



# FOR LAND & RIGHTS: A Training Manual

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## FOREWORD

Human rights advocacy offers an arena of campaigning to make accountable corporations, governments, and others for grabbing away land and resources from local communities. Documentation is a key aspect of human rights work. We at PAN Asia Pacific (PANAP) have been doing documentation as part of our various campaigns and especially more recently as we engage in human rights advocacy.

Our ongoing regional initiative against land and resource grabbing under the “NO LAND, NO LIFE!” campaign for instance, relies on documentation to effectively highlight the human rights dimension of land and resource grabbing, including civil and political rights and economic, social and cultural rights.

Clearly, human rights work requires specific knowledge and skills for effective engagement and maximized impact. To address this, PANAP has been organizing human rights trainings and strategizing meetings with our partners in the region and our own staff.

This module has been developed to help address such need. We consider it a work in progress, as it requires constant updating, adjustment and revision to take into account the experiences and particular national and local contexts of our partners and human rights advocates that we meet and work with.

But in broad terms, we hope that this module can help to: (1) Provide users with basic knowledge and concepts on human rights; (2) Introduce to users human rights work and its particular challenges and opportunities; and (3) Equip users with basic skills on how to launch an effective campaign on land and resource grabbing through human rights advocacy.

We thank the KARAPATAN Alliance for the Advancement of People’s Rights, an alliance of individuals, groups and organizations working for the promotion and protection of human rights in the Philippines, for helping us develop this module.

We also thank MISEREOR whose support made the development and publication of this module possible.

MS. SAROJENI V. RENGAM  
Executive Director  
PAN Asia Pacific (PANAP)

## ABOUT PAN ASIA PACIFIC (PANAP)

PANAP’s vision is a society that is truly democratic and culturally diverse, based on social and gender justice, fair distribution of productive resources and environmental safety and sustainability.

We concretize this vision through our role in helping strengthen people’s movements in their assertion of rights to land and livelihood; advancing food sovereignty; promoting biodiversity-based ecological agriculture and defending the diverse Asian rice heritage; resisting corporate agriculture and control over seeds; protecting people and the environment from highly hazardous pesticides; opposing neo-liberal globalisation that harms people’s interests; and empowering rural communities, especially rural women, and building up women’s leadership in all such movements.



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# Module 1

## Basic Concepts on Human Rights and Human Rights Advocacy

### **Objectives:**

1. To lay down the basic concepts of human rights.
2. To comprehensively present human rights advocacy.

### **Learning Goals:**

#### ***Knowledge***

1. The participant will understand the basic concepts of human rights.
2. The participant will understand the context of “universality” in human rights.
3. The participant will begin to learn/understand the comprehensive view of human rights (civil and political rights, economic and social and cultural rights).
4. The participant will understand the historical foundation of human rights.
5. The participant will understand who can only be held accountable for human rights.

#### ***Skills***

1. Participants will participate in a role-play activity centered on collective rights of peasants/indigenous people/national minority that relate to land.
2. Participants will begin exploring various types of sources such as images, newspapers, political cartoons and posters.

## Lesson Procedures:

### Introduction:

1. Begin the session by asking the participants, what comes to their mind when they heard the term human rights.
2. Show a brief video on what human rights are and a story on human rights.

### Development:

1. Organize the participants into partners or small groups. Give each partnership or small group 1-2 daily newspapers.
2. Provide the participants with the following guiding questions for analyzing human rights concerns/issues.

### Guide Questions for Analyzing Human Rights

1. What do headline news talk about in relation to human rights?
2. Identify what types of human rights are involved? What are human rights that relate to land?
3. Identify who are the perpetrators or who can be held accountable on human rights?

### Culmination:

1. Have participants come up in a partnership or small groups to present their responses to the guiding questions. Tell them to cut the portion that they will discuss.
2. Collect the newspaper and post them in the room so that participants can refer to them throughout the rest of the training.
3. Discuss the basic concepts of human rights.
4. Discuss the International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); and human rights advocacy.



### Materials Needed:

- National Constitution
- Copies of ICCPR, ICESCR and the Universal Declaration of Human Rights (UDHR)
- National newspaper
- Whiteboard markers
- LCD projector
- Laptop
- Videos on human rights and stories on human rights

# Basic Concepts of Human Rights

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## What are human rights?

The essence of what makes us “human.”

Human rights are basic rights that are inherent and inalienable to us since birth because these give us dignity as a human being.

Human beings have the inalienable right to life, liberty, security of person and pursuit of happiness and have such fundamental freedoms as those of ideas, belief, expression and assembly, as well as from want and fear.

### According to Amnesty International:

“Human rights are basic rights and freedoms that all people are entitled to regardless of nationality, sex, national or ethnic origin, race, religion, language, or other status.



Human rights include civil and political rights, such as the right to life, liberty and freedom of expression; and social, cultural and economic rights including the right to participate in culture, the right to food, and the right to work and receive an education. Human rights are protected and upheld by international and national laws and treaties.”

### According to the UN Office of the High Commissioner of Human Rights (OHCHR):

“Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.”



## WHAT ARE THE THREE BASIC RIGHTS?

1. Right to life (includes the right to education, delivery of basic social services including health care, gainful employment, livelihood, equal pay, job security and the right of workers to form unions, to strike and to participate in the management of enterprises)
2. Right to human dignity (includes the right to liberty, security of person and pursuit of happiness and have such fundamental freedoms as those of ideas, belief, expression and assembly, as well as from want and fear, etc. This also includes the right to self-determination)
3. Right to develop (includes the right to social and economic reforms. The right of the tillers to own land. The right to own the means of production and consumption obtained through land reform, honest labor and entrepreneurship, skill, inventiveness and intellectual merit shall be guaranteed but should carry with them the social responsibility to use such means for the common good, not to exploit others)

## WHAT IS THE COMPREHENSIVE VIEW OF HUMAN RIGHTS?

The substantive scope of human rights covers not only civil and political rights but also economic, social and cultural rights of the people.

