Lesson Series 44

Getting it down: The importance of documenting human rights violations

Summary

This lesson introduces the concept of comprehensive documentation, which is essential to effective human rights campaigning and promoting social change.

To give a practical illustration of such documentation, the lesson studies three cases taken up by the Asian Human Rights Commission, initially as urgent appeals, and subsequently as campaigns. The various types of documentation used in these cases as well as the responses of the relevant governments and civil groups are also looked at.
Theme: Getting it down: The importance of documenting human rights violations

The Issue

Human rights documentation can play a significant role in campaigning and social change. Part of human rights work must include monitoring—which is what documentation comes from—and then work to change the situation. For this reason, the documentation must be able to promote change. While there may be large amounts of existing documentation on human rights, the limitations of it are that either the documentation is not shared with enough people (particularly ordinary people) or it is not of a style that is easily understood or does not inspire genuine action, which is essential for change.

The Lessons

Based on the work of the Asian Human Rights Commission (AHRC), this series consists of two lessons. The series is available on a CD-ROM, which includes multimedia components of the lessons. Please view these together with the printed text for utmost effect.

Lesson 1 outlines a comprehensive concept of documentation that is useful in understanding human rights as well as practicing it.

Lesson 2 is a multimedia component highlighting several cases undertaken by the AHRC with regards to various types of documentation and campaigning.

Cover photographs of Sitthi Naseera, Somchai Neelaphaijit and Tissa Kumara. Source: AHRC
Lesson 1

A. Comprehensive documentation

Documentation in this lesson series will refer to a comprehensive concept, where documentation becomes a means for action and social change. This is particularly important when it comes to human rights, as unless there is concrete action taken to improve the deteriorating human rights situation in Asia as well as the rest of the world, no change is possible. For this reason, any human rights documentation must be part of specific human rights work/campaigning, not an ends in itself.

Action is a result of discussion and dialogue, for which credible information is needed. Until recently, there has been a marked absence of dialogue amidst ordinary people, which is reflected by their inaction. Social change requires social participation; people will only participate when they are confident their reactions make a difference and when they are not afraid of persecution. Such persecution can in many instances take the forms of human rights violations. These violations must thus be documented. However, comprehensive documentation should not only be a record of the violation, but must include the underlying causes and consequences of the violation; in other words, must also have a certain level of analysis. Just as any successful human rights campaign for an individual case or issue must be linked to a push for substantive reforms, worthy documentation must also be linked to greater issues. In this way, the documentation must take different forms and target various groups and individuals.

While there is an absence of such comprehensive documentation, there is no dearth of literature regarding UN conventions, international laws and principles regarding human rights. There may also exist detailed documentation on specific human rights violations, such as massacres and other abuse. However, this is either not of general interest, or does not reach the right audience.

It must also be noted that documentation is built from a series of actions, as will be shown in Lesson 2, demonstrating that documentation is not just about recording the facts of an incident, but about recording responses to the incident and inspiring further responses. It is about creating a dialogue, changing attitudes. In this way, human rights documentation is firmly linked to human rights campaigning. Depending on the type of campaign and the audience, the style of documentation will differ.
B. Use and characteristics of documentation in campaigning

A successful campaign requires creative and credible documentation, which is able to spur action. When it is necessary to sustain a campaign over a long period of time, it is crucial to use innovative documentation and action to keep people’s interest alive. This means not only repeating information, but doing so in various ways.

The most important characteristic of such documentation is that it must inspire action. Keeping this in mind, the documentation must have the following aspects:

- Reach a large number of persons;
- Provide facts of the incident as well as the victim’s voice; and
- Combine a sense of urgency with long term and short term strategies for dealing with the violation.

Documentation for achieving short term strategies may include the following:

- Details regarding the individual human rights violation;
- Urge/initiate specific action regarding this violation, including taking care of the victim’s immediate needs;
- A certain amount of analysis of the issues involved in the violation.

Documentation for achieving long term strategies may include the following:

- Ideas for substantive reform of the institutions and agencies involved in violations;
- Urge/initiate action regarding legal or policy reform;
- Submissions and reports to relevant UN and other international agencies.

C. Types of documentation

While the previous sections describe the style and characteristics of useful documentation for human rights purposes, this section explains some of the documentation used by the AHRC in its work.

