Documenting Truth

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international center for
TRANSITIONAL
JUSTICE

The International Center for Transitional Justice (ICTJ) assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from represssive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved.

The Documentation Affinity Group (DAG) was established in 2005 as a peer-to-peer network of local action organizations across the globe, with a primary focus on human rights documentation, to promote the exchange of ideas, information and techniques for addressing their strategic and technical challenges.

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I. Introduction

In 1945 Robert Jackson made an important decision about the Nuremberg Tribunal as he prepared to prosecute Nazi leaders for crimes against humanity. He decided that the court would rely on documentary evidence. This decision now seems intuitively simple. How else can judicial truth be established in cases of mass atrocity? But Jackson's decision was controversial. Many argued that oral testimony alone from survivors and witnesses of the Holocaust should be sufficient to bring Nazis to justice. Documents, they argued, would be too difficult to procure and not worth the effort.[1]

Like Jackson, the modern human rights movement has relied on documents of all forms since its earliest days. Documentary evidence is at the heart not only of legal cases against perpetrators of human rights abuse, but also of victims' efforts to create an accurate historical record and thereby establish the truth about the repressive past. Documentary evidence is required to determine who will be recipients of reparations in post-authoritarian or post-conflict contexts.

Moreover, in recent decades we have learned much more about how to use documents to build open and just societies. Important developments have included the advent of truth commissions; the democratization of history and increased attention to the stories of victims and the oppressed; the increasing legitimacy of oral history methodology to create larger, richer narratives about the past; and many exciting efforts by human rights and democracy NGOs around the world to collect documents in defense of rights. Thus documents can help us understand and confront the past in an effort to build a more just future.

Documentary materials are more than the frayed and yellowing paper records generated by official agencies. They also include audio and video recordings; letters written from jails, sneaked out by sympathetic guards; court documents being produced daily; cassette tapes of perpetrators' confessions; newspaper articles; ephemera such as pamphlets, posters and mimeographed leaflets; professional records of promotions, firings and complaints; documents produced by local bureaucrats; and, of course, the written and oral testimony of those who have suffered or witnessed suffering.

These are the physical materials at the heart of the struggle against impunity and for the development of historical memory.

A. The Documentation Affinity Group and the Purpose of this Report

This report draws on the experience of six diverse nongovernmental organizations that came together as the Documentation Affinity Group (DAG).[2] Its members were the Documentation Center of Cambodia (DC-Cam), the Forensic Anthropology Foundation of Guatemala (FAFG), the Human Rights Education Institute of Burma (HREIB), the Belgrade-based Humanitarian Law Center (HLC), the International Center for Transitional Justice (ICTJ) and the Iraq Memory Foundation (the MF). (See appendix for DAG member profiles.)[3]

The purpose of this publication is to share some of the lessons we learned from our collaboration, driven by reciprocal learning and peer exchange. Our goal is to provide useful information and ideas for organizations that are facing challenges similar to ours. *In short, these are reflections on best practices for documentation projects to combat impunity, establish truth and build democratic and just societies.*

During an 18-month period in 2005–2006, DAG held regular meetings to learn about one another, discuss how to be more effective in our work and develop the best strategies for collecting, using and preserving documents. Most importantly, we believed that this form of cooperation would increase our

[1] See Joseph E Persico, *Nuremberg: Infamy on Trial* (New York: Penguin, 1994), especially 42–43 and 118.
[2] This project was funded by the U.S. Institute of Peace and the Canadian International Development Agency (CIDA), with additional support from the Heinrich Böll Foundation.
[3] Note that HREIB facilitates the ten-member Network for Human Rights Documentation–Burma (ND–Burma). The organizations are referred to in tandem throughout this report.

collective and individual abilities to foster stronger human rights regimes and democratic cultures in the countries where we work. Representatives of other organizations occasionally joined us; they included the Independent Human Rights Commission (Afghanistan), Benetech's Human Rights Program (USA), CIRMA—the Centro de Investigaciones Regionales de Mesoamérica (Guatemala), Human Rights First (USA), and several dozen Iraqi NGOs and human rights organizations for our meeting in Sulaymaniyah, Kurdistan.

We tried to draw on one another's strengths and learn from our weaknesses. Because we all shared an essential commitment to and direct experience of using documents to combat impunity, we had common ground to explore some questions in great depth. At the same time, because we are very different from one another, we often shared ideas that were new and fresh to other members.

This is not a guidebook or a handbook. We do not try to advance universal laws or norms that documentation projects must follow. We do, however, hope that our reflections will be useful to others who are embarking on or already involved in similar efforts.

Reflecting the diversity of DAG's members, this publication will be useful to a broad range of organizations. It will be especially valuable to documentation projects on the front lines of collecting information about human rights abuse; NGOs seeking to collect materials to hold former leaders accountable; groups that have developed a niche as experts on the recent past, based partly on their research, methodologies or documentation collections; international or national organizations asked to share their experiences and expertise with local partners; organizations that depend on documents to achieve their goals; NGOs that have custody of valuable documents from former regimes; and other groups that may be interested in producing, using, sharing, disseminating or preserving documentation that could support efforts to deal with the past.

Throughout this report are sections that are indented and in boldface type. These indicate lessons learned, best practices or bits of advice gleaned from our various discussions.

B. Setting the Stage for Transitional Justice

In recent years transitional justice has developed into a comprehensive framework for confronting the legacies of past human rights abuse and mass atrocity.[4] Over the past two decades many societies have emerged from repressive rule or civil war and initiated a transition through a formal transfer of power or the end of a conflict.

Various models exist for confronting the past and dealing with mass atrocity. Democracy and human rights activists can choose to prosecute perpetrators, establish truth-seeking mechanisms, provide reparations to victims, reform institutions, and construct memorials and museums. In all cases documentation initiatives can play a critical role by preserving evidence of human rights abuses, spurring political will to see justice done, helping people remember their history and providing tools for reconciliation. Documentation projects therefore play a crucial role in transitional justice.

Documentation efforts are a vital aspect of human rights advocacy, and they are often precursors of fair and effective transitional justice mechanisms. In countries that have recently undergone some sort of transition, documents collected by NGOs can constitute an essential component of prosecutions or truth-seeking efforts. These include truth commissions in countries as diverse as Argentina, Timor-Leste, Morocco and South Africa; and civil society truth-telling initiatives in Cambodia, Guatemala, Northern Ireland and the southern United States, among others.[5]

[4] For a broader definition see http://www.ictj.org/static/TJApproaches/WhatisTJ/macmillan.TJ.eng.pdf.

[5] See, for example, "Truth Commissions and NGOs: The Essential Relationship, The 'Frati Guidelines' for NGOs Engaging with Truth Commissions" (ICTJ, April 2004). Also see Louis Bickford, "Unofficial Truth Projects," *Human Rights Quarterly* 29, no. 4 (November 2007), 994–1035.

By contrast, in societies where transition seems likely in the distant future, documentation projects can help people to prepare. When the political will to deal with the past remains inchoate, NGOs and others often seek to create the conditions for a transition or push for accountability measures to be implemented. For example, transitional justice remains largely at the preparatory stage in societies such as Burma, where authoritarian leaders still rule; in the Balkans, where fragile democracies are threatened by the persistence of ethnic divisions and hatreds; and in Afghanistan and Iraq, where conflict is ongoing. In these and similar contexts that are the foci of this report, NGOs, human rights activists and advocates of democracy must navigate an uncertain and tumultuous social landscape to create the political will to deal with the past and at the same time create tools to take advantage of any political opportunities that may occur. To face these challenges NGOs have developed strategies including the collection and preservation of documents.

C. Telling the Story: What Are Documents?

In our work we are most interested in *telling the story*.[6] We collect documents because we think they will contribute to an account of the past that has multiple ways of being told. Depending on the context, we want to tell the story of past human rights abuse, atrocity, genocide and crimes against humanity, and we want to tell this story for a reason: It matters.

Our stories will be different in different venues—courtrooms, truth commissions, government offices, neighborhoods, national or international media. And in all those cases we want these stories to be as accurate as possible, and we want them to reflect the experiences and the voices of those who were most directly affected. We want to know who the protagonists were, what happened and why these events happened. Where terrible things have happened, we want to ask whether someone was responsible, and if so we want to hold people accountable. We also want these stories to help illuminate deep, perhaps unanswerable, questions. Looking at mass atrocities, for example, we want to try to understand how we—as citizens, human beings or communities—could have let them happen or what we could have done to stop them.

Being able to tell these stories fully and fairly requires a combination of the following four components:[7]

1. Testimony and Voice

In all our work we have emphasized the importance of hearing the stories—firsthand, when possible—told by victims, witnesses and other protagonists in the events that we are seeking to understand. Various members of the affinity group, in particular HLC in Serbia and HREIB/ND–Burma, have active oral history programs. Others, such as the MF, have prioritized videotaping the stories of a representative sample of people affected by violence. ICTJ has been deeply involved in both human rights tribunals and formal truth commissions in more than a dozen countries. Both of these kinds of activities provide a forum, often a public one, for victims to tell their stories and be heard by other members of society. FAFG works closely with victims to learn what they need and want from exhumation and identification of remains. Most important, FAFG considers the voices of victims as key components of its research methodology.

The voice of victims—whether recorded on paper, video or audio—is perhaps the single most important element of telling a story about past human rights abuse and atrocities and working toward following the imperative of *Never Again!* in the long term. Fairly, accurately, safely and comprehensively obtaining the multiple voices of diverse victims was a key issue for the affinity group.

2. Official Records

We also collect official records or collaborate with institutions that collect them. For example, the Guatemalan human rights ombudsman sought advice from DAG about the status and future of the National Police Historical Archives of Guatemala. DAG members have been invited to be on the International Consultative Council of the National Police Historical Archives Recovery Project.

In some cases, collecting official records has been the driving force of DAG members' work. The Iraq Memory Foundation, for instance, has amassed some 11 million pages of Baath Party files and 1,000 hours of video relating to the 1968–2002 period. Likewise, DC-Cam's collection of Khmer Rouge documents—to date, approximately 600,000 pages, as well as petitions and interview transcripts from survivors of the regime—makes up a vital contribution to the trials of the Khmer Rouge leaders in the Extraordinary Chambers in the Courts of Cambodia (ECCC).

[6] See Harold Scheub, "Now for a Story" (10–16), and Ksenija Bilbija, "Story is History is Story" (112–118), in Leigh Payne, Ksenija Bilbija, Jo Ellen Fair, and Cynthia E. Milton, eds., *The Art of Truth-Telling about Authoritarian Rule* (Madison, WI: University of Wisconsin Press, 2005).

