

**Practice Note**

**A SURVIVOR-CENTRED  
APPROACH TO  
DOCUMENTATION FOR  
CRIMINAL ACCOUNTABILITY**



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# TABLE of Contents

<b>INTRODUCTION</b>	<b>4</b>
<b>KEY CONCEPTS AND PRINCIPLES OF A SURVIVOR-CENTRED APPROACH TO DOCUMENTATION</b>	<b>6</b>
Relationships with survivors	6
Representation	7
Accompaniment	7
<b>A SURVIVOR'S PATH THROUGH THE DOCUMENTATION PROCESS</b>	<b>8</b>
<b>REACHING SURVIVORS</b>	<b>9</b>
Identifying and Mapping Survivor Communities and Conducting Outreach	9
Making Contact with Victims and Survivors, Setting and Responding to Expectations	10
Maintaining Contact: Keeping Informed of Victims' and Survivors' Whereabouts	12
Informing Survivors of Their Rights	13
Informing Survivors of Ongoing Proceedings	14
Survivor Empowerment	15
<b>IDENTIFYING AND RESPONDING TO SURVIVORS' NEEDS</b>	<b>16</b>
Accompanying and Supporting Survivors throughout the Documentation Process	16
Meeting the Needs of Survivors through Referral Pathways	18
<b>SHAPING THE METHODOLOGY AROUND SURVIVORS</b>	<b>18</b>
Documentation Protocols	18
Obtaining Informed Consent	19
Consent to participate in an interview	20
Consent to store and share data	21
Confidentiality	23
Safe & Survivor-Centred Interviewing	23
Security	27
Planning for Sustainable Data Storage and Management post-Active Documentation Phase	30
<b>PROTECTION AGAINST SECONDARY TRAUMA</b>	<b>32</b>
<b>CONCLUSION</b>	<b>33</b>

# Introduction

## Who are we?

The International Accountability Platform for Belarus (IAPB) is a coalition of non-governmental organisations (NGOs) that work together to document gross human rights violations committed in the context of the 9 August 2020 presidential elections in Belarus. Established in March 2021, the IAPB collects, verifies, preserves and analyses evidence of violations amounting to crimes under international law with a view to supporting national criminal investigative authorities who may have jurisdiction over these crimes, and international accountability bodies. The creation of the IAPB followed the publication of the Organisation for Security and Co-operation in Europe (OSCE) Moscow Mechanism rapporteur's report in November 2020, which denounced widespread torture allegedly committed by Belarusian authorities and called on States to bring perpetrators of torture to justice. The IAPB employs a survivor-centred and trauma-informed approach to collecting and preserving information and evidence of crimes under international law committed in Belarus.

Civil society is at the forefront of accountability efforts for survivors of torture and other grave crimes in Belarus. Collecting and preserving evidence is crucial for achieving accountability and redress for survivors, as such evidence can be used to enforce individual criminal liability in criminal proceedings before national and international courts. The IAPB works closely with survivors and their families, who wish to participate in this process and share with us their testimonies and documentation of human rights violations in Belarus.

## Purpose

In recent years, civil society-led accountability initiatives have multiplied, leading to the development of new survivor-centred practices. The purpose of this guide is to identify lessons learnt on the survivor-centred approach to documentation of torture and other serious human rights violations and make this knowledge available to a broader audience of initiatives engaged in documentation (further referred to also as “documenting organisations” or “documenters”).

## What does this guide cover?

This guide covers key principles in adopting a survivor-centred approach to documentation of torture and other serious international crimes, demonstrates how these can be implemented at various stages in the process of documentation by civil society organisations for the purpose of criminal accountability, and presents both lessons learnt and good practices.

Specifically, this Guide covers four phases of documentation:

## Phases of Documentation

### ● Reaching Victims and Survivors

- Identifying and mapping survivor communities
- Making contact with survivors
- Keeping track of survivors
- Informing survivors of their rights
- Informing survivors of existing proceedings

### ● Identifying and Responding to Survivors' Needs

- Accompaniment
- Conducting a holistic assessment of survivors' needs
- Meeting the needs of survivors through referral pathways

### ● Shaping the Methodology of Documentation Around Survivors

- Responding to and setting expectations
- Obtaining informed consent
- Confidentiality
- Safe and survivor-centred interviewing
- Security
- Documentation protocols
- Intersectional approaches to documentation

### ● Protection Against Secondary Trauma

- Prevention
- Recognising early signs of vicarious trauma
- Regular monitoring of staff well-being
- Professional psychological help

## Methodology

In this guide, we draw our recommendations both from the IAPB's experience working with survivors of torture and their families, as well as from consultations with external experts, including CSOs and UN-mandated investigative bodies, working on the documentation of violations of international criminal law and human rights law in different contexts. The list of organisations consulted include Freedom from Torture, Trauma Treatment International (TTI), the International, Impartial and Independent Mechanism (IIIM), the International Rehabilitation Council for Torture Victims (IRCT), the Commission for International Justice and Accountability (CIJA), and the Independent Investigative Mechanism for Myanmar (IIMM).

# Key Principles of a Survivor-Centred Approach to Documentation

In this guide, the term ‘survivor’ is used rather than ‘victim’ or ‘potential witness’. While some people who have suffered grave human rights violations prefer to refer to themselves as ‘victims’, the term ‘survivor’ is generally used to emphasise the possibility of healing and rehabilitation.<sup>1</sup> This is an important dynamic to consider as there is a high risk of survivors feeling marginalised by their role in the criminal accountability process. Criminal justice is often viewed as a matter between the State and the defendant, particularly in jurisdictions where the role of survivors is strictly limited to that of a witness in proceedings and where they do not play an active role.<sup>2</sup> It is important that the documentation process does not reinforce or contribute to such marginalisation.

A survivor is someone who experienced torture or other human rights violations, while a witness is a person who saw a crime or has information about it. The distinction is not always clear, especially when someone has a “double status,” meaning that they are a victim and a witness at the same time. Insider and expert witnesses can also provide valuable information in the documentation process.

Each survivor of torture or other grave human rights violations is different, and there cannot be a one-size-fits-all approach to working with survivors. However, there are several general key principles that should be adopted as part of a survivor-centred approach:

## Relationships with survivors

- **Responding to survivors’ needs and priorities.** Any documentation endeavour should seek to respond to the needs and priorities of survivors of torture and grave human rights violations with regard to the documentation process, its objectives and advocacy efforts. Where matters directly impact the rights of survivors, their preferences should be prioritised as much as possible within the respective organisational mandates of the documenting body or organisation.
- **Do no harm.** Any documentation endeavour should adhere to the principle of “do no harm”. Prior to conducting any documentation, organisations should ensure that they have completed context-specific due diligence, and work with survivors and partners to analyse and mitigate the social, political and security risks associated with this process. This includes making sure that measures are implemented ensuring the security of individuals who provide testimonies or evidence, and ensuring the security and confidentiality of the data and information they provided. This also implies mitigation against retaliation, re-victimisation, re-traumatisation, and taking

1 See: OHCHR, ‘*Manual on Human Rights Monitoring*,’ Chapter 12, p. 5; The World Health Organization (WHO), the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) as well as international human rights organisations such as REDRESS, Human Rights Watch, Amnesty International, Medecins sans Frontières, the International Rehabilitation Council for Torture Victims, and Dignity – Danish Institute Against Torture, equally use this terminology. See REDRESS, 2022. *Guide to Justice, Accountability and Reparations for Survivors of Torture*.

2 European Union Fundamental Rights Agency, 2019. *Victims’ rights as standards of criminal Justice: Justice for victims of violent crime*.

additional precautions when there are heightened risks of further violations. Where potential risks cannot be appropriately mitigated, engagement with survivors should not proceed.

- **Non-discrimination.** Survivors should be treated fairly and equally, irrespective of their race, religion, political beliefs, sexual orientation, gender identity, disability, language, age or any other identity or characteristic. A survivor's choice and expression of identity (such as gender, pronouns, and other characteristics) should be respected and reflected.
- **Dignity and compassion.** Survivors should be treated in a dignified and compassionate manner by everyone involved in the documentation initiative. This implies that staff behaves in an empathetic, patient and compassionate manner, in particular when victims may be anxious about being asked questions about their experience or afraid to re-live their trauma while telling their story.