We recognize that everyone has human rights, whatever his or her social status, race, ethnicity or social origin, gender, belief, language, political and other opinions, economic status, age, civil status or any condition or status that may engender discrimination. Therefore, human rights principles have universal application. This is what lies behind the concept of the universality of human rights.

On the other hand, we should not make the mistake of believing that all persons equally enjoy basic individual and collective freedom and human rights. In countries where the majority, especially the toiling masses and the middle strata of society as well, are oppressed, deprived of their rights and exploited by imperialists and the minority but powerful ruling

classes. There exists a system that allows the trampling of the human rights of the majority in order to maintain the current economic and political order. The state remains an instrument to thwart fundamental social change and violently suppress the people's struggle or their rights and to improve their conditions.

Those who hold economic power are frenzied in exploiting others in order to further expand their wealth and hold political power directly or through their reliable representatives.

The state in a society where exploitation and oppression exist can never be relied upon to protect the interests and defend the rights of the people. Instead, it uses its mailed fists – the military and police – to violently suppress the masses' opposition and struggle and the criticisms of the political opposition. The government also uses executive and legislative agencies and the courts to deceive and cover up or legalize violations. The state is capable of systematic repression and oppression.

We recognize the people's right to struggle through various means to advance their interests, rights and livelihoods.



Photo by NAFSO



## **CIVIL AND POLITICAL RIGHTS**

This includes the right to life, that is, no one can be arbitrarily deprived of life. The following are examples of violations of right to life; extrajudicial, summary or arbitrary executions; enforced or involuntary disappearance; massacre; frustrated murder; death sentences for minors and pregnant women.

Being enslaved or sold into slavery is prohibited. This includes the ban on forced or compulsory labor except in selected cases provided by law.

Right to freedom and to be safe and secure in one's person. No one should be arbitrarily arrested or imprisoned. Anyone arrested should be immediately informed of the charges against him or her. Likewise, he or she has the right to be tried in court within a reasonable period to determine if there is basis for the accusations against him or her or if he or she should be released because his or her detention is illegal. A victim of illegal arrest has the right to compensation.

Right to free movement and choice of domicile. This includes the right to leave any country including one's own, except in cases specified by law. Neither can anyone be barred from returning to his or her own country.

Everyone is equal before the courts; and has the right to a just trial by a competent, free and unbiased court. Likewise, everyone has the right to be presumed innocent until proven guilty in a court of law. Anyone convicted has the right to appeal to a higher court. No one can be tried or punished again for a case that has already been dismissed or for which he or she has already been punished.

Right to free thought and belief. Everyone has the right to his or her own opinion without interference from others. Everyone has freedom of expression, including seeking, receiving and disseminating information and various ideas through various means.

Right to peaceful assembly and free association with others. This includes the right of workers to form or join unions.

Right to equal protection of the law without discrimination based on race, color, gender, language, religion, political or other opinion, national or social origin, property, birth and other status.

The minimum civil and political rights are stipulated in the appropriate instruments of the United Nations, especially the International Covenant on Civil and Political Rights (ICCPR).

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

All people have the right to self-determination. Thus, they are free to decide on their political status and endeavor to achieve economic, social and cultural development. For their own objectives, they have the right to utilize their own country's natural resources with consideration for their contractual obligations according to the principle of mutual benefit and international law. No one can be deprived of the right to earn a living.

Minority communities have the right to autonomy, ancestral land and its natural resources. Likewise, they have the right to maintain their own culture, worship according to their religion and use their own language.

Men and women have equal right to enjoy all rights.

Right to employment; this means the right to opportunities to live through one's own labor, which he or she has freely chosen or accepted.

Right to just and favorable working conditions, under which the following are guaranteed: a living wage commensurate to the work done, especially in the case of women who often receive lower pay for the same work; decent living conditions for workers and their families; safe and healthy working conditions; equal opportunities for promotion; reasonable limits to working hours; and paid public holidays.

Right of workers to form or join unions. Unions have the right to form federations or confederations; and the right to join international union organizations. They have the right to strike.

Right to social security, including social insurance. Rights of mother to maternity leave with pay along with social security benefits before and after going birth.

Right of children and youth to special protection and assistance. They must be protected against economic and social exploitation. The law must penalize the employment of children in work that may destroy their health and morale, endanger their lives or hinder their normal development. A minimum working age should also be set for children.

Each person has the right to enjoy a sufficient standard of living for him/herself and his/her family, including enough food and clothing and adequate shelter, as well as opportunities to continually better one's life. Every person has the fundamental right to be free from hunger.

Right to the highest attainable standard of physical and mental health.

Right to education. Primary education should be compulsory and free. Secondary education should be generally available and accessible along with technical and vocational education; and everyone must have equal access to higher education.

Right to participate in cultural life. Right to benefit from scientific development and its application. And right of creators to the protection of their moral and material interests from any of their scientific, literary or artistic products.

The minimum economic, social and cultural rights are stipulated in the appropriate instruments of the United Nations, especially the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The general basic document on human rights worldwide is the Universal Declaration on Human Rights (UDHR). Its preamble stresses that "It is essential that human rights be protected by the rule of law so that

people will not be forced to turn to rebellion as the last resort against tyranny and oppression."

## **INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS**

Below are excerpts from an advisory on IHL issued by the International Committee of the Red Cross (ICRC).

