human rights operation is responsible for reporting **to the head of the UN presence** in the country, if the human rights operation is part of a wider UN operation in the country (for example, to the Special Representative of the Secretary-General). Also the chief of the operation is responsible for reporting **to the Headquarters** of the operation, in Geneva and/or New York, for example the UN

High Commissioner for Human Rights, and/or the Department of Peace-Keeping Operations, and/or the Department of Political Affairs.

28. Reports from the human rights operation to Headquarters and/or to the Head of the UN operation in the country may be required **weekly or monthly**, depending on the nature of the problems and the specific needs of each Office. *It is the practice of the Office of the High Commissioner for Human Rights to receive weekly and monthly reports from the human rights field operations and smaller offices established under its authority.*

29. Reports to Headquarters **may be prepared based on the same formats indicated in Appendices 1, 2 and 4**, depending on whether they are periodic, emergency or incident reports. In fact, in addition to the weekly or monthly reports required of the human rights field operations, the chief of the operation may consider it necessary to alert the UN headquarters to a particular problem and/or incident. This may be necessary especially if the chief of the operation is soliciting a specific follow-up action at the level of Headquarters, as discussed in **Chapter XIX: “Following-Up and Seeking Corrective Action”**. Reports to Headquarters will, however, **contain information related to the entire country and the work of the entire operation**, rather than be related to a specific area/region as is the case of the internal reports. For this reason, these reports are produced at the central office level.

30. In order to produce them, the chief of the human rights operation and the central office must have available from area offices: (1) reports on individual cases as indicated in the interview form, (2) periodic (weekly, monthly, etc.) situation reports which state the present conditions relating matters within the mandate (including specialized activity reports) and indications of trends, (3) emergency reports of situations which require particular attention (for example attacks on human rights personnel, imminent risks of grave injury to individuals within the operation’s terms of reference, etc.), and (4) incident reports.

2. Reporting to other UN bodies and mechanisms

a. UN bodies

31. As mentioned in **Chapter XIX: “Following-Up and Seeking Corrective Action”**, the human rights field operation may be required to report on human rights developments and on its activities to other relevant bodies of the UN system, including for example the **UN Security Council**, the **General Assembly** and the **Commission on Human Rights**. These reports are *generally provided on an annual basis* (but more frequent reports may be required), and are submitted by the Secretary-General or by the High Commissioner for Human Rights. Examples mentioned in the previous chapter include the reports submitted annually to the General Assembly and the Commission on Human Rights on the activities of the Cambodia Office of the High Commissioner for Human Rights, and the annual report to the Commission on the Colombia Office. Also, human rights field operations which are part of United Nations peace-keeping missions are generally required to draft the sections on human rights developments of the periodic reports of the mission to the Security Council. *These kind of reports are usually prepared by the central office in consultation with the operation Headquarters* (DPKO, OHCHR, DPA).

b. UN mechanisms

32. In addition, the operation may provide information to other UN human rights mechanisms, including **country and thematic rapporteurs/procedures** appointed by the UN Commission on Human Rights (and sometimes by the General Assembly), as described in **Chapter XIX: “Following-Up and Seeking Corrective Action”**. In some cases, a *formal link* may have been established between the human rights operation and the country rapporteur and/or representative on human rights, such that one of the operation’s tasks is to provide support to the rapporteur in information gathering, investigation and reporting. In these cases, well-verified information and reports should be systematically transmitted to the relevant rapporteurs/representatives.

33. In the absence of such a well-defined relationship between the human rights field operation and the procedures of the Commission on Human Rights, the human rights operation and its staff should be aware of the fact that the information they gather and the operation’s reports may be used by some of these procedures — especially the thematic procedures — to take action on specific cases or for public reports. As mentioned in **Chapter XIX: “Following-Up and Seeking Corrective Action”**, complementary action by thematic procedures and human rights field operations can be usefully developed to address specific human rights problems and cases faced by the operation. The possible impact on the protection of human rights in the country of operation should be the primary consideration in deciding how and in which cases such action should be taken. Specific arrangements for the transmission of reports and information to relevant thematic mechanisms should be made for each field operation. In general, periodic reports from the field operation should be made available to relevant country and thematic procedures through the Office of the High Commissioner for Human Rights.

34. The human rights operation should also share its public and possibly its internal information with any investigators for an *international criminal tribunal* applicable to the situation, such as exist for the former Yugoslavia and Rwanda.

35. The director of the operation may consider, *in consultation with its Headquarters*, that it may be necessary to produce regular statements on the evolving human rights situation for the national and international media. Those statements may assist the operation in encouraging the Government to comply with international human rights norms and in providing the international community with information necessary to respond to the situation. If the operation decides to release public reports or information to the media, the reports should be broadly and quickly distributed through UN public information offices in Geneva, New York, and in the country concerned.

3. Reporting to the Government

36. It may also be useful and necessary to produce periodic reports for the Government of the country in which the operation is occurring. In general, every field operation will be required to produce a periodic report of its activities, to be distributed, for example, within the United Nations system as mentioned in the previous paragraphs and to members states of the international community. The embassies of *countries contributing to the financing of the operation* may require a regular update on *particular*

programmes in which they are interested, such as a capacity-building project to strengthen the judiciary.

37. In general, public reports on the human rights situation in the country of operation should be shared first with the government in which the human rights field operation is established. As discussed in **Chapter XIX: “Following-Up and Seeking Corrective Action”**, the *field operation should use its external reports as a means of working with the Government to improve their protection of human rights*. Also, sharing reports with the Government may result in required improvements, so that the report will need to be revised or possibly not issued if it is no longer relevant. In addition, the Government may have factual corrections and comments which should be reflected in the report.

4. Writing reports, using report forms

38. Some external reports will be used only for information purposes (notably those sent to the international community). Other external reports (particularly those sent to the Government or reports on particular incidents) will be used to address specific human rights problems. *Some external reports should focus on thematic issues*, for example, the situation of human rights in prisons or other places of detention, human rights in the administration of justice, human rights and the police, etc. In those reports specific incidents can be used as illustrations.

39. As mentioned above, *external reports produced by the operation will usually be based on internal reports, often received from the area offices*. Accordingly, it is likely that the persons at the central office preparing the reports will not have personally experienced the events about which s/he is writing. Hence, *it is critical that reports from area offices provide detailed information, use consistent terminology, and adopt consistent approaches to information, so that the officer at the central office who prepares the external report can rely on the facts gathered and can draw useful general conclusions about the evolving human rights situation*. For example, if one human rights officer reports that a killing occurred in a particular town on a particular date, it would be useful if other officers provide the same level of detail about similar killings.