[7] There are varying ways of envisioning these or similar categories. One of our members, the Iraq Memory Foundation, conceptualizes the categories as *Testimony, Paper Trail* and *Artifacts.*

Every now and then official records appear in unexpected places. During our meeting in Guatemala, we visited an abandoned factory where the National Police Archives had been kept clandestinely for 10 years. FAFG helped sift through an enormous pile of documents and encountered confiscated work permits and driver's licenses. These documents are now being used to strengthen death and disappearance cases against state agents. HLC uses its vast holdings primarily for prosecutions, but the International Criminal Tribunal for the former Yugoslavia (ICTY) possesses a wide range of official records that it has used in its trials. HLC has had extensive discussions with the ICTY about where and how the tribunal's documents should be deposited when it finishes its work in The Hague. In addition to having an emotional impact on visitors who see them, the haunting photographs of prisoners awaiting imminent execution at Tuol Sleng prison in Cambodia serve as documents that can be used as legal evidence and as sources of historical memory.

3. Unofficial Records and Physical Materials

Along with the voices of victims, witnesses (and occasionally perpetrators), and the official records often left behind by a former regime, physical materials add to the range of sources used to document mass atrocities. One of the strongest sources of evidence that HLC collected was a videotape of a team of Serbian death squads (the "Scorpions") shooting young Muslim men in the head in Bosnia. FAFG's primary source of documentation is bones found in clandestine graves. Through rigorous scientific analysis combined with forensic anthropological methods, FAFG has developed a finely tuned process for using the material—bones, as well as clothing and other personal effects of the victims—as the basis of its documentation efforts.

4. Analysis and Other Created Documents

We both *collect* and *create* documents as elements of investigation of events. For example, based on a range of primary sources, lawyers representing the families of the disappeared in Chile filed numerous habeas corpus briefs. Vast collections of those briefs are stored at the Vicaria de la Solidaridad documentation center and are being used in criminal cases.[8] HREIB/ND–Burma investigates accounts of human rights abuse inside Burma and uses the Martus database system to create records it hopes will be used in trials and truth commissions. ICTJ has collaborated with NGOs in Ghana, Liberia, Morocco, Peru, Sierra Leone and Timor-Leste to collect and generate documentation that will be useful to ongoing truth commissions. The MF prepares briefs on primary documentation it holds. The annotation records are created documents, though only supporting the original documents.

[8] *See Louis Bickford, "The Archival Imperative: Human Rights and Historical Memory in Latin America's Southern Cone," Human Rights Quarterly 21, no. 4 (1999).*

II. Challenges and Cross-Cutting Themes

Documentation projects face enormous challenges in contributing to telling the stories of the past. The purpose of DAG was to create a forum to communicate and discuss these challenges, which fall, broadly speaking, into two categories—strategic and technical. Throughout this report we will explore these challenges and offer some thoughts about how they might best be tackled.

A. Strategic and Technical Challenges

Documentation projects face a set of strategic challenges regarding their mission, goals and raison d'être. Among these are:

Choosing and refining a collection strategy: Determining which kinds of documents to prioritize–and why–is neither obvious nor automatic and needs to be discussed within the broader framework of long-term goals. If the goal is to contribute to future trials, for example, then documents that can be used as legal evidence will be prioritized. If the goal is a future truth commission, then documents that focus on broader social experiences will be prioritized.

Partnerships: What kinds of partnerships make the most sense—those with libraries, human rights organizations or international agencies?

Funding: How can documentation centers attract funding for their work? How does a funding strategy fit into both broader goals and partnership strategies?

Documentation projects also face a wide array of technical challenges, including:

- Identifying, collecting and cataloging materials;
- Organizing and storing materials (using what database programs?);
- Maximizing security precautions so as not to hinder work;
- Using digitization most productively;

- Dealing with chain-of-custody, ownership and other legal issues;
- Developing long-term preservation plans;
- Making documents accessible to the right constituencies.

B. Cross-Cutting Themes in Documentation Work

1. Ethics

Documentation projects around the world operate in politically charged and chaotic environments, as will become apparent in various sections of this report. Absent rule of law, transparent institutions and democratic values, documentation projects are forced to make difficult choices. For example, HREIB/ND–Burma must remain cognizant that documents in its possession contain information that could endanger people's lives. Because individuals inside Burma have taken considerable risks to give testimonies, HREIB/ND–Burma guards the information carefully.

We feel that documentation projects must follow the basic rule of *do no harm or injustice*. This rule should be applied to all persons, but especially to victims, witnesses and others who have taken risks to tell the story.

Do no harm or injustice: Documentation projects must take every care to ensure that no one is harmed as a result of their documentation work.

We also face other kinds of ethical questions. For example, in the midst of conflict in Iraq, the MF had the occasion to purchase documents—valuable (abandoned) Baath Party files—scavenged by looters. For ethical reasons the MF chose not to purchase these documents. At a later date, however, the MF had the opportunity to obtain the documents in a way that seemed ethical, by paying the cost (about $100 per truck) of "transporting" them to a safe site. The fee the MF paid, although substantially less than the amount originally requested, was arguably more than the service was worth.

We discussed this and similar dilemmas at great length and recognized that documentation projects constantly face ethical challenges. Accordingly, we suggest that any documentation project develop an ethics statement to guide its work.

Documentation projects should write an ethics statement and a code of conduct at the outset, to provide a guiding framework for all their work.

Such a statement formalizes what is implicit and generates a unified vision and agreement within the organization regarding proper treatment of both people and documents, whether oral testimonies, official documents or physical evidence. Moreover, formalizing ethics and codes of conduct upholds the moral values of the organization and preserves institutional memory.

Ethics statements can range from the very general to the specific, depending on the situation. On forming a team to process newly acquired documents in Baghdad, the MF produced a short, basic ethics statement, discussed at length among team members and understood as a core set of standards to which they would adhere. The statement underlined that no action should be taken if it would cause harm to anyone mentioned in the documents, anyone working on the documents or the documents themselves.

2. Politics

The act of collecting documents is itself a political act, and it always fits into a broader political context. DC-Cam collects documents about the genocide committed under the Khmer Rouge. Although aware of the general context, including beneficial acts by the regime, DC-Cam is not interested in searching for information about contributions the Khmer Rouge might have made to Cambodian civilization or in extolling any virtues that the regime might have had. HREIB/ND–Burma is equally uninterested in praising a new bridge built by the Burmese military junta, for example. ICTJ chooses to work with human rights and democracy-oriented organizations and would be unlikely to offer technical assistance to oppressive regimes. These are reasonable choices that NGOs must make. The important thing, we feel, is to be clear about these choices to the degree possible, given security considerations.

Be transparent about goals: Documentation projects should be explicit and honest about what they are trying to achieve. They should explain what they are doing and why in their correspondence, public statements, Web sites and promotional materials.

Although the national context may be permeated by political considerations, donors and organizations are also driven by their own political inclinations and agendas. For this reason we believe it is imperative for documentation projects to strive to be seen as objective and professional. We recognize the difficult political balancing act necessary to achieve or approximate a modicum of objectivity, and it is never possible to fully detach oneself from political considerations. The closest we can come is to be honest and professional. In short:

Demonstrate objectivity: Documentation projects will always benefit from being seen as objective and having high professional standards. Professionalism is the antidote to accusations of being overly political.

Another question of politics—at least in the broadest sense—is the temporal scope of the documentation collection. For example, the MF focuses only on Iraq's 35 years of totalitarianism, from 1968 to 2003. Its efforts do not cover traumatic events following the fall of the regime, despite the extent and depth of the tragedy these involve. This limitation was controversial among some partner organizations in Iraq and elsewhere, and the decision to prioritize a specific historical period was a difficult choice for the MF. However, the organization ultimately decided to preserve the original time frame of its collection efforts, based on the idea that the period presents a very specific set of patterns characterized by all-encompassing, totalitarian rule, and it differed in important ways from the post-2003 period. In other words, the MF accepted this limitation of its mandate while remaining open to cooperation with other initiatives that cover the subsequent era of violence.[9]

Consider—and explain—the temporal scope of collection, which sometimes may be perceived as political. There may be strong and valid reasons to limit temporal scope (that is, to prioritize the collection of documents about a specific, demarcated period). For example, the fall of a regime, the end of genocide, the implementation of a peace agreement, or the transition from authoritarianism to democracy might represent the end of an era in which certain patterns dominated; and these should be critically examined in their own historical context. Making these kinds of distinctions may be valid even where new cases of human rights abuse and atrocity are continuing or have erupted under a subsequent or current regime.

For example, the Cambodian tragedy both predates and postdates the cataclysmic episode of Khmer Rouge rule. In a deliberate decision to preserve its unified focus, DC-Cam has chosen to restrict itself to documenting atrocities committed during the brief but genocidal Pol Pot regime. However, because of their nature, the documents do more than detail atrocities and paint a historical picture. Documents dating back to 1964 help inform the discussion of what led to the Khmer Rouge regime. Those collected after 1979 help explain how the Khmer Rouge managed to maintain international support after the regime fell.

3. Security

The work of documentation projects is not only political. It can be dangerous.

Maintaining the security of personnel, premises and documents is one of the most significant challenges for documentation projects. A number of our members have received death threats. In the past two years, for example, Fredy Peccerelli, the director of FAFG, and his family have received explicit and detailed threats by cell phone text messages, e-mail and in person. Organization members have been harassed or yelled at in the streets. Others have been subjected to theft, break-ins or other attempts to harm or steal documents. The offices of some ND–Burma members in Thailand have been raided by authorities and documents have been removed. DC-Cam Director Youk Chhang was also threatened in 1998 by Ieng Thirith (the minister of health, education, and social action in Democratic Kampuchea) and her husband, Ieng Sary (deputy prime minister of the regime), who led a campaign against him, accusing him of destabilizing the country by looking into the past. They threatened to close the center and harm one of the director's family members, sending soldiers to her house.

Simple and commonsensical guidelines—including threat assessments, everyday safeguards, security training for staff, and national and international publicity and solidarity strategies—can protect personnel. In short:

Develop a proactive security framework: Documentation projects should establish a security framework that anticipates threats and outlines specific protocols and policies for avoiding and addressing them. They should be discussed internally and written down.

[9] See Kanan Makiya, *Republic of Fear* (Berkeley: University of California Press, 1989)

Straightforward guidelines can protect security of documents. The most important and most obvious is:

Make copies. The more copies of documents are housed in more places in more formats, the better protected they are. This may mean collaborating, when possible, with national or international institutions (such as libraries or human rights ombudsman offices).

The MF's initial strategy was based almost entirely on making copies. Given the enormous risks to the documents in Iraq, the MF developed a novel system for the digital imaging of oversized documents, using a homemade contraption that involved a camera mounted on a wooden frame. For regular-sized documents the MF employed six people in three shifts 24 hours a day, using high-quality scanners to copy Baath Party files at a daily rate of 1,500 pages and shipping them to a safe digital-storage location.

Some of the measures taken by DC-Cam to secure its documents include maintaining fireproof filing cabinets at a location outside the center, keeping duplicate copies in several locations and reporting threats to the Cambodian Ministry of Interior, as well as to international agencies. In addition, staff are advised not to discuss their work at home or with friends and neighbors, and at least four male staff are present at the center every night.

Documentation projects can take many other steps to protect documents. These will emerge throughout this report.