IHL is a collection of international rules formed through treaties and customs that aims to resolve the problems directly from international or non-international conflicts. It protects persons and properties affected or that may be affected by armed conflict, and limits the rights of the parties in conflict in using the methods of warfare they have chosen.

Wars that involve two or more conflicting states are called international armed conflicts and liberation wars, whether or not there is a declaration

of war and whether or not the parties in conflict recognize the existence of a state of war.

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OR INHUMAN  
OR DEGRADING  
TREATMENT OR  
PUNISHMENT, AND  
THE RIGHT AGAINST  
SLAVERY.”*

When the military forces of a government are in conflict with an armed group of insurgents or when there are armed groups at war with each other, a non-international armed conflict exists.

On the other hand, International Human Rights Law (IHRL) is a collection of rules formed through treaties and customs on which individuals or group may base their expectations or demands regarding behaviour by or benefits from their government. IHRL is effective at all times, whether during times of peace or in situations of armed conflict. IHRL is known as

human rights for short.

Nonetheless, there are IHRL that allow governments to deprive the people of certain rights during public emergencies that endanger the country's security. But such deprivations must be commensurate to the existing crisis and must not contradict any IHL. Likewise, there are human rights that persons can never be deprived of, such as the right to life, the right against torture or cruel or inhuman or degrading treatment or punishment, and the right against slavery.

Because IHL focuses on the extraordinary situation of armed conflict, all of its provisions apply at all times.

IHL covers all parties to an armed conflict. Thus, in an international armed conflict, all states at war should comply. In an internal conflict, it covers the government and the armed groups fighting it or the armed groups that are in conflict with each other.

On the other hand, it is only the government and its relationship with individuals that are covered by human rights. Although there are strong opinions as well that non-state actors should also be covered, this issue has not yet been resolved.

IHL and human rights both aim to protect the lives, health and dignity of individuals, even from different angles. Thus, it comes as no surprises that despite differences in formulation, the essence of several rules are similar, if not the same.

...Nonetheless, IHL covers a number of issues beyond the scope of human rights such as the conduct of armed conflict, on the status of combatants and prisoners of war and protection of emblems of the Red Cross and Red Crescent. Human rights, on the other hand, cover aspects of life during peace-time that is not covered by IHL such as freedom of the press and the right to assembly, to vote and to strike.

IHL protects civilians or persons not actively involved or not actually involved in armed conflict. Following are some examples: those who have surrendered or laid down their arms; those who have become hors

de combat from illness, being wounded or from other causes; prisoners of war; and civilians such as internal refugees, women, children, media personnel, medical personnel and others. Also, civilians are distinguished from military targets; and military targets that may result in massive losses to civilians.

IHL, on the other hand, is designed to protect everyone.

### **LAND RIGHTS ISSUES IN INTERNATIONAL HUMAN RIGHTS LAW**

Up to one quarter of the world's population is estimated to be landless, including 200 million people living in rural areas, and approximately 75% of the world's population living in extreme poverty (less than \$1/day) live in rural areas. According to the Food and Agriculture Agency of the United Nations (FAO), "rural landlessness is often the best predictor of poverty and hunger." "While not the only pathway out of poverty, ample evidence suggests that access to land is effective in helping rural households generate higher incomes" through the sale of crops and the money saved when the family feeds itself from the land.<sup>4</sup> Yet, even though "land constitutes the main asset from which the rural poor are able to derive a livelihood . . . [m]illions of families, though they toil on the land, do not enjoy ownership rights over it and are considered landless."

The condition of landlessness threatens the enjoyment of a number of fundamental human rights. Access to land is important for development and poverty reduction, but also often necessary for access to numerous economic, social and cultural rights, and as a gateway for many civil and political rights. However, there is no right to land codified in international human rights law.

*"THERE CAN BE AN EFFECTIVE ADVOCACY OF HUMAN RIGHTS ONLY BY KNOWING WHO ARE THE VIOLATORS OF HUMAN RIGHTS AND WHO ARE THE VICTIMS."*

Land is a cross-cutting issue, and is not simply a resource for one human right in the international legal framework. And yet, while rights have been established in the international legal framework that relate to land access for particular groups (e.g. indigenous people and, to a more limited extent, women), numerous rights are affected by access to land (e.g., housing, food, water, work), and general principles in international law provide protections that relate to access to land (e.g., equality and nondiscrimination in ownership and inheritance), an explicit consideration of the legal implications of access to land for a broad range of human rights is necessary.

### HUMAN RIGHTS ADVOCACY

Social reality is the main consideration in dealing with the issue of human rights. In the Philippines, for example, four types of contradiction characterize this social reality. This may also be seen in other countries in the region, in particular those that are less developed than and remain under the effective control or influence of the industrialized countries.

These are the contradictions:

1. Between foreign monopoly capitalism or foreign corporations and the people;
2. Between the reactionary classes of big compradors and landlords on the one hand and the people; especially the workers and peasants on the other hand;
3. Between the state in the service of imperialism and the local exploiting classes on the one hand and the broad masses of the people on the other hand;
4. Between the few individuals who belong to the exploiting classes and the many individuals who belong to the exploited classes.

So long as such unjust social reality persists, the toiling masses of workers and peasants and the middle social strata are exploited and oppressed. The imperialists and the exploiting classes of big compradors and landlords unceasingly violate their human rights – civil and political

as well as economic, social and cultural.

There can be an effective advocacy of human rights only by knowing who are the violators of human rights and who are the victims. There can be a militant defense of human rights only by recognizing that the people themselves have the right to fight for their human rights.

Human rights to be enjoyed by the people it must encompass all the dimensions of rights. For civil liberties and political rights cannot flourish without the enjoyment of economic, social and cultural rights. Nor economic, social and cultural rights be enjoyed under conditions of political repression and denial of civil liberties.