## Representation

- **Managing expectations.** Documenters should be transparent with survivors about potential outcomes, including providing information on external factors that could influence these outcomes. Documenters should have honest conversations about survivors' expectations, support them to make decisions based on realistic expectations, be clear on what they can and cannot do, and on their personal and professional limitations.
- **Confidentiality and informed consent.** A survivor's right to privacy, which includes control and autonomy over their personal testimony, identity, and image, should be respected and protected. Any information gained during the documentation process should not be used or shared without a survivor's prior adequately recorded informed consent. Survivors should be made aware of their ability to withdraw consent at any given moment while the information is within the control of documenters. Once consent has been given for information to be shared with national authorities, or other accountability bodies, documenters will likely no longer have control over the information and should communicate this clearly to survivors.
- **Accountability.** Documenters should develop and implement processes to receive feedback from survivors and partner organisations, to ensure that they are abiding by the do-no-harm principle, and that the process of documentation is sensitive to and reflective of survivors' needs. Survivors should be aware of any mechanism for feedback and how they may raise any concerns or grievances they may have.

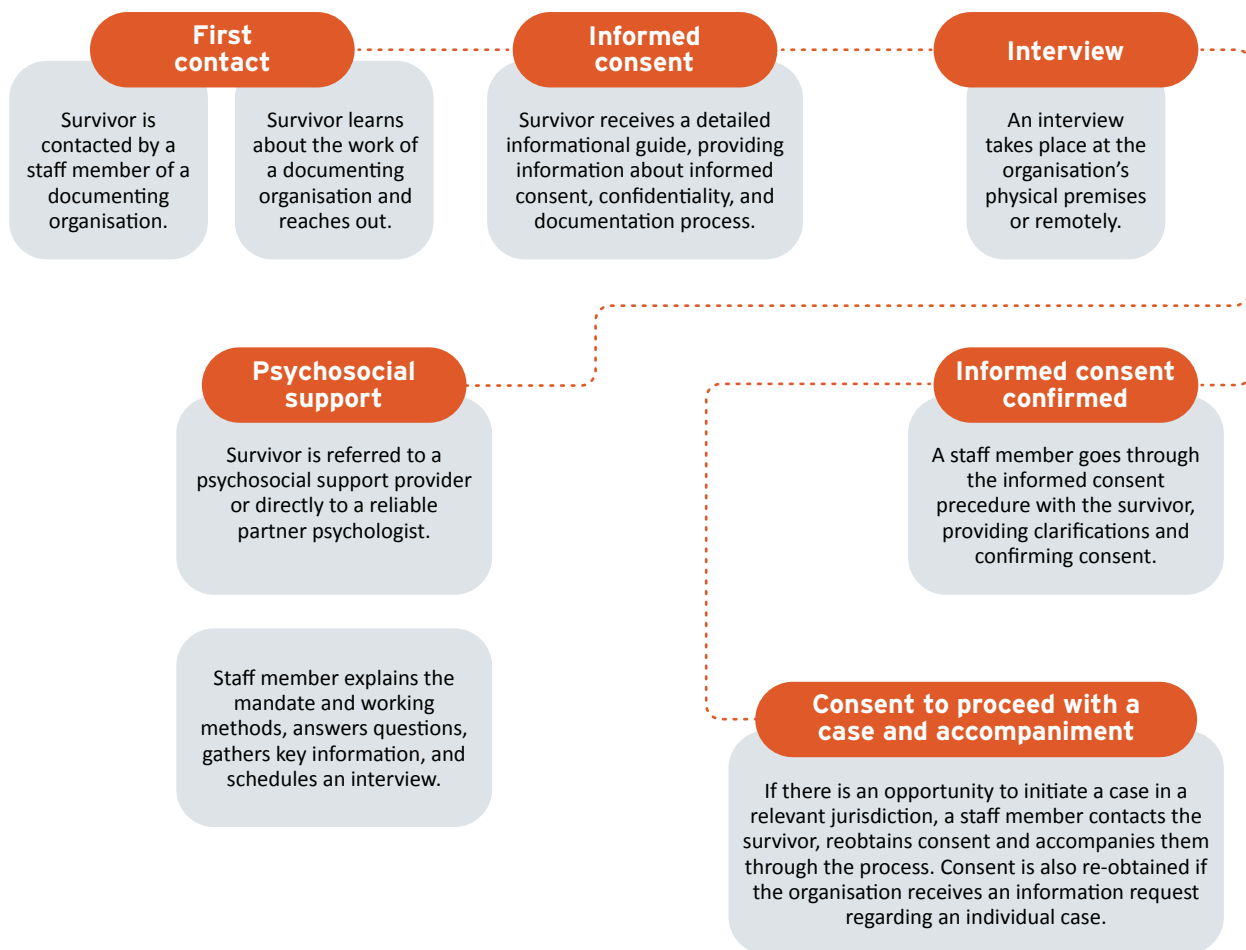
## Accompaniment

- **Holistic accompaniment.** Documenters should recognise the important role that trusted community-based groups and support services have in survivor support and rehabilitation. It is important that documenters are able to facilitate referrals to other services, where necessary, to ensure survivors' wellbeing.
- **Voluntary and informed participation.** The process of documentation should ensure survivors are actively able to make informed decisions about their participation. Documenters should continually reflect on their interaction with survivors, including taking measures to understand and minimise power imbalances to avoid influencing the survivor's decisions.

- **Planning for residual functions.** Organisations working with survivors to document crimes should ensure adequate planning for what follows after the ending of their mandate and when operations come to an end. Consideration should be given to how the information they collected will be stored, who will continue to have access, and how this will be managed, among other matters. In some cases, organisations engaged in the documentation of violations may be the sole contact a survivor has relating to seeking accountability for crimes committed against them. Organisations should take measures to ensure the existence of a focal point for survivors who provided their testimonies or information, after their mandate ends.

## A Survivor's Path through the Documentation Process

While processes may differ amongst civil society organisations conducting documentation, the following diagram provides an example of a survivor's journey through the documentation process:





Viewed this way, the key moments for a survivor in a documentation process can be identified, and organisations can reflect on whether the above principles are being incorporated throughout the process.

## Reaching Survivors

Crucially, organisations engaged in documentation need to be able to reach survivors who may be able to share their experiences with documenters. This process usually involves identifying and mapping survivor communities, and outreach activities to build relationships and encourage survivors to participate in the documentation process. How well this outreach is conducted has a significant influence on ensuring that justice processes are accessible to a wide range of survivor groups, including individuals in a position of vulnerability, structurally disadvantaged groups and communities that are sometimes marginalised in accountability processes.

Outreach and first contact with survivors should be conducted in a trauma-informed way, meaning organisations should recognise that survivors may have specific needs as a result of the trauma they have suffered. Trauma impacts survivors in different ways and these impacts should be well understood by documenters so that steps can be taken to both recognise and mitigate potential re-traumatisation during the documentation process. A trauma-informed approach is a key element of the ‘do no harm principle’. Before the documentation team starts reaching out to survivors, staff involved in this process need to have the necessary skills to engage with survivors experiencing trauma.

## Identifying and Mapping Survivor Communities and Conducting Outreach

Many survivors reach out to organisations involved in documentation after finding information online, on social media, or through a public event. It is therefore important that information about the documentation initiative is easily available and accessible to survivors, including through media (radio, television) and online sources (social media) in languages and terms accessible to different survivor groups.

In many cases, survivors can also be referred to documenting organisations by other survivors, survivor support services, or civil society organisations. It is useful to conduct a mapping of survivor support organisations and other relevant CSOs that may be directly in touch with survivors. Building relationships and establishing trust with the actors identified in this mapping, including other organisations and initiatives representing different survivor communities (such as women’s groups), can also help to reach survivors who might not otherwise have an opportunity to get in touch with documenters.<sup>3</sup> Through such efforts, survivors who use support services provided by other organisations or participate in peer support groups can receive information about justice processes and ways to participate.

Documenters should engage directly with survivors to identify and tackle barriers to their possible participation in documentation and broader justice processes: e.g., conduct outreach activities, organise online events to clarify

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<sup>3</sup> Consultation conducted by REDRESS, April 2023.

specific aspects of justice processes or share bullet-point materials explaining the work they do and providing secure ways to reach them.

Where feasible, survivor forums or other events gathering groups of survivors can also present a useful space to reach communities to inform them of an organisation's work.

