



Miriam Puttick

Eyes on the Ground: Realizing the potential of civilian-led monitoring in armed conflict



Cover photo:

Displaced Iraqis from Mosul's north-western al-Haramat neighbourhood flee their homes on 11 May 2017 as government forces advance in their offensive against ISIS fighters.

© Fadel Senna/AFP/Getty Images

© Ceasefire Centre for Civilian Rights and
Minority Rights Group International
July 2017

This report has been produced as part of the Ceasefire project, a multi-year programme supported by the European Union to implement a system of civilian-led monitoring of human rights abuses in Iraq, focusing in particular on the rights of vulnerable civilians including vulnerable women, internally-displaced persons (IDPs), stateless persons, and ethnic or religious minorities, and to assess the feasibility of extending civilian-led monitoring to other country situations. Support for the project from Global Affairs Canada, the Ministry of Foreign Affairs of Finland, and the Swiss Federal Department of Foreign Affairs is gratefully acknowledged.

This report has been produced with the financial assistance of the European Union. The contents of this report are the sole responsibility of the publishers and can under no circumstances be regarded as reflecting the position of the European Union.



Ceasefire Centre for Civilian Rights

The Ceasefire Centre for Civilian Rights is a new initiative to develop 'civilian-led monitoring' of violations of international humanitarian law or human rights, to pursue legal and political accountability for those responsible for such violations, and to develop the practice of civilian rights. The Ceasefire Centre for Civilian Rights is registered as a charity and a company limited by guarantee under English law; charity no: 1160083, company no: 9069133.

Minority Rights Group International

MRG is an NGO working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG works with over 150 partner organizations in nearly 50 countries. It has consultative status with the United Nations Economic and Social Council (ECOSOC) and observer status with the African Commission on Human and Peoples' Rights (ACHPR). MRG is registered as a charity and a company limited by guarantee under English law; charity no: 282305, company no: 1544957.

Report designed by Staša Sukic.

Material from this publication may be reproduced for teaching or other non-commercial purposes, with appropriate attribution. No part of it may be reproduced in any form for commercial purposes without the prior express permission of the copyright holders. Published July 2017. Printed in the UK on recycled paper.

Table of contents

	Introduction	4
1	The traditional approach to human rights fact-finding	6
2	Recent developments in the human rights field	11
3	Towards a model of 'civilian-led monitoring'	17
4	Addressing the challenges of civilian-led monitoring	24
5	Securing justice and accountability for violations of civilian rights	32
	Conclusions and recommendations	38
	Endnotes	40

Introduction

The continuing preponderance of armed conflict in many parts of the world presents a serious challenge to the collection of information on human rights and violations of international humanitarian law. In the areas in which the most horrific violations are taking place, the international community's knowledge of the situation on the ground is often the poorest.

Monitoring, documentation and reporting form the backbone of human rights work. Credible human rights data is the basis upon which governments and individual perpetrators of violations can be held accountable, victims appropriately supported and compensated, and effective interventions designed to prevent future abuses. Only through ongoing monitoring, documentation and reporting can human rights norms and the protections of international humanitarian law (IHL – the law governing armed conflict) be transformed from abstract principles into lived realities.

However, investigative or fact-finding missions, the main mechanism through which international organizations arrive at information about human rights and IHL violations in conflict zones, are often paralyzed by their inability to access the territories in which abuses are alleged to have occurred. From Iraq and Syria, to Eritrea, Libya, Afghanistan, and South Sudan, protracted instability combined with frequent hostility from governments has prevented international fact-finders from fulfilling their mandates.

This does not mean that human rights and IHL monitoring is not taking place. Armed with new technological tools such

as mobile phones and video cameras, local activists and ordinary civilians alike are recording events as they unfold around them, and already providing most of what we know about the human rights situation in hard-to-reach areas. Thanks to new media platforms, reports uploaded from a conflict zone can reach an international audience nearly instantaneously. Yet there is still a great deal of skepticism in official circles about the reliability of information produced by local civil society. There is still a strong bias in favour of information coming from traditional actors, even when those sources have proved unreliable or ineffective at providing timely and complete information.