# Module 2

## Documentation Work and its Importance

### **Objectives:**

1. Lay down the concept and importance of documentation work; and
2. Describe documentation work and relate it to other task

### **Learning Goals:**

#### *Knowledge*

1. The participant will understand the concepts of documentation work
2. The participant will understand the aspects of documentation.
3. The participant will understand the importance of documentation.

### **Lesson Procedures:**

Introduction: Begin the session by asking the participants, what comes to their mind when they heard the term documentation and why document?

# Basic Concepts of Documentation Work

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Documentation work is the scientific and systematic investigation, recording and reporting of incidents and data regarding human rights violations. It also includes the efficient archiving of the information, documents, objects and other items in relation to the human rights violation incident.

## FOUR ASPECTS TO DOCUMENTATION WORK



1. **Investigation.** This is the process of finding out the truth about an incident, event or court case. It is done to prove allegations of human rights violations. Because the truth is discovered, this provides bases for belying the manufactured accusations against leaders and members of people's organizations.

2. **Recording.** This is the process of writing down, in appropriate form, the data and information regarding human rights violation incident; and eventually entering these into the database in order to translate these to quantitative documentation, which is used in reporting.



3. **Reporting.** There are two aspects of reporting:

- a. Passing on data and information on cases that have undergone investigation in the corresponding unit of the organization at the provincial, regional or national level;
- b. Publicizing the overall rate of human rights violations.

4. **Archiving.** This involves the process of grouping documents are stored in a safe place and in a manner that makes them easily accessible.



## IMPORTANCE AND PLACE OF DOCUMENTATION WORK

Documentation work initially touches base with the victims, relatives and other witnesses to the human rights violation. They are the most reliable sources of data and information towards achieving complete and timely documentation.

It is also at this time that the victims and their relatives immediately and initially feel that they are not alone and that they have someone to assist them in ensuring that the real events will be exposed, the perpetrators identified and justice attained.

Eventually, they are assisted in organizing and mobilizing their ranks, not only for their own sakes and those of their relatives but also for other victims and future victims, in order to put an end to political violence against the people.

Good, efficient and quick documentation form the concrete basis for propaganda work and mass campaigns. By documenting every incident; cruel abuse by state agents, particularly the military, police and armed groups, are concretely exposed to the public. Asserting and advocating human rights become more effective if the data on which criticism, statements, and actions are solid and are systematically presented.

By consolidating the gathered data and information, general trends are analyzed and violations are exposed not as separate and isolated incidents but as part of a pattern of implementing a national state policy and program that aim to crush the people's movement for fundamental change.

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Human rights organization and other people's organizations have solid bases for their analyses and positions on various human rights issues. This is important in advancing their tasks here and abroad, especially in opposing and resisting fascist attacks and state terrorism.

Especially in a situation where that state uses a “legal offensive” to paralyze activists and leaders of movements by filing trumped-up or previously dismissed cases against them or issuing warrants of arrest, documentation work is important to expose and condemn a deceptive form of political repression.

Likewise, human rights organization a able to gather evidence that can be used by the victims and or their relatives in filing legal cases in court in order to: a) protect their security through petitions for writs of habeas corpus, amparo and habeas data and b) hold the perpetrators accountable by filing criminal and other cases against them.



Photo by PANAP

# Module 3

## Features of Good Documentation and Documentation/ Paralegal Skills

### **Objectives:**

1. To lay down the features of good documentation.
2. To arm documentor/paralegal with practical skills in documentation.

### **Learning Procedure:**

Introduction: Begin the session by asking the participants, when do we say our documentation is good?



Political repression and human rights violations are in accordance with the state's fascist character. Thus, it will never admit its crimes against the people. It utilizes all institutions that have to do with the law in order to claim that no one from its ranks who has been accused of violating human rights is guilty. It even shamelessly boasts that "democracy exists in the country" and that the government is a "defender of human rights."

Every human rights violation is attended by deception. In the Philippines, for instance, there are denials regarding the involvement of the military, paramilitary and police in the incident, vilification campaigns against the victims and heaping of blame against the revolutionary and armed forces. Despite being pushed to a defensive position, the state will persist in finding ways to deny responsibility or sacrifice a lower-ranking element and use him as a scapegoat.