40. Both human rights officers and members of the central office staff should keep in mind the use which will be made of the information and reports they prepare. Hence, a human rights officer should try to communicate the nature of the local situation to the central office so that the central office can take action in appropriate cases, can prepare reports for the host Government raising concerns, and can prepare reports for others. *Ordinarily the human rights officer will know the local situation very well and should try to write reports which communicate that knowledge to the central office and thus to others*. Often the human rights officer will prepare a report which only records the information in such a way that the officer can recognize what has occurred, but without including relevant facts well known in the locality, but possibly unknown at the central office. *The human rights officer should write with the reader in mind*.

41. This chapter appends four report forms so that information received from the field can be systematized and made more consistent for use of the central office. The forms also suggest an approach to the analysis of the information, which the human rights officer might find useful. *For the particular needs of an operation, these forms may well need to be modified and other forms may need to be developed*. Creating functional reporting forms can be difficult. Ultimately *each form should be carefully adapted to its objective*. Reporting forms

should allow enough latitude for every eventuality; for example, an incident form should allow for different types of incidents (a killing, ill-treatment, a demonstration, etc.). *The form should be specific enough to ensure that different people writing about different incidents will write the same type of information (for example, location of incident, time, people involved, etc.) in the same place in the form, in the same terminology, and in the same way.* If the form is not completed correctly, it becomes very difficult for the information in the forms to be used comparatively, or even to be used at all by someone other than the person who wrote it.

42. *One use of forms is to prepare statistical information which may indicate trends in the human rights situation.* For example, if a form has been prepared in a suitable fashion and if forms are consistently completed, it may be possible for the central office to draw conclusions about the frequency of serious human rights violations or other problems arising in various regions. Those statistics can provide strong evidence of the need for an international response in one area or can indicate that international action is less needed in another. The interview form (**Appendix 1**) and the incident form (**Appendix 4**) of this chapter have been developed with the expectation that they will yield comparative statistical information and help identify trends in the human rights situation. The periodic report (**Appendix 2**) has also been prepared to encourage the regional staff to provide information and assess trends.

Appendix 1 to Chapter XX

Questionnaire — Interview Form

CONFIDENTIAL

Date of Report: ___/___/___
D M Y

Questionnaire — Interview Report Number: Q-_____

Officer(s) Preparing Report: _____

Area Office: _____

Date of Interview: ___/___/___
D M Y

QUESTIONNAIRE — INTERVIEW FORM

Introduction to the Interview

The interviewer(s) should *introduce* him/her/themselves.

The interviewer should explain the *purpose* of the interview.

The interviewer should explain the *importance* of the interview in the process of obtaining facts.

The interviewer should obtain the relevant *consent* for the interview, for example at a minimum, the interviewer should reassure the individual interviewed that all the information provided will be held in confidence, unless permission is given.

Please use supplementary sheets if there is insufficient space. Also use supplementary sheets for any additional information not included in the questions — indicating the source of information. This form has been prepared for a single witness or other source of information. If more than one victim is identified, attachments for each victim should be appended.

1. Summary of the case based on the recitation by the witness

Note the details, including the places, dates, times, circumstances, etc.

1.1 Does the victim/source of information/witness agree that the given information

may be used for steps with the authorities or

may be disclosed in public reports?

May their name be cited? yes no

2. Personal information about the witness

2.1 Surname: _____ First name(s): _____
(or use an identifying number and keep the individual's name elsewhere)

2.2 Male Female (Please check a box)

2.3 Date of birth: day _____ month _____ year _____
Approximate age at interview: _____

2.4 Place of birth: _____
(town/city, province/county/state, other indications)

2.5 Present address: _____

2.6 Do you have a telephone? (Please give number:) _____

2.6.1 Is it your own telephone

Or another person's? Whose? _____

2.7 Address where you can be contacted (if other than above): _____

2.8 Means for the interviewer to stay in contact with the witness: _____

2.9 Civil/family status:

Single Married Divorced Separated Widowed

(Check the box which is most applicable)

2.10 Family details (number of children and dependants — Please give names and ages if possible):

2.11 Occupation or profession (please specify):

Artisan Farmer Government employee Journalist Merchant

Military Professional Student Unemployed Other

(Check the box which is most applicable)

2.12 Education:

Primary school Secondary school University Graduate study

(Please check the box indicating the highest level of education attained)

Names of schools and universities attended: _____

2.13 Identity document:

Type: _____ Number: _____

2.14 Connection with the victim:

- Witness is the victim
- Witness has direct evidence of the violation
- Witness has indirect information
- Witness is related to the victim
- Other connection (please specify:)

2.15 Do you have particular comments about the source(s) of information? _____

3. First victim (if different from witness; if there are several, please attach supplementary pages 3-7)

A. General

3.1 Surname: _____ First name(s): _____

3.2 Male Female (Please check a box)

3.3 Date of birth: day _____ month _____ year _____
Approximate age at interview: _____

3.4 Place of birth: _____
(town/city, province/county/state, other indications)

3.5 Present address and telephone (if different from above): _____

3.6 Address where victim can be contacted (if other than above): _____

3.7 Civil/family status:

Single Married Divorced Separated Widowed

(Check the box which is most applicable)

3.8 Family details (number of children and dependants — Please give names and ages if possible):

3.9 Occupation or profession (please specify):

Artisan Farmer Government employee Journalist Merchant

Military Professional Student Unemployed Other

(Check the box which is most applicable)

3.10 Education:

Primary school Secondary school University Graduate study

(Please check the box indicating the highest level of education attained)

Names of schools and universities attended: _____

3.11 Political affiliation or sympathies of the victim: _____

3.12 Membership/support of other organizations (please specify):

Association of students: _____

Community association: _____

Human rights group: _____

Peasant movement: _____

Political party: _____

Popular movement: _____

Religious community: _____

Trade union: _____

Youth group: _____

Other: _____

3.13 Other comments/information about the victim: _____

B. Incident

(If there were several incidents, please note here the incident which occurred earliest in time and attach supplementary sheets (pp. 4-7) for other incidents.)