This report is about harnessing developments already in motion internationally to produce better information about human rights and IHL violations in situations affected by conflict. Its main contention is that local civil society actors can be enabled, with the help of modern technology, to become central actors in the processes of monitoring, documentation and reporting. Empowering local activists has not only practical value, in that these activists often have the closest access to victims of violations, but normative value as well, because it makes monitoring more inclusive, participatory, and meaningful to local populations. The

basis of this report is the experience of the Cease-fire Centre for Civilian Rights and Minority Rights Group International in implementing a system of civilian-led monitoring in Iraq between 2014 and 2017, which is presented as a case study to illustrate one possible application of the approach put forward throughout the report.

The conclusions and recommendations of this report also draw on an expert seminar that took place at the Villa Moynier in Geneva in June 2017, which looked at the developing practice of civilian-led monitoring and considered a draft version of the report. The seminar brought together NGO leaders pioneering civilian-led monitoring in Syria, Iraq, Yemen and other armed conflicts with senior representatives from the UN Office of the High Commissioner for Human Rights, the International Committee of the Red Cross, the International Humanitarian Fact-Finding Commission, Geneva Call, the Institute for International Humanitarian Law, academic and civil society experts and governments with an interest in promoting the implementation of IHL. The author and publishers are very grateful to seminar participants for the many insights gained, but retain full responsibility for the contents of the report, including any mistakes or omissions.

In Chapter 1, we provide an introduction to human rights monitoring, documentation and reporting and discuss the traditional approach to these pro-

Thanks to new media platforms, reports uploaded from a conflict zone can reach an international audience nearly instantaneously. Yet there is still a great deal of scepticism in official circles about the reliability of information produced by local civil society

cesses by examining the work of international investigative and fact-finding missions. In Chapter 2, we trace two parallel developments– the rise of civil society, and advancements in technology – and discuss how these are shaping the conduct of human rights work worldwide and consider their potential for enhancing the monitoring of IHL. In Chapter 3, we propose a model of civilian-led monitoring and present our case study, showing how the model was deployed to enhance violations monitoring in Iraq. In Chapter 4, we outline some of the main challenges of civilian-led monitoring and discuss how to address them. Finally, in Chapter 5, we tackle the question of how civilian-led monitoring can be used to support judicial processes and other means of securing reparation and accountability for violations.

1

The traditional approach to human rights fact-finding

Promoting respect for human rights and IHL requires the systematic collection of information on violations, in order to hold duty bearers to their commitments. More specifically, human rights work has come to depend heavily on the three important and connected processes of monitoring, documentation and reporting.

Monitoring, documentation, and reporting

A major feature of international politics since the mid-twentieth century has been the emergence, expansion and consolidation of the international human rights regime. The landmark development in this regard was the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, which was followed in the decades to come by a succession of binding treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both adopted in 1966. Today, a total of nine treaties are considered to make up the core instruments of human rights law.

In addition to human rights law, a second branch of international law known as international humanitarian law is governed primarily by the Hague and Geneva Conventions, adopted between 1864 and 1949, and subsequent instruments. International humanitarian law governs the conduct of hostilities and the protection of civilians and other non-combatants. Unlike human rights law, international

humanitarian law comes into play only during situations of armed conflict.

The emergence of both international human rights and humanitarian law has placed restrictions on the conduct of states and other parties to conflict and created agreed-upon standards against which their behaviour can be assessed. However, a state's accession to one or more instruments has rarely been sufficient to guarantee that the rights of its citizens, or others within its jurisdiction, will be respected. Across the globe, violations remain pervasive. Consequently, promoting respect for human rights and IHL requires the systematic collection of information on violations, in order to hold duty bearers to their commitments. More specifically, human rights work has come to depend heavily on the three important and connected processes of monitoring, documentation and reporting.