Going back to the idea of comprehensive documentation, it is necessary for such documentation to be composed of various kinds of documentation. Written documentation is only one component of this.
Audio-visual documentation

The AHRC has produced or collaborated to produce several videos and other audio-visual material on various human rights issues. Posters, photographs, postcards and illustrations are all examples of such material that can be used to highlight human rights concerns. The previous HRCS multimedia lesson is another good example of comprehensive documentation of a significant historical event, the Kwangju Uprising of May 1980. This uprising was a significant milestone in South Korea’s road to democracy, and the multimedia lesson (Lessons 37-37), available on a CD-ROM, shows this through photographs, a video documentary, victim testimonies and artwork, as well as written material.

The use of electronic means is also important in sharing the available human rights documentation, as it comprises a speedy and cost-effective way of transmitting information to a large, international audience. For this reason, many of the AHRC’s books are available online, and most of its textual documentation is sent out via electronic mailing lists.

Textual documentation

Urgent appeal

The urgent appeal is the most primary of the AHRC’s documentations. As it aims to inspire immediate action that alleviates a particular situation, the style is simple and succinct. The violations of concern are noted, as is information regarding the victim, perpetrator and legal principles. A list of relevant authorities to be contacted is also included, together with a sample letter to be sent to them, urging for certain kinds of action.

One primary reason for the success of this type of documentation is that it is sent out to vast numbers of individuals, civil society groups as well as government and other agencies through an email network. The use of modern communication techniques is important in effectively getting information across and protecting human rights.

Statement

While urgent appeals focus on individual cases of human rights violations, statements are theme or issue based, drawing from numerous urgent appeals of the same nature. The purpose of a statement is to analyze systemic flaws or obstacles that allow or give rise to certain violations, and to recommend actions to be taken to overcome these systemic problems.

Statements are also sent out to an email network of concerned persons and organizations. At times, these statements can be used as articles in books or journals, as well as in country reports.
Press release

Press releases are meant to attract the attention of the media, and highlight certain issues or events that are of concern to the organisation. Again, through a large email network, it is possible to ensure prompt and effective access to news agencies and publications.

Publications

There are many different kinds of publications that can be used in campaigning and documentation. There can be newsletters, periodicals and magazines, as well as collected essays and first person stories. All of these have their own uses and audiences, which will depend on the aims of the campaign.

Questions For Discussion

1. Discuss the various types of documentation you are familiar with, as well as their limitations.
2. Discuss a successful human rights campaign you took part in or are aware of. In your opinion, why was the campaign successful? How would the use of modern communications or better documentation—as described in this lesson—have enhanced the campaign?

Lesson 2

This lesson will highlight three particular cases taken up by the Asian Human Rights Commission (AHRC), initially as urgent appeals, and subsequently as campaigns regarding various issues. Each case will show how different documentation was used, together with various actions to campaign. (Please view CD-ROM for multimedia components of this lesson.)

A. Somchai Neelaphajit, Thailand

The disappearance of Somchai Neelaphajit was a grave concern not only because of the disappearance of a prominent human rights lawyer after he alleged that his clients had been tortured by the police, but also because of the larger surrounding issues of rule of law and police abuse in Thailand.

While these were the issues that the AHRC raised initially, once the campaign got underway, numerous other issues came up, such as victim and witness protection, the role of the Central Forensic Science Institute in
criminal investigations and Thailand’s criminal justice system.

The continuance of the campaign over a year was important not only in solidarity with the victim’s family, but also for keeping attention on it to pressure the Thai authorities and engage the public.

B. Sitthi Naseera, Sri Lanka

The mistaken amputation of Sitthi Naseera’s healthy leg raised concerns about medical negligence as well as Sri Lanka’s lack of effective complaint mechanisms for victims of such negligence. What emerged in the course of the campaign, were the related issues of government responses to such incidents and the creation of a dialogue around the right to health. The case was also a revealing indication of how economic, social and cultural rights are invariably linked to civil and political rights; the right to health cannot be upheld without the right to due process.

C. Tissa Palitha Kumara, Sri Lanka

Tissa Kumara’s torture and subsequent harassment by police officers is particularly indicative of the complete collapse of the rule of law in Sri Lanka. Not only was Tissa Kumara arrested and detained for a crime he never committed, but he was also tortured in custody in an attempt to force him to confess. Furthermore, his torture was such that it involved making a tuberculosis patient spit in his mouth, resulting in Kumara eventually acquiring TB.

While the purpose of the initial urgent appeal in this case was to address Kumara’s medical needs and to punish the perpetrators, as the case went on other issues arose as well: police brutality and investigation procedures, medical needs of prisoners, victim and witness protection, the lack of disciplinary procedures addressing violations by police officers.

Questions For Discussion

1. Think of the most recent case of human rights violation you are aware of. Plan a campaign using the concept of documentation as understood in this lesson. What obstacles would you have to overcome?