4. What happened to the victim specified above:

4.1 Date and time of violation:

day: _____ month: _____ year: _____ time: _____

4.2 Place: _____

(town/city/community, department/province — exact place or address, if possible)

4.3 Circumstances of the incident:

Recitation of the facts (for example: in case of an arrest, how did it occur?; in case of a killing, description of the killing; in case of a disappearance, circumstances of the seizure or place where the person was last seen and where was he/she heading to, etc.; if there were threats or extortions, describe them; if it concerns a displaced person, what was the reason for his/her departure?)

4.4 Apparent violation:
(please specify briefly the elements of the violation and nature of person responsible)

- Arrest: _____
Perpetrator(s)(use list in 4.7 below and identify as person in 4.7.a., b, etc.):_____
- Other detention: _____
Perpetrator(s) (use list in 4.7): _____
- Rape: _____
Perpetrator(s) (use list in 4.7): _____
- Other torture: _____
Perpetrator(s) (use list in 4.7): _____
- Other ill-treatment: _____
Perpetrator(s) (use list in 4.7): _____
- Killing: _____
Perpetrator(s) (use list in 4.7): _____
- Attempted killing: _____
Perpetrator(s) (use list in 4.7): _____
- Disappearance: _____
Perpetrator(s) (use list in 4.7): _____
- Violation of freedom of association: _____
Perpetrator(s) (use list in 4.7): _____
- Violation of freedom of expression: _____
Perpetrator(s) (use list in 4.7): _____
- Threat: _____
Perpetrator(s) (use list in 4.7): _____
- Theft of property: _____
Perpetrator(s) (use list in 4.7): _____
- Other form of persecution: _____
Perpetrator(s) (use list in 4.7): _____
- Discriminatory conduct: _____
Perpetrator(s) (use list in 4.7): _____
- Other: _____
Perpetrator(s) (use list in 4.7): _____

4.5 How many persons were responsible for the violations during this incident?

- 1 2 3 4 5 6-10 11-15 more than 16

4.6 Can you identify any of these perpetrators? yes no

Why are they believed to be soldiers, police officers, or otherwise associated with the Government?

4.7	Name/surname (or other identification)	Connection with Government (e.g., army unit, police, etc.)
	a. _____	_____
	b. _____	_____
	c. _____	_____
	d. _____	_____
	e. _____	_____
4.8	How were the perpetrators dressed? uniform <input type="radio"/> civilian dress <input type="radio"/>	
	If uniform, colour of uniform: khaki <input type="radio"/> olive green <input type="radio"/> blue <input type="radio"/> black <input type="radio"/>	
	Boots: yes <input type="radio"/> no <input type="radio"/>	
	Helmet: yes <input type="radio"/> no <input type="radio"/>	
	Mask: yes <input type="radio"/> no <input type="radio"/>	
	Other identifying clothing or insignia: _____	

4.9	How did the perpetrators reach the place of the incident?	
	on foot <input type="radio"/> on motorcycle <input type="radio"/> in police vehicle <input type="radio"/> in army vehicle <input type="radio"/>	
	in another official vehicle <input type="radio"/> in taxi <input type="radio"/> in private vehicle <input type="radio"/>	
	Characteristics of vehicle (type (e.g., jeep), make, colour, insignia, license no.) _____	

4.10	Were they carrying weapon(s)? yes <input type="radio"/> no <input type="radio"/>	
	If so, what? _____	

4.11	Were they carrying radios or other telecommunication device? yes <input type="radio"/> no <input type="radio"/>	
4.12	Did they speak among themselves? yes <input type="radio"/> no <input type="radio"/>	
	If so, did they use any names or other identifications? _____	

4.13	Who was giving the orders? _____	

4.14	How many people were victims of the same violations during this incident?	
	1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5 <input type="radio"/> 6-10 <input type="radio"/> 11-15 <input type="radio"/> more than 16 <input type="radio"/>	
4.15	Can you identify any of these other victims?	
	Name/surname (or other identification)	Means of contacting (address, etc.)
	a. _____	_____
	b. _____	_____
	c. _____	_____
	d. _____	_____
	e. _____	_____

4.16 Were there other witnesses (other than victims)? yes no

Is it possible to contact them? yes no

(Please attach their version of the events on another questionnaire.)

4.17 Name/surname <i>(or other identification)</i>	Means of contacting <i>(address, etc.)</i>
---	---

- | | |
|----------|-------|
| a. _____ | _____ |
| b. _____ | _____ |
| c. _____ | _____ |
| d. _____ | _____ |
| e. _____ | _____ |

C. Arrest

5. If an arrest has been carried out, was there an arrest warrant? yes no

What kind of an arrest warrant? _____

5.1 Reasons given by the authorities for the arrest/what are the charges brought against the detainee?
(Specify the acts of which the detainee has been accused.) When? _____

5.2 Has the victim been formally charged? yes no

If so, give specific details of charges brought against him/her: _____

Has the victim been sentenced? yes no
If so, give dates: _____

5.3 Has the victim seen an attorney since the arrest? yes no

If so, give his/her name and address: _____

5.4 Name and apparent location of detention centre: _____

5.5 Other detainees who could be identified:

Name/surname <i>(or other identification)</i>	Means of contacting family <i>(address, etc.)</i>
--	--

- | | |
|----------|-------|
| a. _____ | _____ |
| b. _____ | _____ |
| c. _____ | _____ |
| d. _____ | _____ |
| e. _____ | _____ |

5.6 Date of release: day: _____ month: _____ year: _____

D. Torture/ill-treatment**6. At what moment did the torture/ill-treatment take place?**

- at the moment of arrest
 during transport
 while in detention
 during the interrogation
 other (specify): _____

6.1 Describe precisely the nature, duration, and frequency of torture.

Try to give details as to the type of torture, for example:

Beating to the head feet hands other

Using fist club gun other

Restriction on movements Suspension Asphyxiation

Electrical shocks Sexual assault or other form of sexual violence

Threats to family Mock execution

Isolation Period, location: _____

Excessive noise light or smell

Other (specify) _____

6.2 Was any purpose for the torture given? yes no

If so, what was it? _____

6.3 Were you questioned during torture? yes no **6.4 Personnel who participated:**

Security Military How many? _____

Who did what? (please give names if possible) _____

6.5 Is any physical or psychological consequence of torture evident on date (d:____ m:____ y:____) when the victim is being viewed? yes no

If so, what is it? _____

6.5.1 Does the victim require medical treatment? yes no

If so, what kind? _____

6.6 In the opinion of the source of information, what were the authorities' reasons for the violation, and which activities of the victim have really motivated the authorities to this violation?