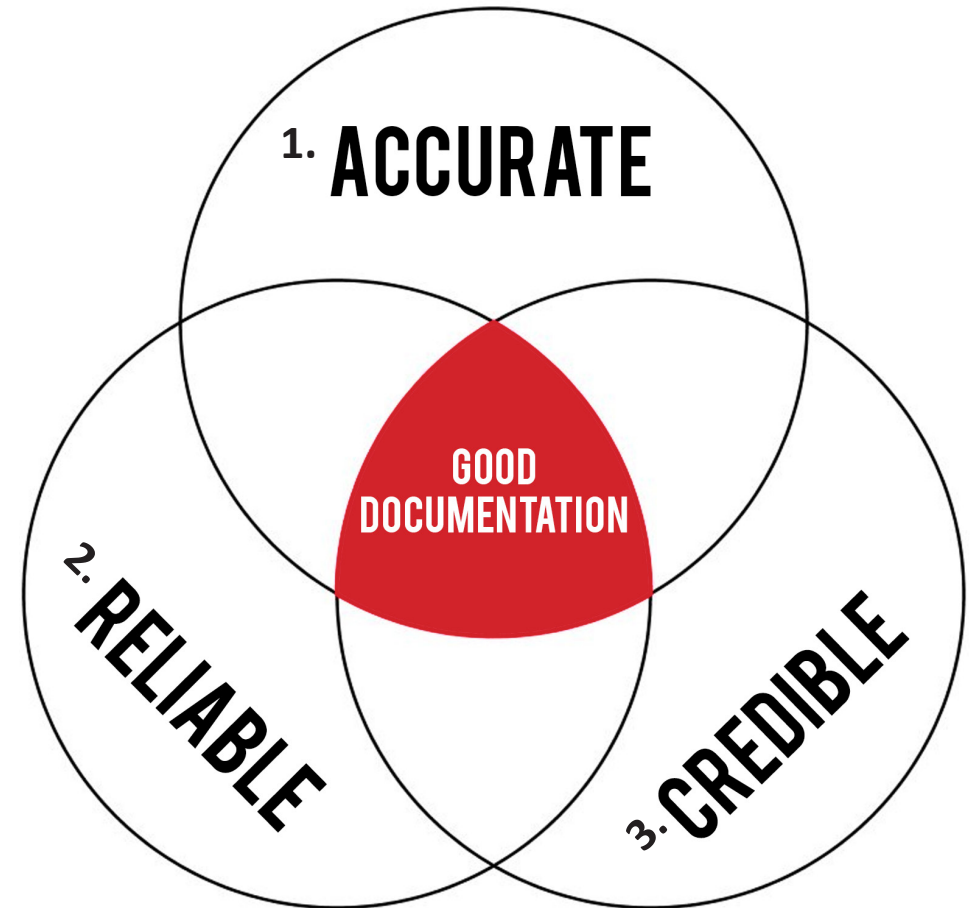
The state and the military resort to various means, even at great expense, in order to discredit human rights organization/people's organization and the data, information and analyses it releases to the public in the course of its human rights advocacy work. Even as the state becomes cornered and defensive regarding its whittled down and fabricated statistics on human rights violations, it becomes even more systematic and destructive in the means it employs to refurbish its image. It resorts to forming various task forces and commissions that manipulate statistics, outrightly discredit and assail human rights organization/people's organization and prevent the government from being held accountable.

Thus, it is very important and obligatory on the part of human rights organization/people's organization to prove its exposés and allegations by gathering solid evidence and coming up with good documentation. In recording and reporting, we ensure that an incident has been verified and that we have firm basis for saying that a political motive exists.

*"IT IS VERY IMPORTANT AND OBLIGATORY ON THE PART OF HUMAN RIGHTS ORGANIZATION/ PEOPLE'S ORGANIZATION TO PROVE ALLEGATIONS BY GATHERING SOLID EVIDENCE."*

## FEATURES OF GOOD DOCUMENTATION

Generally, good documentation has the following features.



These three features are interrelated and inseparable. Reliable and credible documentation relies on accurate information.

## FACTORS IN RAISING THE QUALITY OF INFORMATION

**Sources of Information.** Where did the information come from? Directly from the victim, a relative or friend of the victim, from a witness or others. The farther the information is from the victim or incident, the more chances that it is not dependable.



**Detail.** Is the report detailed? Are there gaps or is there a lack of information or explanation? The more details there are the better because it would be easier to describe or understand what happened.

**Consistency.** Is the explanation or statement consistent? Are there conflicting statements from the sources of information? Good information must be solid or consistent, especially on the major facts needed in documenting the incident.



**Elements to support or contradict the allegation.** Do the victims or witnesses have supporting statements? Are there documents or pieces of evidence that will prove the complaint? The more supporting documents gathered, the more solid the complaint.



**Relating the incidents to previous ones.** Have there been similar incidents in the past in the area or nearby? If similar incidents have occurred more than once, there is higher presumption that the information is accurate.

**Freshness of information.** When was the information obtained? The fresher the information, the bigger the chances that it is of high quality and easier to investigate.



## REMINDER



1. A documenter must be sharp and efficient.
2. He or she must rely on his or her sharp judgment – if one has questions or is confused about the information at hands, there must be additional corroborating information and alternative sources of information.

## MAXIMIZING AVAILABLE INFORMATION

It is a challenge for every documenter how he or she could strengthen the information at hand, no matter how small or big this is. This can be done through the following:

- Know the sources of your information, come up with detailed statements and grasp their content;
- Familiarize yourself with the context of the allegation, determine the events that occurred prior to and after an incident;
- Maintain links with your sources of information, get the name and contact number of the victim, witness or sources of information (this is important in case there is a need to verify or expound on the information that has been gathered);
- Be careful and circumspect about vague or very general information;
- Avoid basing complaints on mere rumors or media reports; and
- Know the details about the victim, especially his or her political circumstances before the incident occurred.

## EVIDENCE

Evidence is used as basis to prove the probability or improbability of a case or complaint. It is used in court and in propaganda work.

In court, evidence is important because court decisions are completely based on the legal truth or what can be proven based on the evidence submitted to and admitted by the court – not the actual truth.

Through propaganda work and mass campaigns, it is important to present concrete bases for accusations that a human rights violation has occurred and or statements asserting that this is part of a systematic and nationwide policy and program. Through this, we are able to expose the actual truth which is usually sidelined by the courts.

### Various types of evidence

**Direct Evidence.** Evidence that directly proves an event or complaint.

**Circumstantial Evidence.** Separate incidents which at first glance, are unrelated but when collated and subjected to deeper analysis, will prove the incident or complaint.

**Object/ Real Evidence.** Refers to any objects that can be perceived by the five senses (can be seen, heard, smelled, tasted or felt) presented in court regarding the fact in issue and provides sufficient basis to be credible.

**Documentary Evidence.** Statements containing letters, numbers, figures and symbols or other forms of written statements presented in court as proof of their content.

**Testimonial Evidence.** Statements by witnesses which are better prepared in advance in the form of affidavits.

**Relevant or Irrelevant Evidence.** Evidence is relevant if it proves or

disproves the issue. Its opposite is irrelevant, or evidence unrelated to the case.

