

DEVELOPING A COLLECTION PLAN FOR GATHERING VIDEO EVIDENCE



Filming for human rights can be dangerous. It can put you, the people you are filming and the communities you are filming in at risk. Carefully assess the risks before you press “record”.

Do your best to implement the guidance below, but understand that nothing stated in this guide is absolute and you should modify the practices to fit your needs. When possible, seek support from local experts. Even if you cannot fully implement this guidance, your footage may still provide valuable information that could lead human rights organizations and advocates to answers and, in turn, to the protection of our basic human rights.

INTRODUCTION

A Collection Plan is essentially a list that is created by investigators, lawyers, and in some cases human rights activists, to detail:

- *The Elements of a Crime or Defense*, which are the specific things that a lawyer has to prove to:
 - i) find a defendant guilty; or
 - ii) free someone who has been falsely accused of a crime.
- Any type of evidence (i.e. video, photos, medical records, testimony) the lawyer has already collected to prove each element, or in other words, the “Completed” List; and
- Any type of evidence the lawyer still needs to collect to prove each element, or in other words, the “To Do” List.

FOR MORE INFORMATION

Elements of a Crime are briefly defined below, but you can also learn more in “All About the Law”
[bit.ly/
WITNESSLibrary_VaE](https://bit.ly/WITNESSLibrary_VaE)

Who Is This For?

Collection planning is an advanced practice for human rights activists who intentionally seek to capture video footage for human rights documentation and use as potential evidence for long-term justice and accountability. Collection planning isn't for an eyewitness who unexpectedly documents a human rights violation.

While it's not mandatory, it's ideal for activists to undertake the collection planning process in collaboration with local lawyers that they trust and want to work with moving forward. If you are able to work in a team, collection planning builds a stronger bridge between activists, non-governmental organizations, investigators and lawyers. Collection planning will strengthen and streamline this collaboration by:

- Helping investigators and lawyers to better advise activists on the ground about what footage the activists should collect if they would like their video to be useful to the judicial process.
- Helping activists to better understand what they should spend their time and effort on filming so it's more likely the footage will be useful.

Most importantly, regardless of whether you have a legal partner or not, if you find this planning process outlined here too cumbersome, no worries - just keep in mind the Take Home Points on page 3 and when you have more time or need to implement the process more fully, the steps are here for you.

Working Together Can Strengthen Your Case



Plan

Capture

Submit to court

Present

GOAL

The end goal is to ensure the footage you collect supports justice and accountability instead of being irrelevant or duplicative. Because justice systems differ around the world, it is important to keep in mind that a Collection Plan doesn't guarantee that your video will be used as evidence, but it can significantly strengthen the chances.

FOR QUICK REFERENCE

Filming or working in the field? Take the "Collection Planning Mini Guide" with you for fast access to key points: bit.ly/WITNESSLibraryVaE

TAKE HOME POINTS

Definition

A Collection Plan helps investigators and lawyers communicate their needs to frontline activists so the footage activists collect can better support a legal case. It is an advanced practice for activists who intentionally seek to capture video documentation to use as potential evidence for long-term justice and accountability.

A Collection Plan consists of three lists:

LIST 1: “Elements of a Crime” you seek to prove;

LIST 2: Evidence you have already collected to prove those elements;

LIST 3: Evidence you still need to collect.

Why Plan?

There are a number of worthy reasons. Planning will help you:

- Assess what footage will support the case you are trying to prove or the story you are trying to tell.
- Determine whether or not it’s worth risking your personal safety and the safety of others to capture footage.
- Ensure your filming efforts are targeted so you won’t miss opportunities or duplicate efforts.
- Communicate with your allies so everyone on your team understands what is needed and why.
- Enhance your documentation and, in turn, strengthen your case.

Steps to create a Plan

STEP 1: ASK WHY? Determine why it is worth the time, resources and risks to collect this footage.

STEP 2: INCLUDE BASIC DETAILS. Write down basic information about the situation or violations you seek to document, such as a summary of the incident, names, dates, locations, etc. Download a blank Collection Plan form at bit.ly/WITNESSLibrary_VaE.