6.7 Prison conditions in detention centre (for example, solitary confinement, right to visits and correspondence, quantity and quality of food, access to fresh air and exercise, number of prisoners per cell): _____

6.8 Has the victim or his/her family previously been subjected to other violations? yes no
If so, what kind? _____

6.9 Has money been given to the authorities? yes no
Or have the authorities requested money to stop or to prevent a violation or to improve the condition of the victim? yes no
How much money was given? _____ or requested? _____

6.10 Were injuries suffered? yes no
If so, please specify: _____

6.11 What is the actual situation of the victim? _____

6.12 Actual situation of his/her family and close relations:
Have they been threatened/prosecuted/harassed? yes no
Or have they been subject to other violations? yes no
If so, please specify: _____

E. Various information

7. Has the witness (yes no) the victim (yes no) and/or someone else (yes no) reported the case to the authorities?

7.1 If so, to which authorities?

authorities responsible for the violation (please specify) _____
 police judicial authorities: prosecutor investigating judge court
 ombudsman other _____

7.2 Has the witness and/or victim reported the case to a non-governmental organization or other intergovernmental organization? yes no

If so, please specify: _____

7.3 Did the above organization(s) take action? yes no

If so, please specify: _____

7.4 What does the source of information/the victim/witness want the human rights officer or the UN human rights operation to do? _____

7.5 Has any action been undertaken by the human rights officer:

With the authorities responsible for the violation? yes no

With the police yes no

With the judicial authorities: prosecutor yes no

investigating judge yes no

court yes no

With the ombudsman yes no

With anybody else (please specify) yes no _____

What kind of action? _____

7.6 Response given by the authorities

- a) authorities responsible for the violation _____

- b) police _____

- c) judicial authorities _____

- d) other authorities (please specify) _____

7.7 Are documents annexed to this report? yes no

If so, please specify: _____

7.8 Other comments: _____

After the interview is over and this questionnaire form has been completed, if the witness/victim is still accessible or can return to the office the interviewer may, to the extent possible and consistent with security, read everything which has been written on this questionnaire and ask whether the information is accurate or whether corrections should be made. If the witness/victim agrees with the information written on this questionnaire, the interviewer may ask if the witness/victim wishes to sign the document or place his/her thumb print below:

This form is an accurate account of my statement.

(Signature or thumb print)

Date: ____/____/____
 D M Y

Coordinator: _____
(Signature)

Date the report was forwarded to the central office: ____/____/____
 D M Y

Appendix 2 to Chapter XX

Periodic Report Form

<i>CONFIDENTIAL</i>	
Date of Report:	___/___/___ D M Y
Periodic Report Number: P-	_____
Officer(s) Preparing Report:	_____ _____
Area Office:	_____

PERIODIC REPORT
<p>This form is intended for reporting periodic developments, to document work accomplished, identify major trends, alert managers as to major developments, and to plan future efforts to improve the human rights situation. This report is intended to report on developments in connection with the following aspect of the operation's mandate:</p> <ul style="list-style-type: none"> <input type="checkbox"/> general report of area office, <input type="checkbox"/> detention, <input type="checkbox"/> returnee monitoring, <input type="checkbox"/> demonstration monitoring, <input type="checkbox"/> election observation, <input type="checkbox"/> promotion and technical assistance, <input type="checkbox"/> other <p>Please use supplementary sheets, if there is insufficient space. Also use supplementary sheets for any additional information not included in the questions, indicating the source of information.</p>
<p>1. Introduction — overview of regional human rights situation: highlights:</p> <p>Note most important developments requiring attention.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

2. Progress in completing work plan during the reporting period:

Note the accomplishments under the major headings of the mandate, *e.g.*, monitoring of human rights in regard to arrests, detention conditions, etc.; training provided to police; inquiries into violations; etc.

3. Major trends in the situation during the reporting period:

For each aspect of the mandate, please describe developments which indicate either improvements, deteriorations, or major problems encountered. To the extent possible, describe how the situation has changed and indicate any available data which illustrates those changes, *e.g.*, increase in the number of ethnic detainees held from 100 to 200.

4. Plans for the forthcoming period:

For each aspect of the mandate and each major development identified above, please describe what plans the area office has for dealing with the aspect of the mandate and the developments that have arisen.

5. Recommendations for the forthcoming period:

For each aspect of the mandate and each major development identified above, please make any suggestions as to actions which should be taken by the central office.

6. Information on the office:

E.g., illness/vacation of staff members, vehicles out of order, etc.

7. Conclusions:

Please include any concluding remarks which would be helpful to the central office in dealing with the recommendations or information provided.

8. Attachments:

Please append any documents, interview forms, or other materials which would help to explain the situation or recommendations.

9. Approval by Coordinator

9.1 Area Office Coordinator: _____
(Signature)

9.2 Date the report was forwarded to the central office: ____/____/____
D M Y

Appendix 3 to Chapter XX

Emergency Report Form

CONFIDENTIAL

Date of Report: ___/___/___
D M Y

Emergency Report Number: E-_____

Officer(s) Preparing Report: _____

Area Office: _____

EMERGENCY REPORT

This form is intended for reporting any developments which require the urgent attention of the central office or others higher in the structure. Please use supplementary sheets, if there is insufficient space. Also use supplementary sheets for any additional information not included in the questions, indicating the source of information.

1. Introduction — highlights:

Note the developments which require attention. Try to be as specific as possible with regard to such questions as who, what, when, where, how, and why.

2. Action taken by the area office to confirm the facts:

3. Action taken by the area office to respond to the situation:

4. Action taken by the authorities to respond to the situation:

5. Further actions planned by the area office:

6. Recommendations for action by the central office:

Please specify the unit or individual to take action, if known.

Appendix 4 to Chapter XX

Incident Report Form

CONFIDENTIAL

Date of Report: ___/___/___
D M Y

Incident Report Number: I-_____

Officer(s) Preparing Report: _____

Area Office: _____

INCIDENT REPORT FORM

Please use supplementary sheets, if there is insufficient space. Also use supplementary sheets for any additional information not included in the questions, indicating the source of information. This form has been prepared for a single witness or other source of information. If more than one victim is identified, attachments for each victim should be appended.

1. Summary of the case based on all available information

Note the details, including the places, dates, times, circumstances, etc.