Monitoring can be described as the on-going observation of the state of human rights in a given context. It involves the continuous and long-term analysis of trends in order to detect patterns of violations and identify areas for intervention and improvement.¹ Monitoring information enables comparisons across time, helping to identify upsurges or decreases in violations, as well as across contexts, allow-

ing human rights violations to be put in wider regional or global perspective. Moreover, it can be argued that monitoring has a deterrent effect, helping to prevent violations through on-going observation and data collection.²

Documentation, on the other hand, entails the recording, analysis and preservation of data concerning individual allegations of human rights violations. Documentation often plays an important role after situations of mass violations, helping communities to deal with past abuses, prosecute perpetrators, compensate victims and establish a culture of human rights for the future.³ However, documentation is not limited to scenarios of mass violations, nor is it necessarily a retrospective activity. At its core, documentation involves the compilation of data about human rights violations and its presentation in a format that can be used to effect change.

Reporting refers to the submission of information about human rights violations in an accessible form to concerned parties, which could include local or regional authorities, national governments, or international institutions. The goal of reporting is generally to prompt a response from the very parties with the power to change the situation.

The interrelated processes of monitoring, documentation and reporting are carried out by a plethora of actors, ranging from individuals and civil society organizations, to United Nations special mechanisms and country offices, to diplomatic missions. Such activities are on-going in a variety of contexts, whether in peacetime or in war, in countries with relatively strong human rights records as well as in the most repressive states.

The fact-finding mission model

In situations of acute conflict or escalating abuse, one of the main ways in which the international community arrives at information about violations of human rights law and international humanitarian law is through the creation of fact-finding missions (also referred to as investigative missions, commissions of inquiry, or commissions of experts).

In recent decades, fact-finding missions have become a staple of the international landscape. UN special rapporteurs and other special procedures of the UN Human Rights Council regularly undertake such missions, under their thematic or country-specific mandates, and the subsequent publication of their reports has become established as a major tool of international scrutiny of a country's human rights record.

Fact-finding missions have also been established to look specifically at violations of IHL. An early example was the 1913 International Commission to Inquire into the Causes and Conduct of the Balkan Wars, established in 1913 by the Carnegie Endowment for International Peace to investigate violations of international law and potential war crimes committed during the Second Balkan War. However, the emergence of such missions in their modern form can be pinpointed to the establishment of the Commission of Experts for the Former Yugoslavia by the UN Security Council in 1992.

Since then, fact-finding missions, sometimes with terms of reference that include both violations of human rights and IHL, have increased in frequency. While the various organs of the UN (including the Security Council, the General Assembly and the Human Rights Council) remain the main creators of fact-finding missions, such missions are also fre-

quently established by regional actors, including the African Union, the Arab League, the Organization for Security and Cooperation in Europe, and the European Union, and the larger non-governmental organizations (such as Amnesty International and the International Federation for Human Rights).

Fact-finding is generally defined as a ‘method of ascertaining facts’⁴ about alleged incidents of human rights concern. It involves ‘the collection of information that either proves or disproves that the incident occurred’⁵ in order to settle disputes about possible human rights violations. Essentially, fact-finders are making judgments about incidents alleged to have occurred in the past.⁶ Historically, fact-finding missions were usually launched after the end of a period of conflict. However, it is becoming more and more common today to deploy missions soon after an initial eruption of tensions, and while violations and even active hostilities are still on-going.⁷

In general, fact-finding missions will travel to the country in question for an appointed period of time; interview witnesses and record their testimonies; examine physical evidence; sort through already existent fact-finding work carried out by NGOs and other actors; and publish their conclusions in the form of a report.⁸ However, the specific functions that a fact-finding mission carries out are determined by the mission’s mandate, which is specified upon its creation. Mandates vary widely – from investigating a single event, for example, to investigating ‘all violations of international human rights law and international humanitarian law’⁹ within a given territory or by a given actor. Commonly, international human rights law or international humanitarian law serves as the frame of reference against which fact-finders are mandated to assess their findings and frame their conclusions.¹⁰

The selection of members of fact-finding missions is governed by the need for missions to be neutral, impartial and independent.¹¹ Potential commission members who are deemed to have pre-existing biases that would taint the work of the mission are therefore excluded. The chosen commissioners are generally widely regarded experts in human rights and international law, reflecting a trend towards professionalization

within the human rights field.¹² However, commissioners do not necessarily have expertise in the country in question. In fact, nationals of the country in question are sometimes not eligible to serve on fact-finding missions due to their perceived potential to be biased.¹³

