

# UKWELI

## Investigating Torture



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***Ukweli***

*Investigating Torture*

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This handbook is part of the *Ukweli* series. *Ukweli* is a Swahili word for “finding the truth”. The handbook can be used in conjunction with other books in this series.

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# Introduction

## Purpose of the handbook

This practical handbook is written for human rights investigators working on torture and ill-treatment. It is designed to be used in conjunction with its Main Book entitled *Ukweli: Investigating human rights violations*, which provides comprehensive practical and detailed cross-cutting advice on conducting human rights investigations.

The *Ukweli* series, originated in 2000, was written in collaboration with experienced African human rights defenders for their colleagues working in Africa. This current handbook on investigating torture updates the original version to reflect the evolution of practice and new developments, such as the use of new information sources. It is no longer Africa-specific and is intended to be used by human rights investigators working on torture and ill-treatment around the world.

## Structure of the handbook

- *Chapter 1* defines torture and distinguishes it from other forms of cruel treatment.
- *Chapter 2* describes what to look for when investigating suspected cases of torture.
- *Chapter 3* discusses how to analyse your findings.
- *Chapters 4* and *5* guide you on interviewing survivors and other witnesses, including the use of audio-visual equipment and materials, as well as highlight the potential impact of torture on survivors and investigators.
- *Chapter 6* provides guidance on ensuring the security of information, witnesses and investigators.
- *Chapter 7* points out multiple ways to engage in advocacy on preventing the use of torture and seeking justice for victims of torture.

While Annex A provides an interviewing checklist, Annexes B and C provide information about other relevant resources and links.

# Chapter 1

What is torture?



**To establish a clear framework for any torture investigation, it is important to understand how torture is defined in international human rights law, national legislation and in reference to other international human rights standards.**

### 1.1 Defining torture and its key elements

The United Nations Convention against Torture (CAT) is the main treaty focusing solely on prohibiting, preventing and combating torture. It requires all state parties to the Convention to prohibit the use of torture, which Article 1 defines as:

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

An act of torture constitutes four elements:

1. It constitutes severe pain or suffering, whether physical or mental.
2. It is inflicted intentionally.
3. It is inflicted for a purpose. Article 1 of the CAT lists four purposes (obtaining information or a confession, punishment, intimidation or coercion, and any reason based on discrimination of any kind) but the list is not exhaustive.
4. It is inflicted by a public official or other person acting in an official capacity, at their instigation or with their consent or acquiescence.

Other issues noted in the CAT or in statements by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment are worth highlighting:

- Acts of rape by state officials always constitute acts of torture under international law.

#### Committee against Torture

The Committee against Torture is a body comprising 10 independent experts who monitor the implementation of the Convention against Torture (CAT). State parties have to submit reports to the Committee on the measures they have implemented in line with the Convention. The Committee may also consider individual complaints and has the power to investigate allegations of (systematic) practice of torture or other ill-treatment by state parties.

- Other forms of sexual violence, such as unjustifiable body searches or forced nudity, also constitute torture.
- Particular attention should be drawn to the increased risk of torture for certain minority or marginalized individuals or populations (on the basis of discrimination).

The CAT has been widely ratified (by 117 countries by November 2021). It is important to check whether your country has ratified it and if so, whether it has made a declaration under Article 22 that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction (see Section 7.4.1). This is directly relevant when considering what action to take (see Section 7.4).

► *For further information on the CAT, see: [ohchr.org/en/treaty-bodies/cat](https://www.ohchr.org/en/treaty-bodies/cat)*

Torture under any circumstances is also widely prohibited by other international and all regional human rights standards, as shown below.

#### **Article 5 of the Universal Declaration of Human Rights**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

#### **Article 7 of the International Covenant on Civil and Political Rights**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, in particular, no-one shall be subjected without his free consent to medical or scientific experimentation.

#### **Article 5 of the African Charter on Human and Peoples' Rights**

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

#### **Article 5 of the American Convention on Human Rights**

1. Every person has the right to have his physical, mental and moral integrity respected.
2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect to the inherent dignity of the human person.

### Article 8 of the Arab Charter on Human Rights

1. No one shall be subjected to physical or psychological torture or to cruel, degrading, humiliating or inhuman treatment.
2. Each state party shall protect every individual subject to its jurisdiction from such practices and shall take effective measures to prevent them. The commission of, or participation in, such acts shall be regarded as crimes that are punishable by law and not subject to any statute of limitation. Each state party shall guarantee in its legal system redress for any victim of torture and the right to rehabilitation and compensation.

### Article 3 of the European Convention for the Protection of Human Rights

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

There are also specialized instruments on the prohibition and prevention of torture and other ill-treatment such as:

1. The Optional Protocol to the CAT, which establishes the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture, and provides for the obligations of a state party to establish national preventive mechanisms.

► *For further information on the Optional Protocol, see: [ohchr.org/sites/default/files/cat-one.pdf](https://ohchr.org/sites/default/files/cat-one.pdf)*

2. The Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa.

► *For further information see: [apt.ch/sites/default/files/publications/rig\\_practical\\_eng.pdf](https://apt.ch/sites/default/files/publications/rig_practical_eng.pdf)*

Interpretation of these legal provisions is constantly evolving. See Annex B for further resources. For the purpose of this handbook, we have selected a few key considerations:

- The threat of torture may itself constitute a form of torture or other ill-treatment, even when it is not carried out, because of the fear and suffering inflicted.
- Each country's legal definition of torture has implications for any legal cases brought before domestic courts. Additionally, some countries' definitions in national legislation may not conform with international standards.
- During armed conflict, humanitarian law applies. All four Geneva Conventions expressly prohibit torture and other ill-treatment in all situations of armed conflict

and regard such acts as grave breaches of the Conventions. This means that armed groups, while not covered by the CAT, are also accountable for acts of torture.

• See: [icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf](https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf)

- The International Criminal Court defines torture as a crime against humanity whether it is committed by members of armed groups or state officials.

• See: [icc-cpi.int/resource-library/documents/rs-eng.pdf](https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf)

- The absolute prohibition of torture also forms part of customary international law, the general rules of international law that are binding on all states, regardless of whether they are party to any particular treaty.
- Important to stress that prohibition is in such a way absolute that no act of torture or other ill-treatment can ever be justified on any basis and/or in any circumstances. Judicial decisions, treaty texts and other international instruments, and international experts have confirmed that the right to freedom from torture and other ill-treatment cannot be “balanced” against other rights, including rights related to the security and safety of other individuals from acts of terrorism.

## 1.2 Cruel, inhuman or degrading treatment

The CAT also obliges state parties to prevent cruel, inhuman or degrading treatment (CID), which constitute acts that do not meet the torture criteria because one or more of the key elements that define torture are lacking – for example, if it lacks “intention” or “purpose”, or if the pain or suffering is not considered severe. However, to qualify as CID, it must still be *committed by – or at the instigation of (or with the consent or acquiescence of) – a public official or other person acting in an official capacity*.

There is sometimes a fine line between torture (which is defined in international treaties) and CID (which is not). The two main differences between the concepts are:

- To be classified as torture, the act must be deliberate and have a purpose, whereas CID could be the result of neglect or other forms of omission. Providing inadequate food in a prison would likely be considered CID, whereas starving a prisoner by depriving them of food to force them to confess would constitute torture.
- The severity of the pain or suffering inflicted is a factor. The severity may be determined by the nature of the treatment itself or the vulnerability of the survivor. For example, holding a mentally ill person or young child in solitary confinement may constitute torture, whereas the same treatment of a healthy adult may be considered CID.

### Determining severity

“Severe pain and suffering” is one of the elements that defines torture. The threshold of pain and suffering is higher for torture than for other CID, but measuring severity may be largely subjective. The suffering experienced may vary according to the context and may differ from person to person, depending on their vulnerability and individual circumstances.

Moreover, the degree of severity of mental pain is not limited to the moment that the torture is inflicted. Establishing the severity of mental pain or suffering may require evidence of long-lasting psycho-social harm, such as post-traumatic stress disorder.

The other two elements of torture (the *intent* and *purpose* of the acts) may therefore be more decisive in differentiating between torture and other CID.

## 1.3 What amounts to torture?

As a human rights monitor, you will hear about many disturbing incidents that do not meet the threshold of torture because one or more of the four key elements is not present. Some people use the term “torture” mistakenly because they are not aware of the definition. Others may misuse it to exaggerate the gravity of an incident in an effort to prompt action.

These distinctions are important when framing your research and advocacy. Nevertheless, take care to report other forms of ill-treatment accurately, and to avoid implying that some abuses are more serious than others. Even forms of ill-treatment that may be perceived as less severe may amount to torture and are prohibited in all circumstances by international standards.

Incidents that *may* amount to torture:

- A student who has taken part in a demonstration is arrested by the police and repeatedly beaten in detention. The police try to force him to reveal the identity of other students who have protested and threaten to harm members of his family if he does not speak.
- A person is arrested on suspicion of being a member of a political opposition group. As part of the initial questioning, members of the intelligence services subject the arrested person to a full intimate body search, designed to humiliate and intimidate them.
- A LGBTI+ person is arrested and taken to a police station where they are subjected to homophobic insults, an anal examination and beatings by officers in front of

other detainees. The arrested person is then left unprotected with other detainees who further abuse them.

Incidents that *may not* amount to torture:

- Because the perpetrator is not an official:
  - A child is abused in the home;
  - A private security guard attacks people in the street.
- Because the treatment is not inflicted intentionally or for a purpose:
  - A person is accidentally injured while resisting arrest;
  - Prisoners are held in severely overcrowded conditions, with poor sanitation and insufficient food and water. These conditions cause severe suffering, but the intention and purpose cannot be established. They would probably therefore constitute CID, unless it could be demonstrated that the authorities were deliberately forcing prisoners to live in these conditions as a form of punishment, or subjecting certain categories of prisoners to particularly bad conditions (a form of discrimination).
- Because the pain or suffering is not considered sufficiently severe:
  - An able-bodied person is slapped, pushed around or insulted by the police at the time of arrest.

While these acts may not constitute torture, appropriate action can still be taken, depending on the scope of the investigation and the legal framework.

#### **Commonly used torture techniques**

- beatings with sticks, clubs, guns or other weapons; punching and kicking
- burning (for example, with cigarettes, boiling water, chemicals or melting plastic)
- electric shocks to any part of the body (including genitals)
- rape (with body part or instrument) or other forms of sexual violence or threats of sexual violence
- mock executions and death threats
- mutilation (removal of fingers, toes, nails), pulling out teeth
- exposure to excessive light, very loud noise or music, strong smells
- isolation/sensory dislocation (long periods in very bright light or complete darkness)
- sensory deprivation (through isolation, blindfolds, hoods, earmuffs, absence of human contact)
- stretching (hanging by arms, feet, wrists)

- suffocation or waterboarding
- forced injection of drugs or unknown substances
- threats of torture
- threats to harm family members, close friends or colleagues
- exposure to extreme heat or cold
- forced to stand, sit or lie in water for long periods
- sleep deprivation
- forced feeding of excrement or urine
- food and water deprivation
- deprivation of necessary medical care
- stress positions (squatting, bending down, shackling, other)
- use of Tasers
- humiliation and insults
- forced nudity
- rectal feeding or rectal rehydration
- witnessing the torture or killing of others

# Chapter 2

## Planning your investigation



**This chapter explores the core principles of investigating human rights violations, and presents how to plan your investigation.**

## 2.1 Core principles

Before embarking on an investigation, familiarize yourself with six core principles: accuracy, credibility, impartiality/objectivity, do no harm, confidentiality and gender perspective. These should guide all human rights investigations (not only those on torture) and be at the forefront of your decisions at every stage.

Adherence to these principles will strengthen the quality of your work and enhance your credibility and reputation. This, in turn, will help build trust with a wide range of sources and safeguard the security and well-being of survivors of torture and other witnesses, as well as yourself.

### 2.1.1 Accuracy

Accuracy is the backbone of investigating and reporting torture and other violations. Before stating publicly that torture has taken place or that particular individuals have been tortured, you need to be certain that this did in fact take place and that every aspect of what you are reporting is correct. Be as precise as you can, to make your work even more compelling and effective.

Accuracy relies on thorough verification (see Section 3.1). If you are unable to verify certain details, or only have second- or third-hand sources, do not include these details in public reporting. Accuracy must never be sacrificed for speed of reporting, even if a case strikes you as urgent. Governments will be quick to seize upon any errors to discredit your work. Reporting inaccurate information will undermine your credibility and could also endanger your security, as well as that of witnesses.

### 2.1.2 Credibility

Credibility entails being accepted or believed to be true, real or honest. For a human rights investigator, it is closely linked to accuracy: if you are known to publish and act only on accurate information, you will be seen as reliable and credible, and people you are seeking to influence will be more likely to take action on the basis of your information.

It is also important that survivors of torture and other witnesses perceive you to be credible and trustworthy. This will make them more likely to come forward and share information with you. Chapter 4 provides further guidance on building trust with witnesses, particularly during interviews.

Transparently discussing your methodology in any reports will help bolster your credibility, for example by explaining how you collected information (without breaching confidentiality, of course), how you reached certain conclusions and how you established patterns of torture.

### *2.1.3 Impartiality and objectivity*

Impartiality involves being non-partisan (not taking sides) and not seeking to advance a particular political, religious or other agenda. For human rights investigators, this means not taking political positions but objectively assessing the human rights conduct of all relevant actors and documenting abuses regardless of who is committing them.

It also means documenting torture and other abuses against all categories of survivors without discrimination, regardless of their ethnicity, political opinion, religion, gender or other characteristics. Collecting information from a wide variety of sources and maintaining a broad network of contacts across social, political, religious and ethnic divides will help minimize bias in your work. It will also ensure that you have access to more balanced information, which is especially important when working in highly divided or politicized contexts.

Impartiality in your investigations is vital for ensuring that the information you collect is accurate and unbiased, and is essential to building your credibility. It will also help convince witnesses to talk to you.