STEP 3: FIND THE ELEMENTS OF THE CRIME. List the elements of a crime you need to prove by working with a lawyer, researching the elements online, at a library or making an educated guess.

STEP 4: DETERMINE WHAT YOU HAVE AND WHAT YOU NEED. Write down two lists, “Completed” and “To Do”, for all the evidence you:

- Have already collected to prove each individual element of the crime;
- Still need to collect to prove each individual element of the crime. Highlight the video images you need.

STEP 5: REVIEW THE PLAN. If possible, go over the plan with the people you are filming with and those who you intend to give the footage to and then, go film!

WHY PLAN?

If you aren't a lawyer or an investigator, you might be wondering why you should learn about collection planning and why, as an activist, you too may want to use this tool? There are a number of worthy reasons.

REASON 1 Strategy

Citizens and human rights defenders may find themselves in spontaneous situations, where they have to act immediately and there is no time to plan what footage would be most valuable. However, there are a number of other situations when planning is possible, for example, in advance of a planned protest or to show widespread human rights abuses. Collection planning can help you strategically assess what footage or images will support the case you are trying to prove or the story you are trying to tell. Keep in mind that the more complicated the case or the story, the more need there is to create and implement a Collection Plan that lays out a clear roadmap to build a case.



FILMING

REASON 2 Security

Filming for human rights is dangerous. Those who do it take great personal risks. Planning will help you determine whether or not it's worth risking your personal safety and the safety of others to capture footage.

REASON 3 Efficiency

It takes time and money to collect video footage, so before you begin filming or requesting footage from others, it is important to consider why you need the video evidence and how it will be used. There are many good reasons to film, but the collection planning process will help ensure your filming efforts are targeted, efficient and useful. Planning also helps ensure you won't:

- Miss opportunities to collect revealing footage that you need; and
- Duplicate efforts by collecting the same footage that others have already filmed.

REASON 4 Enhance communications, Education & Trust

Activists often wonder why the footage they risk their lives to collect is not as useful as it could be to lawyers. Lawyers often wonder why activists aren't capturing footage that is more helpful to their cases. The Collection Plan serves as a tool that activists, lawyers or non-governmental organizations can use to communicate with each other. It shows activists what lawyers need and why they need it. In turn, it builds trust so the next time a lawyer asks an activist to film something that appears to be random - a communications tower, a public speech, the broken lock on the entrance to the hospital - the activist will have a better understanding of why the lawyer is making this request.

REASON 5 Strengthen cases

A good plan will undoubtedly strengthen your documentation and, in turn, enhance your case and your credibility.

KEY DEFINITIONS

Defined: Elements of a Crime

Every crime is broken down into very specific elements that need to be proved. To secure a conviction, a lawyer must prove every individual element, one-by-one. If there are five elements of a crime and the lawyer only proves four, then the defendant should go free. For example, to prove a defendant is guilty of a robbery a lawyer must demonstrate that:

1. Property was taken or carried away;
2. The defendant committed the taking;
3. The property does not belong to the defendant;
4. The property was taken using force or fear;
5. The defendant intends to permanently deprive the owner of his/her property.

Defined: Relevance

In order to be considered evidence, a video has to be “relevant”. This simply means that the evidence has to help prove one of the elements of the crime. Another way to think about relevance is this – when you are creating a plan, ask yourself what information could help an investigator, a lawyer or judge understand what happened? If it helps with understanding, it’s likely relevant.

A Straight Forward Example

If the defendant is on trial for robbery, the surveillance footage from the store showing the defendant taking products off the shelf and hiding them in a bag is relevant because it goes to proving elements of the crime – the defendant took property that was not theirs. If you also have video footage of the defendant exceeding the speed limit, in a school zone, five years prior to the robbery incident, this video is totally unrelated to the robbery charge, and thus not relevant. It’s as simple as that.