Since fact-finders work in contexts where narratives of events are heavily contested, they must apply methodological standards to separate facts from rumours and propaganda. Chief among these is the use of standards of proof (also called degrees of certainty) to determine which facts can be considered to have occurred and can be included in the final report. Fact-finding missions do not always explicitly state the standard of proof being used, although different standards of proof can be deduced from the language used in presenting information in the report. In general, the standard of proof used by fact-finders is lower than the ‘beyond reasonable doubt’ standard used in criminal proceedings. The more common standard is ‘balance of probabilities’ (also called ‘preponderance of evidence’), which is satisfied when the evidence supporting a finding outweighs the evidence against it.¹⁴ Due to certain considerations, however, fact-finders may apply stricter or looser standards of proof, as the case may require. For example, when extremely serious violations are under consideration, which may lead to criminal charges, fact-finders may apply a stricter standard of proof to prevent undue repercussions from falling on wrongly-accused perpetrators.¹⁵ On the other hand, in situations when access to information is seriously hindered by government hostility or other factors, fact-finders may opt for a more lax standard of proof to prevent the exclusion of potentially important, but difficult to prove information.¹⁶

Unlike criminal courts or disciplinary tribunals, fact-finding missions are generally not tasked with determining individual responsibility for violations. Nonetheless, by making conclusions as to whether international normative standards have been violated, they do engage in significant legal interpretation and assessment.¹⁷ Moreover, the conclusions of fact-finding missions are often used as the starting point for subsequent judicial proceedings.¹⁸ As such, fact-finding missions can be said to perform a probative function.

Limitations of the traditional approach

At their best, fact-finding missions can produce authoritative information about violations, clear up controversies, influence public opinion, spur the international community to action, and lead to reparations for victims and accountability and prosecution of perpetrators. Today's fact-finding missions benefit from decades of experience, which has generated an ever-growing body of best practices and methodological guidelines that have helped missions to standardize their conduct and avoid some of the pitfalls faced in the past. Nevertheless, the investigative mission model is subject to several important, inherent limitations that have not decreased in prominence over time. These challenges have often impeded missions' abilities to effectively carry out their work and produce their intended results.

The first and foremost of these challenges is related to the difficulties fact-finders often face in accessing the territories in question. Security concerns and on-going conflict frequently preclude the possibility of fact-finding missions physically visiting the territories where violations are alleged to have taken place. For example, the OHCHR fact-finding mission mandated to investigate ISIS violations in Iraq in 2014 was forced to limit its activities to the Kurdistan region and was unable to travel to areas of Kirkuk and Ninewa governorates where violations had occurred.¹⁹ Access is also frequently denied to fact-finders when the government in question is hostile to the aims of the mission. This is the case of the currently operational Commission of Inquiry on Syria, the Commission of Inquiry on Eritrea, and the Commission of Inquiry on the 2014 Gaza Conflict, to cite a few recent examples. UN country special rapporteurs for Eritrea, Iran and North Korea have never been able to visit their respective countries of concern. Inability to travel to the territories in question can not only impede fact-finders' access to crucial information and key witnesses, but also opens the mission's report to criticism and accusations that its findings are one-sided and based on incomplete information.²⁰

A second limitation of the investigative mission approach is the enormous investment in re-

' an emerging pattern [is] the growing refusal on the part of an increasing number of member states to grant the human rights mechanisms access – either to countries generally, or to specific regions '

– UN High Commissioner for Human Rights, September 2016

sources and time that such initiatives demand. Fact-finding missions are extremely costly, requiring international travel for mission staff to attend orientation and conduct in-country visits; security details; and interpreters, drivers and other support staff, to name just a few costs. Moreover, fact-finding missions often operate painfully slowly, with months or even years passing between the establishment of the mandate or modalities of a visit and the publication of a final report. As such, although fact-finding missions may be effective at reaching conclusions about allegations of past events, they are ineffective at responding to crisis situations in which reliable information is needed quickly.