If one particular perspective or preconception excessively influences your investigation, it will lead to a lack of balance and compromise the objectivity and accuracy of your information. It could also distort the overall picture, for example if your investigation focuses disproportionately on torture survivors from one particular group while ignoring a potentially larger group, against whom torture may be more widespread.

Be aware of your own possible bias and of the impact of your own beliefs or background on your human rights work, as well as those of colleagues and interpreters. Also be aware of potential biases or agendas on the part of torture survivors and other witnesses. Do not let a small number of vocal witnesses influence the direction of your investigation, unless their evidence is backed up by information from other sources.

### *2.1.4 Do no harm*

The expression “do no harm” means ensuring that the people you engage with, or whose cases you are investigating, are not put at risk because of your work. Always anticipate possible risks to torture survivors and other witnesses and contacts, and to yourself, and take steps to avoid them. Collecting information should never be done at the expense of anyone’s security or well-being, including your own. If you assess that the harm resulting from your actions is likely to be too high and you cannot mitigate

against that risk, change, cancel or postpone your plans. Harm can be direct or indirect, physical, psychological or social. It can include the risk of retaliation from perpetrators, as well as the re-traumatization of torture survivors if interviews are conducted badly or you are not well prepared. It can also include social stigmatization if the identity and experiences of torture survivors are exposed.

Consider the well-being of all the people you interact with, as well as your own, at every stage of your investigation, including when deciding *what* you investigate, *where*, *when* and *how*; *who* you interview; and *how* you store, communicate and report the information. This is particularly important when working with vulnerable groups such as children or marginalized individuals or communities.

This principle can be incorporated into your investigations by conducting thorough risk assessments, taking steps ahead of time to mitigate risks and preparing security plans. Detailed advice on preparing risk assessments and security plans is included in Section 4.2 of the *Ukweli* Main Book.

### 2.1.5 Confidentiality

You should not disclose the identity or personal details of survivors and other witnesses and sources of information. You should protect these details to avoid exposing these individuals to reprisals, further abuse or stigmatization (especially in cases of sexual violence) and to respect their right to privacy.

Confidentiality means not revealing the identity of sources, and withholding details of an incident that may enable someone to identify the source (for example, the exact location or circumstances in which someone was tortured) if that would put the person at risk. This does not mean you cannot use information you have collected, but you will have to conceal or omit certain identifying details.

Always ensure you have sought the consent of torture survivors or other witnesses before using the information they have given you, even anonymously (see Section 4.1.2).

There may be exceptions to confidentiality. In some situations, **but only with the person's consent**, it may be appropriate to share some of the information with third parties such as police or judicial officials, or members of a national human rights commission, who may be able to initiate their own investigations. This will depend on the context and will vary from country to country.

Confidentiality is also paramount when communicating with sources, colleagues, authorities and other actors, and in saving and storing information.

### 2.1.6 Integrating a gender perspective

Men and boys, and women and girls, are affected differently by torture and other violations. They are targeted in different ways, have different vulnerabilities and react differently. Integrating a gender perspective into your work involves considering, investigating and analysing how torture may affect different gender groups. It may also help identify power relations, patterns of discrimination or particular forms of torture that **specifically** or **disproportionately** affect women and girls, or men and boys.

The term “**specifically**” is used when a violation is committed against someone because of their gender – for example, certain forms of sexual violence are targeted specifically and only against women and girls.

“**Disproportionately**” means that the violation is mostly perpetrated against a particular gender, but also affects the other gender less frequently. For example, torture of people suspected of belonging to armed opposition groups may disproportionately affect men and boys.

A gender perspective is crucial to properly understand torture and to accurately identify patterns. It also helps redress bias in public reporting of torture. For example, torture and other human rights violations against women and girls have frequently been under-documented, and sexual violence has often not been considered a form of torture. Similarly, sexual violence against men and boys is often under-reported because of the strong stigma associated with it.

Gender considerations must be incorporated into what you investigate and how you investigate it. This includes considering gender when deciding which cases to investigate, when identifying potential sources, and when choosing investigators and interpreters. You should also try to anticipate and plan for challenges resulting from any gender-related biases, cultural norms and assumptions you may encounter, for example in societies where attitudes towards women might inhibit your ability to interview them.

## 2.2 What to look for

### 2.2.1 What information do you need to find?

Your understanding of the human rights situation in a given country, region or community may be based on a scoping mission or another organization’s sources. Review this background information carefully to identify what problem you are seeking to address. For instance, you may want to take action on a particular incident that has been widely reported, or a series of rumours or media reports that suggest suspects are particularly vulnerable to torture at a specific police station.

List all the information you have (bearing in mind it might need to be updated) and try to answer the following questions as specifically as possible (some of which are further detailed in Annex A) to assess **how** the torture happened:

- **Who** are the presumed perpetrators (for example, police, military, paramilitaries)?
- **Who** are the primary survivors or victims (for example, sex workers, journalists, gang members, members of a particular ethnic group)?
- **Why** are these categories of people tortured? (Because they criticized the government? To punish them for alleged crimes? Because the state discriminates against a particular group – perhaps their sexuality or religious practices are criminalized? Or their ethnic group is singled out as allegedly associated with acts of terrorism?)
- **Where** does torture occur (in police stations, prisons, hospitals, secret detention centres)?
- **When** (and for how long) does it usually occur? Straight after arrest? Does it continue over several days or weeks?
- **What** happened exactly? How have people been tortured? Are there allegations of rape? What about other forms of sexual abuse and humiliation?
- **Who** has spoken out about it (for example, journalists, lawyers, national or international human rights groups)?
- **What** is the legal framework? Has your government ratified the CAT or the relevant regional human rights convention? Is torture a criminal offence in your context?
- **What** do you expect to do with the information? You may want to publish a report or press release, or consider advocacy, media work or a submission to the Committee against Torture, for example. Although it is not always possible to plan in advance, having an idea of how you might use the information will help you determine the scope of your investigation.

You may not know the answers to all the above questions in advance, but identifying the gaps will highlight what information you still need to collect and which sources to pursue, and will help shape your methodology. Bear in mind that information you already have may require checking or updating.

### Case study 1: Starting your investigation

You have been informed that a certain police station is becoming increasingly notorious for its brutal treatment of detainees. What are your next steps?

Ask yourself the following questions	Why do you need this preliminary stage?	Things to consider
<p><b>Where did the original information come from?</b></p>	<ul style="list-style-type: none"> <li>To assess its validity, avoid manipulation and retain your independence.</li> <li>Contact the original source and ask that person for further evidence, contacts or leads.</li> </ul>	<ul style="list-style-type: none"> <li>Use your past experience and trusted contacts to assess how reliable this source is.</li> <li>If the source is not known to you or your colleagues, do a quick internet search to look for clues or background information about them.</li> </ul>
<p><b>Who has recently been tortured or ill-treated at that police station?</b></p>	<p>To gain a preliminary idea of possible patterns, for example:</p> <ul style="list-style-type: none"> <li>Are certain political, ethnic or other groups especially targeted?</li> <li>Are there patterns of discrimination against a particular group?</li> <li>What form has torture or ill-treatment taken in the past?</li> <li>Is it likely to include sexual violence?</li> </ul>	<p>Sources might include:</p> <ul style="list-style-type: none"> <li>detainees and former detainees</li> <li>lawyers who have visited the police station</li> <li>other human rights investigators</li> <li>humanitarian or charitable organizations that visit detention centres</li> <li>friendly police contacts</li> <li>hospital or other medical staff who may have treated any injured detainees</li> </ul> <p>Do not limit yourself to high-profile or well-known cases.</p>
<p><b>When and where does this happen?</b></p>	<p>To identify and understand the context, for example:</p> <ul style="list-style-type: none"> <li>Have people been ill-treated at the point of arrest and/or during interrogation?</li> <li>How recent are these incidents? Are they ongoing?</li> </ul>	<ul style="list-style-type: none"> <li>Check if your organization, or other trusted organizations, has investigated torture in this police station or similar stations before.</li> <li>Identify contacts such as lawyers, survivors or other detainees who could provide information.</li> </ul>

	<ul style="list-style-type: none"> <li>• Who is responsible – for example, a particular police brigade or particular official(s)? Are senior police officers involved?</li> </ul>	<ul style="list-style-type: none"> <li>• Consult reports published by other human rights organizations.</li> </ul>
<p><b>Who and where are the survivors?</b></p>	<ul style="list-style-type: none"> <li>• To clarify whether you will be able to gather first-hand testimony, and if so, in what conditions.</li> <li>• To assess the security risks for them and you. For example, some survivors may still be in detention, while others may have been released.</li> </ul>	<ul style="list-style-type: none"> <li>• How will you identify and locate the survivors? Which contacts or intermediaries might be able to help you?</li> <li>• If there are a large number of survivors, what criteria will you use to select who you want to interview?</li> <li>• Will you be able to collect direct testimony – words you can quote in your advocacy work? Will you need interpreters?</li> <li>• How can you minimize security and other risks (for example, psychological) for the survivor and yourself?</li> <li>• If you cannot safely meet the person directly, are there reliable intermediaries, such as a lawyer, family members or former detainees?</li> </ul>
<p><b>Has anyone died as a result of torture?</b></p>	<ul style="list-style-type: none"> <li>• To indicate whether you should seek access to mortuary records or obtain information about secret burials.</li> <li>• To assess the severity of the torture.</li> </ul>	<ul style="list-style-type: none"> <li>• Check what should happen (in theory and in practice) when someone dies in custody; legal or medical contacts should be able to help you.</li> <li>• Seek out contacts in hospitals that may have treated the victim, or the mortuary.</li> <li>• Find out if any detainees witnessed the victim’s death or were with them just before or just after they died, and try to locate them.</li> </ul>

If you are preparing a case for your national or local courts, you will need to find out about the legal process and the standards of proof required. For example, unlike in a human rights investigation, witnesses may be required to give testimony in open court and would therefore not be granted anonymity. This could deter survivors from providing testimony to you.

You should also think ahead strategically about what you expect to achieve in the longer term. Try to identify:

- What needs to change in your country/region to bring an end to torture in general, and in the particular context of your current investigation?
- Who can make that change? An individual official (for example, a provincial military commander or a minister) or the structure of a particular institution (for example, the national police force)?
- What evidence will you need to engage those change makers to help achieve your goal?
- What is the best way to do this?

### *2.2.2 Information sources*

Based on your assessment of the gaps in your information, start to identify which primary and secondary sources you need to interview to gather new information and corroborate or update what you already know.

**Primary sources** are people who either have direct responsibility for what allegedly happened or can provide first-hand testimony because they experienced the torture themselves, personally witnessed it or have direct knowledge of what occurred:

- survivors of torture and ill-treatment;
- eyewitnesses such as other detainees and other survivors;
- prison staff;
- medical professionals who may have treated the survivor or mortuary staff who may have received the victim's body;
- officials who played a role in this case – for example, from the police, military or intelligence agencies who carried out the torture, witnessed it or even ordered it.

**Secondary sources** with indirect or general knowledge of the incident include:

- family members or friends of the survivor or the person who has died as a result of torture;
- representatives (formal or informal) of any group to which the survivor may belong – for example, political, religious, social, ethnic groups;
- lawyers – for example, the lawyer active on the case you are investigating, one who has experience of other torture cases or someone who observed the survivor's trial;



- prosecutors or other judicial officials, if a judicial investigation has already been announced or if you are considering pursuing this option;
- medical sources – for example, to obtain an autopsy or psychiatric report, or advise on the types of injuries likely to result from certain forms of torture;
- others who have spoken out about torture in general or about the case you are investigating:
  - the medical association
  - the bar association
  - journalists
  - other human rights defenders (local, national, regional international).

While it is usually preferable to interview your sources in person, this may put you or others at risk. Some form of risk assessment and security plan should be considered before arranging a meeting (Chapter 4 and Section 7.1 of the *Ukweli* Main Book further discuss security issues, including risk assessments and security plans).

As an investigator, you will already have a network of reliable contacts and information sources. You may find it useful to expand and diversify that network as situations evolve. For example, if a particular ethnic group is increasingly at risk of torture, you will need to develop contacts within that group. For torture investigations more generally, it is useful to maintain an up-to-date network of contacts among lawyers, doctors, police, military or intelligence officials, and prison guards (depending on which institution is responsible for the torture). Do not always rely on the same contacts, as they may not always be in a position to share information, or they could have a particular bias towards or against certain groups of detainees. Relying on a small number of contacts could also put those individuals at risk if it becomes known that they are sharing sensitive information with you.

### *2.2.3 Handling open source information*

Open source (or publicly available) information can be very useful, but does not replace information you collect directly through interviews and from other sources. It may be incomplete or present facts out of context. For example, information posted online by individual users can sometimes present direct evidence of a human rights violation, but rarely tells the full story. You must meticulously check information yourself to be sure of the allegations and put the information into context. Even information from those you believe to be credible should be analysed carefully; check it for accuracy and be prepared to be critical.

It is worth establishing a list of relevant sources for your human rights investigations in general and for your work on torture in particular. These might include:

- **United Nations (UN) reports**, such as peacekeeping mission reports specific to

your country, your country's reports to the various human rights bodies, reports by the Office of the High Commissioner for Human Rights, Commission of Inquiry reports, or Panel of Experts reports if your country is facing UN sanctions.