FILMING

FOR MORE INFORMATION

See Elements of a Crime & Relevance in “All About the Law” at: bit.ly/WITNESSLibrary_VaE

A SAMPLE COLLECTION PLAN

Now that we know what a Collection Plan is and why you it's worth the time to create one, take a moment to review this simple example of a plan. Note: This example is intended to provide ideas about what type of evidence to collect. It is not comprehensive Collection Plan.

CRIME: Torture * The elements are based on International Criminal Law		
The Element of the Crime we need to prove	COMPLETED: List of evidence already collected	TO DO: List of evidence still needed to collect
<input type="checkbox"/> The perpetrator inflicted severe physical or mental pain or suffering upon one or more people.	<input checked="" type="checkbox"/> A video filmed by the perpetrators showing five men repeatedly beating a man dressed in civilian clothes with a lash. <input checked="" type="checkbox"/> Detailed testimony from the victim about the pain he experienced during the beating and after. <input checked="" type="checkbox"/> A series of 20 photos of his injuries taken approximately two hours after the beating	<input type="checkbox"/> A second series of photos showing the injuries two weeks later. <input type="checkbox"/> Medical records from the hospital that examined the victim. <input type="checkbox"/> Testimony from the medical personnel that examined the victim. <input type="checkbox"/> Testimony from a whistle blower who used to work at the detention center and saw beatings like this one regularly.
<input type="checkbox"/> The person or people were in the custody or under the control of the perpetrators.	<input checked="" type="checkbox"/> A video filmed by the perpetrators showing five men repeatedly beating a man dressed in civilian clothes. His hands appear to be bound behind his back. His feet are tied with a rope to a rifle. He is lying on his back with his feet in the air. It appears that he is also blindfolded. The location is not clear from the video. <input checked="" type="checkbox"/> Detailed testimony from the victim about the location, number of guards protecting the location and his captivity.	<input type="checkbox"/> Photos of the detention center eight months after the torture of our victim took place once the detention center had been abandoned. <input type="checkbox"/> Testimony from a whistle blower who used to work at the detention center about its location, number of guards, etc. to corroborate the victim's testimony.
<input type="checkbox"/> Such pain and suffering did not arise from lawful sanctions.	Etc.	Etc.
<input type="checkbox"/> The perpetrator meant to engage in the infliction of severe physical or mental pain or suffering	Etc.	Etc.



CREATING A PLAN

Below are the steps to get started creating your own Collection Plan.

STEP 1 Ask Why?

Determine why it is worth the time, resources and risks to collect this footage. For example:

- ✓ What are the security risks in filming, collecting and storing the video?
- ✓ Why is this content valuable?
- ✓ Will it raise awareness or shed light on a situation?
- ✓ Will it spark an investigation?
- ✓ Will it support an investigation or the call for the arrest of a perpetrator?
- ✓ Will it help prove an element of a crime?
- ✓ Is it possible to gather information that is relevant to the case and/or could help an investigator, analyst, lawyer or judge better understand the story?

There are many good reasons to collect video information. This step ensures you know why it is worth it. If you decide it is, then move on to the steps below.

KEY DECISION POINT

To Write Up Your Plan or Not?

While it's not mandatory to write your plan down, a written plan can be essential if you are working with others or if you're working on a complex case. If you do want to write your plan down, we've provided a blank Collection Plan form at the end of this section.

STEP 2 Include Basic Details

Whether you are writing your plan down or not, it is important to consider and/or document the information listed below. Consider using the Collection Plan form included at the end of this section to fill in the following basic information:

- ✓ A summary of the incident or expected incident you seek to document;
- ✓ Date the plan is drafted;
- ✓ Name of people involved;
- ✓ Contact information for people involved;
- ✓ Pertinent comments and notes;
- ✓ Purposed filming location(s);
- ✓ Notes on security procedures.

STEP 3

Find the Elements of the Crime You Seek to Prove

Option 1

The next step is to figure out what you need to prove. The best option would be to work with a lawyer or a legal collective that you would like to collaborate with to ensure you have the right information. If this option is not available, there are a number of ways to figure out the elements of the crime you are trying to prove even if you don't have a law degree.