## Making Contact with Victims and Survivors, Setting and Responding to Expectations

**Informed participation.** When survivors come into contact with a CSO documenting international crimes, they should be provided with comprehensive information that allows them to make an informed decision on their participation.

**Trauma-informed approach.** Documenters should always bear in mind that a survivor's participation in any documentation project will often entail recounting highly traumatic events and could put them at further risk of reprisal from authorities. Documenters must therefore take necessary precautions to avoid re-traumatisation and re-victimisation, and mitigate security concerns by ensuring that the do-no-harm principle is adhered to. This applies right from the very first point of contact, even before a survivor is interviewed. Therefore, it could be helpful to involve specialised survivor support CSOs or mental health specialists in the design of strategies for first contact with survivors.

**Setting expectations.** A central part of first contact with survivors is setting and addressing expectations. Failure to properly respond to and manage survivors' expectations of their involvement in any documentation process can create the risk of withdrawal, as survivors might quickly become disillusioned with the accountability process as it may progress only slowly, or not at all. Providing survivors with detailed and comprehensive information will help them assess the risks and make informed choices on their possible engagement with accountability bodies and criminal justice authorities.

While discussing their expectations with survivors, documenters should cover the possible avenues of accountability, how long these are likely to take, the many ways in which the information provided could be used, confidentiality and risks to the survivor. It is important not to raise expectations, particularly on issues outside of the organisation's control such as, the opening of national or international criminal investigations, or the possibility of future reparations, as these are not guaranteed.<sup>4</sup> To manage expectations in the documentation process, organisations should consider taking the following steps:

- Clearly explain your mandate at the beginning of the interview, and the goals your organisation is trying to achieve (e.g., documenting crimes for future accountability), as well as the barriers to achieving accountability in the short-term (e.g., current political situation in the country, where the crimes took place; absence of meaningful justice mechanisms).<sup>5</sup>

<sup>4</sup> Public International Law & Policy Group, 2016. *PILPG Handbook on Civil Society Documentation of Serious Human Rights Violations*.

<sup>5</sup> REDRESS Workshop on Survivor-centred Approach, December 2022.

- Explain the mandate of those institutions you might share their testimony with, as well as the possible outcomes of such information sharing.<sup>6</sup> Be very clear on what the person can realistically expect from such processes.
- In any communication with survivors, make sure they understand the words and concepts you use.
- Make sure survivors understand whether they should expect further contact from your organisation, how such contact might happen, and what else they can and cannot expect from you. Explain how survivors can contact the documenting organisation in case they have questions regarding the accountability process or other aspects.<sup>7</sup>
- Make sure survivors understand their role in the process and what is expected from them.
- If the survivor is contacted for the first time by the documenting organisation, it should be clearly explained how the contact information of the survivor was obtained. This is particularly important in situations where survivors are distrustful of authorities and/or in a dangerous security situation.
- If the first contact with a survivor is not in-person, discussing sensitive information and traumatic history should be avoided. In this case, communication should be focused on introducing the organisation and the mandate, establishing trust, checking the survivor's current safety if needed, and making arrangements for further contact.

The above outlined steps can help ensure that survivors clearly understand how the information they provide can be used and with which possible outcomes. Having clarified realistic expectations, it is important that documenters are prepared to support the survivors in making informed decisions and respect the choice they made throughout the engagement process.<sup>8</sup> This requires being prepared to be open to answering any other questions or addressing some of these points on various occasions, if documenters notice that the individual has misunderstood something.

## First Contact with Survivors

- **Ensure contact is established through secure means**
- **Clearly explain the role and objectives of your organisation**
- **Ensure that any terms that may be confusing are explained (e.g. criminal accountability, documentation)**
- **Explain possible risks that a survivor may face, and how your organisation can mitigate them**

<sup>6</sup> Public International Law & Policy Group, 2016. *PILPG Handbook on Civil Society Documentation of Serious Human Rights Violations*.

<sup>7</sup> REDRESS Workshop on Survivor-centred Approach, December 2022.

<sup>8</sup> Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence ([Murad Code](#)), 2022.

The way in which information is shared with survivors will be highly dependent on the context, and the circumstances of each individual. Providing this material in written form will however rarely be enough (or even desirable where possessing written material may present a risk), and organisations should ensure that this information is being shared in a way that survivors understand and can relate to. For example, the Independent Investigative Mechanism for Myanmar (IIMM) highlighted the fact that many of the individuals with whom they engage are not familiar with the judicial process and described using role play as a means for survivors to better understand what participation in the documentation process and any subsequent criminal accountability measures may entail.<sup>9</sup>

Another important consideration that should be addressed at the stage of making contact and setting expectations is setting up a feedback mechanism that survivors can use at any stage of the process. In line with the guiding principle of accountability (see [Key Principles section](#)), setting up a feedback mechanism is a step to ensure that the documenting organisation respects its obligation of accountability. Regularly gathering, analysing, and incorporating feedback can help ensure that the documentation process is sensitive to and reflective of survivors' needs.<sup>10</sup> Documenters should inform survivors of the existence of such a mechanism and how it can be used to provide feedback. Where possible, survivors should be offered a possibility to provide anonymous feedback through a range of different, secure and context-appropriate means, for example, by phone and through an online form.

## Maintaining Contact: Keeping Informed of Victims' and Survivors' Whereabouts

Accountability is inevitably a long-term process, and survivors may need to be reached many years after they initially gave information. At the same time, survivors may never actually be contacted by judicial authorities. Maintaining contact with survivors presents a particular challenge, as survivors may change their location repeatedly due to various factors (e.g., visa regulations, security threats, armed conflicts, or personal circumstances).

Ensuring that organisations record up-to-date information on survivors' locations is important with a view to continually renewing and updating consent as needed, and inform survivors of key developments with relevant national authorities at a later stage. This can be done by ensuring that interview templates enable documenters to gather contact information from the survivor and persons close to them. This could include any information that could help investigators reach an individual some years down the line.<sup>11</sup>

In the short-term, assigning an individual contact person from the organisation (e.g., interviewer, investigator etc.) to a survivor can also avoid situations where contact is lost. In cases where survivors have one single contact point, they are more likely to update the organisation when they are moving or changing telephone numbers, as a relationship of trust is built between the survivor and their contact point.

<sup>9</sup> Consultation conducted by REDRESS, April 2023.

<sup>10</sup> Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence ([Murad Code](#)), 2022, para 8.8.

<sup>11</sup> Consultation conducted by REDRESS, March 2023.

Another possible strategy to avoid losing contact with survivors is to conduct regular check-ups through secure means of communication, such as protected messengers or encrypted emails. Regularly reaching out to survivors can serve not only as an opportunity to remind them that it is important to update their contact information and location in case there are any changes, but also as a way to share information and updates on the latest justice and accountability-related developments. Such check-ups can be conducted annually or on a more regular basis, e.g., every six months.

## Informing Survivors of Their Rights

International human rights law recognises that individuals whose rights have been violated must be granted an effective remedy.<sup>12</sup> Survivors also have the right to receive information, to be protected against intimidation and retaliation, and to obtain reparation.<sup>13</sup> These rights have been enshrined in international treaties, and the obligation to fulfil these rights lies with the States Parties. Further, EU Member States have an obligation to ensure the implementation of the rights provided for in the EU Victims' Rights Directive. The Directive establishes minimum standards on the rights, support and protection of victims of crime in the EU. It provides for the rights of victims and their family members to information, proper support and protection, and strengthens the victims' procedural rights in criminal proceedings.<sup>14</sup>

It is good practice for the documenting organisations to inform survivors of their rights in relevant proceedings. Practically, this may be difficult to do, as organisations will often not be in a position to predict which States or bodies may exercise jurisdiction and meet their obligations towards survivors and witnesses. Moreover, survivors' rights and their implementation in practice can also differ significantly depending on a particular jurisdiction or an accountability body. As such, where this is not known, general information about survivors' rights and what they may entail, such as the right to remedy and reparation, can still be provided.

Survivors who are pursuing accountability in the EU countries (for example, under the universal jurisdiction principle, or in case an EU State has another jurisdictional basis to investigate and prosecute) should, at a minimum, be informed of their rights under the Victims' Rights Directive, as the Directive is binding for all EU States. These rights include the following:

<sup>12</sup> See e.g. International Covenant on Civil and Political Rights (ICCPR), art. 2(3).