4. Methodology

Numerous methodologies exist for documenting past human rights abuse and atrocity, and every documentation center tends to prioritize a different collection method. A methodology is any set of predictable, repeatable and verifiable rules adhered to for processing documents: its inclusiveness or restrictiveness is a function of needs and objectives. For some organizations the goal is to collect legal documents, whereas others focus on gathering oral history or amassing documents of a former repressive regime. The MF devised a broad, inclusive methodology, setting criteria for documents at a low level ("any generated document is a document"). Then it developed rules for handling the documents: inventory them, ensure preservation, store with similar parts, prepare for digitization, digitize and so on.

An established literature describes best methods of documentary collection.[10] These methods may seem obvious or self-explanatory, but they are not. We have tried to gain competence in different methodologies through peer-to-peer learning within DAG, as well as from non-DAG sources, and we encourage colleagues to do the same.[11] However, regardless of the specific methods employed, methodological rigor is essential.

Be rigorous: Methodological rigor goes a long way. It may be more costly and time-consuming, but it produces superior results that will be more effective, and it gives an accurate impression of professionalism.

5. Networking

Connecting nationally, regionally or globally with organizations engaged in similar work tends to be more productive strategically than working in isolation. The experience of DAG confirms this.

[10] One excellent resource is the International Council on Archives (ICA, www.ica.org). Also see their useful publication, *The Records of NGOs: Memory … to be Shared: A practical guide in 60 questions* (Paris: ICA, c. 2002), available online at http://www.ica.org/sites/default/files/NGOEN_2.pdf.

[11] For example, one of our members benefited greatly—and then shared those benefits with us—from the annual Summer Institute of the Oral History Program at Columbia University, which offers a rigorous introduction to methodology.

Two kinds of networking may be highlighted: The first is collaborative networking among documentation projects or centers specifically to produce a richer story about the past. Regional networking also helps obtain a coherent, consistent and objective picture of the past, especially when the nature of the conflict and human rights violations have regional dimensions. Because authoritarian regimes tend to force groups to work in isolation, networking can be a strategy to resist authoritarianism. The best example of this in our group has been the regional work of HLC (see box below). In facilitating the Network for Human Rights Documentation–Burma, HREIB has, like HLC, prioritized this kind of networking.

A second kind of networking—reciprocal exchange—occurs among a wider set of institutions and organizations, including universities, research libraries, national archives, human rights ombudsman offices, international organizations, foundations, history associations, trial monitoring organizations and other relevant groups. DAG is a classic example of a reciprocal exchange network.

ICTJ has prioritized these kinds of networks as a key part of its overall effort to strengthen the field of transitional justice, and it has been instrumental in a number of reciprocal exchange networks around the world, including the Managing Truth Commissions Affinity Group, a network of professionals involved in active truth commissions during 2002–2006 in Morocco, Peru, Sierra Leone and Timor-Leste. It has drawn on experiences of former truth commissions in Argentina, Chile, Guatemala and South Africa, among others.

Consider networks: Documentation projects should consider both collaborative and reciprocal exchange networks as part of their overall strategy. In different ways each type of network can be of great value.

Reciprocal exchange networks can have enormous benefits in many ways. DC-Cam, for example, has elected to network primarily with the academic community, a decision that not only ensures the integrity of its work, but also helps it maintain a neutral (apolitical) image in the eyes of the government. DC-Cam has a formal relationship with Rutgers University (USA), which serves as a repository of its documents. In Cambodia it has a close relationship with the National Archives and the Tuol Sleng Genocide Museum, largely for documentation and public-education purposes. To maintain its autonomy it avoids close association with watchdog organizations. Its collaboration with DAG allows DC-Cam to share its work around the world and learn best practices from colleagues. As a result, many Cambodians (as well as outsiders) perceive DC-Cam not to have a political agenda and have therefore been forthcoming with documents and other information in their possession.

Case Study: Regional Cooperation in the Balkans

On April 6, 2004 three organizations signed the Memorandum on Regional Cooperation in Sarajevo. These organizations are the Humanitarian Law Center (Belgrade), Documenta/Center for Dealing with the Past (Zagreb) and the Research and Documentation Center (Sarajevo). The aim of the memorandum was to strengthen relations among the organizations and encourage joint projects. The organizations identified a number of regional areas to focus on, primarily promoting the idea in the region of a commission on war crimes in the former Yugoslavia, information system development, trial monitoring, oral history, training, courses and other activities. The overall aim was capacity building, networking and cooperation. And indeed, creating uniform information-processing systems has enabled these organizations to generate compatible metadata and exchange information in a more accurate manner. However, even though the number of joint consultations and forums in the region has increased in the past two years, the relatively recent nature of this coordinated effort makes it difficult to properly evaluate the positive and negative aspects of this form of cooperation. Although regional cooperation undoubtedly imposes significant additional administrative and bureaucratic challenges, the early signs indicate a successful venture.[12]

The value of reciprocal exchange networks—especially international or cross-regional ones—is not always obvious, given the apparent diversity of experiences in different regions and countries. However, DAG membership has yielded unexpected advantages. For example, being involved in international networks has enhanced the visibility of DAG and constantly introduces us to new possible partners. We have found that we often "did not know what we did not know," and we learned from one another in unexpected ways. And we found an invigorating sense of solidarity in an international network. Finally, and perhaps most important, we found partners on whom we can depend and whom we feel comfortable calling or e-mailing for different kinds of advice on documentation strategies.

[12] Research and Documentation Center Sarajevo, *Report (April 2004–April 2006)*, para. 10.

6. Bias

Bias is inherent in document collection and knowledge creation. It is different from, although related to, the issue of objectivity or perceived objectivity discussed above. In this sense bias is inevitable, normal and in many cases the result of external conditions, such as what is available to collectors. It is therefore important to recognize and acknowledge the biases inherent in our work and if necessary take measures to alter them. In fact, recognizing biases can greatly enhance the perceived objectivity of a documentation project, even if eliminating them is difficult.

First and foremost, documents and documentation reflect social and political biases, and also may be rooted in cultural norms, such as gender bias. For example, in many contexts documents are more likely to be available about male experiences because of the gendered nature of public spaces and the fact that documents are often generated by political, business or civic actors; in government offices; or by other entities that often represent traditional male power and identity.[13] The field of human rights often has been criticized for defining violations in terms of how they affect male victims without taking women's experiences into account. This bias may be reflected in human rights documentation that focuses on males as victims of killings or other violations of civil and political human rights without doing a gendered analysis of how mass atrocities affect women.

For example, the MF's collection of documents exposes a gender bias inherent in the Baath Party, but also one resulting from women's general lack of access because of social and cultural norms. Baath Party members tend to be overwhelmingly male, with the exception of larger numbers of women—Christians in particular—in the Special Security Apparatus. This inconsistency probably occurred because the regime considered women, who were more dependent on Baath Party protection, to be more reliable and loyal than men. That said, even though certain groups may be discriminated against in a regime, this should not deprive them of agency. In this case the agency of women in Iraq, whether positive or negative, needs to be recognized in documentation efforts. The MF's collection was also biased because of the limited number of testimonies received from women, given gender norms.

Bias can stem from regional and class differentiation, as well as age, sexual orientation and other forms of deep-seated discrimination, either on the part of society as a whole or of documentation collectors. For example, HREIB/ND–Burma only possesses documents from areas to which they have access; thus their collection reflects a regional bias that largely excludes information from remote areas of northwestern Burma.

Recognize and address bias, even if it cannot be eliminated. Documentation project staff should discuss among themselves the kinds of documents they are collecting, focusing on what is missing and what is over-represented and why. They should consider ethnicity, race, gender, region, religion, sexual orientation and other possible forms of bias. The basic question is, "What are the documents we are collecting not telling us?" To the degree possible, strategies should be considered that account for bias.

The criteria for collecting documents will always reflect different kinds of bias and depend on the specific circumstances and objectives of the culture and society in which violence occurred or is occurring. In cases where atrocities already have occurred, document collection criteria are developed to tell a specific story—and this may not be the full story. For example, the South African Truth and Reconciliation Commission was criticized for its narrow definition of human rights abuses, restricting documentation-gathering efforts to "gross violations" as defined by Section 1(ix) of the Promotion of National Unity and Reconciliation Act No. 34 of 1995—killings, abductions, torture and severe ill-treatment. (Citation: Volume Six, Truth and Reconciliation Commission of South Africa Report, p. 36)[14] This limitation effectively excluded other, broader categories of abuse, such as economic crimes, exclusion, racism and sexual discrimination.

One should keep in mind that bias may be apparent not only in documents collected, but also in the internal structures and decisions of the documentation organizations themselves. For example, the MF had only one female employee among 30, primarily because it was more difficult for women to reach the offices in Baghdad's Green Zone.

Consider bias within the organization. If the staff of the documentation project is not broadly representative of the country or region, consider whether and how this alters the conceptualization and operation of collection strategies. Consider strategies for adjusting to or altering this kind of bias.

[13] See Dolores Hayden, *The Power of Place: Urban Landscapes as Public History* (Boston: MIT Press, 1995).
[14] See Mahmood Mamdani, "Degrees of Reconciliation and Forms of Justice," paper presented at conference, "Justice or Reconciliation," University of Chicago, April 25–26, 1997.

III. Using Documents

None of the DAG organizations that had documentation projects saw themselves solely as long-term repositories for documents that would be used by others, such as researchers, in the future. On the contrary, all of these projects are *active* participants in debates and activities concerned with justice, accountability, truth-telling, historical memory and transitional justice. In this sense we are always deeply aware that we collect documents *to be used*.

How will documents be used? By whom? To what ends? Under what, if any, restrictions? And if the documents are being used by the organizations themselves, what criteria or rules should guide their usage?

We have combined these questions under the heading "utility" (how the documents can or should be used, and how we determine this). This notion is closely related to "analysis" (how we evaluate the documents in our possession; how we determine criteria, goals and procedures for analyzing or using the documents), discussed in a later section. These notions are closely related. Without analysis, documents cannot be processed usefully. Without strategic use of the analyzed information, the processed information has no impact or real-life value.

A. Utility

In the broadest sense organizations such as those in DAG collect documents as a part of the struggle against impunity and in favor of human rights, democracy and peace. All subsequent decisions about utility should be placed in the broader context of the mission, goals and purpose of the project. Given this, DAG delineated at least the following types of utility: (1) legal claims, (2) personal information for victims, (3) influencing the national discourse, (4) shaping policy, and (5) contributing to historical memory.

1. Legal Claims

Documents may be used for a broad range of legal purposes, such as evidence in formal trials; claims to a regional body such as the Inter-American Human Rights Commission or a world body such as the International Criminal Court; requests for a death certificate of a deceased family member; or materials for civil claims. Documents have also been used as evidence for the reclamation of property and other possessions. In fact, more than a half-century after World War II, Holocaust survivors continue to rely on documents to reclaim priceless lost or stolen art.