- **World Intellectual Property Organization (WIPO)**¹ – On the site, search for “Penal Code [NAME OF COUNTRY]”. Ideally your country's laws will be right there for instant download in PDF format.
- **Google** – Try searching “Penal Code [NAME OF COUNTRY]” or “Criminal Code [NAME OF COUNTRY]” and you will likely find the PDF.
- **International Criminal Court (ICC)** - For International Criminal Law, visit [the elements of a crime page](#)² on the ICC website and chose a language to download a PDF of the elements of a crime.

Once you have the PDF of your country's penal code, use the “find” function to search the document for the crime you are interested in learning about (i.e. “murder”, “homicide”, “torture”, “rape”, “assault”, “discrimination”, etc.). From there, make your bullet pointed list of what you need to prove and add it to your Collection Plan.

Collaborate
with a
lawyer



Use On-line
resources



Option 2

If you don't have access to the internet or it's too dangerous to be online, another option would be to visit a local library or university. A librarian should be able to help you find the Penal Code and if you go to a law library, he or she should also be able to help you find the specific elements of the crimes you plan to document.

Use a Library



Option 3

If the options above don't work, use your common sense. Recognizing crimes is instinctual. We all know a violation when we see it. So once you know what crimes you seek to document, sit down, pretend you are a judge and write down the specific details you would want the lawyers to prove if you were that judge.

KEY POINT

AN EDUCATED GUESS WILL ENHANCE THE VALUE OF YOUR FOOTAGE

In the lead up to – or during a human rights situation – neither activists nor attorneys will know exactly what crimes might be committed but you can make an educated guess. If a protest is planned, there could be excessive use of force or arbitrary arrests made by police forces. If you are in a mass atrocity situation, you are likely to witness crimes such as murder, torture and property destruction. If you are in a refugee camp, there is a high probability of sexual violence. While you cannot know exactly what violations you will be documenting, your educated guess will help you plan accordingly.

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STEP 4 Fill in the “Completed” and “To Do” lists So You Understand what You Need

Now that you know what you need to prove, write down what you have already collected that will help a lawyer prove that element and then move on to your “To Do” list.

Since every crime and situation is different there are no absolute rules. Sometimes the same video clip can be used to prove multiple elements of a crime. For other elements, you will need completely different images. Regardless, when making your “To Do” list of images, it’s good to be as specific as possible by describing the footage you need using the six basic angles that are generally needed (360, overview, wide, medium, close-up and extreme close up). See the sample “To Do” list on the next page.



STEP 5 Review the Plan

Finally, if you are working with others, go over the plan with the people you are filming with and those who you intend to give the footage to. A review will ensure your team has a comprehensive understanding of the shot descriptions, locations and potential challenges. Now, it’s time to film!

SAMPLE COLLECTION PLAN: VIDEO “TO DO” LIST

In this example, you can see how the list of images changes with every element. So, think carefully about how to use video to tell as much of the full and honest story as possible, understanding that video has limitations on what it can and cannot document.