<sup>13</sup> See e.g. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 13-14; International Convention for the Protection of All Persons from Enforced Disappearance, art. 12, 15, 24. See also [Report of the International Law Commission](#), Draft Articles on Prevention and Punishment of Crimes against Humanity (Chapter IV).

<sup>14</sup> [Directive 2012/29 EU](#) of the European Parliament and of the Council of 25 October 2012.

# Survivors' Rights

## ● Right to information and support

- Right to receive information from the first contact
- Right to receive information about their case
- Right to interpretation and translation
- Right to access victim support services

## ● Right to participate in criminal proceedings

- Right to be heard and provide evidence in criminal proceedings
- Right to safeguards from intimidation and retaliation during criminal proceedings
- Right to legal aid
- Right to decision on compensation

## ● Right to protection

- Right to protection from intimidation and from retaliation, including against the risk of emotional or psychological harm
- Right to protection of privacy
- Right to protection of victims with specific protection needs
- Intersectional approaches to documentation

While it is a State obligation to ensure that these rights are upheld, documentation organisations can play an important role in ensuring survivors are aware of their rights. Organisations should ensure that they explain these rights to survivors, and could endeavour to prepare and share material that would allow for information to be disseminated in an accessible manner and languages.

## Informing Survivors of Ongoing Proceedings

Keeping survivors informed of ongoing proceedings can be a challenge, particularly when justice processes drag on for years. Moreover, often documenting organisations may not be aware about all investigations taking place, or on their status as national justice institutions may not make this public. Documenting organisations should nonetheless employ reasonable efforts to make information about such processes available, to the extent possible, to survivors and affected communities. Considering the practical difficulties outlined above, organisations should prioritise communicating information about key developments that can bring a sense of justice to broader affected communities, such as a landmark judgment in a universal jurisdiction case in a particular jurisdiction or an opening of an investigation by the prosecutor of the International Criminal Court. This should be done through different outreach channels in a format and language that is easily understandable by survivors.

Depending on a specific jurisdiction, survivors who have a status of victims in ongoing cases have a right to be informed about developments in the proceedings related to the case. Although the obligation to provide such information lies with the national authorities, documenting organisations should, where possible, inform survivors of this right.

## Survivor Empowerment

Survivors of human rights violations often lack resources and opportunities to ensure that their voices are heard, and that they are a driving force in the accountability processes.<sup>15</sup> The resulting dynamics can discourage survivors from pursuing and participating in justice processes, especially where justice takes decades to achieve, and primary perpetrators of human rights and international criminal law violations remain in power. Documenting organisations need to take an active role in creating the conditions to empower survivors to pursue justice and accountability, through incorporating survivor empowerment strategies into their work.

Survivor empowerment promotes the resourcefulness of survivors by facilitating their access to a range of support services and providing opportunities to build their own capacities, support networks, and act on their own choices.<sup>16</sup> Empowerment can be defined as having control, being listened to and recognised and having one's choices respected by others.<sup>17</sup> Survivor participation is an essential element of survivor empowerment, meaning that survivors should have the opportunity to participate in processes that are aimed to empower them.

It is important that survivor empowerment strategies are aimed at involving survivors not only in legal processes but also in non-legal efforts, such as advocacy or campaigning. Considering that the opening of universal jurisdiction cases or other courtroom proceedings may happen years after the violations took place, pursuing non-legal efforts such as advocacy or campaigning, which can bring other types of interim justice or at the very least shed light on the violations, can help survivors to restore a sense of control and feel heard.

Key elements of survivor empowerment strategies include:

- **Holistic support.** Survivors' needs should be addressed so that they are able to play an active role in accountability processes if they wish to.
- **Transparent communication.** Communication is key from the first contact with survivors and affected communities. To maintain communication in the long term, organisations might consider, subject to prior security assessment, solutions such as hosting regular meetings with survivors or creating a regular newsletter with updates on ongoing processes, while taking into account considerations of (cyber) security.<sup>18</sup> Safe spaces for communication should allow survivors to share their ideas and experiences and be conducive to interactions on an equal footing, with the understanding and respect for survivors' agency.

<sup>15</sup> ECCHR, January 2020. *Self-Empowerment of Survivors of International Crimes*, p. 1.

<sup>16</sup> OHCHR, 2009. *National Policy Guidelines for Victim Empowerment*, p. 3.

<sup>17</sup> Ibid.

<sup>18</sup> OHCHR, 2009. *National Policy Guidelines for Victim Empowerment*, p. 6.

Meaningful engagement should be established not only with survivors who are directly involved in the documentation work (or other work of the organisation), but also broader grassroots survivor groups.

- **Responding to expectations.** Survivors need to be informed about the limits of the actions being taken, what is possible and what is not.
- **Do no harm.** While pursuing survivor empowerment, organisations should be aware of their duty to respect the “do no harm” principle and discuss factors such as, for instance, potential consequences of publicly speaking to the media. Consideration can be given to providing relevant training to survivors who make a choice to participate in public advocacy and preparing and sensitizing their relatives who may face consequences from their work.
- **Participation.** Survivors should have the opportunity to participate fully in the accountability process - beyond their role as victims or witnesses for the purpose of documentation or judicial proceedings. This could include involvement in the design of strategies for accountability and related advocacy. The documenting organisation should ensure that concrete and context-appropriate steps are taken to involve survivors and provide them with an opportunity to participate at various stages of the documentation process. Particular attention should be paid to historically marginalised groups and individuals in situations of vulnerability.

## Identifying and Responding to Survivors' Needs

### Accompanying and Supporting Survivors throughout the Documentation Process

**Accompaniment.** Seeking justice can be rewarding and empowering for survivors, and can be an important component of healing from the traumatic experience of torture or other human rights violations.<sup>19</sup> However, engaging with accountability bodies and judicial authorities can be stressful and may even lead to re-traumatisation. The pursuit of accountability is not easy for a number of reasons, including the lack of available legal mechanisms, lengthy and complicated procedures, absence of guarantees that harm will be repaired, and the need to recount the experience of torture or other harm at different stages of the process. These are some of the reasons why survivors need comprehensive support and accompaniment along the way.<sup>20</sup> The actors involved in documentation work should accompany survivors through the process. In practice, accompaniment may entail:

- Allowing survivors to express their expectations and priorities;
- Providing expertise and advice to support survivors in making decisions related to the accountability process, to ensure that survivors can make informed choices regarding their participation and potential and ongoing justice processes.

<sup>19</sup> REDRESS, 2022. *Guide to Justice, Accountability and Reparations for Survivors of Torture*.

<sup>20</sup> REDRESS, 2021. *Practice Note: Holistic Strategic Litigation Against Torture*.



Accompaniment also requires enabling survivors' access to medical and psychosocial support services. To determine what kind of support a survivor may require, a holistic assessment of the survivor's needs should be conducted as soon as documenters come into contact with the survivor. This assessment should consider any medical, social, and psychological support needs that a survivor may have. Crucially, consideration needs to be given to data protection and security considerations (see more information in sections on [Confidentiality](#) and [Security](#) below).

While it is important to record the survivors' needs in the process of holistic assessment, staff members also need to carefully explain to the survivor their capacities and possible limitations to their intervention, so as to avoid raising expectations. Staff will also need to be mindful of data protection requirements in their jurisdiction and get the consent of the survivor to document the assessment (see more information on data protection in the section on [Obtaining Informed Consent](#)). In cases where needs cannot be addressed through available resources or existing referral pathways, the organisation should seek opportunities to develop its capacities or build relevant networks to be able to address these needs in the future.

**Personalised assessment.** Any assessment of a survivor's needs should take into account various individual factors and the societal context and not be based on pre-defined assumptions around what constitutes a vulnerable person (for example, based solely on the person's gender or experience of trauma). There is no "one size fits all" approach to conducting this kind of assessment and its scope might depend on the capacity of the organisation to respond to needs. For example, some organisations may choose to use a standardised questionnaire to help guide the assessment, an approach that is particularly useful when assessments are conducted by those without specialised training on the impact of certain crimes. Alternatively, an unscripted conversation guided by a professional who is trained to understand the specific impacts of torture and other grave human rights violations on survivors will often lead to a better outcome and may be experienced as less formalistic for the survivor. It is important that staff receive training on how to identify the needs of survivors and conduct such assessments.