- **Government websites** contain a wealth of information on the composition of and levels of responsibility within the security forces and government, which legal provisions are in force, and official statements on relevant issues such as human rights, security and anti-terrorist legislation. For example, the government may announce that to deal with the threat of attack, periods of detention without trial have been extended and measures to protect detainees have been removed. Some even boast about ill-treating suspected opponents or alleged criminals. Some individual government officials or members of opposition groups have their own websites. The information they post may be biased, but can sometimes provide incriminating details, such as signing an agreement with a company that you know also supplies torture equipment.
- **State media.** Use your experience in interpreting your own government's media to question other governments' outputs. Even if the state media is tightly controlled, it might include useful statements, such as proud claims that the authorities have severely punished someone they classify as a terrorist, who you consider to be a political activist.
- **Independent media** outlets. Print newspapers, videos of interviews or radio broadcasts, many of which may be available online.
- **Academic reports** can provide useful background and add historical weight and contextual analysis to your findings.
- **Human rights reports** by organizations or individuals you consider to be independent – both inside and outside your country.
- **Satellite imagery and maps.** These can be very useful to identify a remote or unmarked detention centre. Take care to be precise and take screenshots that will convince others – for example, include a discernible landmark near the place you have identified.
- **Websites and social media** can provide a wealth of data, most of it without payment. As with any other sources, you will need to assess which are reliable. This will vary, so keep alert to changes as open source information is particularly vulnerable to manipulation. Some sources are clearly biased but are nevertheless worth consulting as they can contain valuable information. Others recycle information collected by various other people or organizations without verifying it, so always check the original source.

When handling open source information, there are important aspects to keep in mind:

- Before using sensitive information about a torture case, always seek the permission of the survivor or the victim's family – even if it is already in the public

domain. They may not have consented to the original post.

- If you use social media to publicize your own work, take care to check your information to retain your own credibility. If you publish information posted by someone else, for example by retweeting it, make clear that you have not verified the information and do not present it as fact. For example, you could write: “Check this report by X that merits further investigation.”
- Information can be removed from websites, so it is worth downloading web pages or taking a screenshot of vital information you find, with the source of that information and the date of download clearly noted for future use.

Section 8.3 of the *Ukweli* Main Book provides further details and guidance on handling open source and online information.

# Chapter 3

## Analysing your findings

**Verifying and analysing information is a crucial part of investigating. This chapter gives guidance on the verification of information and analysing patterns in your findings.**

### 3.1 Verifying information

Verification is a critical task, as you will need sufficient confidence in your information before you can state that a particular person has been subjected to torture or identify a pattern of torture. Before drawing conclusions, check whether your information meets the following three standards: consistency with other sources, credibility of sources and consistency with the context.

#### 3.1.1 Consistency with other sources

Check whether the information is consistent with other sources.

- Have other former detainees, human rights organizations or journalists spoken about torture in this place? Even if you are focusing on one or two individual cases, it is useful to interview other detainees who have been tortured in the same location and in similar circumstances to establish consistency.
- Have people associated with the survivor (perhaps from the same political or ethnic group) also been targeted for torture?
- If you have any medical details, do they seem compatible with what you already know about torture in that location?
- Does the information sound exaggerated? For example, someone may claim that hundreds of people were tortured in a particular detention centre, when you are only aware of four or five cases.

If the information is consistent, this increases the likelihood that it is true, but that is not sufficient to assert that torture has occurred. Each case still needs to be individually verified. Also be aware that discrimination against certain groups can result in under-reporting of abuses, which may partly explain the lack of consistency.

#### 3.1.2 Credibility of sources and documentary evidence

When assessing the credibility of a source, it is important to keep several points in mind.

- The information may come from someone you know and trust, such as a prison doctor or lawyer with frequent access to places of detention, and you know where they usually get their information from.
- If someone you have not met before tells you they have been tortured but is not a member of a political, social, ethnic or religious group that has previously been

targeted, their credibility is more difficult to assess. Keep in mind they may have their own motivation for wanting you to take up their case.

- A torture survivor or member of their family may be particularly nervous about speaking out. This can cause them to change their story or appear to be more emotional than factual. This does not necessarily mean that they are unreliable. Take time to talk with them and to corroborate their testimony with any factual information available.
- Compare any evidence to similar data already gathered. If it is a medical report issued by a prison official, check that the stationery is consistent with previous examples and that the language sounds plausible.
- If you received photos of injuries allegedly caused by torture, seek the opinion of a medical professional to assess whether these are consistent with other information. For example, if a photo shows a scar that appears to have pre-dated the alleged torture, it could easily be discredited by the authorities.

Always keep an open mind about credibility and remain vigilant. You will need multiple sources before raising a case through advocacy or public action. Never rely on just one source.

Cross-check all of your information with several sources that are independent of each other. Where possible, personally interview different survivors who have been tortured in the same location or by members of the same state institution. Do not assume that a piece of information is correct just because it comes from a normally trustworthy source. Even reliable sources, such as other human rights organizations or UN agencies, sometimes make mistakes, and some normally trustworthy people may recycle information from unreliable sources.

Documentary evidence can be difficult to obtain, and witnesses may have taken significant risk to provide the material. However tempting it is to publish documentary evidence, the source's security should take precedence. You may decide it is too dangerous to publish the documents. Nevertheless, save the information securely, as it could help build up a picture of how torture happens and who is responsible.

### *3.1.3 Consistency with the context*

Analyse the information based on the context in which torture usually happens. If an allegation is very different from other information concerning torture, do not discard it, but scrutinize it even more carefully. Even if the allegation is similar to other information you have received, it will still need careful checking. Some issues to consider:

- Situations evolve. For example, the appointment of a new prison governor or police chief can improve or worsen the treatment of detainees or suspects.
- Do not make assumptions. The fact that a particular detention centre has been

known to torture detainees does not mean that everyone detained there has been tortured. You will need to look into the details of individual cases.

- Similarly, a particular ethnic group may be at heightened risk of torture, but individual verification and analysis will still be required to substantiate a particular case.
- Individuals may be singled out for different treatment. For example, a political leader may be treated more harshly or an elder less harshly. The reverse may also be true: an unknown member of a minority religious group from a poor, rural background may be treated more harshly than the leaders of that group based in the capital who are more likely to speak out publicly about the torture.
- A case that sounds very familiar could be fabricated by someone trying to mislead you or to publicize their cause.

### *3.1.4 Drawing conclusions from your findings*

As your investigation evolves, you will need to check whether you have sufficient information to substantiate your allegation that one or more particular individuals were tortured in a particular place and in particular circumstances, and your analysis of the reasons and context of the torture. If you identify any gaps, you will need to address these. This may require adopting a different approach – for example, travelling to a different part of the country or seeking out a different type of contact.

If you are not able to reach an unequivocal conclusion, you may still be able to use the information you have collected. Use your experienced judgement to assess the evidence you have collected. If there is strong evidence that torture has happened, but you have not been able to verify which branch of the military was responsible, for example, you can still report it provided that you make clear that some of the information is unconfirmed. Preface your statements with phrases such as “evidence suggests that...” A tentative declaration could help trigger a comprehensive official investigation, or may act as a deterrent.

## **3.2 Establishing patterns of torture**

While identifying individual survivors of torture and documenting their experiences, it is good practice to look out for patterns that are likely to emerge. For example:

**Identity of survivors.** Collect data to ensure you can identify survivors according to gender, age group, ethnicity, religion, sexual orientation, political affiliation, suspected membership of armed groups, region, income-generating activity, and so on. For example, establishing gender patterns will enable you to explain how torture may affect women and men differently and ensure that a gender perspective is integrated into your research, or you may be able to establish a pattern of discrimination against a particular marginalized group.

**Identity of perpetrator(s).** Be as specific as possible when asking who was responsible for the torture. Note details such as the institution, the branch or unit of the security forces, their ranks, their uniforms; the language spoken; what was said; whether someone appeared to be in a position of command; the behaviour of the perpetrators (for example, did they seem drunk? Did they seem to be in charge or were they ordered to carry out torture or ill-treatment and if so, by whom?). Pay particular attention to indications of the **chain of command**. Identifying senior officials who ordered or tolerated acts of torture is particularly important if the survivor wants to seek justice.

**Methods of torture.** How were people tortured? What instruments or tools were used? What was the frequency and intensity of the torture? Was sexual violence used? What form did it take?

**Locations.** It may be easy to establish patterns of locations if torture takes place in formal settings such as prisons or police detention centres, but also note where else torture may occur – in different neighbourhoods, in remote military camps, during arrest, in private houses or in secret locations that survivors struggle to identify, particularly if they were blindfolded.

**Specific context.** Try to determine whether specific contexts make torture more likely. For example, is it linked to periods of heightened political tension, such as elections or demonstrations? Does torture tend to occur at a certain time of day, or when a particular battalion has not been paid? What usually happens just before or after incidents of torture? For example, do the police or military surround certain neighbourhoods? Do the authorities threaten particular groups of people defined by their sexuality, ethnicity, religion, nationality or other characteristic?

**Reactions of government authorities.** Keep records of official responses from the government, prison authorities, judiciary or other officials. These may be denials, attempts to justify the acts by categorizing the victims as terrorists, prosecutions or acquittals.

Clearly identifying these patterns can help in many ways:

- It can help corroborate information.
- You can better explain the context in which torture happens, which can help formulate more strategic advocacy messages.
- You can identify emerging discrimination. For example, before you can state that women have been disproportionately targeted, it would be useful to have data on how many female survivors you have identified during a given period. If a marginalized group is singled out for torture, your advocacy approach could seek specific protection for them.



- You can identify changes in behaviour among the perpetrators that will help you analyse how or why torture happens.
- If you become involved in legal cases regarding torture, your detailed analyses will add weight to your evidence and may help you target some of the individuals responsible.

### Case study 2: Assessing credibility

Below is a fictional statement by a witness.

*My name is Marie. I sell fruit and vegetables in the village market. My husband is the local secretary of the UDNR opposition party, but I am not interested in politics.*

*I came to see you because I have something very important to tell you. No one knows about this. It is a secret.*

*The other day, I was coming home from the market later than usual. It was getting dark. As I was walking along the street, I heard loud screams from the direction of the military camp. I approached to see what was happening. There is a low wall near the camp. From there, I could see the courtyard inside. I saw a military commander and about 100 people lying on the ground, face down in front of him. He was hitting them with the butt of his rifle and yelling at them. He was telling them they were all terrorists and they would die. There was blood gushing all over the place.*

*I recognized at least 25 people among those being tortured. They are innocent boys from our village. The next day, I went to visit their families. One of the boys was there. He was badly injured. His mother told me that during the two days that her son was held in the military camp, people were tortured every day. The chief of staff of the army came and tortured them, in front of everybody. Her son knew of at least 30 people who died after being tortured. Here is a photo of some of their dead bodies.*

*Please do something. You have to publish this information and these photos immediately before anyone else is harmed. You have to expose the military commander and the chief of staff. They are criminals.*

1. Do you see any potential problems in this case?
2. Would you consider using the information? If so, how?
3. What steps might you take to verify the information?

Below are some suggestions and questions arising from the statement. There are no right or wrong answers and the list below is not exhaustive.

1. What potential problems do you see?
  - The witness is an unknown source. Could she be furthering her husband's political goals by trying to discredit the government? Is it likely that she could have seen all she recounts over a wall as it was getting dark?
  - You might be wary of a photo from an unknown source. How did the boy obtain the photo? Does it look recent? What does it show? (See Chapter 5 on assessing audio-visual materials.)
  - Does the story fit with the usual patterns? Have you heard of torture at this military camp before? Has anyone else talked about recent tensions there? (See Section 3.2 on establishing patterns of torture.)
2. Would you consider using the information? If so, how?
  - It would be advisable to check the information with other sources before using it, especially because the allegations are so serious: they involve a large number of detainees and implicate senior officials.
  - The witness is putting pressure on you to publish the information. This might indicate an ulterior motive. It should make you want to verify the information with other sources, especially if you have not come across similar information before.
3. What steps might you take to verify the information?
  - As the information is confidential, you would have to be discreet in approaching other contacts and not reveal the source. You could ask trusted contacts in other human rights organizations if they have heard about reports of torture in this military camp.
  - You could ask the witness if she could put you in touch with the boy who was released after being tortured as well as other survivors, if they have been released (she says she recognized 25 people from her village).
  - You could visit the area where the military camp is located (if it is safe to do so) and see if there is a place with a low wall from which the witness might have been able to see the courtyard. You could assess whether from that distance she could plausibly have seen what was happening, recognized individual detainees and heard what the military commander was saying.

# Chapter 4

**Interviewing survivors of  
torture and other witnesses**

**Interviewing survivors of torture and other witnesses requires extra care and attention, because of their likely trauma and confidentiality issues. This chapter indicates points of attention and gives practical guidance.**

## **4.1 Good practice when working with survivors and other witnesses**

### *4.1.1 Survivors and eyewitnesses*

Most survivors of torture have been subjected to extreme physical and psychological suffering. The after-effects can last many years; some torture survivors never fully recover. You will therefore need to be sensitive to their needs.

Some survivors want to talk about what happened to them, and may even be prepared to do so publicly, for example when they have left their country. Testifying may be a form of relief but it will revive painful memories. A person who appears confident, calm and strong may become emotional, tearful or angry during an interview. You cannot always anticipate which aspects will trigger the strongest emotions, so be prepared for strong reactions even to details that may not seem significant to you.

Other survivors may not want to talk about their experience at all, perhaps because the details are too intimate, because they fear reprisal or because they want to move on with their lives. It is important to accept and respect that choice.

Often there are no direct witnesses to an act of torture, other than the survivor and the perpetrator(s). But sometimes, eyewitnesses, such as detainees, guards or security officers, may be present. The experience of watching someone being tortured can be traumatic and a form of torture in itself.

Some witnesses may not be present during the torture of others, but may see or talk to a person who was tortured soon afterwards. Co-detainees are sometimes present when a victim dies after being tortured; others may have been tortured themselves.

When preparing to interview survivors or eyewitnesses of torture, it is important to establish a referral network for those who are in need of medical care or counselling. Find out which non-governmental organizations (NGOs) in the area provide medical treatment or counselling free of charge or can provide support in other ways (see also Section 4.2).

### *4.1.2 Voluntary and informed consent*

Do not put pressure on witnesses to talk, however important you may feel it is to gather the information. If you approach them sensitively, they are more likely to want to talk to you. In some cases, it may be easier to make the initial approach through a member of their family or a trusted friend. In that case, make sure the intermediary does not try to force them to talk if they do not want to.

If a person does not agree to talk to you immediately, you can try again a few days, weeks or months later. Make sure they understand why you want to talk to them and that it could be in their interest and in the interest of other torture survivors. Try to reassure them by explaining that the interview will be confidential (see Section 4.1.3).