CRIME: <i>Excessive Police Force by an Officer on Scene</i> <i>*The elements are based on Brazilian Law --- three of the eight elements of this crime are listed here.</i>	
<i>The Element of the Crime we need to prove</i>	<i>TO DO: List of images that could help prove this element if possible to capture safely.</i>
<input type="checkbox"/> <i>The suspect was acting within the scope of his/her employment as an employee of a civil or military service.</i>	<input type="checkbox"/> <i>Medium shot of the suspect in full uniform.</i> <input type="checkbox"/> <i>Close-up shot of the suspect's badge number, nameplate and face and anything that shows rank.</i> <input type="checkbox"/> <i>Wide shot of the vehicle the suspect was driving.</i> <input type="checkbox"/> <i>Close-up of the license plate and any identifying marks on the vehicle the suspect was driving/riding in.</i> <input type="checkbox"/> <i>Close-up video or photos of any documentation showing the suspect was on duty that day --- timecards, signed and dated reports, etc.</i> <input type="checkbox"/> <i>A variety of shots placing the suspect at the scene of the crime.</i> <input type="checkbox"/> <i>A variety of shots of the suspect giving orders on scene.</i>
<input type="checkbox"/> <i>The suspect acted arbitrarily.</i>	<input type="checkbox"/> <i>Images taken before the use of excessive force to demonstrate that it was unprovoked.</i> <input type="checkbox"/> <i>A variety of shots showing whether the victim was armed or not.</i> <input type="checkbox"/> <i>Continuous footage of the arrest so a lawyer can evaluate whether: - the officer followed arrest protocols or not; and - if the victim was resisting arrest or not.</i>
<input type="checkbox"/> <i>The suspect intended to undermine the physical safety of the victim.</i>	<input type="checkbox"/> <i>Continuous footage of force being used by the suspect against the victim.</i> <input type="checkbox"/> <i>Images that allow for identification of the weapon being used.</i> <input type="checkbox"/> <i>Images showing the severity of the injuries to illustrate disproportionality.</i> <input type="checkbox"/> <i>Any images showing the violation of prescribed protocols. For example: <input type="checkbox"/> <i>Images showing the use of live ammunition versus rubber bullets;</i> <input type="checkbox"/> <i>Close-up shots of the bullet cases including the headstamp on the casing as the stamp is the most important part;</i> <input type="checkbox"/> <i>Wide and medium shots showing the number of rounds fired;</i> <input type="checkbox"/> <i>If official protocols call for officers to aim and shoot below the waist, capture images that show the height of the shot fired as compared to the ground.</i> </i> <input type="checkbox"/> <i>Any audio of the suspect giving orders or making statement that would go to show intent to violate prescribed protocols.</i>

FILMING

FOR MORE INFORMATION

See “Basic Practices
 “and
 “Filming Secure
 Scenes” at:
[bit.ly/
 WITNESSLibrary_VaE](http://bit.ly/WITNESSLibrary_VaE)



ADDITIONAL KEY PRINCIPLES

- Don't just focus on the documenting the crime, focus also on documenting who committed the crime and how they did it.
- Think logically about what you need.
- Be creative and have an open mind.
- Prioritize quality over quantity.
- Once you begin your collection efforts, keep careful records of where and when you gather the materials and protect it from being tampered with by others so that your footage can be verified.
- Remember, as long as a plan is put together thoughtfully, there is no right or wrong way to create or implement a Collection Plan.

Special Thanks to CIJA for Helping

Special thanks to the Commission for International Justice and Accountability for their insights on this section.

NEXT STEP CRIME-BASED V. LINKAGE EVIDENCE

If the Collection Planning process is helpful to your work, you will want to read "[Filming Linkage Evidence](#)". This is important because to hold someone accountable for a crime, lawyers must prove:

- What crime was committed?
- Who did it?
- How the perpetrator committed the crime?

The video footage you collect that documents the crime itself is called "crime-based evidence". The video footage you collect that documents who did it and how they did it is called "linkage evidence".

Citizens and human rights activists are often skilled at capturing footage of the crime that is being committed but it is much more difficult to document who committed the crime and how they did it. Yet, investigators and lawyers spend the majority of their time working to prove the "Who" and the "How". So while footage of the commission of crimes is valuable, capturing the "Who" and "How" is important for long-term justice and accountability, especially in situations where there are mass atrocities and systemic human rights violations. As a citizen witness or human rights activists on the ground, you are uniquely placed to gather linkage evidence so learning about this matters.

¹World Intellectual Property Organization: <http://www.wipo.int/portal/en/>

²International Criminal Court: <http://bit.ly/1GOAk19>

COLLECTION PLANNING FORM

Here's a blank Collection Plan Form you can either print out and use or modify to meet your needs.

Step 1: Make a list of the crimes you will likely document.

Step 2: Determine what elements of a crime you seek to prove.

Step 3: Make a list of the images you believe can help you prove the elements of the crimes you listed.



