M N E M O N I C

Response to Call for inputs on 'Documentation of serious human rights violations in the context of transitional justice processes'

https://www.ohchr.org/en/calls-for-input/2024/call-inputs-documentation-serious-human-rights-violations-context-transitional

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You can choose to answer all or some of the questions below

1. Please indicate any relevant norms, state practice and/or jurisprudence at the national and regional level regarding the obligation to document gross violations of human rights and serious violations of international humanitarian law in transitional justice contexts?

n/a [or please fill in]

2. Please inform about State initiatives to register, map, collect and preserve (archive) evidence, data and testimonies (including victim's testimonies) of serious violations of human rights and humanitarian law in transitional contexts for truth-seeking, accountability and memorialization purposes, among others. How have States to date documented such violations? Which good practices, obstacles, challenges and gaps are found in State practice? Are documentary archives accessible to plaintiffs, victims and their legal representatives and what regulations govern such access?

n/a

3. Please inform about civil society initiatives to register, map, collect and preserve evidence, data and testimonies (including victim's testimonies) of serious violations of human rights and humanitarian law in transitional contexts for truth seeking, accountability and memorialization purposes, among others. How has civil society supported documentation efforts in transitional contexts? What lessons can be learnt from these experiences? What support has civil society received from concerned States and/or donor states and institutions to carry out initiatives in this field? What obstacles has civil society faced in implementing initiatives to document human rights violations (state blockages, lack of resources, insecurity for staff conducting documentation or archiving efforts, challenges to the preservation of documentation/evidence/archives, impeded access to archives or victims, etc.)?
4. Please inform if documentation efforts are sufficiently and timely included in the design and implementation of transitional justice processes? Do concerned States, the international community, and donor institutions or donor States consider documentation mechanisms when negotiating, designing and implementing transitional justice processes. If not, which variables affect their inclusion or exclusion in these processes and how can documentation be better integrated in transitional justice from the outset.
5. How can States better integrate documentation efforts that can promote, in a complementary manner, the five pillars of transitional justice (truth, justice, reparation, memorialization and guarantees of non-recurrence) while also avoiding revictimization?

Next Steps

Email address: ohchr-srtruthcalls@un.org
Email subject line: Contribution to the Special Rapporteur's thematic report on Documentations
Word/Page limit: 1500 words
Accepted file formats: Word, PDF
Accepted Languages: English, French, Spanish
Fax: +41 22 917 90 08

Answer to point 3: About Mnemonic

Mnemonic guG supports human rights defenders in effectively using digital documentation of human rights violations and international crimes for advocacy, justice and accountability. We have archived digital information of open source data about human rights violations and created dedicated archives for Syria (2014), Yemen (2018), Sudan (2019), Ukraine (2022), Iran (2024) and Palestine (2024).

We aim to:

- Preserve Evidence: Archive digital information to ensure that potential evidence is not lost, remains accessible and usable for accountability mechanisms, human rights, and advocacy organisations.
- Support Accountability: Share digital information with accountability mechanisms to advance investigations into international crimes, human rights violations and other grave injustices.
- Promote Open Investigations: Publish open source investigations to advocate for further examination of documented violations.
- Capacity Building: Train human rights defenders on leveraging digital information for advocacy, memorialisation and litigation.
- Advocacy for Policy Change: Advocate for better policies regarding social media content moderation and retention, ensuring they respect human rights and enable public-interest research.
- Develop Open Tools: Build and support open source tools to increase human rights defenders' capacity to use digital evidence for social justice.
- Support Memorialization: Work with impacted and survivor communities to contribute to the memorialisation of conflicts and atrocities.

Lessons Learned

A key lesson is to take a long term approach to documentation and archiving. This approach must be informed by the needs of affected communities, ethical research practices and flexible

enough to adapt to shifting goals and opportunities. Long-term efforts are essential, as turnover in collaborators, fluctuations in funding, and infrastructural challenges are inevitable. These demands require resourceful planning, consolidation of practices and coordination with other initiatives to ensure not only the diversity of approaches but also avoiding repetition where sensible.

Support from States and Donors

From concerned States, we have seen a great disparity depending on their readiness to engage with civil society efforts, which often may be seen as a proxy to understand their overall readiness to engage in transitional justice processes. The work of civil society can be perceived as uncomfortable and difficult to control, but it is vital to bring a diversity of perspectives and often a documentation record that covers what official records would not necessarily, and that would be hard to create post-factum.

We have seen support from donor states for civil-society led documentation and archiving initiatives, both individually and collectively. A trend that is noteworthy is that it can be challenging to maintain donor interest in these efforts when immediate opportunities appear far off, and immediate shock about grave human rights violations subsides; when these shocks and opportunities do happen, concern is often great and support for civil society actors is available.

Obstacles Encountered

A key obstacle we face - and that others relying on open source information face - is platform censorship. Social media platforms often remove content documenting violations, partly for justified reasons, e.g. graphic violence, but to a larger part for unjustified reasons, including overreliance on discriminatory algorithms. We have been seeking to counter this with platform-oriented advocacy to enable access to taken down content, and to enhance algorithmic content moderation, but there is a lot more need in this regard. The EU Digital Services Act may prove an opportunity to push for more documentation-enabling practices, including measures that allow access to removed content for investigative purposes.

In addition to this, a tension we face is how to balance the desire to make documentation the most usable possible, while safeguarding the privacy and security of vulnerable people who are the contributors of this documentation or are depicted in it. These ethical concerns make it difficult to provide unvetted access to archives, requiring well-resourced research capacity to respond to sensitive requests.This requires careful resource allocation and strategic prioritisation of stakeholders to engage with.

Additionally, when it comes to legal barriers, navigating legal frameworks around privacy and data protection need to be respected when sharing or publishing information.

Our work in digital documentation plays a critical role in advancing the five pillars of transitional justice: truth, justice, reparation, memorialization, and guarantees of non-recurrence. By archiving and sharing digital evidence, we contribute to truth-seeking processes, provide vital material for accountability mechanisms, and support memorialization efforts, particularly in regions affected by conflict. Through the development of open-source tools and training for human rights defenders, we ensure that this documentation is not only preserved but also used effectively in legal and advocacy initiatives. However, the challenges we face—ranging from platform censorship to limited access to victims and archives—highlight the need for greater integration of documentation efforts into the design and implementation of transitional justice

processes. Documentation must be prioritized from the outset, ensuring that it aligns with broader goals of accountability and healing.

To improve documentation efforts, states and donor institutions must provide sustained, long-term support for civil society-led initiatives, ensuring that documentation is not treated as an afterthought but as a core component of transitional justice. Additionally, ethical considerations and data protection should be at the forefront of these efforts, balancing the need for transparency with the protection of vulnerable individuals. States and civil society actors should collaborate more closely, pooling resources and expertise to create a coordinated, comprehensive approach to documenting human rights violations. Ultimately, integrating documentation into transitional justice processes from the beginning will not only strengthen accountability mechanisms but also ensure that the experiences of victims and survivors are fully acknowledged and preserved for future generations.