

Scenarios: Ethical and Professionalism Issues re: Human Rights Fact-Finding

Adapted from: Lowenstein International Human Rights Clinic, Yale Law School

* Please familiarize yourself with this problem in advance of our session. You are not required to formulate answers or do any outside research to understand the issues. However, please do come prepared to discuss the problem at our session.

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Your employer, a small human rights organization based in the United States, believes that military forces in Country A are conducting an ethnic cleansing campaign. Hundreds of thousands of individuals have fled Country A across the border to Country B. These individuals are now in makeshift refugee camps that are slowly being established by humanitarian organizations. The government of Country B has refused to provide any assistance to the relief effort (and has sometimes hampered provision of aid) because it does not want to accept the refugees.

You have been deployed to Country B to investigate the situation of refugees in the camps and draft a public report that will consider potential violations of international law.

Question # 1

What are the sources of your professional responsibilities?

Question # 2

After you arrive in Country B, you travel to one of the makeshift camps to interview refugees. You speak with a representative of the camp who suggests that you speak with a particular individual. Working with an interpreter, you find the individual and sit down to start the interview. You have difficulty dispersing crowds, who keep returning even when you ask them to leave. Though you have great confidence in your interpreter, the interviewee speaks a local language that is difficult for your interpreter to understand. You explain who you are and ask him about his experiences. As he tells you his experiences, he tells you about his brother who is being jailed by Country A and is being tortured. He asks you if you can write a letter to the government of the US about his brother.

There are clear problems with the conduct of this interview. How might you have addressed or mitigated those problems?

Do you write the letter regarding his brother?

Question # 3

In the course of your interviews at the refugee camp, you hear about a local activist who has been instrumental in raising awareness about the conditions in the refugee camps. You contact him and arrange for an interview. In the interview, he tells you that he is also a field worker and was forced to take a day off to meet you, and lost the equivalent of \$4 in wages.

Do you offer to reimburse him for lost wages?

Question # 4

A reporter from the BBC contacts you because she would like to do a story on the conditions in the camps and would like to know what you have learned. You believe media attention from the BBC might elevate this issue and result in pressure on Country B to provide assistance to the refugees.

How do you respond?

Question # 5

You return home and draft your report. The report is released and you are quoted extensively in the media about the numbers of refugees displaced by Country A. An academic expert contacts you and advises that a key static upon which you rely is incorrect – you verify that he is right.

What do you do?