One classic legal use of documentation has been in reparations programs.[15] These programs—whose primary goal is official recognition of harm done in an attempt to repair that harm—include some types of compensation and targeted health or mental-health programs. To develop these programs, however, organizations must answer two questions. First, who suffered the harm? That is, who should be the recipient of benefits? Second, what harm did they suffer? The answers to these questions often must be determined through use of the documentary record.

ICTJ assists efforts around the world to hold perpetrators of mass atrocity accountable in criminal courts. As the first sentences of this report suggest, these kinds of courts have depended on documentary evidence at least since Nuremberg.

HLC has defined much of its mission at criminal trials, especially of the Serbian perpetrators of war crimes and genocide. Although most cases of this nature took place at the international level—specifically in The Hague at the ICTY—a growing movement has sought to bring those cases back to domestic courts in the region, and HLC has played a major role in this movement. HLC therefore develops case files for potential

[15] See Pablo de Greiff, *The Reparations Handbook* (Oxford: Oxford University Press, 2005)

prosecutions and seeks to accumulate as much evidence as possible for each of those cases. Additional projects, such as broader truth-telling or oral history, are meant to strengthen the legal cases, both by influencing national discourse and by providing additional evidence.

If legal claims are the primary category of utility, then the documentation projects should consider questions of likely (or actual) case selection and evidentiary rigor of materials ("probative value") needed for those cases.

For example, the MF has supplied the Iraqi High Tribunal with documents for the prosecution of genocide cases against former regime officials and has also provided individuals with specific records about themselves held by the former regime. FAFG uses physical evidence and documents from its investigations into clandestine graves to identify the disappeared. With these documents the Guatemalan Commission for Historical Clarification (CEH) was able to strengthen its case for genocide suffered by large segments of the Guatemalan population.

2. Personal Information

Documents and physical evidence may be used in a very personal and positive manner to provide closure for victims' families and loved ones. Documents are used as part of truth-seeking efforts to identify the status of the victim or claim compensation. For the families left behind, they evoke a direct physical connection to the victim. In Guatemala, after the physical evidence is used in a scientific and legalistic manner to process legal claims, FAFG returns the victim's remains to the family for formal ceremonial burials, to bring closure to the community as a whole. In Cambodia DC-Cam has used prison and other records from the former regime to help people in the country and abroad learn the fate of their loved ones. No one to date has expected any compensation or made any legal claims in this regard; rather, they are seeking some form of resolution. With the ECCC in process, DC-Cam has been receiving about 30 family tracing requests each month.

Making certain documents accessible to victims and their families requires keeping in mind specific considerations related to collecting and using the documents. Archivists must pay attention to effectively and considerately opening certain documents to these groups while remaining careful not to harm the documents, interfere with the chain of custody, or compromise the integrity and utility of a collection.

One DAG participant had to spend substantial time in the documentation centers of a variety of NGOs in the Southern Cone of Latin America, especially the Argentine Centro de Estudios Legales y Sociales (CELS), where the head of the documentation center was a victim of state violence.[16] The procedures developed by the documentation center were extremely victim-centric. The organization operated in a context in which a piece of paper or a photograph was all that remained of family members who had "disappeared"; thus these objects took on transcendent personal meaning and importance. This aspect of documentation was very important to CELS's philosophy and approach to utility. However, it also represented a challenge because the head of the documentation center did not have extensive experience in the legal use of documents as evidence, which was an equally important part of CELS's approach to utility.

3. Influencing National Discourse

Documents that uncover repressive actions of a regime or non-state actors can often influence the national discourse concerning what actually happened during the covered period of time. In this sense, DAG's emphasis on telling a story is important—it can contribute to the nation's sense of community.

For example, Serbian society was largely in denial about the role of some of its members in the atrocities committed in Bosnia; accusations circulating in the worldwide press about the responsibility of Serbian citizens in some of the worst abuses of human rights in neighboring Bosnia were dismissed as anti-

[16] Louis Bickford published the results of the research from this period in Research Reports and Notes, "Human Rights Archives and Research on Historical Memory: Argentina, Chile, and Uruguay," *Latin American Research Review* 35, no. 2 (2000).

Serbian propaganda. This dominant state of affairs significantly shifted after HLC released a videotape documenting the direct involvement of a Serbian paramilitary force, the Scorpions, in the cold-blooded murder of Bosnian civilians. With this release much of Serbian society was forced to face a truth previously denied in nationalist narratives.

Similarly, the United States-based National Security Archives—an NGO that was not involved in DAG but is known and respected by many of its members—has repeatedly used objective research, transparent goals and methodological rigor to influence national dialogue, especially in the United States, about U.S. foreign policy in Latin America. For example, the Archive's Pinochet project helped change the global conversation about Pinochet and his regime by taking discourse about the human rights abuses in which it engaged out of the realm of partisan polemics and into that of undeniable facts; their work on Mexico and Guatemala also has been important in revealing patterns of impunity.

On the other hand, influencing a national conversation is hardly an easy task. Although releasing documents can sometimes shake accepted assumptions and reveal truths, in other cases it can cement dominant versions of history and deny the ability to question or criticize them. When the MF released footage from the archive of the Baath regime documenting executions ordered by the Baath Party, these became part of the gory accounts repeated in the media. Instead of sensitizing the global audience to the suffering endured by Iraqi society, it had the opposite effect of habituating the world to images of atrocities in Iraq as part of the landscape.

Influencing a national conversation is not easy; documents can be used by others in unanticipated ways once they are released and can have undesired results. Careful attention to strategic goals should guide any attempt to influence the national discourse.

Perhaps the most obvious way that documents can help influence a national conversation is through an official truth commission, such as those in Chile, Morocco, South Africa and Timor-Leste, among many others. Truth commissions require documents, and organizations such as those of DAG members often produce or hold these documents. In fact, truth commissions without such rich linkages to existing documentation centers are likely to fare poorly.[17]

4. Memory

Modern societies are composed of "great remembering and great forgetting," to paraphrase Ernest Renan, the French philosopher of nationalism. But what do we remember and what do we forget? Those questions, as well as the obvious next question—what *should* we remember about the past?—express one of the great tensions of all societies. The construction of *social memory*—that is, what societies choose to remember about their past—can help determine whether societies return to patterns of violence or authoritarianism.

Social memory is a process of constant negotiation among various groups and social forces that compete with one another over which aspects of the past future generations will remember.[18] Some of these groups have more influence—and more power—than others in determining what societies will remember and how they will remember events and people.

One of the ways societies remember is by preserving documents for the long term. Archives are the source of knowledge for future historians, researchers, students and other interested groups, including family members.

5. Cautionary Tales

As mentioned before, the risk is always that documents will be used for negative and undesirable ends. Documents containing damaging information can be used to apply political pressure when released to the press without context. Documents thought to be authentic and reliable may in fact be forgeries or contain misleading and erroneous information.

[17] See "Truth Commissions and NGOs" (ICTJ).

[18] Marita Sturkin uses a similar definition for what she calls "cultural memory" (Sturkin, 1.) Marita Sturkin. *Tangled Memories: The Vietnam War, the AIDS Epidemic, and the Politics of Remembering* (Berkeley: University of California Press, 1997).Many in Latin America's Southern Cone have used the terms "historical memory" and "collective memory"; see Bickford and Schultz, *Memory and Justice,* ICTJ report for the Ford Foundation, May 2008.

Paper documents, as much as oral history, can be manipulated and corrupted. For example, Jan Kavan, a Czech national, was thrown out of the Czech Parliament after he was wrongly accused of being an informant for the Communist Party of Czechoslovakia on the basis of some government documents. He has since been exonerated and became the president of the 57th session of the U.N. General Assembly.[19] George Galloway, a British member of Parliament, was seen by some to be a courageous man who was demonized in the war against terror because he strove to break the sanctions against Iraq and debunk the U.S. claim that Iraq possessed weapons of mass destruction. His reputation was tarnished, however, when newspapers published documents accusing him of receiving millions of dollars from the Saddam regime and denouncing him as its corrupt and biased puppet. Galloway sued for libel, and it came out that certain documents were authentic while others were forgeries. As a result, one newspaper settled out of court and the other retracted the story. This incident brings up the question of the reliability of a collection of documents and its utility when originals are corrupted by forgeries.

Documents are not infallible. The only real protections that a documentation center has against false documents or the politicized use of documents by others are objectivity, transparency and rigorous methodology.

Another example from Iraq demonstrates the ways documents can become politicized, thus creating dilemmas and difficult choices for documentation centers. The MF was invited by the Coalition Provisional Authority to contribute to the de-Baathification process using Baath Party membership files documenting crimes committed by individuals. The MF agreed in principle if information in its custody were used to exonerate as well as indict Baath Party members on a case-by-case basis. However, problems in the de-Baathification process led to a reversal of the MF's position. Fearing that the information might be used for problematic political purposes, the MF declined to collaborate and would not provide open access to its documents. Tensions rose again when the MF obtained lists of people purportedly trained as suicide bombers. Recognizing that these lists might not reflect actual training, the MF chose not to release them.

B. Collecting Documents

1. Criteria for Collecting Documents

Once the broader questions of utility have been answered, documentation projects face the narrower question of identifying specific criteria for collecting documents. Documentation centers, especially newly established ones, may take the "dragnet approach"—collecting every document of relevance or interest. A second approach would be to collect documents based on predetermined criteria or categories. The first approach tends to be prohibitive, given the magnitude, funding and time constraints; so many organizations opt for the second method.

The MF learned this lesson the hard way. At first it used a dragnet approach in its acquisition of documents in an attempt to make its documentation effort as encompassing as possible. However, to manage this otherwise prohibitive endeavor, MF staff developed a scale of nine levels of documents (listed below) as a function of the documents' history rather than their content and included documents that had been destroyed or lost. Taking into account that they had no way to assess documents' content before collecting them, they gave documents collected by individuals higher priority than those collected by institutions. The MF feared that individuals would be tempted to sell, destroy, discard or mutilate documents in their possession. Interest in the document therefore became related more to their status than to their content.

Under this system each type of document would be treated differently. For example, for documents "removed by regime members" (category 2), the MF would need to initiate or develop a process of negotiation to obtain them. For documents "left on site" (category 9), the MF would have to obtain authorization from the municipal authorities before removing them. This system enabled the MF to develop different strategies for the collection of each type of document and to pursue these strategies at different times. It also meant that they could develop more sophisticated methods for each type of document over time. This process would allow for prioritizing certain kinds of documents at certain times.

[19] Lawrence Weschler, *Calamities of Exile* (London: University of Chicago Press, 1998).

A basic field survey by MF staff of the status of documents in July 2003 indicated that they fell into the following categories:

1. Those destroyed by regime officials;
2. Those removed by regime officials to undetermined but secure sites;
3. Those removed by regime personnel in their individual capacity for safekeeping or future exploitation;
4. Those collected by U.S. government agencies (especially the Iraq Survey Group);
5. Those collected by major organized groups (such as victims' associations or human rights groups) in a planned way;
6. Those collected ad hoc by local groups;
7. Those scavenged by individuals;
8. Those destroyed on-site through acts of warfare or looting;
9. Those left on-site.