2. Identification of the witnesses

2.1 Surname: _____ First name(s): _____
 (or use an identifying number and keep the individual's name elsewhere)

2.2 Interview questionnaire number: _____ Date of interview: _____

2.3 Surname: _____ First name(s): _____

2.4 Interview questionnaire number: _____ Date of interview: _____

2.5 Surname: _____ First name(s): _____

2.6 Interview questionnaire number: _____ Date of interview: _____

(Attach other sheets for further witnesses.)

2.7 Reliability of information:

3. First victim (if information contained on interview questionnaires, please identify the questionnaire number _____ where the information may be found. If there are several victims, please attach supplementary pages 3-7)

A. General

3.1 Surname: _____ First name(s): _____

3.2 Male Female (Please check a box)

3.3 Date of birth: day _____ month _____ year _____
 Approximate age at interview: _____

3.4 Place of birth: _____
 (town/city, province/county/state, other indications)

3.5 Present address and telephone (if different from above): _____

3.6 Address where victim can be contacted (if other than above): _____

3.7 Civil/family status:

Single Married Divorced Separated Widowed

(Check the box which is most applicable)

3.8 Family details (number of children and dependants — Please give names and ages if possible):

3.9 Occupation or profession (please specify):

Artisan Farmer Government employee Journalist Merchant
 Military Professional Student Unemployed Other
 (Check the box which is most applicable)

3.10 Education:

Primary school Secondary school University Graduate study
 (Please check the box indicating the highest level of education attained)

Names of schools and universities attended: _____

3.11 Political affiliation or sympathies of the victim: _____

3.12 Membership/support of other organizations (please specify):

- Association of students: _____
- Community association: _____
- Human rights group: _____
- Peasant movement: _____
- Political party: _____
- Popular movement: _____
- Religious community: _____
- Trade union: _____
- Youth group: _____
- Other: _____

3.13 Other comments/information about the victim: _____

B. Incident

4. What happened to the victim specified above:

4.1 Date and time of violation:

day: _____ month: _____ year: _____ time: _____

4.2 Place: _____

(town/city/community, department/province — exact place or address, if possible)

4.3 Circumstances of the incident:

Recitation of the facts (for example: in case of an arrest, how did it occur?; in case of a killing, description of the killing; in case of a disappearance, circumstances of the seizure or place where the person was last seen and where was he/she heading to, etc.; if there were threats or extortions, describe them; if it concerns a displaced person, what was the reason for his/her departure?)

4.4 Violation:
(please specify briefly the elements of the violation and nature of person responsible)

- Arrest: _____
Perpetrator(s)(use list in 4.7 below and identify as person in 4.7.a., b, etc.):_____
- Other detention: _____
Perpetrator(s) (use list in 4.7): _____
- Rape: _____
Perpetrator(s) (use list in 4.7): _____
- Other torture: _____
Perpetrator(s) (use list in 4.7): _____
- Other ill-treatment: _____
Perpetrator(s) (use list in 4.7): _____
- Killing: _____
Perpetrator(s) (use list in 4.7): _____
- Attempted killing: _____
Perpetrator(s) (use list in 4.7): _____
- Disappearance: _____
Perpetrator(s) (use list in 4.7): _____
- Violation of freedom of association: _____
Perpetrator(s) (use list in 4.7): _____
- Violation of freedom of expression: _____
Perpetrator(s) (use list in 4.7): _____
- Threat: _____
Perpetrator(s) (use list in 4.7): _____
- Theft of property: _____
Perpetrator(s) (use list in 4.7): _____
- Other form of persecution: _____
Perpetrator(s) (use list in 4.7): _____
- Discriminatory conduct: _____
Perpetrator(s) (use list in 4.7): _____
- Other: _____
Perpetrator(s) (use list in 4.7): _____

4.5 How many persons were responsible for the violations during this incident?

- 1 2 3 4 5 6-10 11-15 more than 16

4.6 Can you identify any of these perpetrators? yes no

Why are they believed to be soldiers, police officers, or otherwise associated with the Government?

<p>4.7 Name/surname <i>(or other identification)</i></p> <p>a. _____</p> <p>b. _____</p> <p>c. _____</p> <p>d. _____</p> <p>e. _____</p>	<p>Connection with Government <i>(e.g., army unit, police, etc.)</i></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>		
<p>4.8 How were the perpetrators dressed? uniform <input type="radio"/> civilian dress <input type="radio"/></p> <p>If uniform, colour of uniform: khaki <input type="radio"/> olive green <input type="radio"/> blue <input type="radio"/> black <input type="radio"/></p> <p>Boots: yes <input type="radio"/> no <input type="radio"/></p> <p>Helmet: yes <input type="radio"/> no <input type="radio"/></p> <p>Mask: yes <input type="radio"/> no <input type="radio"/></p> <p>Other identifying clothing or insignia: _____</p> <p>_____</p> <p>_____</p>			
<p>4.9 How did the perpetrators reach the place of the incident?</p> <p>on foot <input type="radio"/> on motorcycle <input type="radio"/> in police vehicle <input type="radio"/> in army vehicle <input type="radio"/></p> <p>in another official vehicle <input type="radio"/> in taxi <input type="radio"/> in private vehicle <input type="radio"/></p> <p>Characteristics of vehicle (type <i>(e.g., jeep)</i>, make, colour, insignia, license no.) _____</p> <p>_____</p> <p>_____</p>			
<p>4.10 What kind of arms were they carrying? _____</p> <p>_____</p>			
<p>4.11 Were they carrying radios or other means of telecommunication? yes <input type="radio"/> no <input type="radio"/></p>			
<p>4.12 Did they speak among themselves? yes <input type="radio"/> no <input type="radio"/></p> <p>If so, did they use any names or other identifications? _____</p> <p>_____</p>			
<p>4.13 Who was giving the orders? _____</p> <p>_____</p>			
<p>4.14 How many people were victims of the same violations during this incident?</p> <p>1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5 <input type="radio"/> 6-10 <input type="radio"/> 11-15 <input type="radio"/> more than 16 <input type="radio"/></p>			
<p>4.15 Can you identify any of these other victims?</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Name/surname <i>(or other identification)</i></p> <p>a. _____</p> <p>b. _____</p> <p>c. _____</p> <p>d. _____</p> <p>e. _____</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Means of contacting <i>(address, etc.)</i></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> </td> </tr> </table>		<p>Name/surname <i>(or other identification)</i></p> <p>a. _____</p> <p>b. _____</p> <p>c. _____</p> <p>d. _____</p> <p>e. _____</p>	<p>Means of contacting <i>(address, etc.)</i></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>Name/surname <i>(or other identification)</i></p> <p>a. _____</p> <p>b. _____</p> <p>c. _____</p> <p>d. _____</p> <p>e. _____</p>	<p>Means of contacting <i>(address, etc.)</i></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>		

4.16 Were there other witnesses (other than victims)? yes no

Is it possible to contact them? yes no

(Please attach their version of the events on another questionnaire.)