**Material or Immaterial Evidence.** If the evidence itself can prove the issue it is material; if not, it is immaterial.

**Admissible or Inadmissible.** Evidence is admissible if it is acceptable to the court in accordance with the standards for evidence. If not, it is inadmissible.

## INVESTIGATION

Investigation is a means of determining the truth regarding a complaint, event or incident, of ensuring if there is basis for them, and gathering evidence on them.

In the course of the investigation, we endeavor to complete the following information, which will be contained in a factsheet:

**Incident Profile.** These are basic information relating to an incident. This includes determining what human rights violation has transpired, where, when and how it occurred. The incident is presented in a chronological manner.

**Victim's Profile.** This consists of detailed information regarding the victim or victims of violation. It contains the personal and political circumstances of each victim.

- a. Personal circumstance: full name, age, civil status, address, gender, sector, occupation, number of children and other details that may be gathered.
- b. Political circumstance: the main organization to which the victim belonged prior to the incident, his/ her position thereof; other organizational affiliations and positions held in these; activities prior to the incident; and other details that can be of help to strengthen the political motive for the violation.

**Perpetrator's Profile.** These are detailed information on the suspected perpetrator or perpetrators of the incident: full name, rank, unit, gender. When it is not possible to determine the name of the perpetrator, identify his or her unit and the name of the unit's commanding officer. Record the size or the number of elements in the military unit at the time of the incident.

**Following are the various methods of investigation:**

**Ocular inspection.** Going to the place of incident, including the affected area or community in order to:

- Actually, see its physical layout;
- Directly determine the incident's effect on the community;
- Gather initial data and evidence; and
- Look for key persons who could be interviewed or serve as witnesses to the incident.



Photo by PANAP

## REMINDER



Photo and video documentation and gathering of physical evidence are important.

**Procurement of Documents.** This involves securing certified true copies of all legal documents related to the incident.

Some of the main and immediately needed documents are the following:

- Death Certificate – a document issued by a government agency certifying to the death of a person. It can be obtained from a, hospital, funeral home or the concerned government agencies or offices.
- Birth Certificate – a document issued by a government agency certifying to the birth of a person
- Medical Certificate - a document containing the results of a medical examination conducted on a victim by a public or private doctor.
- Autopsy Report – a document containing the results of an autopsy examination or physical examination of the vital organs of a corpse to determine the cause or manner of death, injuries sustained and illnesses. (“An autopsy, also known as a post-mortem examination, necropsy or abduction, is a medical procedure that consists of a thorough examination of a corpse to determine the cause or manner of death and to evaluate any disease or injury that may be present. It is usually performed by a specialized doctor called pathologist.”)
- Police Blotter Report - also called a police log; this is the police report recorded in the logbook about the incident,
- Police Investigation Report – written result of an investigation (comprehensive at some level) by the police on the incident that occurred.

## REMINDER



In procuring the documents, go through the details contained in them one by one, such as dates, signatures, places, etc. to ensure that they are accurate and complete.



## Guide to Photo and Video Documentation and Archiving Physical Evidence:

- Record the time and date of the photograph or video, place where it was taken, description of object evidence, name of person who took the photograph or video.
- Place a mark or label on the place or object evidence to be photographed or filmed.
- Take photographs or videos of the object evidence at the place where the latter was obtained.
- Make sure that a witness is present while the photograph or video of the object evidence is being taken.
- Do not handle the object evidence without covering one's hand to avoid corruption or contamination of the evidence. Place it inside a plastic bag and mark or label it.
- If the incident concerns destruction of property or any item related to the case, take photographs or videos of the damaged property along with its owner.
- Take photographs or videos of a ravaged community. Include the documentation team in the photograph or videos.
- Make a map or sketch of the place or community.

### Make sure that:

- Your equipment is in good working condition;
- You have enough battery power;
- There is enough light and correct exposure;
- As much as possible, there is high resolution and proper focus to ensure clear shots.

***Videos or photographs cannot be used as evidence if they are not discernible.***



## Checklist of Documents that must be gathered

### In case of extrajudicial killings:

- Death certificate
- Affidavits
- Police Investigation Report
- Autopsy Report
- Photograph/s
- Birth certificate
- Post-Mortem Report
- Police Blotter Report

### In case of enforced disappearances:

- Police Blotter Report
- Affidavits
- Police Investigation Report
- Photograph
- Birth certificate

\*If the case has been filed in court, please ensure that the court documents are included.

## VARIOUS FORMS OF MISSION/S:

***Fact-Finding Missions.*** The main objective is to gather additional evidence to further expose the real events relating to the human right violation incident. This is also a means of supporting and strengthening the complaint filed by the victim and his/ her relatives. It can also belie the whitewash or the lies perpetrated by the military or police to evade responsibility. A Fact-Finding Report is issued to report the results of the investigation to the victim/ relatives the public and select government agencies.

***Quick Reaction Team or QRT.*** This is an immediate response by even a

small group, whenever verified news is received about a major human rights violation.

**Medical Mission.** The main objective is to provide medical services to a community affected by widespread human rights violations. Another objective is to document, through an investigative report, existing human rights violations in the community visited as well as nearby areas.

**Mercy Mission.** The main objective is to provide various types of assistance such as relief, medical and psycho-social services. Part of this involves the conduct of dialogues with church leaders, local representative of human rights institutions, and police or military units deployed in the area. Mercy missions involve the participation of a documentation team that conducts photo/ video documentation and gathers supporting documents regarding the violations of human rights existing in the area visited.