In the case of HLC, document acquisition is driven by the requirements and needs of the prosecution process. As a legal aid institution HLC has a collection of documents relevant to its specific mission, not for general and generic use. In this sense HLC is particularly concerned with *evidence* for legal proceedings. Still, the accumulation of these specific sets of documents creates, albeit tangentially, an important resource that becomes available for other uses. HLC researchers have made ample use of this resource in producing monographs including cases showing patterns of abuse against vulnerable segments of society (such as the Roma).

Develop criteria for collecting: Given the universe of possible documents, it makes sense to develop a set of categories or statements that can then be used to determine which documents will be prioritized.

Although criteria or categories are helpful to provide an initial focus and to develop documentation efforts, criteria can change over the course of collecting documents. For example, even in its dragnet approach, the MF adhered to implicit criteria to limit the universe of documents it was seeking to acquire. Thus it focused on "the aberrant institutions of the totalitarian regime"—that is, institutions of control and population monitoring that went beyond the normal functions of the state: intelligence services, the security apparatus, Baath Party cells, and others. However, in the course of collection it became clear that some "non-aberrant" institutions, such as the education and health ministries, were engaged in aberrant behavior, both through gathering information for control purposes and selectively rendering services. The original rule for identifying the purpose of document collection had to be amended accordingly. This example shows that identification of criteria and the resultant collection of documents is a repeated and mutually reinforcing process.

Similarly, FAFG initially focused primarily on forensic anthropology. The organization collected oral testimonies in an effort to identify bodies. These testimonies were then stored without being used for other purposes. However, FAFG later used the information acquired from oral testimonies in a project to identify unmarked graves.

It is important to note that although criteria and categories may be selected to collect documents and determine the history of past atrocities, the task becomes much more daunting when the human rights violations are in the present and continuing. HREIB/ND–Burma faces this challenge in attempting to collect useful and relevant information that is exploitable in the present to advocate and bring about a transition to democracy. However, without knowledge of the exact nature and process of the transition to come, the criteria and categories used for documentation collection tend to be amorphous and intangible. HREIB has addressed this challenge by collaborating with other members of ND–Burma to develop a set of 15 categories of human rights violations on which the network focuses (categories listed on the next page). The multistage process of determining these categories began with fieldworkers identifying how local witnesses named violations. The 10 organizations then came together to compare the local terms and agreed to use the most common and most important terms for the development of a broad historical record of human rights violations in Burma. After settling on 15 categories, international legal experts provided further input to fine-tune the vocabulary and ensure that these categories would be compatible with international legal norms. The network initiates advocacy campaigns that can draw on the data commonly managed in the database. For example, they highlight violations of the freedoms of assembly and expression in the 2008 campaign to vote "no" in the constitutional referendum.

Ultimately the identification of criteria and categories to facilitate and focus documentation collection efforts is neither simple nor straightforward. It is a complex, often highly political process. Moreover, thorny questions tend to arise in contexts where there are no clear and universally agreed-upon transition points, where conflicts are ongoing and where the nature of the crimes is constantly changing.

HREIB/ND–Burma's 15 Categories of Human Rights Violations

1. Killing
2. Disappearance
3. Torture
4. Forced Labor
5. Recruitment and Use of Child Soldiers
6. Rape
7. Other Forms of Sexual Violence
8. Forced Marriage
9. Forced Prostitution
10. Human Trafficking
11. Forced Relocation
12. Confiscation/Destruction of Property
13. Arbitrary Arrest/Detention
14. Obstruction of Freedom of Expression/Assembly
15. Obstruction of Freedom of Movement

2. Ownership

Who owns documents? In some cases ownership is extremely complicated. For example, tensions often exist over ownership of memory among documentation organizations, witnesses and victims. In the Southern Cone, for example, as documents were being collected for prosecutions and truth commissions, tensions arose among victims' groups that felt the memories conveyed by the documents were their own and thus theirs to control. In Iraq, in some cases families came to ask for documents about their loved ones feeling a sense of entitlement over them. The MF found it difficult to respond to their requests without affecting the integrity of the document collection and the information in the documents. In one case a document was heavily redacted and provided in copy form to one victim's family in an attempt to satisfy their claim of ownership.

3. Re-Traumatization

Document gathering, especially collecting testimonies from individuals, runs the risk of re-violating and dehumanizing the victim, as well as raising skepticism. When HREIB/ND–Burma undertook the preliminary assessment of human rights documentation efforts, a local women's organization had just conducted a very effective advocacy campaign highlighting the military's use of rape as a weapon of war. Consequently, international human rights and humanitarian organizations, diplomatic missions and journalists all began clamoring to interview the rape victims to confirm the truth of their stories. In the retelling some rape victims felt they were made to relive their experiences over and over again, a process that was in itself causing them harm. Victims were also skeptical about how their stories would be used. Similarly, survivors of the Saddam Hussein regime expressed exasperation at the multitude of visits by various human rights groups seeking to collect their testimonies, thus forcing them to continually relive the horrors they had endured.

C. Analysis of Documents

The analysis of documents is linked to their utility and refers to the criteria or rules that should guide their usage. Analysis enables useful processing of documents and is thereafter used strategically.

Spotting Patterns

Regardless of the approach chosen for collection, it is important to adopt consistent approaches to analysis.

For example, the MF analysts were scattered globally at first, with only sporadic coordination and little communication. This meant that each one was bringing different analytic tools to the task, resulting in uneven output of questionable utility. The MF soon learned that the best approach was to have the analysis team in one location—talking with one another and developing consistent criteria for analysis—which ensured continuous mutual feedback in assessing analyses.

In contrast, HREIB/ND–Burma's approach to analysis has been more targeted, focusing on creating training manuals to coach ND–Burma members to apply international standards in analyzing documents. This approach teaches analysts how to interpret victims' interviews, identify patterns including aberrations, and arrange and code these patterns appropriately.

The analysis of documents and information is not effective if not undertaken in ways that make it applicable to diverse functions and purposes: multiple databases, research, archiving, prosecutions, truth-seeking, and so on. The utility of documents frequently emerges only after collection, organization and analysis have been completed; but at other times utility is determined from the start, and this influences the entire documentation process, from criteria selection to collection and analysis. Utility can be broadly or narrowly predetermined.

HREIB/ND–Burma's ultimate purpose for collecting and using documents revolves around a broad range of possibilities and should be understood within the framework of five transitional justice mechanisms: truth-seeking, prosecutions, reparations, institutional reform and memorialization. The substance of its

human rights documentation training to local NGOs is mostly determined by these broader functions.

In contrast, the Iraq Survey Group, a consortium of American intelligence agencies that reported on Iraq, had very specific uses for the documents it was seeking. The group wanted to find Baath regime documents that would prove the existence and location of weapons of mass destruction and would reveal the fate of one missing pilot from the Gulf War. To this end, they established specific criteria that allowed them to collect, process and analyze only those documents they thought would be relevant to achieving their goal.[20]

Through a combination of oral histories, field data analysis and documentary materials DC-Cam has exposed genocide within the more general genocide that the Cambodian population suffered. According to DC-Cam's analysis of the gathered data, the Pol Pot regime singled out the Muslim Cham of Cambodia for extermination. As a result more than 25 percent of the victims of the Pol Pot genocide belonged to this community, which made up no more than 5 percent of the total population.

ND–Burma Documentation Manual
Data Analysis: Spotting Patterns
Strengthening the Evidence

Evidence of human rights violations can be strengthened when it is possible to show a trend or pattern of violations, rather than focusing on one, single incident. While all violations are significant and deserve international attention, responsive action may be more forthcoming if there are numerous, connected violations. For example, a report drawing conclusions from 50 cases of members from a particular political group being arrested and detained by the authorities would likely have a greater impact than isolated incidents that do not indicate a pattern.

Accordingly, when evaluating the evidence, it is important to determine whether the violations were isolated incidents or whether they share similarities, such as:

- The same type of victims being targeted: for example, members of the same political party or ethnic group;
- The same type of violation: for example, multiple arrests and detentions without providing procedural rights;
- The same types of perpetrator: for example, the same military unit consistently targeting a particular group of people;
- The same types of state responses: for example, repeated denials of knowledge of arbitrary arrests and detentions.

These patterns can assist in deciding wether the state took a leading role in the violations. They may also assist in recognizing other human rights abuses to produce a stronger message for international action.

Extreme Violations of Human Rights Law: Genocide and Crimes against Humanity

Patterns of extreme violations may result in the determination that a more serious human rights violation has occurred. For example, evidence of mass arrests and detention of political opponents or statements from a particular commander that "soon anyone suspected of supporting the Karen resistance movement will no longer exist" may indicate the existence of acts of genocide or crimes against humanity and require further research.

Understanding the Magnitude of the Crimes

Genocide and crimes against humanity are among the most serious crimes in international law. They represent severe violations of the most basic principles of human rights. As such, the standards codifying genocide and crimes against humanity are universally applicable. Therefore, states and individuals can be held accountable for acts of genocide or crimes against humanity without formally agreeing to abide by particular standards.

Due to the seriousness that violations of genocide and crimes against humanity represent, very strong proof is generally required before international action is taken. Sometimes, even with strong proof, regional and international political issues inhibit the political will to protect survivors. At the same time, many groups may be suffering from abuse that rises to the level of such crimes but may not realize that it meets the requirements to establish such a serious violation. It is important for human rights organizations to understand the legal definition of genocide and crimes against humanity to understand the range of options available under international law and to improve their analysis of the situation. Knowledge of the elements of genocide and crimes against humanity will help in this task.

[20] The Iraq Survey Group (ISG) was a fact-finding mission sent by coalition forces in Iraq after the 2003 invasion to hunt for stockpiles of WMDs thought to be developed by Saddam Hussein's regime, including chemical and biological agents and any supporting research programs or infrastructure that could be used to develop WMDs. It was also assigned to find information about the missing U.S. airman from the previous war. The mission consisted of some 1,000 members and was organized by the Pentagon and CIDA.

D. Management and Storage of Documents

1. Privacy

Privacy, public access to information and dissemination are other important considerations. Many documents held by human rights organizations contain information of a private nature. This is the case, for example, when an explicit or implicit agreement is made between a practitioner, such as a psychologist or medical doctor, and a client or patient. Private documents present a unique challenge, as organizations often hesitate to make copies, fearing they might become widely accessible, breaching the trust of the victims and inadvertently causing harm. For these reasons organizations are also reluctant to store these kinds of documents in national repositories such as libraries or archives. A few major research libraries in the United States and Europe accept such documents on the condition that they remain closed to researchers and the public for a specified period, or they arrange customized privacy agreements with those submitting materials.[21]

A clear protocol for access to information that takes into account the particular nature and physical integrity of the documents; issues of privacy; and current and future uses can anticipate and thus avoid potential conflicts of interest and tensions. Where potentially sensitive materials are still in use, it may be necessary to distinguish among types of research and provide differentiated access to different users, depending on their intentions. Information that is particularly sensitive may have to remain off-limits to all users.[22] The MF is in the midst of a documentation project involving the collection, preservation, structuring, analysis, sharing and study of documents. Many of the documents have been digitized, but they cannot be accessed via the Internet. Access must be specifically requested and granted. Similarly, in the National Police Archives in Guatemala City there is no open access; a formal letter with specific details about the requested documents is required.