<i>COLLECTION PLAN: For Video Evidence</i>	
<i>PURPOSE For Collecting Video Footage:</i>	
<i>SUMMARY OF SITUATION:</i>	<i>DATE PLAN DRAFTED:</i>
<i>NAME: Person who created this Plan/Request for Footage:</i>	<i>CONTACT INFORMATION:</i>
<i>NAME: Videographer</i>	<i>CONTACT INFORMATION:</i>
<i>PROPOSED LOCATION:</i>	<i>COMMENTS / NOTES:</i>
<i>ADDITIONAL NOTES ON SHOTS:</i> <input type="checkbox"/> <i>Overview</i> <input type="checkbox"/> <i>360-degree pan</i> <input type="checkbox"/> <i>Wide</i> <input type="checkbox"/> <i>Medium</i> <input type="checkbox"/> <i>Close-Ups</i> <input type="checkbox"/> <i>Extreme Close-Ups</i>	<i>LIST OF CRIMES THAT COULD BE DOCUMENTED (i.e. murder, torture, excessive force):</i>
<i>NARRATION DIRECTION: For example, include time, date, specific location, videographer's name and contact information.</i>	

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**PRINT OUT THE MINI GUIDE BELOW AND CARRY IT
WITH YOU FOR EASY REFERENCE.**

COLLECTION PLANNING FOR VIDEO EVIDENCE

Definition

A Collection Plan helps investigators and lawyers communicate their needs to frontline activists so the footage activists collect can better support a legal case. It is an advanced practice for activists who intentionally seek to capture video documentation to use as potential evidence for long-term justice and accountability.

A Collection Plan consists of three lists:

- LIST 1: "Elements of a Crime" you seek to prove;
- LIST 2: Evidence you have already collected to prove those elements;
- LIST 3: Evidence you still need to collect.

Create a Plan

STEP 1: ASK WHY? Determine why it is worth the time, resources and risks to collect this footage.

STEP 2: INCLUDE BASIC DETAILS. Write down basic information about the situation or violations you seek to document, such as a summary of the incident, names, dates, locations, etc. Download a blank Collection Plan form at bit.ly/WITNESSLibrary_VaE.

STEP 3: FIND THE ELEMENTS OF THE CRIME. List the elements of a crime you need to prove by working with a lawyer, researching the elements online, at a library or making an educated guess.

STEP 4: DETERMINE WHAT YOU HAVE AND WHAT YOU NEED. Write down two lists, "Completed" and "To Do", for all the evidence you:

- Have already collected to prove each individual element of the crime;
- Still need to collect to prove each individual element of the crime.

Highlight the video images you need.

STEP 5: REVIEW THE PLAN. If possible, go over the plan with the people you are filming with and those who you intend to give the footage to and then, go film!

Learn More about the "Elements of a Crime" and Collection Planning at bit.ly/WITNESSLibrary_VaE.

SAMPLE COLLECTION PLAN: VIDEO "TO DO" LIST

CRIME: Excessive Police Force by an Officer on Scene

*The elements are based on Brazilian Law --- two of the eight elements of this crime are listed here.

<input type="checkbox"/> The Element of the Crime we need to prove <input type="checkbox"/> The suspect was acting within the scope of his/her employment as an employee of a civil or military service.	<p>TO DO: List of images that could help prove this element if possible to capture safely.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Medium shot of the suspect in full uniform. <input type="checkbox"/> Close-up shot of the suspect's badge number, nameplate and face and anything that shows rank. <input type="checkbox"/> Wide shot of the vehicle the suspect was driving. <input type="checkbox"/> Close-up of the license plate and any identifying marks on the vehicle the suspect was driving/riding in. <input type="checkbox"/> Close-up video or photos of any documentation showing the suspect was on duty that day --- timecards, signed and dated reports, etc. <input type="checkbox"/> A variety of shots placing the suspect at the scene of the crime. <input type="checkbox"/> A variety of shots of the suspect giving orders on scene.
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MINI GUIDE: COLLECTION PLANNING V 1.0