4.17 Name/surname Means of contacting
(or other identification) (address, etc.)

a. _____

b. _____

c. _____

d. _____

e. _____

C. Arrest

5. If an arrest has been carried out, was there an arrest warrant? yes no

What kind of an arrest warrant? _____

5.1 Reasons given by the authorities for the arrest/what are the charges brought against the detainee?
(Specify the acts of which the detainee has been accused.) When? _____

5.2 Has the victim been formally charged? yes no

If so, give specific details of charges brought against him/her: _____

Has the victim been sentenced? yes no

If so, give dates: _____

5.3 Has the victim seen an attorney since the arrest? yes no

If so, give his/her name and address: _____

5.4 Name and apparent location of detention centre: _____

5.5 Other detainees who could be identified:

Name/surname
(or other identification)

Means of contacting family
(address, etc.)

a. _____

b. _____

c. _____

d. _____

e. _____

5.6 Date of release: day: _____ month: _____ year: _____

D. Torture/ill-treatment

6. At what moment did the torture/ill-treatment take place?

- at the moment of arrest
- during transport
- while in detention
- during the interrogation
- other (specify): _____

6.1 Describe precisely the nature, duration, and frequency of torture.

Try to give details as to the type of torture, for example:

Beating to the head feet hands other

Using fist club gun other

Restriction on movements Suspension Asphyxiation

Electrical shocks Sexual assault or other form of sexual violence

Threats to family Mock execution

Isolation Period, location: _____

Excessive noise light or smell

Other (specify) _____

6.2 Was any purpose for the torture given? yes no

If so, what was it? _____

6.3 Were you questioned during torture? yes no

6.4 Personnel who participated:

Security Military How many? _____

Who did what? (please give names if possible) _____

6.5 Is any physical or psychological consequence of torture evident on date (d:____ m:____ y:____) when the victim is being viewed? yes no

If so, what is it? _____

6.5.1 Does the victim require medical treatment? yes no

If so, what kind? _____

6.6 In the opinion of the source of information, what were the authorities' reasons for the violation, and which activities of the victim have really motivated the authorities to this violation?

6.7 Prison conditions in detention centre (for example, solitary confinement, right to visits and correspondence, quantity and quality of food, access to fresh air and exercise, number of prisoners per cell): _____

6.8 Has the victim or his/her family previously been subjected to other violations? yes no
If so, what kind? _____

6.9 Has money been given to the authorities? yes no
Or have the authorities requested money to stop or to prevent a violation or to improve the condition of the victim? yes no
How much money was given? _____ or requested? _____

6.10 Were injuries suffered? yes no
If so, please specify: _____

6.11 What is the actual situation of the victim? _____

6.12 Actual situation of his/her family and close relations:

Have they been threatened/prosecuted/harassed? yes no

Or have they been subject to other violations? yes no

If so, please specify: _____

E. Various information

7. Has the witness (yes no) **the victim** (yes no) **and/or someone else** (yes no) **reported the case to the authorities?**

7.1 If so, to which authorities?

authorities responsible for the violation (please specify) _____
police judicial authorities: prosecutor investigating judge court
ombudsman other _____

7.2 Has the witness and/or victim reported the case to a non-governmental organization or other intergovernmental organization? yes no

If so, please specify: _____

7.3 Did the above organization(s) take action? yes no

If so, please specify: _____

7.4 What does the source of information/the victim/witness want the human rights officer or the UN Field Operation to do? _____

7.5 Does the victim/source of information/witness agree that

- their names may be cited?
- the given information may be used for steps with the authorities?
- or may be disclosed in public reports?

7.6 Has any action been undertaken by the human rights officer:

With the authorities responsible for the violation? yes no

With the police yes no

With the judicial authorities: prosecutor yes no

investigating judge yes no

court yes no

With the ombudsman yes no

With anybody else (please specify) yes no _____

What kind of action? _____

7.7 Response given by the authorities

a) authorities responsible for the violation _____

b) police _____

c) judicial authorities _____

d) other authorities (please specify) _____

7.8 Are documents annexed to this report? yes no

If so, please specify: _____

7.9 Other comments: _____

F. Recommendations

8.1 Action(s) requested of the human rights operation by the victim or next of kin in the case of a deceased or reportedly disappeared victim:

8.2 Recommendations for follow-up by the Area Office (including further inquiry):

8.3 Recommendations for action by Local Authorities:

8.4 Recommendations for follow-up by the Central Office:

8.5 Recommendations for action by National Authorities:

8.6 Recommendations for action by other UN Bodies/Offices:

8.7 Other recommendations:

8.8 Status of case:

9. Approval by Coordinator

9.1 Coordinator: _____
(Signature)

9.2 Date the report was forwarded to the central office: _____/_____/_____
D M Y

.....Chapter XXI
**CONCILIATION
AND MEDIATION
IN THE FIELD.....**

Key concepts

In deciding whether to pursue mediation or other conciliation, a human rights officer should consider the following:

- | *Is this dispute (or problem) within the mandate of the field operation?*
- | *Is there an existing governmental, non-governmental, traditional or other mechanism which can handle this dispute?*
- | *Can societal or governmental dispute resolution procedures be revived or developed?*
- | *Does s/he have the information, capacity, language ability and time to engage in mediation or other forms of conciliation?*

If the human rights officer initiates mediation or conciliation, s/he should:

- | *always pursue a solution which is consistent with international human rights standards;*
- | *try to find mutually accepted procedures;*
- | *listen to the views of each side separately;*
- | *if the parties are willing to meet, initiate the session with encouragement to working together and to strengthen the relationship of the parties;*
- | *if the parties are unable to meet, engage in a form of shuttle diplomacy — talking to each side in turn, explaining the mediator's role, and trying to identify those aspects of the issue as to which there may be agreement, partial agreement or confidence-building.*

A. Introduction

1. *HROs may be involved in resolving disputes which arise in the communities where they are located. Situations amounting to human rights violations may involve elements of negotiation between the HRO and the authorities, or mediation between the*

authorities and the victim or family of the victim. Obviously, in seeking solutions to such kind of disputes, the basis and criteria of the HRO's mediation and negotiation efforts are provided by international human rights standards. The HRO may use techniques from other chapters in this Manual to engage in discussions with the authorities at various levels. Indeed, one could see the *entire human rights field operation as having a role in the mediation of human rights problems* in the country.