2. Integrity of Collected Records

After collection is complete, organizations make decisions about storage, organization and management. A pile of information is not useful, even if neatly shelved, if the contents cannot be accessed in an efficient and user-friendly way.

First and foremost it is desirable to store documents in ways that mimic the original context as much as possible. For example, after receiving a major collection of documents, the MF divided it into components and built customized bookcases and labels for each component to enable access and use and avoid attrition and pollution. The arrangement of the documents matched the regime's own scheme, and the regime's basic classification was duplicated in the archives when appropriate. For example, when the regime split the documents between correspondence, registers and reports, it made sense to preserve the division, even if the information might be redundant.

3. Technical Considerations

To increase accessibility of data many documentation organizations convert paper information into electronic format, which enables the information to be computerized and avoids damage to the original documents through repeated handling. Correctly done, microform preservation lasts 50 to 100 years and possibly longer, depending on storage conditions. Steps should also be taken to prepare microfilmed or microfiched copies for digitization, one of the most effective mechanisms for ensuring the dissemination of information. The benefits of digitization include:

- Enabling more information to be distributed more rapidly to a larger number of people than any nondigitized medium;
- Providing avenues for exploration of a document collection through a variety of approaches;
- Making analysis possible by enabling searches within huge documents and dividing them into different categories.

It should be noted that digitization is not preservation. In fact, the rule of thumb is that where preservation is the goal, paper

[21] Bickford. "The Archival Imperative," 1097, 1114–15. The International Institute of Social History in the Netherlands is a good example; see www.iisg.nl.
[22] Elizabeth Quay Hutchison, "A Rapporteur's Report: Preserving Historical Memory: Documents and Human Rights Archives in the Southern Cone" (Ford Foundation, Andes and Southern Cone Office, 1999).
[23] Bickford, "The Archival Imperative," 1097, 1115.

conservation or microforms should be used. Where dissemination is the goal, digitization should be used.[23]

It is important to sort the information after digitizing or risk losing the context. Digitization can sort the information automatically while applying different criteria. This also enables statistical analysis.

The process should start with the implementation of a protocol for routine digitization of documents. A social scientist should then analyze documents to determine whether other steps should be taken to ensure that the value of each document is maximized. The digital version of the data should be authenticated through checksums or more elaborate methods such as watermarking.[24] In addition, an off-line version in read-only format can be made available, and this will protect the authority of the source version.

There are countless approaches to organizing, storing and managing documents, all of which are context- and time specific. Because it is beyond the scope of this publication to catalog them, the following are lessons that emerged from the experience of DAG members in storing and managing documents.

The Research and Documentation Center in Sarajevo instituted a three-step digitization process to preserve its document collection. First, the center's staff analyzes the contents of all documents. Second, the documents are appropriately classified. Third, documents are transferred into a digital format to ensure their protection and proper dissemination.[25]

HREIB/ND–Burma uses Martus software, developed by Benetech, which provides a one-page template for input of qualitative data, then encrypts the data when it is sent to a secure server. Its database is structured so that biographical information is broadly organized, specifying the individual's role within each documented event. This approach helped take into account changing roles in different contexts and events, as opposed to simply generating a list of victims and perpetrators. With its database of general biographical information, HREIB/ND–Burma is able to identify each person's roles in specific events more accurately, avoiding confusion and a complicated debate over whether a person is a victim or a perpetrator.

DC-Cam's approach to information management highlights its focus on organizational management approaches. Mindful of the tedium and personal stress associated with data input, the organization allows its staff to do data input only part of the time and to balance this task with fieldwork. As a fieldwork-oriented organization, DC-Cam has developed team enrichment methods, focusing on a sense of community, and has opted throughout for a community-intensive approach to information management.

DC-Cam uses four databases to catalog documentary material, much of which comes from its archive. Information from these documents is cataloged and entered into biographic, bibliographic, photographic and geographic databases. These databases are the product of collaboration with Yale University's Genocide Program and the University of New South Wales, Australia.[26]

The MF developed a few fundamental rules for information management:

- **Rule 1:** No original information should ever be discarded; this rule is applicable to any and all documentary materials, as well as to their context. Because of its virtual nature, context is often underrated as information. It is imperative that the organization of information preserve the integrity of the context of documents in the storage scheme.
- **Rule 2:** During the conversion process it is best not to limit one's perspective to current technology. Digitizing at a lower resolution simply for reasons of economy will hinder future analyses at higher resolutions. The MF advises that it is always preferable to undergo the conversion process at the highest current standard, even if a high-quality format does not seem necessary for present purposes. Moreover, formats used during the process should be according to common, if not universal, standards. Archivists should constantly remain aware of new formats. It is helpful that technological standards today are more stable, allowing for greater consistency and uniformity.
- **Rule 3** concerns basic digital assets management. The MF refers to it as the 3-2-2 rule: Any data should exist in three copies, in two media formats and at two locations. Data must be in movable form and needs to keep migrating. For this purpose, digitization has great advantages, as one is not relying on artifacts; thus it is simpler to move the information if necessary. In contrast, with microfiche and microfilm, moving the information is not always possible, and there is a risk of contaminating the artifacts.

Since FAFG's work primarily focuses on the specific objective of locating clandestine graves and identifying causes of death, the organization did not initially practice any uniform organization,

[24] A checksum is a method for detecting errors in data sent through space (telecommunications) or time (storage), thus protecting the integrity of data. Digital watermarking refers to methods of embedding information into a digital signal that carries the information when it is copied. Invisible watermarking is often used to prevent unauthorized copying of digital media.

[25] Research and Documentation Center Sarajevo, *Plan of Activities (July 2005–July 2006)*, 15.

[26] For more information on these databases, check http://www.dccam.org/Database/Index1.htm.

storage and management strategies for documents it collected and generated. Now, because of changing political considerations that allow greater use of documents in other contexts and informed by the work of the other DAG organizations, FAFG is engaging in a more standardized storage and management process.

4. Chain of Custody

Tensions between civil society and the state apparatus may arise when human rights organizations assume custody of documents that could be owned by the state. In both Cambodia and Iraq, documentation groups have control over documents that arguably belong to the state. The MF has control over a significant collection of Baath Party files in Iraq, even though there is no clear institutional inheritor of these files. In Cambodia DC-Cam is the custodian of various files (such as Tuol Sleng archives) that might be useful in the tribunals. DC-Cam considers the documents in its possession as the property of all Cambodians, not of the center. Many of these documents have become fragile with age, and the government lacks the technical resources to preserve them. Thus it has permitted DC-Cam to act as their custodian. Accordingly, DC-Cam has developed procedures for accessing the documents it holds. These include procedures for receiving documents, the chain of custody, and the handling and disposition of materials. All of its documents are open to the public.

In the former Yugoslavia HLC hopes to gain control over documents owned by the ICTY. This is not a significant issue where the state is working with human rights organizations to deal with past human rights violations. However, when the state is uncooperative, it may be necessary for human rights organizations to take additional security measures to maintain custody of documents or to sacrifice custody of originals but ensure that copies are in a safe place.

Given the prospect of tensions when human rights organizations have custody of documents, a stringent protocol regarding the chain of custody that establishes a continuously accurate record of the location and custody status of every document can ameliorate friction and concerns among the various stakeholders. In Guatemala's National Police Archives, the legal chain of custody is unbroken at all times, as the archives never leave the custody of the police. However, there is no process for signing for the internal, individual custody of documents while they are being worked on. A logbook registers the work done, allowing the documents to be tracked; but the process is not specific enough to track responsibility if, for example, some change has been made to a document. If documentation is to be used in legal proceedings a thorough and accurate record of the chain of custody must be kept.

5. Attrition and Pollution

The principal rule in collecting paper documents is to minimize attrition and pollution as much as possible. Attrition refers to the loss of documents, and pollution involves the corruption of the original collection by injecting new materials. Attrition and pollution reflect corruption of the original collection and the loss of context for the knowledge that the collection provides. Attrition and pollution will invariably occur, whether inadvertently or deliberately, but measures should be taken to minimize this damage. An example from the MF's work illustrates this consideration.

Attrition, Pollution and Other Challenges of the Kurdish Collection

When the MF received documents from Kurdish groups in northern Iraq in 1998, the collection was truncated at each stage of its trip to MF custody. Kurdish groups did not gather all available documents and removed some they deemed socially and politically sensitive. The documents were trucked and then flown to the United States with some losses in the process. In the United States, as a result of mishaps as well as deliberate decisions, some documents were removed from the whole before being provided to the MF. The material was packed haphazardly with another set of documents collected in Baghdad, resulting in attrition through the loss of order and structure in the collection. Ultimately, any minor disruption through relocation has cascading effects, and recovering from it can take a long time.

IV. Oral History

Many of the organizations involved in this affinity group collect testimonies directly from the victims and witnesses to obtain firsthand information. This method of collecting oral information as legitimate facts is referred to in a number of ways, including "fact finding" and "witness interviews."

HREIB/ND–Burma relies primarily on oral testimonies and interviews conducted clandestinely with Burmese refugees who have crossed the border into Thailand or on sending field workers into IDP and cease-fire areas. After developing the criteria for the categorization of facts, the network interviews victims and witnesses, asking specific questions about what happened, when it happened, who gave the orders and so forth. Oral testimonies are collected for use in the short term to promote democratic change in Burma. HREIB/ND–Burma's unique contribution to this process has been to connect the current efforts to possible use of testimonies for future transitional justice mechanisms in Burma.

In interviews HREIB/ND–Burma consciously attempts to ask open-ended (non-leading) questions to enable victims and witnesses to tell their own stories without being influenced or biased by the interviewer. There are also issues of consistency in the fact-finding methodology of the organization's 10 constituent groups. However, instead of distributing a form with a rigid set of questions, HREIB/ND–Burma trains member organizations' fieldworkers to use concepts that break down the issues to the essential elements, in line with international legal norms. For example, according to international human rights norms, the essential elements of a disappearance consist of abduction, arbitrariness of the abduction, state agency involvement and refusal by the state to provide information. With these essential elements in mind, fieldworkers develop questions to establish that each of the components was part of the event. This approach enables each group to maintain its own autonomy and methodology and also leads to standardized data that can be compared across organizations.