**Solidarity Mission.** These are joined, in the main, by foreigners in order to see the actual human rights situation in the affected areas, touch base with the victims and their relatives and directly observe the situation in the area to be visited. Their direct experience with events in the country helps greatly and provides impetus to their campaigns, political actions and education work in their countries of origin.

## REMINDER



Through various forms of Missions, the real human rights situation in the affected areas and concrete cases of human rights violations can be brought to the attention of the broad masses of the people.

Missions are far more successful if they are systematically and efficiently prepared and if they involve the participation of national and regional mass leaders and personalities.

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It is important to IMMEDIATELY conduct an investigation of every incident to deprive the state and its minions of the opportunity to maneuver and conceal or destroy evidence.

The victims' relatives and/or witnesses must also be attended to immediately to prevent them from suffering grave intimidation and coercion in the hands of the perpetrators.



Photo by PANAP

## INTERVIEW

Interviews are the most common means of obtaining information.

In conducting interviews, one must consider some points:

- Balancing two requisites: the need to obtain important and useful information and to respect the situation of the victim, relative or witness.
- Allowing the victim, relative and witness to speak freely. Avoid influencing the narration of the interviewee because the interviewer has already had previous access to initial information and may have already made initial analyses about the incident. The interviewer must obtain information about the actual events from the point of view of the interviewee.
- Noting that every victim, relative or witness being interviewed is an individual with his or her own background. It is important to treat every interview as a unique record. The interviewer must not impose his/her own impressions about the pattern and trend of events in the area on the interview. Avoid influencing the interview, being one-sided or closed to “surprises” that may arise during the interview.

### REMINDER



- Ask exact questions and avoid beating around the bush.
- To avoid gaps in detail or in the information, be chronological in asking questions and avoid skipping.
- Review any inconsistencies from various angles, while taking care not to confuse the interviewee.
- First determine from the interviewee if he/ she has documents or where these can be obtained and how the interviewer could obtain them.
- Be sensitive to non-verbal communication such as pauses, tone and changes in voice volume, facial expressions and the like, because the interviewee may be expressing or concealing something through such bodily signals or behavior.

## BASIC DOCUMENTS PREPARED BY A DOCUMENTOR

### *Factsheet*

A factsheet contains an accurate report of an incident based on the data or information gathered. It is also called a capsule report because it is a brief report that aims to report an incident in the fastest way possible and in a short period of time. It is a narrative written in the third person.

If the information gathered about an incident is still limited, it is treated as initial information and is an internal document within the organization for as long as the final version has not been written. This is a way of avoiding the dissemination of erroneous information.

The factsheet can be considered a basic document of human rights organization/ people’s organization. It serves as a guide for subsequent moves to be made regarding the incident.

### REMINDER



- Make sure that the information recorded about the incident is accurate and verified. When unsure about something, do not include it. Wrong information, no matter how big or small, weakens the entire document.
- Focus attention on the facts of the case. Do not form premature opinions and conclusions.

### *Sworn affidavit*

An affidavit consists of the testimony given by a direct victim and/ or witness on his personal knowledge about an incident or event. A well-prepared and solid sworn statement supports and strengthens a complaint regarding a human rights violation. It can be used as

evidence in court. If the narrator grants permission, it can also be used in propaganda work.

A sworn statement must contain:

1. The name and personal circumstances of the narrator, such as age, address, civil status and position in the community or organization, if any;
2. Chronological narrative regarding the incident based on the personal knowledge of the narrator;
3. It may also state if the narrator knows of a related event, even if not about the incident in question;
4. The narrator's signature must be on every page of the statement;
5. The statement must be notarized.

## REMINDER



- It is important to provide a detailed account in the sworn statement of the circumstances of the incident that were directly experienced or witnessed by the narrator.
- Group related ideas in a single paragraph.
- Avoid using acronyms without explaining what they mean.

## Case Summary

This is also called a case brief. It is prepared as a summary of the overall status of a case and serves as a quick reference for any reader. It can also be considered a progress report on the case. All the documents gathered regarding an incident are used in writing case summaries.

Alongside the case summary, a summary of evidence is also prepared which list

## Quick Reaction Team (QRT) Report

A QRT report is a report on case of human rights violation submitted by a group that immediately responds to verified news or notification regarding an incident. It is the basis for writing a factsheet. If the paralegals assigned could thoroughly give attention to regularly writing QRT reports, documentation will be easy, for instances, in cases of arrests during a mass mobilization, violent rally dispersal resulting in injuries, etc.

## Fact Finding Mission (FFM) Report

An FFM report gathers all data and information collected on one or more incidents investigated. The report also contains analyses and more conclusions arrived at by the mission in the investigation conducted.

## Investigative Report

This is a report that covers other activities in the investigation of human rights violations such as searches or cases similar to this.



Photo by SADIA



## Appendix 1

### Reading list

1. Universal Declaration of Human Rights, Adopted by the UN General Assembly on 10 December 1948 ([http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf))
2. International Covenant on Civil and Political Rights, Adopted by the UN General Assembly on 16 December 1966 (<http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>)
3. International Covenant on Economic, Social and Cultural Rights, Adopted by the UN General Assembly on 16 December 1966 (<http://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>)
4. Declaration on Social Progress and Development, UN General Assembly Resolution 2542 (XXIV) (<http://www.ohchr.org/Documents/ProfessionalInterest/progress.pdf>)
5. The Peasants' Charter, The Declaration of Principles and Programme of Action of the World Conference on Agrarian Reform and Rural Development, UN Food and Agriculture Organization (FAO), Rome, 1981 (<http://www.fao.org/docrep/u8719e/u8719e00.htm>)
6. NO LAND, NO LIFE! Campaign, PAN Asia Pacific (<http://www.panap.net/campaigns/land-food-rights/noland-nolife>)
7. Land and resource grabbing and human rights violations: Selected cases (<http://www.panap.net/campaigns/land-food-rights/noland-no-life/human-rights-day>)

## Appendix 2

### About the “No Land, No Life!” campaign



**NO LAND, NO LIFE!**

**March for Life,**

**Fight for Rights, Land and Resources!**

### OUR STRUGGLE

Land is life. But for millions of small-scale farmers and food producers, including indigenous communities, especially in the poor countries, access to land and resources is undermined by the monopoly control of landlords and big corporations.