2. Other *disputes may not fit within the mandate of the field operation*, for example, a dispute as to grazing rights between two shepherds. Nonetheless, there may be aspects of such a dispute which might raise problems within the mandate of some human rights operations if the shepherds are from different ethnic communities and their specific disagreement has been caused by larger communal cleavages, or if their dispute may become a *cause célèbre* or the trigger for violent ethnic conflict.

3. Even if an HRO has been asked to intervene in dealing with a particular dispute, and regardless of whether the issue falls within the mandate of the operation, it may often be *wisest for the officer to encourage the parties to make use of existing institutions and traditional procedures for dealing with the problem rather than taking an active role in the process*. In all societies there are avenues for dispute resolution. It is unlikely that an HRO will have sufficient understanding of the society to achieve a better and more acceptable result than the traditional dispute resolution processes. Furthermore, the HRO should, in any case, try to *encourage the existing procedures to function and would not want to suggest that such procedures be bypassed*.

4. Nonetheless, *there may be some contexts in which HROs may be asked to play a role in mediation and conciliation — particularly where the traditional processes, for example, within ethnic communities, are not capable of functioning*. HROs may encounter disputes between different communities where the government is not functioning or is not trusted by one or both sides. In those contexts, the HRO may have some role in mediation and conciliation.

B. Basic elements of the mediation process

5. This chapter sets forth a *few very basic questions the HRO might keep in mind when considering or undertaking mediation and conciliation*.

6. Is this dispute (or problem) *within the mandate* of the field operation?

7. *Is there an existing governmental, non-governmental, traditional or other mechanism which can handle this dispute?* The human rights field office may *develop referral lists and other procedures for the triage of disputes which are (1) outside of the mandate, (2) better handled by other procedures, or (3) both*.

8. If the issue falls within the operation's mandate and there exists no suitable mechanism for handling it, *are there some steps the HRO can take to encourage the development or the revival of societal or governmental dispute resolution procedures?* For example, if there is a lack of trust in the capacity of a particular governmental institution to handle the matter, could the HRO lend credibility to the institution by offering to observe the proceedings or otherwise participate in a supportive role?

9. If there is no way to refer the matter or to encourage other institutions to resolve it, the *HRO must consider carefully whether s/he has enough information to resolve the dispute*. Why has the dispute arisen? (In this context, it may be necessary to delve far below the surface.) What are the respective interests of the parties? What sort of dispute resolution approach would be most normal and acceptable for the parties? How can the parties be helped to resolve the dispute themselves?

10. *Does the HRO have the capacity and the time to engage in mediation or other forms of conciliation?* Such procedures take a lot of *time and skill*. The mediator must develop a certain rapport and trust with both parties. In most disputes it is the parties themselves which ultimately find the solution; the mediator merely helps to facilitate that process but it usually takes a lot of time.

11. *The HRO should be able to understand and speak the local language well so as to develop the requisite trust with the parties to a dispute*. Reliance upon interpretation is particularly problematic. While it is often difficult to find an interpreter who can handle interviews well, the demands on an interpreter in mediation are far more exacting. Only if the interpreter is highly regarded by all parties concerned should mediation be attempted through interpretation. It is difficult to over-emphasize the importance of translators of integrity. In the tense and polarized environment of conflict, bias or inaccuracy on the part of the translator might easily be seen as the responsibility of the HRO. The HRO would need to run checks on how particular interpreters are seen by different sides.

12. *If the HRO decides, after appropriate consultation with superiors, that it is important to pursue the mediation*, there still remain several questions of approach. For example, in approaching a mediation, the HRO will often be faced with suspicion or at least questioned as to why the HRO or the human rights field operation would want to mediate. When the proposed mediator is on the staff of a human rights field operation, the parties may assume that the reason is related to the policies of the particular field operation and the UN more generally. If the parties see the UN and the field operation as impartial, no problem arises; but if they believe that the UN really has an agenda that favours one side rather than another, the HRO/mediator is immediately seen as a manipulator. In order to deal with those suspicions, the human rights field operation must be aware of the broader implications of their activities and how they will be perceived. But the field operation cannot cease its human rights work in order to be found acceptable for mediation and, in any case, always strives to be impartial in its human rights efforts. At a minimum, the HRO must deal clearly with the question: “Why are you/the field office interested in mediating this dispute?” And the mediator must also, in the way s/he introduces him/herself, reaffirm that in the process they will use, the power of decision rests with the conflicting parties. The HRO will in no sense be an arbiter.

13. Having dealt with these initial suspicions, the HRO may wish to pursue an approach which most closely replicates the process of dispute resolution commonly used in the society. It may be that the community only has had traditional procedures within communities and not between them. Nonetheless, there may be some common elements in the processes of each community from which the *mediator may be able to find mutually accepted procedures*. Sometimes, however, the way existing institutions function (or fail to function in the eyes of some) may be part of the problem. The HRO may need to inquire as to how the disputants and others feel about the different institutions and procedures available. Observing and advising on the fairness and efficiency of

procedures being used by such institutions would avoid becoming compromised. The HRO may play a useful role in getting the parties thinking about a process for the resolution of the dispute.

14. In the absence of such traditional or mutually acceptable procedures, the mediator may wish to listen to the views of each side separately. Such an opportunity to explain one's position is ordinarily therapeutic for the disputants and will give the mediator a better idea of what is involved. During this process the mediator must be both willing to listen and at the same time not take sides in the dispute.