The MF also employs witness interviews as a way of collecting oral testimonies. However, its methodology is quite different from the one adopted by HREIB/ND–Burma. The MF has scouts who keep their ears open for stories of human rights violations among witnesses and victims from all walks of life. The scouts then write these stories down to capture certain aspects that allow them to stand on their own merits, as well as allow for office discussion regarding their possible impact on overall documentation efforts. After this phase researchers verify stories with actual witnesses or victims and collect any supporting documents, such as death certificates. Dossiers are constructed and then selected for longer (filmed) interviews, during which people talk freely for up to 12 hours. The footage is edited to 12 minutes in a representative synopsis that is broadcast to the public. The 12 hours of film are archived for trend research and the development of new thematic programs, such as torture and blackmail. Archival versions are expected to be used in future prosecution efforts as well.

Even though this two-year-old project collected 100 diverse interviews, the final selected interviews were not chosen to reflect diversity. The interview selection tends to be subjective and limited by safety considerations in the field. However, the witness interviews are not necessarily intended to document

the past regime, but rather to empower victims and allow them to become survivors.

Since 2000, DC-Cam's Promoting Accountability Project has sent teams into the Cambodian countryside. Armed with the biographies every Khmer Rouge cadre wrote during Democratic Kampuchea, the teams locate former cadres or their surviving family members and interview them about their lives during the regime. To date these teams have found about 2,000 surviving cadres of the 12,000 they have sought to interview —most of the rest have died or disappeared.

All of the methodologies described above can be broadly classified as oral history methodologies. Oral history involves the collection of memories and personal narratives about the past through recorded interviews. Oral history interviewing became a popular technique for collecting information about past events after World War II.[27] After the transitions of Latin American countries, oral history became a truth-telling device.

The purpose of the oral history interview is to reveal unknown facts about the events in question that are not available from other sources. An interview should also give insight into the personal accounts of the interviewees. The topics of the conversation should be related to personal experience and facts about everyday life, as well as the interviewee's emotions, feelings, hopes and fears. The interviewer should determine the topics of the conversation relating to the interviewee's experience and lead the interview. Nevertheless, the interviewer must remain open and flexible to the possibility of changing and departing from the topic to obtain as much information as possible.

1. Oral History Methodology

Different oral history associations established uniform rules to enable the interviewer to provide the system necessary to fulfill the demands of the field and to maximize the amount of relevant information collected from interviews.[28]

The goals of the first phase of an oral history interview (preliminary interview and research) are to obtain the best possible outline of an interviewee's life and to familiarize the interviewer with the topics of the interview. This phase can have a significant impact on the full-length interview, as it provides the interviewer with the necessary tools to hear all relevant information from the interviewee and prevent difficulties from arising. The aim of this phase is to establish a basic chronology and determine the relevant locations and events to be focused on during the full-length interview.

Preliminary interviews can be useful in creating specific projects, such as oral history case studies, when they are used as selection criteria to gather information about the interviewees. The summary of a preliminary interview should be written immediately after it is carried out to establish a basis for future research, determine whether the interviewee's memory is sufficient and ascertain whether his or her profile and experience fit the needs and goals of a specific case study.

Research about the topics that may arise during the full-length interview is the second part of the preparatory work for an oral history interview. The interviewer must have an understanding of the historical context under study and knowledge of basic facts about the interviewee's life and the event in question. The usual practice is to attempt to use widely diverse documentation to gather information that may be helpful in preparing questions for the recorded oral history interview. Documents such as court records, available monographs, NGO reports and geographical maps are useful in preparing for the recorded oral history interview.

Oral History Methodology was adapted from presentations made by Marijana Toma at the May 2006 DAG Meeting in Sulaymaniyah.

2. Full-Length Oral History Interview

Several phases are involved in a full-length oral history interview. These include preparing of a release form, determining questions and recording the interview. The preliminary interview and research conducted during that phase should be used to formulate questions for the full-length interview.

[27] Donald A.Ritchie, *Doing Oral History: A Practical Guide* (New York: Oxford University Press, 2003), 19.

[28] These institutions include the American Oral History Association (OHA), Canadian Oral History Association (COHA), and the International Oral History Association (IOHA). See www.ioha.fgv.br; Oral History Association, http://omega.dickinson.edu/organizations/oha/pub_eg.html; Canadian Oral History Association, http://oral-history.ncf.ca/index.html.

Privacy issues are particularly important when dealing with victims of human rights violations. Even when interviewees give consent for data revealed in a full-length interview to be used in a research publication, their biographical and contact information should never be widely known without their explicit consent.

Preparing questions beforehand is recommended, but it is also essential to remain flexible during the full-length interview. Frequently it is the unprepared questions asked in reference to a topic raised by an interviewee that yield the most significant information. During the initial segment of the interview, it is important to ask open-ended questions rather than questions that elicit a yes or no answer. Once the interview has progressed the interviewer may ask questions requiring more concrete answers to ensure that the facts are clear. When choosing the place of the interview, the oral historian should always consult the interviewee and decide according to his or her preference.

The interview can be recorded with video and audio equipment. The process should be explained in detail to the interviewee beforehand to soothe any strong fear or hesitation that they might have about talking openly in front of a camera. Especially when topics of oral history research are war crimes and human rights abuses, interviewees are often sensitive about disclosing the truth, being recorded, or having their stories available for public broadcast out of fear of reprisal and politically or socially motivated attacks. Therefore, if the victim or witness chooses not to be recorded for whatever reason, the request should be respected.

3. Transcription and Archiving

Once the interview has been recorded, it must be transcribed. The transcript should be as accurate as possible; therefore, every word spoken during the interview should be transcribed. Transcribing is probably one of the most demanding parts of oral history interviewing because it requires complete concentration, is time-consuming and can often be influenced by the interviewer's subjective memory of the interview. Although sometimes impractical, it is advisable for the interviewer rather than a third person to transcribe the interview, as this minimizes the chances of mistakes in the transcript. Furthermore, transcripts should not be edited because editing risks changing the meaning and content of the interview.

Following the transcribing process and cross-checking of names and locations, a summary is created. The summary is a short description of the interview content and ensures faster retrieval of information by the researchers. The purpose of summarizing an oral history interview is to facilitate the work of those who are going to use it. The summary should be concise and based only on the information contained in the transcript. It should describe events chronologically while answering the five most important questions: who, what, when, where and how. Any additional comments or information gathered from a source other than the interviewee should find its place in the personal file but not in the summary.

Every document created as a result of an oral history project must be properly archived. Audio and video should be copied and immediately archived in a safe place. Digitization enables interviews to be replayed and used frequently without jeopardizing the quality of the master tapes.

The transcripts, as well as the audio- and videotapes or DVDs of the interview, are primary documents and should be preserved as such. The DVDs or audio records of interviews and the transcripts in electronic format should be entered into the database, if it exists; the master copies and hard copies of transcripts are kept in the archive. The transcripts and other materials based on oral history interviews are used to create incident reports. Following analysis of the incident reports, names of victims, perpetrators, witnesses, and incident particulars are obtained and can serve as the basis of future research.

4. Problems of Oral History Methodology in Post-Conflict Societies

The goal of oral history is generally understood to be preservation of the memory of one community or person. It is also used in post-conflict societies when no other sources are available, to cover the gap between official and other versions of the past. If the researchers focus on the preservation-of-memory aspect of oral history, they must allow the interviewees to tell their memory of the past in their own words. On the other hand, if they are focusing on the fact-finding side of oral history and aim to create and document the facts about killings, torture and other atrocities, they have to take a more active approach during the interview. There is a huge difference in approach to interviewing depending on the interviewer's intention, and a huge difference in the type of questions and conversation with the interviewee.

The relationship between the interviewer and interviewee can also pose problems during the oral history interview. It is necessary to remember that an oral history interview conducted with a victim or witness of a human rights abuse often requires the interviewee to discuss traumatic and distressing events. Therefore the interview is frequently a painful experience. Consequently it is necessary for the interviewer to be understanding and to build a relationship of trust with the interviewee while maintaining objectivity.

A special challenge for the researcher is interviewing perpetrators of human rights abuses, as the interviewee's testimony might be full of justifications for his or her decisions and criminal actions. In interviewing perpetrators the interviewer should refrain from asking questions that are judgmental or argumentative. Although many oral-history case studies are victim-based, it is also important to collect testimonies from perpetrators when possible, regardless of whether the content is truthful. This unique experience enables us to document the other side of the story, and the memories and mind-sets of the people who were responsible for bringing about or carrying out the atrocities in question.

Oral history is frequently criticized on the ground that it is an unreliable and biased source, since it is the historian who dictates the course of the interview. Oral history is not a one-way process, however, but a conversation between two individuals. It must be so to ensure that all the relevant information is obtained and no truth left untold. Oral historians therefore need to ensure that they play an active enough role to encourage the interviewee to provide all the relevant information but do not influence the interviewee so as to jeopardize the impartial nature of the process.

Oral history is also criticized for lacking objectivity because it records the recent past. The claim is that the closer one is to the object of the research, the more biased one is in recording the information. Although oral historians must be particularly aware of the need to maintain objectivity, the risk of bias is outweighed by the risk that key information will be lost if too much time is allowed to pass before information-gathering begins.

Because of these reservations and criticisms, oral sources are usually graded as third-class sources—after written documentary sources and material sources, such as bones and ephemera found in clandestine graves. However, examples exist of sources of oral history that are widely acclaimed as contributing significantly to general and historical knowledge. Furthermore, all sources of historical information are subject to accusations of unreliability on some level. Documents may be distorted to reflect a particular ideology, or be forged or fabricated; and the selective preservation of documents may be used to reflect a biased view of history.

Case Study: Ladurie's Montaillou

In the 1970s French historian Emmanuel LeRoy Ladurie published a book titled *Montaillou, village occitan de 1294 à 1324,* about a village in southern France. The sources he used for his study were statements taken during the Inquisition's investigation by Bishop Jacques Fournier (later Pope Benedict XII), who interrogated about 500 suspected heretics from this area between 1318 and 1325. The bishop's scribes wrote down questions and answers during the interrogations, and the final copies were deposited in the Vatican archives. As a result of the existence of these transcripts, Ladurie wrote one of the most striking pieces about this period in European history, presenting a unique perspective unobtainable through any of the more traditional sources.[29]

[29] Donald A. Ritchie, *Doing Oral History: A Practical Guide* (New York: Oxford University Press, 2003), 118.

V. Forensic Anthropology

It is important to make a distinction early on between physical evidence and the documentation or information derived from it. Physical evidence (such as human bones and other remains) is not a document per se and is not meant to be kept. Instead, such physical evidence should be returned to the rightful owners—the victims' families. The field of forensic anthropology especially focuses on locating and handling physical evidence and has been connected to the human rights field since the pioneering work of Clyde Snow and the Argentine Forensic Anthropology Team in the 1980s.

Forensic anthropology uses techniques from a range of disciplines, including physical anthropology, forensic pathology, geophysics, genetics, radiology and computer science to solve legal cases involving skeletal remains; exhume and identify victims of disappearances and extrajudicial killings; return the remains to relatives; and present evidence of abuse or patterns of abuse in legal and nonlegal contexts.