An assessment could comprise the following:

- General information about the survivor, including name, gender, date of birth and contact details;
- The survivor's communication needs, including languages spoken and any disabilities or limitations (for example, if the survivor is illiterate, such information should be recorded);
- Summary of the human rights violation(s) they experienced;
- Whether the survivor remains at risk for his/ her security;
- The impact human rights violations had on the survivor and their family, including medical, psychological and social impacts, whether those are being addressed and to what extent;
- Potential protection or support measures the survivor seeks.

It is crucial that these needs are recorded so that the organisation can tailor its support and accompaniment to the individual needs. They can also be reassessed throughout an organisation's contact with a survivor, and the support should be adjusted accordingly.

## Meeting the Needs of Survivors through Referral Pathways

The spectrum of needs of survivors is wide and varied, and often an organisation conducting documentation will not be equipped to deal with all a survivors' support needs. This is especially relevant in cases of mass violations, where large numbers of survivors have been affected. As a result, developing strong referral pathways to ensure access to specialised support systems that can meet those needs is key. Strong referral systems also increase the capacity of organisations conducting documentation to engage with broader communities of survivors who may already be in touch with certain providers. A referral pathway linking survivors to services that provide health care, social, psychosocial and legal support, and shelter, is therefore an integral part of the survivor-centred approach.

Referrals should be prompt and direct where possible to avoid a situation where a victim is bounced between support providers. An important first step in setting up referral pathways, is mapping organisations that work with survivors and identifying those which can provide quality services. Organisations can keep an up-to-date list of organisations or individuals providing specialised support to survivors to facilitate quick referrals.

## Shaping the Methodology Around Survivors

### Internal Protocols

A protocol is a written document that lays out a process to be followed by staff members at various stages of the documentation process. Protocols are an important tool to ensure a survivor-centred approach is maintained throughout the activities, making the interests of survivors central to the day-to-day work and the organisation's investigative strategy. They can also allow the organisation to keep a detailed record of the standard procedures followed by staff members, which can be helpful should the gathered information be used in criminal proceedings in the future. Finally, protocols are a tool to ensure that all staff members, including newcomers, consistently follow agreed procedures at different stages of their work. Protocols should be comprehensive but concise and cover different roles and processes within the organisation's workstreams.

Internal protocols may differ depending on the context and the work, and may include:

- General documentation protocol, covering steps from first contact and documentation session to closing the case;<sup>21</sup>
- Physical and digital security (e.g., security measures to be followed by staff members, as well as a procedure for explaining the risks to survivors and witnesses and measures to mitigate those risks);
- Protocol for keeping, or renewing contact, with survivors and potential witnesses after documentation;

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21 Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence ([Murad Code](#)), 2022.

- Protocol for online documentation, reflecting additional steps while conducting online documentation sessions with the use of online platforms;
- Protocol for documenting sexual and gender-based violence;
- Protocols for documenting cases involving minors.

While developing the protocols, it is key to consider political factors in the region, such as the security situation and forms of repression, as well as social and cultural factors. For example, protocols on documenting sexual and gender-based violence should be sensitive to the stigma surrounding such crimes in many cultures and communities. To ensure that the protocols are regularly updated, they should include a timeframe indicating when the next review process takes place. Protocols should also be updated as soon as new information is made available, on an ad hoc basis.<sup>22</sup> It is also vital to acknowledge that as the work progresses, the protocols can be adjusted on a regular and ad hoc basis, in accordance with procedures added or knowledge accumulated within the team.

## Obtaining Informed Consent

Informed consent is an important part of documentation, as it ensures that survivors understand the objectives of the documentation process and the possible risks participation entails. It is an ethical obligation of the organisation to ensure that survivors are aware of various aspects of the documentation and justice process before they can make an informed decision to engage. It is not a “check box” exercise, and will often entail a lengthy conversation, requiring time and patience, aimed at ensuring the information provided is fully understood by the survivor.

In some jurisdictions, representatives must abide by regional and/or domestic legal standards concerning data protection and management. In the EU, for example, the General Data Protection Regulation (GDPR) lays down rules regarding the processing and storage of personal data.<sup>23</sup> Accordingly, organisations based or operating in the European Union are required to collect and process personal data in accordance with their responsibilities under the GDPR and gather the consent of individuals for their data to be held in accordance with these standards. As a result, the process of gaining a survivor’s informed consent will often cover both elements (i) consent to participate; and (ii) consent to have their data collected, recorded, stored, consulted, used, or shared with third parties.

Interviewees, including survivors of torture and other human rights violations might have also been involved themselves in the commission of violations. In this case, where organisations are interviewing insiders, defectors, or others who may be or have been involved in or connected to violations it may be prudent to include the following as part of the informed consent process. In case of the interviewee’s potential involvement in a criminal offence, you may inform them that they are not obliged to say anything about any involvement they may have had in any violations or criminal acts.

<sup>22</sup> Public International Law & Policy Group, 2016. *PILPG Handbook on Civil Society Documentation of Serious Human Rights Violations*.

<sup>23</sup> [Regulation \(EU\) 2016/679](#) (General Data Protection Regulation).

A comprehensive explanation of the following information will often form part of an organisation's informed consent process:

## Consent to participate in an interview

### Audio/video recording of an interview:

- Explain how the recording will be used.
- Explain who will have access to the recording and how it will be stored.
- Obtain explicit consent to record.

### Written record of interview:

- Explain that you will be taking notes or audio recording the interview.
- In case you are taking notes during the interview, explain that you will be reading back that information to the witness before finalizing to make sure they can make corrections, clarifications, or additions to the information they are providing.
- Explain the possible uses of these notes.
- Explain who will have access to the notes and how they will be stored.
- Obtain explicit consent to take notes.
- Provide the survivor with an opportunity to verify the accuracy of the notes and amend them to ensure they accurately reflect their account.

### The survivor's rights during the interview:

- Explain that a survivor may decline to answer a question, ask for a question to be rephrased, to ask questions, take a break, stop the interview and withdraw consent at any time.

### Possible benefits and risks of participation in an interview:

- Ask about a survivor's security concerns.
- Discuss whether/ how these can/cannot be mitigated.

### Brief outline of the interview:

- Provide information about the expected duration of the interview, planned breaks, topics that will be covered, and types of questions that will be asked during the interview.

### Available psychosocial or medical referrals:

- Obtain explicit consent to share certain information with a psychosocial or medical support person.

## Consent to store and share data

### What information is being collected?

- Explain what data will be collected, including name, date of birth, address and contact details, information about incidents and events involving the survivor, and information about their family.
- In line with GDPR requirements and international best practice, a survivor should be given the choice to anonymise the data so it may not be linked with them individually. It should be explained what consequences this choice may have for the use of data for accountability.

### How is this information being used?

- Survivors should be informed of the ways in which their data is being used including: to assist in investigations, to provide the survivor with information and support where needed and possible, and to allow the organisation to contact them in the future if needed.

### How is this data being shared?

- Organisations should let the survivor know with whom their personal data could be shared in specific terms, i.e., with national or international criminal justice authorities, UN bodies (such as the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Group of Independent Experts on the Human Rights Situation in Belarus, or other UN investigative bodies), or other institutions, such as Europol, that seek to facilitate access to remedies and reparations, that exist now or may be created in the future.
- This may also come with giving the victims the choice to determine to which organisations their data could be shared. This may be done through the use of tick boxes in the consent forms listing down the possible organisations or bodies with which the information could be shared.
- If the survivor consents that the information provided can be shared with other competent authorities, staff should also inform them that the applicable confidentiality rules might vary depending on which authority is exercising jurisdiction, and that in potential judicial proceedings the information may be shared with any parties, including the defence, and eventually become public, once a case goes to trial. Consequently, survivors should be aware that from the moment the information is shared with relevant authorities, the documenting organisation is no longer exercising the sole control over who information can be shared with.
- Organisations should also explain that in exceptional cases, they may be required to share a survivors' personal data, if obligated to do so by law.

### How is this data being stored and what security measures are in place?

- Survivors should be informed, in an accessible language, how information collected will be stored, including what systems and/or devices will be used by the organisation to store digital information.
- Organisations should also explain what security measures are in place to protect the information, including the existence of relevant protocols on digital security, access to data, and the use of secure communication tools.

### How long is this data being stored for?

- Survivors should be informed about the organisational policy on storing personal data, including how long it can be stored, in accordance with GDPR.