Sometimes you have to accept that a witness is unwilling to talk to you. Recognize the moment when you should no longer insist, show respect for them and move on. Someone who talks under duress or against their wishes is unlikely to be a good witness.

Similarly, if a witness is clearly traumatized or very distressed, you may decide to postpone or forego the interview, either because of the risk of re-traumatization or because their testimony may not be entirely reliable or coherent. Sometimes taking a break is sufficient and the witness may feel ready to be interviewed after a pause (see Section 4.3).

### *4.1.3 Confidentiality*

Most of your interviews with torture survivors or witnesses will be confidential (or shared only with your closest colleagues) unless you are compiling a legal case. Do not disclose the fact that you are interviewing torture survivors. For security reasons, however, you should tell trusted colleagues where you are going and who you are meeting.

You may want to use some of the information survivors and witnesses share with you (for example, in a report or in a letter to authorities) without mentioning their names or other identifying details, even if they want their name to be included (see Chapter 6 on security). The survivor may decide himself or herself to speak publicly, but do not take that decision on their behalf or just because they want their name to appear.

There are various ways to use information without revealing the identity of the person. If the torture is part of a common pattern and other people have been tortured in similar ways, in the same location and by officials of the same institution, it is easier to publish the information, and even use direct quotes, without it being traceable to a particular individual.

If a person's case is unique, or has unique characteristics (for example, a highly unusual form of torture), it may be more difficult. Even if you do not name them in a public document, certain aspects of the case may make it possible to identify the person. You may therefore decide to omit certain details (for example, the location where the person was arrested or tortured, or threats of a personal nature that could only refer to that individual) or find other ways to disguise the case.

If the case would still be identifiable despite all these precautions, you may only be able to use it for example in private briefing meetings or to back up information you have collected from other sources.

Never tell an interviewee what another interviewee has said, even if you do not think the information is sensitive and even if the interviewees are friends. It is a breach of confidentiality and could cause the interviewee to give similar answers, possibly leading to misinformation.

#### *4.1.4 Privacy*

Interviews with torture survivors and other witnesses should always be conducted in private. The exceptions are when a survivor wants a family member present or if an interpreter is needed.

In some situations, such as refugee camps or prisons, it may be impossible to interview people in complete privacy. In that case, try to find a location that is as discreet as possible (for example, people may see you come and go but will not be able to hear the conversation) and make sure the interviewee is as comfortable as possible with the setting.

#### *4.1.5 Working with interpreters*

If you need an interpreter, ask for a recommendation from trusted contacts who you know personally. This is important for security and confidentiality as well as competence. It may be preferable to use an interpreter of the same sex as the interviewee, particularly when interviewing someone about sexual violence.

Arrange to meet the interpreter before the interview to prepare them and to explain exactly what their role is, especially if they have not worked with human rights investigators before or have not worked on sensitive issues such as torture. Make sure they understand that everything said during the interview, as well as the fact of the interview, must remain confidential. Ensure you have a common understanding of key concepts and terminology before the interview. Warn them that they may hear shocking or distressing information.

Accurate interpretation is essential to the reliability of the interview. Give the interpreter clear instructions that they should provide a literal translation of what the interviewee says and what you say, without adding anything. Some interpreters may unintentionally give their own interpretation of what the interviewee has said, summarize it, or try to correct the interviewee. They may also deliberately give their own perspective on what the interviewee says, for different reasons, or add unsolicited contextual detail when they think it is relevant. None of these is appropriate.

Interpreters can be threatened as a direct result of their work with human rights investigators. The same security protections should therefore be in place for interpreters as for investigators and interviewees. Do not divulge their identity (they may choose to use a false name when introducing themselves to the interviewee, or to use different names with different interviewees). Always communicate with them through secure channels, and avoid arriving and leaving interview locations at the same time.

#### *4.1.6 Security*

Never put interviewees at risk. If the interview setting is not conducive, for example if there are too many people in sight or within earshot, or if you notice people staring or following you, change the location or postpone the interview.

If you proceed with the interview, remind the interviewee that they should remain vigilant and not mention the interview to other people after they leave (see also Chapter 6).

#### *4.1.7 Interviewing children*

Children may be subjected to torture or witness the torture of other detainees or family members. A number of factors should be considered before deciding whether to interview children. It is advisable to seek guidance from professionals who have experience of working with vulnerable children. Torture, particularly sexual violence, may be even more traumatic for children than adults, and the risk of re-traumatization may be greater.

- Consider whether there may be other ways of obtaining the information.
- Find out in advance whether the child has access to formal or informal support structures.
- Avoid interviewing very young children.
- If you decide to interview a child, ensure that there is another adult present, for example a parent/guardian or other trusted adult.
- Keep the interview short and use simple and clear language. If you are not sure what is appropriate for their age, listen to how they speak and use similar language and phrases.
- It can be useful to ask a child to draw something you are asking them about, especially if they are struggling to find the right words. You can ask the child to draw a picture of an event, or an aspect of it, and then explain it to you.
- Do not put words into a child's mouth, even if they are having trouble explaining something.
- Do not take photos or videos of the child.
- The best interest and well-being of the child is the most important consideration at all times.

- *For more detailed guidance on interviewing children, see Section 7.6.2 of the Ukweli Main Book.*

## 4.2 Practical considerations when interviewing survivors and other witnesses of torture

**Choosing the right setting.** The environment in which you conduct an interview is critical to its success. The priority considerations when choosing a location are privacy and security, as mentioned above. If you are meeting in an area you do not know well, you may want to ask the interviewee to suggest a suitable and discreet place, where your meeting will not attract undue attention. If you meet the same person on multiple occasions, try to choose different locations to avoid attracting unwanted attention.

Make sure your interviewee is comfortable. Even with few facilities, you can create an environment in which they feel at ease. For example, avoid sitting on opposite sides of a table, as this introduces a level of formality that might be intimidating.

**Timing.** Interviews with torture survivors should not be rushed. Allow plenty of time, especially at the beginning in order to establish trust. Some interviewees may need to take one or several breaks during the interview, or you may need to spend additional time reassuring them. Start the interview early enough to enable the person to travel home before dark.

**Introductions.** Before starting the interview, introduce yourself and your organization, as well as any colleagues or interpreters accompanying you, and explain why you want to talk to them. Some people may not be familiar with the work of human rights organizations, so take the time to explain what you do and the purpose of your work.

Avoid creating false or unrealistic expectations.

- Be clear about what you are (a human rights investigator) and what you are not. For example, explain that you are not a journalist, so will not be broadcasting the interview on the radio or on TV.
- If you are a lawyer by profession, state clearly whether you are willing (or are in a position to) formally assist the survivor in any legal case they may wish to take, or whether you are documenting torture as a human rights investigator and seeking justice in a more general sense.
- State clearly that you are not in a position to provide medicines, food or material goods.
- Some witnesses may expect some form of payment. Be clear from the start that you can never pay for an interview, and that you cannot offer money or material assistance. However, you may be able to reimburse them for their travel to and from the interview.



Most interviews are likely to be confidential (see above) except for those conducted for a legal case. Explain this at the start and tell the interviewee that even if you take notes, their name will not appear in any publication and you will not reveal information that could identify them as a source.

Explain that you will ask detailed and sensitive questions, and why these questions are important to help you understand what happened. Reassure them that if there are any questions they do not want to answer, they do not have to. If they feel distressed, they can pause at any stage of the interview and take a break. If you anticipate a witness is likely to struggle, it may be worth agreeing a way that would relax them as you start the interview. This is sometimes called a “grounding technique” and could involve taking a walk outside, sitting on their own for a while, spending a moment with their friend or child, or having a drink of water. You can then resume the interview if or when they are ready.

Finally, ask whether they consent to being interviewed in these conditions (even if they already agreed before coming).

**Recording interviews.** This is often the most reliable way to save the information and it is useful if you plan to use direct quotes in a report. However, it may not be appropriate in every situation.

- Always ask the interviewee for their explicit permission before switching on the recorder and explain what you will do (and not do) with the recording. For example, it will remain within your organization and you will only use it to check factual points; you will not broadcast it or share it with others. If the person expresses any doubt, do not record the interview.
- If you plan to use a voice recorder or a smartphone, check the sound quality before the interview.
- If you record an interview, you still need to make brief notes to recall points you need to return to later in the interview, for example a topic on which you require further detail.
- Be aware of security. Upload the recording and store it in a safe place, ideally in encrypted form or concealed in a music folder, for example. As soon as you have done so, delete it from the recorder or from your phone.
- Being recorded may be intimidating for some torture survivors. It can also alter the mood of the interview and turn it into a more formal process. If the person seems nervous and may be put off by a recorder, take detailed notes instead.

**Written notes.** If you opt to take written notes of your interview, ensure that you note names, dates and other details accurately. Where possible, note the precise words the person uses when describing what happened. This will enable you to recount the story

accurately and to use direct speech in a report. For example: “I was on my motorcycle heading home when I heard someone scream ‘stop, you cockroach’ at me” is more powerful than reporting: “He was on his way home on his motorcycle when someone hurled abuse at him.”

**Interview style.** There are various ways of conducting an interview, depending on the character and disposition of the interviewee and your personal interview style. The *Ukweli* Main Book provides generic advice on this point. This section looks more specifically at interviews on torture.

You will need to strike a balance between letting the interviewee talk freely and interrupting gently when needed. It may help to make a note of issues that need clarification or follow-up questions as you listen. Some interviewees may talk at length, and it may be useful to direct them to some extent, to ensure that they focus on the most relevant information. If you feel the interview is going off track, carefully bring the interviewee back to the main subject, for example by picking up on something important they said before they went off on a tangent.

Some investigators prefer to structure interviews chronologically. It may be difficult to stick to this model rigidly, especially if the person is distressed as a result of torture. Whatever your interview style, it is important to show you are listening and receptive. Avoid interrupting too frequently or abruptly.

Make sure your questions, especially those concerning details of the torture, do not come across as aggressive or intrusive. Many torture survivors will have experienced traumatic interrogations by security force officials and will not want to be reminded of that.

If you are working with an interpreter, explain to them how you will conduct the interview before you start. This will help them to gauge how they should perform their role more effectively.

**Personal details.** Start by asking the interviewee’s full name, age, family situation, occupation and address. These elements are vital for future reference, but also help establish a rapport before asking torture-specific questions. You can start with a few minutes of general conversation to put the person at ease, for example by talking about their family, their work or the area where they live.

**Establishing the chronology of events and the complete story.** Start by asking the person to tell you what happened, from the beginning. If the interviewee is a torture survivor, the “beginning” may be the moment when they were arrested, or even before. For example, officials may have threatened them in the previous days or weeks, or members of their family or political or social group may have been targeted in the past. Such events can be very important for understanding the context of torture.

To understand the full story, you will need to ask detailed questions about each aspect of what happened to establish the exact sequence of events. Pay particular attention to dates and locations. Witnesses may not remember all the dates, or may misremember them, especially if the event occurred some time ago. They also may find it difficult to recount events in chronological order. Try to jog their memory by giving them points of reference – for example, was it before X or Y (elections or other major events, public holidays, religious festivals, and so on).

**Factual questions about torture.** You will need to find out basic facts about the torture: what exactly happened, when and where it happened, who did it, how and why.

Make sure you distinguish between first-hand information (something the interviewee has experienced or seen themselves), information they received from other sources and unsubstantiated rumours. Unless it is obvious (for example, someone talking about how they were tortured themselves), you will need to confirm that the interviewee personally witnessed or experienced the event they are describing. If they did not, ask them how they know that it occurred. For example, an interviewee may say: “Before the military tortured me, they had already killed several people.” How does the interviewee know that? Did they see or hear the killings themselves? Did they see the dead bodies of detainees? Did other people tell them? If so, who and how did they know?

Even if the interviewee recounts events clearly, you will probably have to ask follow-up questions. It may help to break down certain statements into smaller pieces of information to obtain the necessary detail. For example, if an interviewee says “the policemen hit me hard,” you will need to ask:

- How many policemen hit you?
- Did they all hit you at the same time?
- What did they use to hit you?
- Where did they hit you (on your body)? If the answer is, for example, “on my feet,” then ask just on your feet or anywhere else?
- What did they say when they were hitting you? This is a very important question as it can indicate the perpetrators’ motive.
- How many times did they hit you? How long did they hit you for?
- Did they do anything else to you?
- Were you injured? Do you have any scars?

Some forms of torture are difficult to describe. For example, perpetrators may use objects that are not familiar to the survivor. Ask them to describe these objects in as much detail as possible, including their size, shape and colour, and whether they resembled any commonly used objects. You could ask them to draw the object from memory.

Some perpetrators inject detainees with unknown substances. The interviewee will probably not know what the substance was, but may be able to describe its colour, the size of the needle, and the physical and mental effects it caused.

Similarly, some detainees may not know where they were detained or who tortured them, but they may be able to provide clues, for example:

- What did the detention centre look like? Did they notice any landmarks outside (for example, a forest, statue, group of houses nearby)?
- Did it have one or several rooms? How big was the room in which they were detained?
- What did the person who tortured them look like? What was he wearing?  
Description of a uniform can be important to establish which force or unit they belonged to, as well as their rank.

Torture is often used to extract a confession or other information. A torture survivor may say: “I was in so much pain I told them whatever they wanted to hear.” Ask them exactly what they said under duress and whether the torture stopped after they said it. If they were made to sign a statement, ask if they were able to read it and what it said.

*Sexual violence:* Be prepared to discuss details of rape allegations made by the interviewee. Note details of other treatment that may constitute sexual abuse and humiliation, such as unjustifiable bodily searches, depriving the detainee of their clothes, parading naked people in front of others, insults of a sexual nature, being forced to perform sexual acts or pose in sexually explicit positions, or watch pornography.

*Stress positions:* Forcing detainees into extremely uncomfortable or painful positions for prolonged periods, for example with their arms and/or legs tied, is a common torture technique. If a survivor describes being forced into a stress position, you could ask them to demonstrate it physically or to do a drawing, if they are able to.