The information and documents generated by the process of discovering physical evidence, as well as the information derived from that evidence, are of interest to the organizations in DAG.[30] Indeed, bones form a record that can be read. FAFG is the one organization in DAG that engages most intensively in collecting and documenting physical evidence. In its work FAFG focuses on identifying and determining causes of death.

FAFG's methodology of engaging with and integrating local communities in its efforts has been innovative and highly successful in easing tension between the communities and itself. More importantly, it promotes local ownership of the process among people who have been constantly disempowered in the past. Ultimately the community leads the work of FAFG, and the organization commits itself to providing support to community initiatives rather than taking the lead.

Generally FAFG's work concentrates on discovering and processing information from physical evidence to locate clandestine graves and identify the victims, as well as the cause of death for legal proceedings. The information and documents generated and derived from the physical evidence can perform other functions in various contexts. For example, testimony from survivors or victims' families, or official declarations of cause of death in clandestine graves can be used in other legal, social, cultural and political contexts.

[30] Documents generated and derived from physical evidence can also fit into testimonies or a paper trail, but for simplicity and practical purposes, we have kept these materials in this section. We do recognize that there are other means of categorizing such information and documents.

Indeed, because investigations into the clandestine graves are connected to an official judicial process, the result is an official declaration of cause of death, which often states that the victim was murdered and provides details about the nature of the murder. This information can then be used in criminal cases against alleged perpetrators.

By the end of an exhumation the following outcomes should be reached:

- Certificate of death;
- Information provided to the families;
- Criminal investigation;
- Restoration of basic human dignity;
- Closure through a traditional funeral.

Carrying out an exhumation requires an integrated legal, scientific and social approach. First, the local community informs the legal team about the existence of a clandestine grave. The legal team then makes a request for case research, on the basis of which FAFG undertakes the research that will serve as the basis of an investigation.

The legal team then joins the community team to present an accusation to the public ministry, which records and ratifies the accusation and then requests that FAFG investigate. FAFG performs a preliminary inspection and puts together a team of experts for the investigation, which must be approved by the public ministry.

Once authorized, FAFG uses forensic archaeology and social anthropology methods to investigate the suspected site of clandestine graves. Once remains are discovered and thoroughly

excavated (with community involvement in the overall process), the remains are examined in FAFG's laboratory, leading to a final report.

The final report is presented to the public ministry and the remains are returned to the community, where FAFG participates in an "inhumation," a proper burial of the remains. Then the final report is presented to the community, and publications and events are planned, as appropriate.

Forensic Anthropology was adapted from presentations made by FAFG staff at the November 2005 DAG Meeting in Guatemala.

VI. Conclusion

Documenting human rights abuse is of fundamental importance to building peaceful and democratic societies for the long term, especially in countries in transition to democracy. Documents can constitute legal evidence to support victims and their right to truth, justice and reparations. As records of state responsibility for mass atrocities, documents also constitute an essential component of collective memory. Documents can provide a basis for reconciliation and the means for determining criminal responsibility of perpetrators of abuses. Documents are integral to human rights activism; they help foster responsibility for human rights enforcement and greater accountability for abuses while deterring future atrocities.

Documentation—that is, collecting and using documents—is simultaneously a science and an art, and human rights organizations and other NGOs in all parts of the world face similar challenges in documenting human rights abuse and mass atrocity. Moreover, there are skills, ideas and methodologies that can be transmitted across regions about how best to accomplish the goals that these documentation centers set for themselves.

The Documentation Affinity Group, which builds on a long tradition of global exchange concerning documentation efforts in the human rights movement, has collected best practices derived from the experience of six organizations engaged in human rights documentation.[31] These lessons can be useful to groups engaged in documenting abuses around the world. This publication is meant as a space for reflection on those lessons learned. It is by definition a work in progress. The insights discussed and explored in this publication do not represent fixed rules, but are intended as a contribution to a continuing conversation that we seek to broaden by exploring the experiences of many groups. We hope they are useful.

[31] See www.huridocs.org for example.

Appendix. DAG Member Profiles

The Documentation Center of Cambodia (DC-Cam)

DC-Cam has two main objectives. The first is to record and preserve the history of the Khmer Rouge regime for future generations. The second is to compile and organize information that can serve as potential evidence in a legal accounting of the crimes of the Khmer Rouge. These objectives constitute part of the center's promotion of *memory* and *justice,* both of which are critical foundations for the rule of law and genuine national reconciliation in Cambodia.

To accomplish these objectives, DC-Cam carries out research, compiling and analyzing primary documentary materials collected through various means (including fact-finding missions abroad) and attempting to understand how they fit into the historical context of the Khmer Rouge period. In addition, DC-Cam constantly catalogues the materials and enters them in computer databases to produce annotated indexes to the archive's contents. Through this process, and with help and cooperation from its international partners, DC-Cam has assembled extensive bibliographic, biographical, photographic and geographical databases of information related to Khmer Rouge abuses. For instance, DC-Cam has located and mapped 196 prisons, 19,733 mass graves and 81 genocide memorials throughout Cambodia. These collections provide legal scholars, investigators, researchers and historians with valuable tools to understand precisely who did what to whom, when, where and how, and sometimes even why. They also allow Cambodians to know and come to terms with their own history.

The Forensic Anthropology Foundation of Guatemala (FAFG)

FAFG is a nongovernmental, independent, technical-scientific organization whose aim is to strengthen the administration of justice and respect for human rights by investigating, documenting, and raising awareness about past instances of human rights violations—in particular, unresolved murders that occurred during Guatemala's 30-year civil war. Its main tool for pursuing this goal is the application of forensic anthropology techniques in exhumations of clandestine mass graves, enabling the opening of spaces for legal and psychosocial support in communities affected by the internal armed conflict where the forensic anthropology investigations are carried out. FAFG's endeavors enable the relatives of the disappeared to recover the remains of their missing family members and proceed with burials in accordance with their beliefs, as well as advance criminal prosecutions against the perpetrators.

The Human Rights Education Institute of Burma (HREIB) with the Network for Human Rights Documentation–Burma (ND–Burma)

HREIB, a nonprofit organization founded in 2000, facilitates a broad range of training and advocacy programs for grassroots organizations and community members. HREIB uses participatory teaching methodologies to empower grassroots community leaders, women, sexual minorities and youth to become human rights educators themselves.

HREIB serves as the facilitator for the Network for Human Rights Documentation–Burma (ND–Burma). The network—comprising 10 independent, community-based organizations—collects data on human rights violations committed in Burma under military rule to create an accurate historical record. In the long term that record will be used for truth- and justice-seeking measures and to guard against impunity. As long as the country remains under military control, the data is being used for specific advocacy campaigns to highlight the continuing violations committed by the ruling State Peace and Development Council.

The Humanitarian Law Center (HLC)

HLC is a nongovernmental human rights and humanitarian law organization founded in 1992 in Serbia after the outbreak of armed conflicts in the former Yugoslavia. HLC is based in Belgrade and has a regional office in Pritina, Kosovo. HLC had its offices in Prizren and Djakovica, Kosovo; Novi Sad, Vojvodina (opened 1997, closed 2004); and Podgorica, Montenegro (opened 1999, closed 2004). More than 100 lawyers, attorneys, researchers, analysts and other dedicated professionals have

worked full- or part-time for HLC. Since its founding HLC has researched killings, disappearances, camps, torture of prisoners of war and patterns of ethnic cleansing in times of armed conflict by interviewing witnesses and victims. Having collected a large body of documentation on war crimes, HLC began cooperating with the ICTY at The Hague in August 1994. Since June 1999 it has also been cooperating with the prosecutors' offices in Serbia, Montenegro and Kosovo, providing them with information and expert assistance in connection with war crimes trials. HLC is representing victims at war crimes trials before the War Crimes Chamber in the Republic of Serbia. Its lawyers represented victims in the Ovcara, Scorpions, Suva Reka and Zvornik cases, among others.

The International Center for Transitional Justice (ICTJ)

Founded in March 2001, ICTJ assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved.

To promote justice, peace and reconciliation, government officials and nongovernmental advocates are likely to consider a variety of transitional justice approaches, including both judicial and non-judicial responses to human rights crimes. ICTJ assists in the development of integrated, comprehensive and localized approaches to transitional justice comprising five key elements: prosecuting perpetrators, documenting and acknowledging violations through nonjudicial means such as truth commissions, reforming abusive institutions, providing reparations to victims and facilitating reconciliation processes.

ICTJ is committed to building local capacity and generally strengthening the emerging field of transitional justice, and works closely with organizations and experts around the world to do so. By working in the field through local languages, ICTJ provides comparative information, legal and policy analysis, documentation and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments and others. The cornerstone of ICTJ's capacity-building strategy is fostering networks of exchange and action to strengthen cross-regional and reciprocal exchange of information, ideas and expertise.

The Iraq Memory Foundation (MF)

The Iraq Memory Foundation traces its beginnings to the Iraq Research and Documentation Project at Harvard University's Center for Middle Eastern Studies in the early 1990s. The MF is a nonprofit organization dedicated to the notion that the history of oppression and totalitarianism is relevant to any process of social and national reconstruction in Iraq. Against the backdrop of the collapse of a unified national identity and the emergence of factional narratives of polarization and collective victimhood, the MF aims to resituate the individual at the center of the national consciousness by striving for a nonpartisan, objective approach. While Iraq is submerged since the fall of the Saddam Hussein regime with sweeping grand narratives of group histories, the MF seeks to provide the tools for the reconstruction of individual histories as the building blocks for national understanding of the nature of the past era.

The MF sponsors three fundamental projects: Documentation, Oral History, and Artworks and Artifacts. The Documentation Project has gathered more than 11 million pages of the paper trail of the totalitarian era, shedding considerable light on the various aspects of systematic oppression through gradual complicity and procedural brutality. These documents are arranged in searchable data sets with custom interfaces reflecting their contents. Although the structuring, design and development of these data sets are at an advanced stage, their exploitation for human rights, legal and academic purposes is still constrained by the difficult situation in Iraq.

Captions and Photo Credits

Cover	Staff at the National Police Archives, Guatemala. Photo by Benetech.
Page 2	Photos of victims in book displayed at the Red Security Museum. Photo by Louis Bickford.
Page 4	DAG members gather in Cambodia. Photo by Patrick Pierce.
Page 7	Halabja memorial, northern Iraq. Photo by Louis Bickford.
Page 8	DAG members visit Red Security Museum section dedicated to the Anfal campaign, northern Iraq. Photo by Khin Maung Shwe.
Page 9	DAG members visit the archives of the Justice and Reconciliation Authority (Instance Equité et Réconciliation – IER). Photo by Louis Bickford.
Page 10	Exhibit at the Red Security Museum, northern Iraq. Photo by Louis Bickford.
Page 14	Archives of the IER, Morocco. Photo by Patrick Pierce.
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Page 24	DAG members at meeting of victims and perpetrators, Cambodia. Photo by Patrick Pierce.
Page 25	Iraqi participants at DAG meeting, northern Iraq. Photo by Louis Bickford.
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