The lack of genuine land reform and neoliberal restructuring of agriculture combine to perpetuate rural poverty and hunger. It is indeed ironic that among those who suffer severe hunger are those who directly produce food. Land and resource grabbing intensifies the oppression and exploitation of these small food producers.

Foreign companies, mainly from the rich countries, buying or leasing agricultural land in the poor countries for industrial food and biofuels production, characterize recent cases of land and resource grabbing. Local elites in business and politics play a central role in facilitating these deals.

Rural women are among the most affected. Increased poverty and hunger as a consequence of land and resource grabbing, for instance, impact more heavily on rural women as they play a key role in managing the household budget, on top of their role as direct contributor to the family income.

Alarming, communities that are resisting land and resource grabbing often face harsh repression by State and private security forces. Human rights atrocities has become the norm in militarized rural areas where there are conflicts arising from land and resource grabbing.

Through coordinated action and relentless work by PANAP partners, we have successfully stopped or delayed as well as exposed land and resource grabbing in local communities in Indonesia, Malaysia, Pakistan, the Philippines and Sri Lanka. But the land and resource grabbers remain determined to take away what rightfully belongs to the people. We need to continue our struggle and we hope more will join us in our fight to defend land, resources and human rights.

## OUR GOALS AND ACTIONS

1. Highlight land and resource grabbing as human rights issues. File cases or complaints on human rights violations related to land and resource grabbing from local communities at various local and international bodies
2. Identify and highlight specific struggles of local communities on land and resources. Document and compile human rights violations related to cases of land and resource grabbing and produce materials for public information, policy lobbying, and filing of cases/complaints, among others.
3. Help raise greater awareness on and generate broader support for ongoing local cases of land and resource grabbing at the international level. Organize public forums, conferences, and other activities to strategize, raise awareness and mobilize greater support against land grabbers and human rights violators
4. Coordinate and reinforce the various national campaigns against land and resource grabbing. Launch coordinated actions and initiatives in the Asia Pacific region. Enhance the capacity of local movements of peasants, indigenous peoples and other small food producers on Human Rights Advocacy through trainings, education and information materials, etc.

## OUR CALLS

Land and resource grabbing is a violation of human rights. These include the right to adequate livelihood and decent standard of living, right to food and water, right to shelter, right to cultural identity among others. Civil and political rights are also violated in cases where anti-land and grabbing advocates, including local community leaders and members, face repression.

Thus, our general campaign calls:

- “Defend our rights! Stop land and resource grabbing!”
- “Hold land grabbers and human rights violators accountable!”

## JOIN AND SUPPORT OUR CAMPAIGN!

All human rights defenders and anti-land grabbing advocates and supporters are welcome to join the “No Land, No Life” campaign.

Here’s how:

- ✓ Participate in any of our activities and be a part of our network
- ✓ Share information such as monitored and/or documented cases of human rights violations related to land and resource grabbing
- ✓ Share resources and/or expertise including, but not limited to, on legal or paralegal assistance, human rights and documentation trainings, etc.
- ✓ Like, follow and share our online campaign page ([www.panap.net/nolandnolife](http://www.panap.net/nolandnolife)), Facebook page (<https://www.facebook.com/panasiapacific>), and Twitter (@PANAsiaPacific). Use and promote the hashtag #NoLandNoLife
- ✓ Spread the word about the “No Land, No Life” campaign to your network, friends and partners and invite them to join

For more information and updates, check out:

Web campaign page: [www.panap.net/nolandnolife](http://www.panap.net/nolandnolife)

Facebook page: <https://www.facebook.com/panasiapacific>

Twitter: @PANAsiaPacific

### Appendix 3: Template for a simple factsheet

#### 1. CASE PROFILE

Violation/s: \_\_\_\_\_  
Date of incident: \_\_\_\_\_  
Place of incident: \_\_\_\_\_

#### 2. PROFILE OF VICTIMS

Name: \_\_\_\_\_  
Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_  
Sex: \_\_\_\_\_  
Address \_\_\_\_\_  
Ethnic Origin: \_\_\_\_\_  
Civil Status: \_\_\_\_\_ No. of children (if any): \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Organizational Affiliation: \_\_\_\_\_  
Position in the organization: \_\_\_\_\_

#### 3. PROFILE OF PERPETRATORS

Name: \_\_\_\_\_  
Rank/Designation: \_\_\_\_\_  
Unit: \_\_\_\_\_  
No. of Elements: \_\_\_\_\_  
Description: \_\_\_\_\_  
Possible Motives: \_\_\_\_\_  
Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### 4. ACCOUNT OF THE INCIDENT

Factsheet prepared on:  
Organization:  
Contact Number:

Prepared by:  
Location:  
Email:

Human rights advocacy offers an arena of campaigning to make accountable those behind the grabbing away of land and resources from local communities. The “NO LAND, NO LIFE!” campaign of PAN Asia Pacific (PANAP) and our partners relies on documentation to effectively highlight the human rights dimension of land and resource grabbing, including civil and political rights and economic, social and cultural rights. But human rights work requires specific knowledge and skills for effective engagement and maximized impact. This module has been developed to help address such need.