**Questions of interpretation.** Some questions will seek to understand the act of torture and place it in a political or social context. These questions are often a matter of perception rather than fact, but the interviewee’s interpretation can help you understand why the torture occurred and the motive of the perpetrators. For example:

- Why do you think the police arrested you?
- Why did they single you out, as opposed to your brother/colleagues/other members of your party?
- What do you think they meant by... (reference to a threat or insult during the torture)?

These will almost always be open questions with complex answers. The purpose is to draw out information without making assumptions or leading the interviewee towards a particular answer.

**Photos.** If the person has injuries or scars caused by the torture, ask if you can take a photo. It is usually preferable not to show the person's face or any distinctive clothing, tattoos, and so on in the photo to protect their identity. Some people may not want to show you their injuries if it involves removing some of their clothes, or they may only be willing to show them to a colleague of the same gender.

**Supporting documents.** Ask the interviewee if they have any medical, legal or other documents relating to their case and if you can make a copy. These could include doctors' certificates, documents relating to their arrest and detention (not only their torture), such as notification of arrest or charges, the judgment of a trial, or a notice of release.

**Concluding the interview.** Once you have asked all your questions, look back through your notes to make sure you have not missed anything, and ask for clarification of any points if necessary.

Ask the interviewee if they want to add anything or ask any questions themselves. Be prepared to answer questions about the purpose of the interview, even if you explained this at the start, and what they can expect from you.

If you believe the person would benefit from medical, psychological or other support, offer to put them in touch with relevant organizations (see Annex B for guidance on organizations that provide support to survivors of torture). These may be independent doctors or medical organizations, therapists, rehabilitation organizations, the International Committee of the Red Cross or UN agencies. It is always useful to have a list of these organizations' contact details on hand to share. If appropriate, you can offer to connect them or, in urgent cases, organize a referral yourself. You could ask the interviewee what they feel should happen to the people who tortured them. If they say they would like to see them brought to justice, you can offer information or advice on possible avenues, without creating unrealistic expectations. You could also put them in touch with lawyers or NGOs working on seeking justice.

Exchange contact details with the interviewee. You may need to contact them again, and they should be able to contact you too. Ask them to inform you if they encounter any problems as a result of your meeting. If you are leaving the area soon, give them the contact details of a colleague or trusted contact based in the area who they could call.

Finally, ask if they can put you in touch with other witnesses in their own case as well as other people they may know who were tortured in the same context (for example, co-detainees or co-defendants in a trial).

Annex A contains a checklist of issues related to interviewing a torture survivor or witness. This is intended as a reminder to yourself during the interview, not as a questionnaire. You do not have to follow the sequence of the questions. Be flexible to accommodate other unexpected issues that may come up during the interview.

### Case study 3: Following up an individual case of torture

Below is a fictional statement by a survivor of torture.

*My name is John. I am 35 years old. I am a taxi driver. I live in town A.*

*I have been arrested and tortured many times. I'm not sure why they keep arresting me. Five years ago, I took part in an opposition demonstration, but since then, I haven't been politically active. I'm not even a member of a political party anymore.*

*Once, they arrested my brother too. They accused him of stealing goods from a shop. They held him for a few days but they didn't torture him.*

*The last time, I was driving a client to work when the police stopped me on the street. They pulled me out of my car and beat me so hard I lost consciousness.*

*When I woke up, I was in a small room, chained to the wall. They hit me all over my body and shouted at me. I was bleeding all over. They did this several times, over several days. It was terrible.*

*There were other people detained there. I talked to some of them in the following days. They had been tortured too. One man had lost several teeth. Another had a gash across his head.*

*After five days, I was released and I was able to go home. I went to the health centre for my injuries, but they didn't have enough medicines there. I still have a lot of pain and I get bad headaches.*

*I haven't told anyone about what happened to me, but I am tired of being treated like this. What can I do? There is no justice in this country.*

1. What additional questions would you ask?
2. Are there any major gaps or contradictions in the statement?
3. Does the witness seem credible? Does his testimony fit existing patterns and context?
4. How would you follow up the interview?
5. How would you use the information?

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Below are some suggestions and questions arising from the statement. There are no right or wrong answers.

1. What additional questions would you ask?
  - How many times was he arrested and tortured previously, and when? (He

says “many times” but does not specify.) Go through each episode step by step, in chronological order.

- Which political party did he belong to?
  - Where and when was he arrested most recently?
  - Where was he detained and tortured? He may not have recognized the location if he fainted before waking up in the detention centre, but did he find out later, or when he was released?
  - Who does he think tortured him? To which institution or group did they belong? Does he know any of their names, ranks or positions?
  - What were they shouting at him?
  - How did they hit him? What did they use to torture him?
  - How many people hit him? Was it always the same people over several days?
  - Why does he think he was arrested and tortured?
  - What led to his release? Was he charged with any offence? If so, have the charges been dropped?
  - Why has he not told anyone what happened to him?
  - Can he show you any injuries resulting from the torture?
  - Does he have any medical documents or prescriptions from the health centre?
  - Does he have any official documents relating to his arrest and release?
  - He mentioned other detainees who said they were tortured: what did they tell him exactly? What happened to them? Can he describe their injuries and physical conditions? Does he know their identity?
2. Are there any major gaps or contradictions in the statement?
- There is a lack of explanation and context, which makes it difficult to understand why he was tortured. Could he be withholding some information? Try to establish the context by exploring possible reasons based on your understanding of the situation. For example, do taxi drivers or residents of his area tend to be predominantly from one ethnic group?
  - Is the arrest of his brother relevant to his own case?
3. Does the witness seem credible? Does his testimony fit existing patterns and context?
- There is no immediate reason to doubt his credibility, but it would depend on how precisely he is able to answer the additional questions and fill in the gaps.
  - If he remains vague on some points, particularly dates, locations, and reasons for his arrest and torture, this may call you to question his credibility. However, his capacity to recall certain details may be a consequence of the

torture. You can take him slowly through the chronology of events again, step by step, location by location, and see if he gives more precise answers.

- Could he be more active in the political opposition than he claims? It may be worth asking follow-up questions on that point.
  - You would need to confirm certain aspects of his statement with other sources (see below) before deciding how credible it is.
  - Consider whether the information is consistent with what you already know about patterns of torture in that location or by that institution. Is his story typical or is it unusual in some way? Does it fit in with the broader context?
4. How would you follow up the interview?
- Ask if he can put you in touch with other witnesses, particularly detainees who were tortured in the same location, and any witnesses to his arrest, for example the client he was driving to work.
  - Suggest he sees a doctor for his ongoing pain and headaches and offer him contacts of organizations or clinics that treat and support torture survivors. Research the availability of support services beforehand so that you are able to share contacts and refer him, if appropriate.
  - He says he is tired of being mistreated. Would he like to see his perpetrators brought to justice? Has he taken any steps in that direction?
5. How would you use the information?
- You would have to verify the information before using it publicly or raising it with the authorities. The most obvious next step would be to interview other detainees held at the same place and time as him. If they can confirm key parts of his statement, and ideally add further detail, you may be able to raise the case (if he agrees). You could also cross-check the information with patterns of arrest and torture that have already been documented.
  - Even if you are unable to verify all the details, you may be able to use elements of the case that resemble patterns of torture that you have already documented.
  - If the survivor wants to pursue a court case, you will need to carefully consider whether you can support him. This will depend on, among other things, your capacity and resources, your analysis of the political and legal climate, and an assessment of the security of the survivor and other potential witnesses.

### 4.3 Asking sensitive questions

Interviewing a survivor of torture involves asking detailed and personal questions, sometimes of an intimate nature. You cannot avoid these topics when investigating torture, even if you know the process may be painful for both you and the interviewee.



It can help to explain why you need to ask these questions, while acknowledging that this may be difficult for the interviewee. As suggested above, you can tell them that they can stop at any time if they feel distressed or do not want to answer certain questions.

It is important for the interviewer to show empathy. With a compassionate but professional attitude, it should be possible to strike the right balance between the need to obtain information and respecting the interviewee's dignity.

Building a rapport with the interviewee early on is crucial to knowing how far you can press them for information and how to frame your questions. Start with less sensitive questions to put the person at ease. By the time you reach the stage of talking about torture, you will need to have earned the person's trust. You will also have a sense of their disposition and be able to notice any changes in how they respond. Look out for indications of the interviewee's state of mind – some of which may be very subtle (for example, looking away, giving vague answers, changing the subject, seeming distracted) – and respond accordingly.

Survivors and other witnesses vary in their responses to sensitive questions about torture. Some may avoid certain questions or answer them indirectly. You can come back to those questions later.

Survivors can become emotional when describing how they were tortured. If the interviewee gets upset, angry or otherwise distressed, you can pause the interview. Show that you understand it is painful to revive these memories and tell them they are not obliged to continue or to talk about things that they find too difficult. In most cases, you will be able to resume the interview after a few minutes.

You may sometimes find it difficult to retain your composure when listening to graphic accounts of torture, but if you show too much emotion, it will be difficult to continue the interview. Equally, do not bombard the person with questions if they are obviously struggling with the interview.

#### **4.4 Particular considerations when interviewing survivors of sexual violence as torture**

The previous section about asking sensitive questions is particularly applicable when interviewing survivors of sexual violence. This section raises some basic points to ensure that your interview does not cause further harm.

You will need to decide who is the best person to conduct these interviews. Many female survivors of sexual violence feel more comfortable talking to women, so if possible, choose a woman. Likewise, choose a female interpreter if you need one.

The same principle may apply when interviewing male survivors of sexual violence, although some may prefer to be interviewed by a woman. Ideally you would have both a man and a woman on your team and ask the survivor who they prefer to talk to.

Even if the survivor has agreed to be interviewed, the moment when they start telling you about the sexual violence may be difficult. They may break down in tears or they may become silent. As above, allow them time to compose themselves, offer to take a break, and make sure they do not feel bad about showing their emotions. Resume the interview when they are ready to do so.

**Terminology.** Some survivors of sexual violence are reluctant to use explicit terms to describe what happened to them, because of shame, embarrassment or cultural taboos. Sexual violence against men, in particular, is taboo in many countries. Survivors may therefore speak in generalities or euphemisms.

You may need to coax them to describe what happened in more detail. This may be one of the very few situations in which it is acceptable to suggest to the interviewee what may have happened, as carefully as possible, but without putting words into their mouth. You could ask if something of a sexual nature occurred, then narrow it down further.

Many people understand sexual violence to only mean rape or attempted rape. Therefore it may be preferable to avoid this general term and instead use specific terms to describe specific acts. Many other acts, such as beatings on the genital organs, forced nudity, or humiliation and insults of a sexual nature also constitute sexual violence as an aspect of torture. Threats or insults of a sexual nature directed at the person or their relatives should also be documented.

Asking questions about sexual violence can be challenging, for the interviewer as well as the interviewee, and you will need to be patient. If, after one or two attempts, the survivor still does not want to describe what happened, continue with the rest of the interview. Answers to other questions could give you clues; for example, the survivor might talk about health problems they have suffered as a result of the sexual violence.

If survivors close down and refuse to talk about their experience, do not insist.

**Confidentiality and anonymity** are particularly important in cases of sexual violence. Make sure you explain to the interviewee that you will not publish or broadcast their name, photo or other details that would identify them. If you do take a photo or record part of the interview, with their permission, explain that you will conceal their face and distort their voice. Common techniques include interviewing survivors with their back to the camera or in semi-darkness.

## 4.5 Collecting information on other human rights violations

Torture is often accompanied by other violations, which should also be documented as much as possible:

- arbitrary arrests and detention;
- torture or ill-treatment of other detainees;
- conditions of detention (including space/overcrowding, access to food, water and hygiene, access to medical care, access to a lawyer, visits);
- deaths in custody, possibly as a result of torture;
- extrajudicial killings of detainees;
- disappearances of detainees (especially from secret detention centres where people have been tortured);
- unfair trials, particularly if defendants were convicted on the basis of information extracted under torture and if judges failed to order investigations into defendants' allegations of torture.

► *See Amnesty International Fair Trial Manual: [amnesty.org/download/Documents/8000/pol300022014en.pdf](https://www.amnesty.org/download/Documents/8000/pol300022014en.pdf)*

Multiple layers of a violation may contribute to or reinforce each other. For example, discrimination can be a factor in who is subjected to torture, and the stigma associated with sexual violence can dissuade survivors from seeking medical treatment.

Always try to gather as much detail as possible on these other violations. This will strengthen the case, enable you to put it in context and help you document patterns when interviewing multiple people. The easiest way to make sure you do not miss other information is to ask interviewees to recount the sequence of events from the beginning (see Section 4.2).

## 4.6 Following up after the initial interview

**Is the information conclusive?** After the interview, read over your notes or listen to your recording, and consider other available information on the case. Take a step back and weigh up the information you have gathered objectively. Is it sufficient to make a strong case that the person was tortured? Are there gaps or inconsistencies? You may conclude that you need to contact the person again to ask them for additional information, for copies of documents or photos, for an update about their case, or for contact details of other witnesses or torture survivors.

**Security.** Call the person after the interview to make sure they are safe. If you have cause to worry about their security, you may want to call them every few days after the interview. Keeping in touch could also be reassuring for them. For further advice, see Chapter 6 on security.

## 4.7 Handling the impact of torture

**On survivors and other witnesses.** Torture may cause long-term psychological and emotional problems, as well as physical injuries, scars or disabilities. These may not be immediately obvious when you meet survivors. Some may not have visible signs of torture; others may remain calm and avoid showing their emotions. This does not mean that they are not experiencing difficulties.

Besides the advice on how to ask sensitive questions to avoid re-traumatizing witnesses during the interview process, another precaution you can take is to try to limit the number of other people who interview them. Testifying repeatedly can be difficult for torture survivors. It can also expose them to an increasing risk of reprisals. For example, journalists or other human rights defenders may ask you for contact information for torture survivors. Think carefully before giving out the contact details of a very distressed person, and never give out any contact information without asking them first; make sure they do not feel obliged to agree to another interview.