### What are the rights of the survivor regarding the collection and storage of their data? For example, the right to:

- Withdraw consent, in whole or in part.
- Request access to their personal data, i.e., enquire what personal data concerning them is being processed and request to receive a copy of this data.
- Correct personal data that is incomplete or inaccurate.
- Request the deletion of personal data from the files and systems of the organisation.
- Object to the use of personal data to further the organisation's legitimate interests.
- Ask to restrict or suspend the use of personal data, for example, to establish its accuracy or the organisation's reasons for using it.
- Ask to transfer personal data to another person or organisation, for example a medical or legal professional supplying services to a survivor.

Survivors should be provided with a contact person, with whom they can discuss these issues. They should also be provided information on how they can make a complaint regarding the storage or use of their data (for example a State data protection agency or Ombudsman).

Whenever possible, staff should produce a record of obtaining informed consent, which can be both in writing – signed by the person providing consent – or in the form of an audio/video recording. If neither is possible, the informed consent should be documented, dated and signed by the interviewer.

## Confidentiality

Staff working with survivors of torture and other human rights violations often deal with sensitive personal information. Confidentiality requires that any personally identifiable information, details of the person's experience, or other information cannot be shared without the consent of the survivor. Confidentiality implies not only the obligation of non-disclosure without consent, but also of protection of the information provided by survivors from possible security breaches. The obligation to maintain confidentiality applies to all actors taking part in the documentation process, including interpreters and other intermediaries.<sup>24</sup> Confidentiality does not cover information that is obtained through open-source searches of information that is publicly known or accessible, although such information is still protected by the GDPR.

Documenters should be aware of their responsibilities regarding the laws governing data protection in their jurisdiction. Following data protection regulations is one of the key steps to protect confidential information from possible breaches and security risks.

Good practices include:

- Maintaining protection measures with regard to information that could lead to the identification of the source, such as their name, address, phone number, images, or any other identifiable details.
- Using secure means and methods of communication.
- Ensuring that all documentation is stored securely, with access being limited to authorised personnel.
- Introducing training for staff on relevant confidentiality guidelines, policies and measures to make sure that any staff member working with sensitive information understands and follows the procedures in place.
- Putting in place a protocol to be followed in case of a potential breach of confidentiality. For instance, whether it is determined that a certain incident could amount to a confidentiality breach, steps should be taken to assess the risks this entails and take immediate steps to address them.

## Safe & Survivor-Centred Interviewing

Every person lives through traumatic experiences in a unique way. While telling their story can have a healing effect for survivors, it also carries the risk of re-traumatisation. It is thus important to mitigate this risk. Repeated interviews with survivors should be avoided, unless this is really necessary. Hence, staff should ask upon first contact whether survivors have already provided their testimony to a documentation initiative, as survivors might not mention this on their own. Survivors may still wish to provide their testimony to take part in accountability processes even if they have already provided their testimony, for example, for other purposes, such as to a journalist or a lawyer. Conversely, when documenters approach a survivor, they should highlight the fact that they will be asked to repeat their testimony if accountability bodies wish to rely on their account.

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<sup>24</sup> Public International Law & Policy Group, 2022. *Human Rights Documentation and Peacebuilding in Ukraine*.

Once the decision is made to proceed with interviewing the survivor, staff need to minimise the risks of re-traumatisation during interviewing. The sensation of having little or no control over a situation can be frequent for survivors of torture. It is hence important to reduce uncertainty and explain the documentation process in as much detail as possible (e.g., tell the interviewee how much time approximately the interview will take), and in easily understandable language. Furthermore, the gender composition of those conducting the documentation process is important, particularly when talking to survivors of sexual violence, and the survivor should be given the opportunity to specify whether they prefer the interviewer to be of a particular gender, while being informed that the organisation may not always have the capacity to meet their request. It is good practice to allow survivors of human rights violations to bring along a person of trust and/or offer inviting a trained psychologist to the documentation session.

Emotions can make it difficult for survivors to recount their experience. It can also happen that certain questions lead to unexpected reactions, such as anxiety or anger. Survivors may start blaming themselves for what happened to them or their loved ones. Staff should show empathy and remind them that human rights violations committed against them are not the fault of the victim, but of the perpetrators who either carried them out or gave orders to carry them out.

The following aspects, which are based on the “PEACE” framework for interviewing, should be kept in mind while preparing for the interview:<sup>25</sup>

#### Planning and preparation:

- Do your research: do you have access to any information that may help you to build a picture of the survivor’s experience? For example, if you already have a short description of what happened, obtaining more information about the context in which these events took place and broader patterns of violations may help to prepare for the interview.
- Prepare a written plan beforehand: this should include identification of important topics, potential questions, and evaluation of the interviewee’s profile.
- Choose an appropriate location and setting: particular care and attention should be exercised for survivors based in high-risk locations or situations. In-person interviews need to ensure a safe and private location, for example, the organisation’s office or another place where the interview cannot be overheard by others. Moreover, the room should be prepared in a way that makes the survivor feel safe and comfortable, and does not remind them of locations where the torture or other violations took place. To provide a sense of security and well-being, the room should be inviting, give space and have natural lighting. Plants, pebbles or other comforting, natural objects can help create a sense of tranquillity.
- The choice of location is equally important when planning an online interview. Survivors may find it difficult to find a confidential place where they can speak freely (and where they also have stable and secure internet connection), so this should be discussed with them in advance. It is important to conduct an interview when the

<sup>25</sup> Institute for International Criminal Investigations (IICI), Training Module; For more information see, e.g., United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh (UNITAD), 2021. *Trauma-Informed Investigations: Field Guide*; Truth Hounds, 2023. *War Crimes: An Investigative Methodology for NGOs*; OSE/ ODIHR FreedomLab, *Trauma-Informed Interviewing: Skills and Techniques for Monitors*, January 2023 (available in English, Ukrainian and Russian).



survivor is alone (unless the presence of another person has been discussed beforehand), so it is appropriate to ask them sensitively whether this is the case. Interviewers should observe possible signs that the survivor might be watched or controlled by other people in the room.

- To help the survivor feel more trust, it can be helpful to offer doing a 'room scan' at the beginning of the video interview, showing who is in the interviewer's room.
- On the interview's side, the interviewer should ensure that there are no background noises and that his/ her face can be seen clearly. It is also good to avoid a dark background setting.
- Using interpreters: If conducting an interview through an interpreter, ensure that the interpreter is briefed on the context of the interview and any issues that may arise. Interpreters should be reminded that they are present solely to interpret and not to participate in conducting the interview itself or to otherwise interact with the interviewee. Moreover, it is important that every communication that takes place in the presence of the survivor is fully interpreted, as anything which is not immediately explained can be experienced by survivors as isolating and intimidating.

#### Engage and explain:

- Build trust and rapport through a warm and empathic communication style. Offer choices and decisions wherever possible, for example, to choose where they prefer to sit, if they would like a drink, and whether to have the window open or the heating on.
- Be mindful of your tone and avoid being overly formal and ensure your questioning style does not mimic that of an interrogator. It is also important to avoid a formal interview setting, e.g., sitting across a desk as this increases the sense of the interviewer being a person of authority. Be respectful and professional, along with providing reassurance.
- Pace the interview well, allowing time for breaks (as dictated by the survivor) to rest or use the bathroom. However, it is not advisable to take a break while the interviewee is halfway through recounting a particularly traumatic experience. The interviewer should explain at the outset that they can take a break at any time during the interview if they need to.
- Ensure survivors are well hydrated, which can also reduce dissociation during the interview and make sure snacks and meal breaks are available for interviewees and interviewers throughout the interview.
- Explain the purpose of interview and that it may include difficult questions. Allow the survivor to ask questions and/or address possible concerns.
- Make clear any possible future use of information/associated risks and obtain/document informed consent. This is covered in more detail in the section on informed consent above.

#### Account and clarification:

- Funnel information using open-ended questions, asking the potential witness to describe what happened to them or tell you about a specific situation, and then follow-up with specific "who", "what", "when", "where", "how" and "how do you know" questions.