15. If the parties are willing to meet, the mediator might begin with an initial discussion of approach to further substantive dialogue rather than start immediately with substantive issues. The mediator should introduce him/herself, his/her role, and the need for all the participants to work together to resolve the problem. The mediator might also obtain an agreement about his/her role not as a decision maker, but only to help the parties to use their abilities and information to work together. The mediator might have further meetings with each of the parties to hear a confidential account of their respective views, to develop an understanding of the issues, to identify ways in which the parties can work together, and to encourage each side to build a positive image of the other. Eventually, the mediator may conclude that the parties have identified elements of the dispute which might serve the basis for building mutual confidence. They are thus ready to discuss the substance of the dispute and to improve their ability to work together towards its resolution. The mediator might then bring the parties together to reaffirm and express appreciation for the initial agreements they had developed in the separate meetings. The mediator might identify other areas in which the parties may share objectives and could therefore consider further resolution of the problems, thus strengthening the relationship between the parties.

16. Some mediators have found it helpful to organize a community meeting inviting interested participants from the affected groups to exchange views and discuss efforts to live together. Such a meeting may help or may be counterproductive, depending upon the previous conflict resolution efforts which have been pursued in individual discussions. Other mediators have organized meetings with only the representatives of the different sides or a relatively small group, for example, a few from each side. The mediator may in such cases need to discuss the parameters of the meeting with each side before convening the joint session. The mediator should work with the sides to get agreement as to how the meeting will be conducted, the agenda, whether minutes will be taken or disseminated, the expected length of the session, etc. The mediator will need to consider how to handle dissonance or aggressive words/deeds during the meeting. The mediator should try to create an open atmosphere for discussion in which the joint interests of the parties are stressed. Some attention should, for example, be paid to how the participants will be seated, for example, in a circle, to avoid accentuating the polarity of the groups. Such meetings should normally be organized only at the request of the community. While a mediator should continue to assist the groups in meeting, s/he should work towards reducing his/her responsibility, thus re-establishing self-sustaining local structures to address community problems. For example, the mediator might eventually reduce his/her role from meeting facilitator to observer.¹

¹See Sonja Valtasaari, *Community Facilitation Meetings* (Organization for Security and Co-operation in Europe, Mission to Bosnia and Herzegovina, 1996).

17. *If the parties are unable to meet, the mediator may need to engage in a form of shuttle diplomacy at the grassroots level — talking to each side in turn, explaining the mediator’s role, and trying to identify those aspects of the issue as to which there may be agreement, partial agreement or disagreement.* While it will not make much difference in the ultimately resolution of the process, some mediators believe that it would be useful to begin talking with the less powerful of the sides to demonstrate that the parties should be treated impartially.² With both sides, the mediator should explain his/her role — not as a decision maker but as a facilitator, with the power remaining with the parties to make the decisions.

18. *If there are matters on which both parties agree or as to which they can be helped to see a common interest, the mediator may wish to propose acceptance on those issues as an initial effort at building mutual confidence.* Mutual confidence will help resolve the more difficult questions which separate the parties. A skilful mediator may be able to find some approaches to the problem in which both parties will gain and as to which disputes can be avoided. For example, if both parties have conflicting claims to water rights from a stream, the mediator might be able to suggest a mutual project of improving the flow in the stream or digging a well so that the water supply of both would be improved.

19. *Another confidence-building approach would be to begin discussions with individuals who are members of the different groups, but who are not necessarily the recognized leaders.* The mediator might try to identify members who are willing to take at least some risk for reconciliation or who are just interested in talking with the other side. Selecting the right “representatives” is often quite difficult. The HRO would need to be clear about the status of the individuals selected and to assure that they have some credibility with the broader group. People could be identified as part of a fairly broad process of consultation, then checked out with the appropriate decision-makers. These discussions can identify issues and possibly ways of resolving them. Similarly, the mediator might suggest projects which are directly related to the dispute, but which would be confidence-building if successfully completed.

20. *Yet another approach would be for the mediator to ask one party to identify relatively minor concessions they would like from the other side, how they would like those concessions to be communicated, what minor concessions that party would be willing to offer.* What would be the best way of communicating those concessions so as to be least likely to foster misunderstanding? Having had the same discussion with each side, the mediator might propose an exchange of those concessions with the mediator acting as a depository of each side’s concessions until they can be exchanged.³

21. *A further approach would be for the mediator to propose that one party begin to build mutual confidence by taking a unilateral step which would reduce tensions and to invite the other side to do the same.* The mediator can then ask the other side to do the same. The process continues to diminish the conflict. If the other side refuses to take a conciliatory measure, the first party may still take yet another unilateral step and invite the other side to do the same. If the other side takes a retaliatory measure, the first party may respond in kind, but in such a way that the results are less serious and the initial tension reduction effort is not erased. The first party might then begin again by taking a unilateral step which would reduce tensions and to invite the other side to do the same.⁴

²Dudley Weeks, *Conflict Resolution Workshop Packet 17* (1996).

³Friedrich Glasl, *Conflict Resolution 59* (1996); Friedrich Glasl, *Konfliktmanagement* (1994).

⁴*Id.*

In dealing with this approach, however, the HRO needs to be aware of situations where equal de-escalation might have an unequal effect. For example, if the morale of one side is precarious or one side feels they have a hard-won but temporary advantage, pressure for an apparently equal stand-off/truce may actually favour one side.

22. *On issues which are still dividing the parties, the mediator may wish to identify the degree to which each party really cares about each aspect of the problem.* For example, it may be that one party cares about issues 1, 4 and 6, while the other cares most about issues 2, 3 and 5. In such a circumstance, the mediator might be able to propose that each party prevail as to the issues about which they care the most. If they care equally about certain issues, the mediator may be able to find a way of giving each partial satisfaction or of compensating each side for allowing the other to prevail on some matters. It is often very difficult and time-consuming to craft a solution which will resolve the grievances of both sides.

23. Disputes are often generated by the perceptions each side may have of one another or may be caused by the very different ways which individuals may attempt to resolve problems. The mediator may try to have each side describe themselves and then describe the other party. The mediator might ask each party to identify the good aspects and the less appealing aspects of themselves and the other side. *The mediator can then try to focus on developing a mutual understanding of the differences while concentrating on the mutually agreed positive elements of each side.* A mutual understanding of personality differences can help to resolve substantive differences. For example, some people are very much result-oriented. Others need to establish a relationship before they can work towards results. If the result-oriented side understands the approach of the other side, they can begin by developing the mutual relationship as their first task before striving to achieve results.

24. In developing approaches to disputes, the HRO should keep in mind both the mandate of the field operation and the human rights norms which underlie that mandate. ***The resolution of the dispute should be consistent with international human rights law, should resolve the grievances of the parties, and should develop capacities for dealing with further such disputes without the direct assistance of the field operation.***