If you believe a torture survivor would benefit from specialist assistance (whether or not they ask for it), offer to connect them to appropriate organizations (see Annex B). Be prepared for some hesitation: even if there are independent doctors and counsellors in the country, torture survivors may be reluctant to trust them. In extreme cases, some survivors have chosen not to seek medical treatment for serious injuries due to fears that medical staff may be close to the government.

For this reason, it is useful to prepare for interviews by finding out in advance what medical, psychological and other support structures are available, what type of support they offer and whether they can be trusted to be discreet. Ask close contacts, such as other human rights or humanitarian NGOs, women's organizations or UN workers, for recommendations about which organizations are most likely to respect survivors' confidentiality.

Not every country has organizations that provide specialist rehabilitation for torture victims. In exceptional cases, you may be able to arrange for a torture survivor to travel to another country, perhaps with the help of an international organization, but that will require resources, the ability to travel and complex logistics. Do not raise survivors' expectations, and do not make promises you cannot keep.

**On yourself.** In the process of trying to support and assist survivors of torture and other violations, human rights investigators often overlook their own needs.

However resilient you may be, listening to numerous accounts of torture and other acts of cruelty will affect you. During interviews, it may be possible to put some distance between yourself and the subject matter, but you have to continue working on the information afterwards and go through the details repeatedly.

Almost everyone involved in this kind of work experiences some form of negative reaction, stress and moments of fragility, especially when dealing with torture, an act designed to inflict pain and suffering. This is normal. It should not be a source of guilt or shame.

Do not ignore the impact that this work has. If you do not take steps to protect yourself, you will end up jeopardizing not only your personal well-being but also your capacity to work on torture effectively. Stress and overwork can lead you to make the wrong decisions or to act rashly without taking the time to anticipate consequences.

Human rights investigators each have their own coping strategies and will develop their own techniques, which may include:

- Pace yourself during investigations. Build in time to take breaks between interviews. Try not to schedule back-to-back torture interviews over several consecutive days.
- Talk to trusted colleagues about cases you find distressing. Working in a team and discussing issues with people who do the same type of work can be very helpful. You may be able to find practical solutions to certain problems together.
- Human rights investigators work notoriously long hours, but try to put some time aside for relaxation or leisure activities unconnected with your work.
- If you feel overwhelmed or depressed, take some time off, talk to friends or family, or visit a professional counsellor or therapist. Do not ignore these feelings.
- If you find yourself becoming too personally involved in a particular case, take a step back. Consider asking a colleague to take over the case.
- If you use interpreters, think about their well-being too. They are likely to suffer the same effects as you – perhaps even more so as they are speaking directly to the interviewee in their own language. Ensure they take breaks and make yourself available to talk to them afterwards.

# Chapter 5

Use of audio-visual materials

**The use of audio-visual materials is covered extensively in the *Ukweli* Main Book. The advice below focuses specifically on the use of audio-visual materials in torture investigations.**

### 5.1 Using your camera and smartphone securely

Many human rights investigators will be able to use a smartphone to document aspects of torture and ill-treatment – for example, by taking photos, videos or audio recordings. However, caution is required to avoid putting yourself and others at avoidable risk.

- You might be able to take photos of torture survivors or their injuries, but always ask for their permission first. If they are traumatized or distressed, take time to ensure they give their permission willingly and consciously. Likewise, do not make audio or video recordings of interviews without consent (see Chapter 4).
- Some injuries or scars resulting from torture do not show up clearly on photos. It is still worth photographing them, but if you are interviewing someone several months after the events, you could ask if they have any more recent photos that capture the injuries more clearly.
- You may be able to use your phone to photograph locations where detainees have been tortured or the surrounding areas, but only if the security situation allows. Many governments are extremely sensitive about people taking photographs or filming, even in public places, so check the environment thoroughly. Even if the environment seems safe, take the photo or video discreetly and quickly, for example from inside a car.
- Do not leave sensitive photographs or videos on your phone, even for a short time. They could easily fall into the wrong hands. Save them somewhere securely as soon as possible, then delete them from your phone.

Phones can also be used to photograph documents where a photocopier or scanner is not available. Free scanning applications (for example, Adobe) can be downloaded onto your phone to scan longer documents.

If you expect to use photos, audio recordings or videos extensively, see the detailed advice available in the *Ukweli* Main Book and the advice on digital security in Section 6.3 of this handbook. Here are some quick tips:

- As soon as you have taken the photo or recording, email it to yourself or a trusted contact using a safe, encrypted system and delete it from your phone.
- Immediately save the photos, audio recordings or videos in a secure, encrypted, password-protected folder with a name that bears no relation to the subject matter.

## 5.2 Handling audio-visual materials provided by others

Social media, as well as traditional media, can be powerful tools for raising awareness of torture, and shocking images and videos are sometimes posted on social media. Some sources act in good faith, but others may publish unattributed material for their own purposes and may sensationalize or distort a story, without respecting the dignity of the people concerned.

If you are tempted to reproduce some of these materials to add to your own findings, check where the images came from first. Images or footage posted or reposted on social media and other platforms is often manipulated, edited or fabricated. Individual users and websites frequently take other people's images or footage and post them as their own, without crediting the original source, or repost information or images that other users wrongly assume are original. If the person who posted a photo claiming to document an individual's injuries caused by torture cannot tell you where the photo came from, do not use it. Ask the same questions if someone gives you a printed photo and find out where they obtained it.

There are various things you can check:

- Photos allegedly showing injuries caused by torture to person X or a video clip showing someone being beaten may not show the survivor's face, so you may not be sure it is X. If you are in touch with that person, show them the photo or video and ask them where and when it was taken.
- With audio recordings, for example of an alleged detainee or former detainee speaking about their torture, it may be even more difficult to verify authenticity as you will probably not recognize the person's voice. If it is a prominent person, such as a politician, you may be able to compare the voice on the recording with the person's voice in media interviews online.
- Some people circulate videos of torture on social media to denounce alleged perpetrators or discredit specific government units. Others may be motivated by a genuine desire to stop torture – for example, prison guards who disagree with the practice of torture and film events secretly on their phones. Such footage can be crucial evidence in demonstrating torture, but you need to verify its authenticity. Apart from the risk of making a mistake, you could run the risk of being sued for defamation by the alleged perpetrator.
- Some photos or videos may be fake or may not show what they purport to show. For example, the footage may have been taken on a different date or in a different location, even a different country, or it may feature a different person from who it claims to show. There are basic checks you can make yourself, such as confirming that the images and sound in a video correspond. Techniques have been also developed to authenticate footage. Even if you do not have access to these, you



can use free online searches (such as Google Reverse Image Search) to find out if a particular image has been posted online before and to search for similar images for the purpose of comparison. For example, you may find that a video claiming to show someone being tortured a few days ago was circulating on the internet a year ago and was taken in a different region or country. You can also check the metadata – information embedded in a photo or video showing where and when it was taken. For advice on how to do this, see Section 8.4 of the *Ukweli* Main Book or other resources listed in Annex C.

In summary, if you notice something strange in a photo or an audio or video recording, question it and check where the image or recording came from. If you are satisfied that it is genuine, you should still check that it meets your ethical standards, for example, that the survivor has given their consent to it being used publicly. There are a surprising number of instances in which this is not the case. If you want to use the photo or footage, you should also seek permission from the person who owns it.

# Chapter 6

## Security

**This chapter provides brief pointers on how to safeguard yourself and others when investigating torture. For more detailed guidance, please refer to the *Ukweli* Main Book and to the references in Annex C.**

## 6.1 Security of survivors and other witnesses

The security of torture survivors and other witnesses is paramount when you are investigating torture; good practice is detailed in Chapter 4. However important a witness's testimony seems to be, you should never expose them to avoidable risks.

Security force officials commonly threaten detainees just before their release, warning them not to talk about what happened to them. In the period immediately following their release, former detainees who have been tortured are therefore particularly vulnerable and may be under intense surveillance.

Assess the security implications of every situation case by case, and at every stage:

- **Before the interview.** You will need to plan your initial contact carefully, bearing in mind that the survivor may be under surveillance if recently released from custody. You could ask a friend or relative of the survivor for advice on the best way to contact the person. It may be safer to set up the interview through an intermediary rather than calling the individual directly, unless you already know them. The choice of interview location will be critical. If the circumstances are not right or there are too many unanswered questions about security, postpone the interview, or even the initial contact.
- **During the interview.** Pay attention to privacy and confidentiality. Remain vigilant throughout the interview, even if you have chosen a location that appears to be safe.
- **After the interview.** Make sure the witness can get home safely; you may offer to pay for their transport, particularly if they have a long journey. It may be prudent for you not to be seen to be leaving the interview location with them or accompanying them home. You may suggest that they leave before you. Try to keep in touch with them after the interview to check they have not experienced any problems. It is not uncommon for torture survivors and witnesses to be threatened, questioned or arrested by the authorities soon after talking to human rights organizations.
- **In publications, media and advocacy work.** The security of witnesses should be a priority consideration when drafting reports or other publications: will the survivor or witnesses be identifiable, even if you do not mention their names? How can you conceal their identity to make sure the authorities cannot recognize them?

Some torture survivors may want to be named in a report, but it is better to be cautious and not reveal their identity. You have a responsibility to do everything possible to ensure that the people you interview do not come to any harm. Of course, the survivor may choose to speak out publicly, independently of your report; that is their decision and their responsibility.

If there is an official investigation or an imminent or ongoing court case – for example, if a police officer is being prosecuted for alleged torture – you should be especially vigilant for any threats against torture survivors or other witnesses who may be willing to testify.

## 6.2 Security of human rights investigators

Do not forget your own security. It is intimately linked to the security of your contacts, torture survivors and witnesses. Being careless about your security or that of your information could directly affect the security of others. If you protect yourself, you can better protect witnesses too.

Human rights investigators who document torture can easily become targets for arrest. Officials may also try to intercept or seize your information, your phone or your computer to find out what you know and who is talking to you, and harm you in the process.

Women human rights investigators may face greater risks, including sexual aggression, threats and insults, as well as discrimination and prejudice, from both witnesses and the officials they aim to influence. In some contexts, they may also be more vulnerable to threats of a personal nature or against their family. Be aware of the potential for additional risk and take extra measures to support and protect female colleagues.

## 6.3 Security of information and digital and other communications

Chapter 5 discusses the security of audio-visual materials and the use of smartphones. More detailed guidance is contained in the *Ukweli* Main Book.

A few brief reminders:

- Never leave hard copies of notes of torture interviews, documentary or material evidence, or other sensitive information lying around in offices, hotels or other public or semi-public locations. Be particularly careful about documents containing survivors' and witnesses' names or photos, or unpublished drafts of your own publications on torture.
- The same precaution applies to digital information: avoid leaving your computer unattended, even for a short period, and never leave files open. Protect all your files with passwords and change them regularly. Choose file and folder names

that are completely unrelated to the content. Never use words such as “torture” or names of individuals in file or folder names.

- Save documents, photos and other sensitive materials on an encrypted USB stick. It is much easier to hide a USB stick than a computer. However, even a USB stick can be stolen or lost, so make sure you keep a backup of all important information.
- Wherever possible, encrypt email communications. As a general rule, unencrypted emails are not safe. You can set up a free email account that automatically encrypts all messages with providers such as Proton or Tutanota. This is only secure when the people with whom you communicate also have an account with the same provider.
- Consider using code names or pseudonyms for individual survivors and witnesses, as well as for key perpetrators, in your interview notes and contact lists.
- Never leave your phone unattended, even for a few minutes.
- Try to use applications such as Signal that can automatically delete messages. For maximum security and end-to-end encryption, make sure the person with whom you are communicating is using the same application as you. At the time of writing, Signal is one of the most secure applications, but new applications are being developed all the time, so make sure you have up-to-date advice.
- Delete SMS, WhatsApp, Signal or other messages to and from torture survivors and other sensitive contacts as soon as you have sent or received them so there is no visible trace of these communications on your phone.
- Tell survivors and witnesses to delete all messages to and from you on their phones as soon as they have read or sent them. Keep reminding them to do this, as they may forget.
- Make one or several backups of important information contained in WhatsApp or SMS messages before deleting them. You can email the information to yourself or to a trusted colleague.
- Photograph or scan important documents that you only have in hard copy and save these on a computer. You could destroy the hard copies, unless they are originals, in which case you should store them somewhere safely. Depending on the level of surveillance in your country, you may want to send original documents or material evidence out of the country through a trusted colleague or friend, and store them elsewhere, for example in the office of a human rights organization in a safer country.
- Be aware that access to some websites may not be secure: third parties may be able to monitor which websites you have been reading.

# Chapter 7

**Advocacy and other actions on  
torture**

**There is a range of opportunities for advocacy on torture and CID at the national, regional and international levels. Due to its shocking nature, torture lends itself to public campaigning, but there are opportunities for private advocacy and justice-related work too.**

As explained in Chapter 1, it is important to first check which conventions or anti-torture instruments your government has ratified, and to find out whether any provisions in your national legislation prohibit torture. This will be a useful starting point to inform your advocacy message if you have strong evidence that torture has occurred, and will enable you to show that the government is violating its national and international obligations.

### **7.1 Media and other public work**

You may be able to publicize your findings through national and local media (depending on the degree of media freedom in your country), as well as international media. Social media also offers multiple ways to get your information into the public domain quickly and easily.

You will want to make your information as compelling as possible, but bear in mind that some information on torture could be off-putting or offensive, both to the dignity of the survivors and to potential audiences. Avoid showing images that are too graphic or explicit, or including details that are too personal. This is a subjective judgment, of course; it may be useful to seek the opinions of colleagues. As a general rule, let the facts speak for themselves and avoid using sensationalist language.

In longer reports, you can describe the acts and context of the torture in more detail, but make sure you always respect the dignity of survivors. You also need to secure their consent to publish the information in this way.