- Using open-ended questions, allow the survivor to narrate their story. Interviewers should not force a certain interview structure on the interviewed person as it tends to distress survivors and can distort the account of events. They should allow survivors to tell their story at their own pace and order, asking follow-up questions to establish the chronological order of events later on in the interview. Closed, focused and probing questions can be useful to provide context and help witnesses who may have a fragmented memory due to trauma recall events and details. If the survivor experiences a flashback, the interviewer can ask a more contextual question to help them regain the sense of reality.
- Be aware of disclosures that are likely to produce a shame response, such as accounts related to sexual violence or harming others. Be warm and empathic, allow time. Ask questions when there are gaps but let the survivor control the amount of detail they are comfortable to share. Preface this with an explanation that it is the perpetrator, not the victim who is responsible.
- Always demonstrate sensitivity when approaching distressing questions, e.g., about the loss of family members, health difficulties, or violence. It might be helpful to introduce a sensitive topic before asking a question (for instance, by saying 'I am now going to ask you about your family...'), and check that they feel comfortable to go ahead.
- Interviewers must not refer to statements of other survivors, witnesses or sources. This can put those sources at risk and also jeopardise the trust between staff and the interviewee, as this demonstrates gaps in confidentiality.

#### Closure:

- Summarize information, ask the interviewee whether they would like certain parts of the interview's notes to be read to them or to be shared with them after the interview.
- Give the participant an opportunity to add or clarify information.
- Explain the next steps and answer any remaining questions, address any concerns raised wherever possible.
- Discuss referrals to organisations providing socio-economic or psychosocial support, wherever necessary.
- Clarify future contact arrangements with the potential witness.

#### Evaluation:

- Conduct a debrief with the organisation's head of documentation (or the person supervising the documentation project) to address any issues or questions faced during the interview.
- Consider possible vicarious trauma of team members.
- Review and assess the information obtained.
- Identify any leads or further investigation avenues.
- Appraise what went well and what could have been done better during the interview.

While interviewing witnesses and survivors, it is important to remember that vulnerability depends on many factors and needs to be ascertained individually. Factors that might lead to increased vulnerability include age (children and elderly people), survivors of sexual and gender-based crimes, physical or mental disabilities, based on the severity of torture, the amount of time spent in detention, and other factors.

Children are always considered to be vulnerable witnesses. Child survivors should only be interviewed by staff with specialised training and experience working with children.<sup>26</sup> The Barnhaus ('Child House') model is considered best practice in working with child survivors and witnesses of violence. It adopts a holistic child-friendly and multidisciplinary approach in response to children who have experienced or witnessed.

## Security

### Assessing safety and security when engaging with survivors

Survivors involved in documentation work are inevitably exposed to security risks, often associated with repressive governments or non-governmental actors, including retaliation and threats to themselves as well as family members and associates. Addressing such risks to ensure safety and well-being of both survivors and staff members is crucial. Enhanced safety protocols should be in place for staff members who are nationals of the country where violations happened.

Incorporating effective physical and digital security procedures can be a time-consuming process, requiring a step-by-step approach and continuous staff training on security knowledge and tools. Security is a team responsibility, as one person's failure to comply with security procedures can jeopardise the security of survivors and/ or staff. It is crucial that every staff member should know and follow relevant procedures.<sup>27</sup>

Conducting a thorough safety and security assessment prior to engagement with survivors should be first priority. It should establish risk scenarios, and cover protocols for contact with survivors, including under what circumstances documenters should avoid making contact due to security concerns, safe communication channels and safe storage of data related to survivors.

Given the context-specific risks to survivors, the process of security assessment should be regular and ongoing, which means that after conducting a pre-contact security assessment, each future intervention should include an assessment of any factors or circumstances that might have changed as a result of prior interactions with the documenting organisation. This process should also extend beyond specific interactions with survivors, e.g., it can include identifying a wider range of potential threats that can impact the survivors' security and planning for mitigating measures. Staff should also be aware of and consider the risks that threaten not only the survivors themselves, but also their families and wider communities.<sup>28</sup>

### Responding to survivors' needs in relation to safety and security concerns

Organisations should put in place a general security protocol for staff members on engaging with survivors, which can then be adapted to the individual circumstances of each survivor.

<sup>26</sup> For more information see REDRESS, 2021. *Practice Note 6: Working with Child Victims of Trauma*.

<sup>27</sup> REDRESS, 2022. *Practice Note: Case Management & Digital Security for Strategic Litigation against Torture*.

<sup>28</sup> UK Foreign & Commonwealth Office, 2017. *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*, p. 93.

The criteria to take into account in an individualised assessment include the following:<sup>29</sup>

- Individual characteristics of the victim (i.e., gender, age and other factors that can lead to disadvantages or discrimination, such as ethnicity/race, mental or physical disability, sexual orientation and gender identity or expression, experience of displacement);
- Nature and circumstances of the crime, the context in which it took place, and the survivor's relationship to the perpetrator;
- The survivor's own assessment of risk;
- Possible risk scenarios such as retaliation, punishment, arrest, specific risks related to reporting a sexual crime, and other risks depending on the context.

In response to the identified risk scenarios, it is essential to have an overview of protection measures the organisation can offer to survivors as well as measures that survivors can employ themselves to mitigate the risks, both physical and digital (e.g., setting the option of disappearing messages on Signal). These measures should be explained to survivors, making sure that they understand the organisation's limitations with regard to the availability of protection measures.

### Digital security

The three pillars of a digital security strategy for organisations dealing with sensitive data provided by survivors are prevention, protection, and response.<sup>30</sup>

A prevention plan should be designed to safeguard sensitive data in order to avoid compromising the safety of survivors through a data breach. It should include measures to protect data, but also an action plan in case of a breach, and mitigation measures with regard to the impact of the breach on survivors' privacy and safety. Staff working with sensitive data should be trained to identify digital threats and deal with them.

Protecting in this context means ensuring that data is collected, processed and stored in a secure way so as to protect all individuals who contributed to data collection as well as individuals featured in them, such as survivors and other potential witnesses. Some key elements include:

- Follow safe document management and disposal procedures. Tools that are used to store sensitive data related to survivors should meet the necessary security requirements.<sup>31</sup>
- Make sure staff follow computer and phone security rules, such as installing and updating antivirus software, maintaining secure passwords, using VPN and encryption of information, and protecting sensitive files with passwords and two-factor authentication methods.<sup>32</sup>
- Where possible, avoid using work devices for personal purposes and/or personal devices for work purposes. If this is not possible, staff should make sure that documentation-related data is kept in folders that are separated from private folders.

29 Global Rights Compliance, 2023. *Basic Investigative Standards Manual for Documenting International Crimes in Ukraine*.

30 REDRESS, 2022. *Practice Note: Case Management & Digital Security for Strategic Litigation against Torture*.

31 REDRESS, 2022. *Practice Note: Case Management & Digital Security for Strategic Litigation against Torture*.

32 Front Line Defenders. *Workbook on Security: Practical Steps for Human Rights Defenders at Risk*.

- Establish safe communication procedures with survivors and among staff and external parties. Such procedures should include guidance with regard to virtual meetings (for example, checking that all attendees are verified) and sharing and receiving sensitive information via online platforms. To exchange sensitive information, staff should use encrypted and secure communication channels, e.g., Signal or Wire.<sup>33</sup> It may be challenging to incorporate certain communication channels if staff regularly use less secure channels, e.g., because they are more common in the specific context. This challenge can be addressed through regular digital security training.
- Add confidentiality notice when sharing confidential information by email.<sup>34</sup>

Organisations can consider implementing an information-sharing agreement when sharing sensitive documents and information with external parties, such as national authorities, UN-mandated investigative mechanisms, or other accountability bodies, containing information sensitivity categorisation, instructions on how certain categories of data might be used and a procedure to handle protocol breaches. This could refer, for example, to cases where the data subjects provided their consent for the information to be used for analysis but not for other purposes, such as being referred to in a report or other public document.

In case of a security incident, organisations should respond by taking steps to determine whether there has been a data breach. If so, a comprehensive data breach response plan needs to be activated to remediate it, including steps such as assessing the type of data that has been compromised, the person(s) impacted, and potential harm; containing the breach and prevent further data loss by removing the affected data, increasing monitoring, and conducting digital systems security analysis; restoring data from a cloud or external backup to prevent data loss and ensure the continuity of operations.<sup>35</sup> The response plan should include named staff members and what they need to do or who they need to contact, and the services that need to be activated, for example, data restoration from a cloud backup.