If you are in regular contact with a survivor whose case you want to feature in a report, you can show them the extract you have drafted about their case and check that they understand, and agree, that this is how it will appear. If some details make them hesitate or cause them distress, offer to remove them.

Telling a story in the first person is an effective way to report torture. If your publication uses direct quotes, make sure these are faithful to the original interview. You may shorten certain quotes or extract a few sentences, but do not put words into people's mouths. Remember not to include details that may enable the person to be identified.

## 7.2 National-level advocacy

### 7.2.1 Seeking government response

Engaging directly with the government to press for an end to torture is one of the most direct ways to take action; the following are key considerations to be observed in your national advocacy approach.

#### a. What is the government's responsibility with regard to torture?

Before you consider approaching the government about an allegation of torture, you need to know what its responsibilities are and therefore what it is accountable for.

States that are parties to the International Covenant on Civil and Political Rights and the UN Convention against Torture have a range of obligations:

- **A duty to investigate.** This legitimizes your demand for an investigation into reliable allegations of torture and means that a simple denial is not an adequate response.
- **A duty to enact and enforce legislation criminalizing torture.** First, check whether torture has been criminalized in your region/country. If so, that is a good starting point for advocacy. If not, part of your long-term advocacy strategy could be to persuade the government to criminalize torture. However, the adoption of legislation is just a first step. The government also has a duty to investigate (see above) and prosecute individuals found responsible for torture.
- **A duty to exclude statements obtained by torture or other ill-treatment.** If a detainee who you believe has been tortured is brought to trial, try to find out if confessions or statements that may have been gathered under torture are accepted by the court. This will enable you to evaluate the fairness of the trial. If the hearings are open to the public, try to observe the trial, or ask someone you trust to do so.
- **A duty to train personnel and provide procedural safeguards.** If your investigations indicate that prison or medical staff or members of the security forces are not adequately aware of the unlawful nature of torture, or if there are no safeguards in place to prevent it from happening, you could call for training and other reforms as part of your long-term advocacy messages.
- **A duty to grant redress and compensate victims.** When a case of torture has been proven, you could call upon the government to fulfil its obligation to compensate that person or provide other forms of redress, such as rehabilitation.

#### b. Why is it worth trying to obtain a government response?

There are three distinct reasons to seek a government response.

The first is to **gather information**. In some situations, it may seem rather pointless



to ask the government to incriminate itself by admitting that its officials have been responsible for torture. Indeed, it is rare to receive a clear-cut response from the government, and even rarer to obtain an admission that torture occurred. More often, governments will issue blanket denials or accuse witnesses of lying. They may sometimes offer convoluted counter-explanations of the events in question. However, even these counter-explanations may provide elements of information. In other situations, government officials may be less defensive and genuinely share information that you might not have been able to obtain from other sources.

The second reason is to give them a **right to reply** to allegations you intend to make. It is good practice to present your findings to the officials who have clear obligations to prevent and investigate acts of torture after you have verified the information but before you make it public. It gives them an opportunity to respond and present their side of the story and shows that you are fair and open-minded.

Third, this process will **strengthen your advocacy**. When doing media work, the first question a journalist will often ask is: what has the government said about this? Some examples are presented in the next section.

### c. How to approach the authorities and handle any response

Always approach the authorities with respect and with due attention to whatever protocols apply in a particular setting, even if they appear cumbersome.

**Written exchanges** carry the most weight as they can be reproduced in a report and presented in court, if necessary. However, officials frequently fail to respond to letters and emails. If you get no reply after sending several reminders, you can factually state “the government did not provide a response.”

If you do get a written reply, think about how you can use it in your investigation and advocacy. The government may have attempted to justify the person’s injuries by stating there was a fight in the prison on a certain date that the government has reported elsewhere as taking place two days after the individual was arrested. You could use your contacts in the prison to check if there were any reports of fighting around that time, and double check the dates of the person’s arrest and torture (for example, it may be that there was a fight at the prison, but a month before the person was arrested).

Sometimes a reply will provide you with further evidence, even effective proof of torture. For example, the government may state that the detainee is considered a terrorist as a way of justifying their ill-treatment.

In urgent cases, and if you already have a rapport with a particular official, a **telephone call** may be effective to alert the authorities that you know someone has been arrested

and may be at risk of torture. Depending on the official, you may at least obtain confirmation that the person is detained in a particular location. The disadvantage is that there will be no official record of your call, and the government may try to deny that any of its officials spoke to you. Do not delete phone logs of such calls. You could also consider recording calls to officials. You may not use these recordings immediately, or at all, especially if the official shared information with you confidentially, but they may prove useful to counter government arguments in the future.

Requesting a **meeting** with government officials can be a lengthy process but can be a useful approach in some situations. Even if you expect your request to be declined, it may still be worth formally requesting a meeting as you can use a rejection or non-response to illustrate the government's unwillingness to take torture allegations seriously.

### *7.2.2 Seeking justice*

Some torture survivors are determined to seek justice and are prepared to waive confidentiality and wait for years if necessary. You can support them by initiating or accompanying them through the legal process. This could have several purposes:

- bring the perpetrators to justice;
- seek compensation for the survivors or for the families of victims who have died as a result of torture;
- help end impunity for torture in the longer term.

Legal processes can be lengthy and expensive, and there is no guarantee of success. They also require witnesses to give up their anonymity and confidentiality, since information is likely to be shared with the police, judicial officials and teams of lawyers, including those representing the perpetrators. Torture survivors and other witnesses may also be called upon to testify in court. This can carry significant security risks. However, some torture survivors are willing to take these risks and find relief in pursuing legal action. It enables them to regain some control over their situation and can help the healing process, especially if the outcome is positive.

Even if the case is unsuccessful, it can serve as a useful first step towards seeking justice at higher levels (for example, in a regional court) or in other countries (for example, under the principle of universal jurisdiction). Some regional and international courts require that all domestic avenues be exhausted before they can consider a case, so you may have to go through this step first. Initiating a case at the national level also raises awareness of torture in your country.

For details on possible avenues of prosecution for torture and ill-treatment, including under universal jurisdiction and the International Criminal Court, see Amnesty International's *Combating Torture and Other Ill-Treatment: A Manual for Action*: [amnesty.org/download/Documents/POL3040362016ENGLISH.PDF](https://www.amnesty.org/download/Documents/POL3040362016ENGLISH.PDF).

### *7.2.3 Non-judicial mechanisms and bodies*

Many countries have a variety of other mechanisms and bodies that, in theory, have a mandate to receive and investigate complaints of torture and ill-treatment, as well as other human rights violations, for example:

- a national human rights commission
- an ombudsman
- parliamentary commissions or committees on human rights
- national preventive mechanisms (states party to the Optional Protocol to the Convention against Torture have an obligation to establish these independent national bodies to prevent torture and ill-treatment)

The degree of independence of these bodies varies. In some countries, they can be effective tools for exercising oversight and holding the government to account. In others, they are weak, heavily influenced by the government or do not dare take up cases accusing government officials of torture. Even so, it may be worth submitting complaints to them as one of many ways of putting pressure on your government. If you or the torture survivor eventually decides to pursue the legal route, or if you want to expose your government's inaction, being able to demonstrate that you approached all the relevant bodies can strengthen your case.

Some people misunderstand the role of non-judicial mechanisms and mistake them for courts. Explain the role of these bodies to the survivors or victims' families. Tell them that they are not courts and that they cannot force governments to act or pay compensation, but that they can play an important role in raising the profile of torture cases and increasing pressure on the government.

## **7.3 Regional advocacy**

Your advocacy can be directed towards regional human rights courts, such as the African Court on Human and Peoples' Rights, the Inter-American Court of Human Rights, the Arab Court of Human Rights (when it becomes operational) or the European Court of Human Rights.

Some courts, such as the East African Court of Justice, do not have a specific human rights brief but are sometimes prepared to take on serious human rights issues if the government is deemed to have breached its regional obligations. You can seek advice from lawyers who have tried to take human rights cases to these courts to decide whether this avenue is worth pursuing.

You can also submit information to regional bodies specifically mandated to look at torture, or those with a broader human rights remit such as the Inter-American Commission on Human Rights or the African Commission on Human and Peoples'

Rights. Each has its own set of procedures; international NGOs may be able to help you with these approaches and with making submissions.

## 7.4 International advocacy

### 7.4.1 *Committee against Torture*

The Committee against Torture monitors states parties' compliance with the UN Convention against Torture. It regularly receives submissions about cases and patterns of torture from national and international NGOs; these contribute substantially to its understanding of the use of torture in particular countries. NGOs can also attend the Committee's review of a government's report. Submitting information to the Committee can be an effective form of advocacy and can help raise the profile of torture in your country at the international level. As stated under Section 1.1, if your country has made a declaration under Article 22 of the Convention, the Committee has the competence to receive complaints from individuals under its jurisdiction.

- *For details of the Committee's working methods and other information, see: [ohchr.org/EN/HRBodies/CAT/Pages/WorkingMethods.aspx](http://ohchr.org/EN/HRBodies/CAT/Pages/WorkingMethods.aspx) and the AI manual on combating torture, see: [amnesty.org/download/Documents/POL3040362016ENGLISH.PDF](http://amnesty.org/download/Documents/POL3040362016ENGLISH.PDF).*

International NGOs can also advise you and may be able to facilitate advocacy approaches to the Committee.

### 7.4.2 *UN Special Rapporteur*

You can submit cases to the UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, who reports to the UN Human Rights Council and the UN General Assembly. The Special Rapporteur often acts on information received from NGOs and can raise issues and cases directly with the government concerned. You will need to present your findings clearly and provide as much evidence as possible. Mention whether you have already raised these issues with the government agencies concerned and any responses you have received.

### 7.4.3 *Individual foreign governments*

If you have contacts with individual governments that have links with your own (for example, other governments in the region, those who provide development assistance or are trade partners), you can contact them via their embassy in your country or with the help of national or international NGOs. You can draw their attention to information about torture in your country, share information with them, and ask them to raise these issues with their counterparts in your country. They could do this on a bilateral level, in a regional context (for example, in the African Union), through the UN Human Rights Council or through other international bodies or mechanisms.

## 7.5 Consent and confidentiality

Whichever approach you choose, be sure to secure the torture survivors' consent, or that of victims' families, before submitting complaints or raising individual cases with any of these bodies. Even if your submissions are confidential, some of these bodies have rules that require them to contact the government of the country concerned in order to obtain their response. Thus it is almost impossible to keep the survivors' identity secret. Make sure that the survivors or victims' families are aware of this.

It is also important to explain the likely timeframe to avoid disappointment: as with courts, the process of investigating or considering cases by these bodies can sometimes take several years.

# Annex A

Checklist of issues for  
interviewing a torture survivor  
or witness

**This checklist is not intended as an interview questionnaire. It is designed to help you prepare for interviews, refresh your memory about key questions and double check that you have covered all the important aspects when investigating torture.**

## Planning the interview

- Where will you meet? Check in advance that it is secure for you, for the interviewee and for the information you will collect.
- Have you left enough time for the interview, including extra time for breaks?
- What do you know about the person you expect to interview (for example, language, gender, ethnic group, political affiliation, health issues)?
- Do you know the basic facts about the interviewee's case? For example, were they tortured recently and in what context? If the person was tortured many years ago in a completely different context, or not tortured at all, it may not be relevant or necessary to interview them.
- What do you know already about torture in similar circumstances? The situation may have changed, but past information could help define what questions to ask.
- Who will carry out the interview? Do you need support – for example, a trustworthy interpreter, or a woman to interview a female survivor of sexual violence?
- What equipment do you need? Is it safe or desirable to record the interview? Will it be possible to take photographs?
- What support is available to offer the person after your interview? Do you have contact details of support organizations?

## Conducting the interview

Ensure you have the **interviewee's consent** – explain who you are, how you expect to use the information, and the level of anonymity or confidentiality you can offer.

Clearly **identify the interviewee** by noting personal details: full name, age, family situation, address, contact details, occupation and other defining issues.

Start with **general, less sensitive questions** to put the interviewee at ease.

Then ask **detailed questions** about the torture or other experiences the person may have been through or witnessed. Be **precise and focused** about the facts you are seeking while remaining respectful. If a first response is not clear, ask the question again, using different words, to ensure you obtain the necessary level of detail.

**Where** did the acts (which you believe may constitute torture) take place?

- The interviewee may have been tortured at the time of arrest, on arrival at the detention centre, in an interrogation room or at several different locations.

- Seek other information about the circumstances – find out if other people were there at the time of the incident, or just before or just after, and whether you could meet them.

**What happened?** If several incidents of torture occurred, clarify information about the timing, location and nature of each incident.

- Seek details about each act of torture: how did the perpetrators harm you? What objects or tools did they use? Which parts of your body were touched – either by the perpetrators or by any tools they might have used? What were your injuries or the effects of the torture?
- Be prepared to ask questions about incidents of rape as well as different forms of sexual abuse and humiliation that constitute torture.

**When did this happen?**

- The timing of each incident and the sequence of events is important (dates, duration, time of day).
- Also ask whether the torture happened at the time of arrest only, after a particular incident, and whether the behaviour of the perpetrators changed over time (either during the act of torture or a period of detention).

**Who carried out the torture?** This is an important step towards holding perpetrators accountable. It can also help establish whether torture is routine, whether the survivor was personally targeted and whether the torture was ordered by senior officials.

- If the interviewee knows the name, rank or position of the person who carried out the torture, ask them how they know this: for example, did they recognize the person from a previous encounter? Did they overhear someone calling them by their name? Was the person wearing a badge on their uniform?
- If the interviewee does not know the name of the individual(s) or the identity of their unit, ask for a description of the person or group, including height, uniform, facial features, gender, language spoken.
- If several perpetrators were involved, who was giving the orders? Did one person appear to be in charge? What were they saying to each other?
- Find out the role played by any medical personnel who may have been present either during or after the torture.