### Intersectional Approach and Gender

Survivors' experiences may differ significantly based on factors such as their gender identity or sexual orientation, class, ethnicity, age, physical ability and other identities or characteristics.<sup>36</sup> For instance, an LGBTIQ+ person detained at a demonstration may have been tortured or ill-treated as a punishment for their participation in protests but may also have been treated more harshly by law enforcement due to homophobia. Additionally, gender can be a factor influencing whether the person seeks legal assistance or other types of support.

The characteristics listed above represent some factors that can influence survivors' experiences of torture, recovery, and accessing support. It is essential to conduct a context-specific intersectional analysis, which should be used to inform and shape the organisation's approach to the documentation process. Such analysis aims to take into account the "different types of intersectional and multiple discrimination and disadvantage that occur as a consequence of the

<sup>33</sup> Electronic Frontiers Foundation, 2020. *Surveillance Self-Defence: Communicating with Others*.

<sup>34</sup> REDRESS, 2022. *Practice Note: Case Management & Digital Security for Strategic Litigation against Torture*.

<sup>35</sup> The Hague Humanity Hub, 2024. *Cyber Resilience for NGOs: A Collective Intelligence Effort*.

<sup>36</sup> Impunity Watch, 2019. *Guidelines on Transformative Reparations for Survivors of Sexual Violence*.

combination of identities and the intersection of sex and gender with other grounds.”<sup>37</sup> The results of the intersectional analysis should be incorporated, to the extent possible, into various stages of the documenting organisation’s work:

- the collection and processing of evidence and information,
- protocols,
- analytical work,
- engagement with accountability bodies and criminal justice authorities,
- outreach activities and survivor engagement, and the
- design and delivery of support services or referral pathways mechanisms to respond to those factors.

Practical steps that can be taken to adopt an intersectional approach in the organisation’s work include:

- Develop thematic strategies, based on the analysis of the specific context that is being documented and factors that are relevant in this context (e.g., strategies regarding gender, children).<sup>38</sup> For example, where the organisation is documenting the context in which conflict-related sexual violence has been widespread, a thematic strategy on gender and CRSV should lay out how the organisation aims to identify and engage with categories of victims that have been most affected and that may be in situation of vulnerability, and how support can be provided to such victims.
- Introduce intersectionality elements into your documentation protocols. For instance, make sure that interviewing protocols address specific challenges that particular survivors’ groups might face.
- Introduce intersectionality and gender into the organisation’s regular planning and lessons learnt activities.
- While building partnerships, work in coordination with organisations that focus on groups such as LGBTIQ+, children, and people with disabilities, among others. Identify their specific needs and adapt your activities to make sure all groups can access services you provide.
- Implement training on intersectionality and gender for all staff members.

## Planning for Sustainable Data Storage and Management post-Active Documentation Phase

While interviews with victims and witnesses constitute the cornerstone of documentation projects, a number of functions need to be performed after the interview is completed. These include:

### Storage of data and materials

Documenting organisations may hold and manage large amounts of records, evidence, data and other materials in a variety of formats which need to be continually maintained and securely stored. Organisations involved in such work need to cater for database and digital security costs, and ensure staff is available and trained on database maintenance.

<sup>37</sup> European Institute for Gender Equality, *Glossary and Thesaurus*.

<sup>38</sup> IIIM intervention at REDRESS Workshop on Survivor-centred Approach, December 2022.

### Managing access to data and processing requests

Depending on the respective mission and policies of the documenting organisation, access to the collected information needs to be made available to authorities, courts and international (human rights) bodies. This requires providing access to the materials, contacting potential witnesses, examining the validity of consent, managing the disclosure of relevant information, and providing analytical or legal support.

Where the functions of interviewing and data processing are implemented by different organisations or groups, processes and protocols need to be coordinated.

Where data is archived for longer periods of time, the institutional history of the documenting body and the factual and legal context in which it operated should be preserved.

### Continued link with survivors and potential witnesses

In some cases, documenting organisations may be the sole contact of a survivor relating to accountability for crimes committed against them, and it is necessary that they have the possibility to reach the organisation to inquire about the accountability process, ongoing proceedings, or concerns they might have. Ideally, survivors should be informed of developments related to proceedings relating to their case.

It is vital to maintain the capacity to provide, to the extent possible, psychosocial support to survivors and witnesses, or to have up-to-date and actionable referral pathways in place to this aim. Considering the long-lasting effects of trauma experienced by torture survivors, this aspect remains essential years after the events took place.

To ensure that the above functions are properly implemented, organisations working with survivors to document crimes should plan adequately for what follows the ending of their mandate. First, options should be established in terms of who could continue to deliver basic functions of data maintenance and storage. This may be challenging for civil society organisations, considering the need to secure sufficient resources despite shifting donor interests. The option of handing over essential functions to a trusted UN or civil society partner could also be considered. In this case, staff taking over the essential functions needs to be trained in advance of the handover date.

# Protection Against Secondary Trauma

Engaging with traumatic narratives and materials is routine for those working on documentation of torture and other international crimes. Without proper prevention and response, exposure to trauma can lead to psychological harm, such as vicarious trauma, burnout, and secondary traumatic stress. Experiencing emotions and reactions, which characterize these conditions, is not a reflection of personal weakness, but a normal response to the challenges of such work, and appropriate prevention and response measures should be considered at early planning stages.<sup>39</sup>

Secondary traumatic stress (STS), vicarious trauma, and burnout can directly result from working with traumatised individuals. Its symptoms are similar to those experienced by survivors, such as feelings of detachment, sleep disturbances, problems with concentration, hypervigilance, unwanted recollections of traumatic events and efforts to avoid situations or activities that might trigger memories. Similarly, vicarious trauma is also linked to direct or indirect trauma exposure, but “describes a cumulative, long-lasting condition that can impact a professional’s personal beliefs and worldview.” Burnout results from chronic occupational stress rather than trauma exposure and manifests in feelings of exhaustion, ineffectiveness, cynicism and detachment from work.<sup>40</sup>

It is important that staff members know how to recognise the signs of these conditions, so that they can seek professional support if needed. Regularly monitoring one’s well-being and emotional reactions can help documenters and other exposed staff to differentiate between manageable stress and trauma symptoms.<sup>41</sup>

The risk is particularly high for staff who themselves have a history of trauma or a personal connection to the context in which the documented violations occurred.<sup>42</sup> Organisations should seek to mitigate vulnerabilities to trauma exposure, offering support to staff and training them to recognise the symptoms resulting from such exposure.

Professional psychological counselling is an important part of a staff well-being strategy in an organisation that documents serious human rights violations. Faced with symptoms of vicarious trauma, burnout or secondary traumatic stress, staff might require professional psychological support to help cope with them.

39 United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh (UNITAD), 2021. *Trauma-Informed Investigations: Field Guide*.

40 United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh (UNITAD), 2021. *Trauma-Informed Investigations: Field Guide*.

41 Ibid.

42 United Nations Human Rights, 2011. *Manual on Human Rights Monitoring (Revised edition)*.



# Conclusion

In this guide, we aim to make good practices and lessons learnt on the survivor-centred approach to documentation of torture and other serious human rights violations available to initiatives engaged in documentation. Such efforts have been crucial to preserve evidence of torture and other serious human rights violations and ensure that future criminal accountability can be achieved for perpetrators, and that victims can obtain justice and reparation.

Considering that documentation efforts have been conducted by a wide range of civil society actors, from small documentation initiatives to larger CSOs or civil society coalitions, recommendations provided in this guide should be approached with the understanding of varying levels of resources and capacities available to initiatives in different contexts. This guide details recommendations on how CSOs and other documenting initiatives can conduct documentation in a survivor-centred, trauma-informed, and holistic way, and it is not necessarily expensive to implement the principles laid out in the guide. This is particularly crucial in contexts where the lack of documentation risks jeopardising victims' right to justice, as information and evidence about violations risk being lost. Implementing a survivor-centred approach to documentation is a continuous process, and we hope that this Guide provides helpful guidance to practical steps towards this goal.

**Photo cover by Budzko Kasia**

An illustration of a young woman in prison  
by Belarusian artist and political prisoner  
Budzko Kasia.



**About the IAPB**

The IAPB is a coalition of independent Belarusian and international non-government organisations that have joined forces to collect, consolidate, verify, preserve and analyse evidence of gross human rights violations constituting crimes under international law allegedly committed by Belarusian authorities and others in the run-up to the 2020 presidential election and its aftermath.

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