**Why did it happen?** Find out if any reasons were given before or during the torture.

- What did the perpetrators say? What questions did they ask? Did they threaten or insult the person? In what way? Was the person's political, ethnic, religious or other identity mentioned? If the interviewee can remember exactly what they said, ask them to repeat it word for word.



- Ask the interviewee why they think they were targeted. This is a question of interpretation that may generate inconsistent responses. The interviewee's interpretation may be different from the reasons given by the perpetrators. The different responses will help you analyse what may have motivated the perpetrators and establish a pattern.

### **What has been the impact of the torture?**

- Seek information about the person's general health and what impact torture has had on their well-being. This might include physical or medical problems as well as psychological changes such as memory loss, difficulty sleeping or anger. Explore these areas with care, and complement the information gathered with your own observations of the person's demeanour. Ask whether they suffered from these problems before their torture (they may have pre-existing medical conditions).
- Ask if they are still suffering from specific injuries, pains or diseases related to the torture. Gather details and collect photographic or documentary evidence if available.
- Ask if they sought medical treatment, and if so, where.

**Have you raised the issue with others?** (This question and the next one will help you gauge where you might be able to help as well as establish contact with other sources who could confirm the information.)

- Establish whether the person has already spoken with lawyers, other human rights investigators, journalists, UN or humanitarian workers (for example, the International Committee of the Red Cross, which regularly visits detention centres in many countries).
- Ask if they have reported the torture in a more formal way to the police or government authorities, to a government ombudsman or a national human rights commission. If so, ask about any response and other investigations underway.

### **What would you like to see happen now?**

- Ask if they need any support as a result of their torture. Be prepared to share details of individuals or organizations available to offer support.
- Pose an open question about what they would like to see happen to the person(s) who tortured them. Some torture survivors may want justice, but others may be too scared of possible reprisals. This will help inform your strategy for what action to take. Take care not to raise expectations.

Before closing, ensure you have contact details for any follow-up, and that the person knows precisely who you are and how to contact you. Allow a moment for any final questions from the interviewee.

# **Annex B**

**Selection of resources on  
torture**

## Other handbooks in the *Ukweli* series

Amnesty International, *Ukweli: Investigating Human Rights Violations*

Amnesty International, *Ukweli: Investigating Enforced Disappearances*

Accessible on: [amnesty.nl/actueel/ukweli-monitoring-and-documenting-human-rights-violations-in-africa](https://www.amnesty.nl/actueel/ukweli-monitoring-and-documenting-human-rights-violations-in-africa)

## Practical guides on investigating torture

- Office of the United Nations High Commission for Human Rights (2022 version). *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. [ohchr.org/en/publications/policy-and-methodological-publications/istanbul-protocol-manual-effective-o](https://www.ohchr.org/en/publications/policy-and-methodological-publications/istanbul-protocol-manual-effective-o)
  - ▶ This includes a clear and concise annex entitled “Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” as well as detailed information about legal and medical investigations into torture, including anatomical diagrams.
- Giffard, C. (2015). *The Torture Reporting Handbook* (Second Edition). University of Essex. [essex.ac.uk/hrc/documents/practice/torture-reporting-handbook-second-edition.pdf](https://www.essex.ac.uk/hrc/documents/practice/torture-reporting-handbook-second-edition.pdf)
  - ▶ Useful information about interviewing survivors of torture and guidance on taking cases to the UN Committee against Torture.
- Varouhakis, M. (2008). *Interviewing Torture Survivors*. Section 2, Part 9 in Internews (2012). *Speak Up, Speak Out: A Toolkit for Reporting on Human Rights Issues*. [internews.org/wp-content/uploads/202107//Internews\\_SpeakUpSpeakOut\\_Full.pdf](https://www.internews.org/wp-content/uploads/202107//Internews_SpeakUpSpeakOut_Full.pdf)
  - ▶ This handbook contains useful lists of do’s and don’ts when interviewing victims of torture and other specific groups.
- World Organization Against Torture (2019). *Fighting Torture in Closed Environments and From Exile*.
  - ▶ A guide on investigating and documenting torture remotely, intended primarily for human rights investigators working from exile. To request a copy, please contact OMCT, [omct.org](https://www.omct.org).

## Torture-specific reference materials – legal aspects

- Amnesty International (2016). *Combating Torture and Other Ill-Treatment. A Manual for Action*. [amnesty.org/en/documents/pol302016/4036//en/](https://www.amnesty.org/en/documents/pol302016/4036//en/)

- ▶ *This is a comprehensive guide to international and regional standards that prohibit and seek to prevent torture and other ill-treatment worldwide. It provides advice on the implementation of these standards, drawing upon the ideas, activities and achievements of anti-torture activists and experts around the world.*
- Association for the Prevention of Torture/Center for Justice and International Law (2008). *Torture in International Law: A guide to jurisprudence*.  
[apt.ch/sites/default/files/publications/jurisprudenceguide.pdf](http://apt.ch/sites/default/files/publications/jurisprudenceguide.pdf)
- ▶ *This specialized guide provides details on how torture cases have been handled by the UN Committee against Torture and regional bodies and a useful database on legal measures that various countries have taken against torture.*
- Amnesty International (2014). *Fair Trial Manual* (Second Edition).  
[amnesty.org/en/documents/POL30/002/2014/en/](http://amnesty.org/en/documents/POL30/002/2014/en/)
- ▶ *Chapter 10 of this comprehensive manual focuses on the rights to humane detention conditions and freedom from torture and ill-treatment.*

### **Organizations that provide support to survivors of torture**

The International Council for the Rehabilitation of Torture Victims (ICRTV) is a network of torture rehabilitation centres. Its website has a list of organizations around the world to help you find somewhere nearby: [irct.org](http://irct.org).

Not all organizations are part of the ICRTV network, so check whether others exist in your country or region. Some international NGOs, such as Amnesty International or Médecins sans Frontières, may also be able to recommend specialized support services.

# Annex C

Reference materials and  
resources on security of human  
rights investigators

## Primary resource

- Front Line Defenders (2016). *Workbook on Security: Practical Steps for Human Rights Defenders at Risk*. Dublin: Front Line.  
[frontlinedefenders.org/sites/default/files/workbook\\_eng\\_master.pdf](http://frontlinedefenders.org/sites/default/files/workbook_eng_master.pdf)
- ▶ *This workbook takes you through the steps to produce a security plan – for yourself and for your human rights organization (if applicable). It follows a systematic approach for assessing security and developing strategies to reduce risks.*

## Other resources

- Barcia, I. (2014). *Our Right to Safety: Women Human Rights Defenders' Holistic Approach to Protection*. Toronto, Mexico City, Cape Town: Association for Women's Rights in Development.  
[awid.org/sites/default/files/atoms/files/Our%20Right%20To%20Safety\\_FINAL.pdf](http://awid.org/sites/default/files/atoms/files/Our%20Right%20To%20Safety_FINAL.pdf)
- ▶ *This publication addresses several aspects of the security and protection of women human rights defenders. It analyses the risks and threats, protection mechanisms, and the responsibility of states to protect women human rights investigators.*
- Barry, J. and Nainar, V. (2008). *Women Human Rights Defenders' Security Strategies: Insiste, Resiste, Persiste, Existe*. Canada: Urgent Action Fund for Women's Human Rights, the Kvinna till Kvinna Foundation, Front Line.  
[frontlinedefenders.org/fr/file/1181/download?token=KrT5c5Wt](http://frontlinedefenders.org/fr/file/1181/download?token=KrT5c5Wt)
- ▶ *This book is primarily produced for women human rights investigators, providing them with information about threats they may face and a range of useful ideas about security strategies.*
- East and Horn of Africa Human Rights Defenders Project (EHAHRDP) (2012). "Human Rights Defenders Under Threat: A Field Security Approach to their Work". In: *Defending Human Rights: A Resource Book for Human Rights Defenders*. Kampala: EHAHRDP, pp. 11–17.  
[defenddefenders.org/wp-content/uploads/201107//EHAHRPD\\_Resource\\_book\\_ENG.pdf](http://defenddefenders.org/wp-content/uploads/201107//EHAHRPD_Resource_book_ENG.pdf)
- ▶ *This handbook provides human rights investigators with additional information on safety and security, risk assessments and security strategies.*
- Eguren, E. and Caraj, M. (2009). *New Protection Manual for Human Rights Defenders*. Brussels: Protection International.  
[protectioninternational.org/wp-content/uploads/202212//New-protection-manual-English.pdf](http://protectioninternational.org/wp-content/uploads/202212//New-protection-manual-English.pdf)



- **DefendDefenders** (East and Horn of Africa Human Rights Defenders Project) works in Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (and Somaliland), South Sudan, Sudan, Tanzania and Uganda. It seeks to strengthen the work of human rights defenders in these countries by reducing their vulnerability to the risks of persecution and by enhancing their capacity to effectively defend human rights. It offers capacity-building for human rights defenders and their organizations on protection mechanisms and security management, among other things.

[defenddefenders.org](http://defenddefenders.org)

Email: [info@defenddefenders.org](mailto:info@defenddefenders.org)

### Resources on digital security

- Eguren, E. and Caraj, M. (2009). *New Protection Manual for Human Rights Defenders*. Brussels: Protection International.  
[protectioninternational.org/wp-content/uploads/202212//New-protection-manual-English.pdf](http://protectioninternational.org/wp-content/uploads/202212//New-protection-manual-English.pdf)
- Vitaliev, D. and Frontline Defenders (2007). *Digital Security and Privacy for Human Rights Defenders*. Dublin: Frontline Defenders.  
[unapcict.org/sites/default/files/201901-/Digital%20Security%20-%20Privacy%20for%20Human%20Rights%20Defenders.pdf](http://unapcict.org/sites/default/files/201901-/Digital%20Security%20-%20Privacy%20for%20Human%20Rights%20Defenders.pdf)
- O'Brien, D. (2012). "Information Security". In: *Journalist Security Guide*. New York: Committee to Protect Journalists, pp. 16-23.  
[en.arij.net/wp-content/uploads/sites/302/2015//Journalist-Security-guide.pdf](http://en.arij.net/wp-content/uploads/sites/302/2015//Journalist-Security-guide.pdf)
- DefendDefenders – East and Horn of Africa Human Rights Defenders Project (2017). *Stand Up! Security Guide for Human Rights Defenders in Africa*.  
[defenddefenders.org/wp-content/uploads/201704//StandUp.pdf](http://defenddefenders.org/wp-content/uploads/201704//StandUp.pdf)

### Digital security toolkits

- **Security in a box** – created by Tactical Technology Collective and Front Line Defenders.  
[securityinabox.org/](http://securityinabox.org/)
  - ▶ *This toolkit is designed to meet the digital security and privacy needs of advocates and human rights investigators.*
- **Digital Security First-Aid Kit for Human Rights Defenders** – Association for Progressive Communications.  
[apc.org/en/irhr/digital-security-first-aid-kit](http://apc.org/en/irhr/digital-security-first-aid-kit)



- ▶ *This toolkit provides short guides for human rights investigators who are confronted with emergencies related to communication and digital security.*
- **Witness** – Best Practices: Capturing, Storing & Sharing Video Evidence. [vae.witness.org/video-as-evidence-field-guide/](http://vae.witness.org/video-as-evidence-field-guide/)
  - ▶ *This guide contains information on how human rights investigators can protect their media and store videos safely, so they can be used as evidence.*
- **Level Up** – Resources for the global digital safety training community. [level-up.cc/](http://level-up.cc/)
  - ▶ *Level Up provides support to and enables the creation of resources and sharing of knowledge within a growing network of individuals, providing digital safety training and education to technology users worldwide.*
- **Surveillance Self-Defence** – Tips, Tools and How-Tos for Safer Online Communications, Electronic Frontier Foundation. [ssd.eff.org/](http://ssd.eff.org/)
  - ▶ *This is a guide on protection from electronic surveillance. It includes step-by-step tutorials for installing and using a variety of privacy and security tools. It also aims to teach people how to think about online privacy and security in a sophisticated way that empowers them to choose appropriate tools and practices even as the tools and adversaries change around them.*

### **Organizations providing digital security support**

Front Line Defenders ([frontlinedefenders.org](http://frontlinedefenders.org))

Protection International ([protectioninternational.org](http://protectioninternational.org))

Tactical Tech ([tacticaltech.org](http://tacticaltech.org))

DefendDefenders ([defenddefenders.org](http://defenddefenders.org))

Access Now Digital Security Helpline ([accessnow.org/help/](http://accessnow.org/help/))

# UKWELI

## Investigating Torture

Every day, human rights activists and organizations across the globe are investigating human rights violations being committed in the context of conflict, shrinking civic space, or for instance, counter-terrorism policies. It is essential that such investigations are conducted accurately and consistently. The findings of high-quality and credible investigations can influence policy and practice; provide reasonable grounds to start judicial investigations; help campaign and advocate for justice, remedy and assistance for survivors and victims of violations and accountability by perpetrators. It can also generate pressure on duty bearers. Moreover, reliable investigations are crucial for building and maintaining the legitimacy and reputation of human rights organizations and activists, locally, nationally and internationally.

This practical handbook was designed for human rights investigators working on torture and ill-treatment. It provides detailed information and guidance relevant to investigating torture, verifying findings, writing reports and advocacy. It includes checklists, tips, case-studies, and practical considerations which investigators can adapt to their needs. It is designed to be used in conjunction with its main book entitled *Ukweli: Investigating human rights violations* and its condensed version *Ukweli Abridged*, which provide essential information on each stage of planning and conducting investigations into possible violations. Several thematic handbooks accompany these, which focus on investigating specific violations – including this present guide. Other handbooks focus on investigating enforced disappearances, and sexual and gender-based violence and conflict-related sexual violence.

The Human Rights Capacity-Building Programme (HURICAP) of Amnesty International Netherlands has worked with African civil society organizations in building human rights capacity for 30 years. Following the successes of working with African civil society, HURICAP started operating in the Middle East in 2016. A key part of this work has been in strengthening the knowledge and skills of local human rights organizations and activists to monitor, document, and report on human rights violations and abuses. This handbook draws on this experience.