A third challenge is the frequent tendency of fact-finding missions to be tainted by the political factors surrounding their creation. Often, fact-finding missions are perceived to have been established, implicitly or explicitly, to serve predetermined political ends rather than out of an objective concern for arriving at truth about violations.²¹ For example, several state delegates to the Human Rights Council supported the creation of a Commission of Inquiry on Syria on the grounds that it would 'send a firm message to the Government of Syria,'²² while the same Council failed to establish an inquiry into violations in Yemen due to resistance from Saudi Arabia and its coalition members.²³ In other cases, political motives for establishing commissions of inquiry can include to resolve conflicts or to take on the appearance of 'doing something' while avoiding real measures to address the violations in question.²⁴ No matter how well intentioned the commissioners or rapporteurs are, perceptions of

political motives seriously hamper a mission's legitimacy and ability to secure the cooperation of key actors, and can even jeopardize concurrent political reconciliation processes.²⁵ Suspicions of political motives may also drive states to view accusations of violations as an attempt to discredit them rather than objective findings deserving of attention.²⁶

A fourth challenge is the lack of official international institutions to oversee monitoring and compliance under the Geneva Conventions and most other instruments of IHL. In contrast to the international and regional institutions created in recent decades in the human rights field, the IHL system continues to rely for its implementation almost exclusively on states parties and the relations of reciprocity between them.²⁷ The International Humanitarian Fact-Finding Commission, the official investigative body established under Additional Protocol I to the Geneva Conventions, has only ever been called on once to undertake an investigation. For its part the International Committee of the Red Cross, which often undertakes inspections of detention centres and looks into

compliance with IHL, is governed by a practice of confidentiality.

A fifth and final challenge has to do with questions of legitimacy and representation which arise from the practice of relegating human rights fact-finding to the domain of foreign experts and professionals. The professionalization of fact-finding, although important in setting high standards of conduct, also serves to make human rights a distant and foreign concept to the very people it is meant to serve.²⁸ This is illustrated by the frequency with which conspiracy theories about the hidden agendas of fact-finding missions circulate among the local population.²⁹ While the choice of personnel who do not have prior ties with the country in question may help to minimize bias, it also forces investigators to rely on interpreters, adding an extra layer between the victim and investigator and increasing the likelihood of distortion.³⁰ This disconnect between victims of violations and advocates for their protection lowers the likelihood that human rights concepts will gain traction and win public acceptance in a given society in the long run.³¹

2

Recent developments in the human rights field

Current socio-political and technological developments have the potential to fundamentally alter the way in which human rights work is carried out. Embracing the potential of these shifts offers opportunities for practitioners to modernize the processes of monitoring, documentation, reporting, and fact-finding, while simultaneously remedying some of the limitations inherent in traditional fact-finding models.

While the investigative mission remains the dominant model in fact-finding, several on-going developments are rapidly changing the landscape of the human rights field. This chapter traces the development of two parallel processes: the rise of civil society, and technological advancement.

Civil society and good governance

The steady growth in the number of civil society organizations worldwide since the end of the Cold War, and their increasing influence in many aspects of public life, has led some commentators to speak of a ‘power shift’ in international politics.³² While definitions of civil society abound, the term generally encompasses all associative life that is distinct from the state and the market, although some use the term to refer exclusively to non-governmental organizations (NGOs). While once entirely subordinate to governments, some NGOs today command financial resources greater than those of small states, and surpass weaker

states in their ability to provide services to citizens.³³ Moreover, NGOs meet with heads of state, participate in drafting major international agreements, and often exert considerable influence on the conduct of states through their normative power.³⁴

A vast body of literature emphasizes the link between an active and engaged civil society on the one hand, and democracy, development, and good governance on the other. One of the earliest modern theorists on the topic, Alexis de Tocqueville, argued in *Democracy in America* that a vibrant associational life fostered the norms and values needed to promote a healthy democratic society. In 1993, Robert Putnam argued in *Making Democracy Work* that an active civil society was crucial for building the types of social capital – such as trust, norms and networks – that make democratic governance possible. As the post-Cold War period brought with it the collapse of authoritarian regimes in Central and Eastern Europe, Latin America, and sub-Saharan Africa, social scientists pointed to the central role civil society organizations played in restraining the power of the state,

forcing it to accept liberal reforms, and ushering in democratic transitions.³⁵

A related body of literature examines the role of civil society in peacebuilding in post-conflict societies. According to this literature, civil society organizations contribute to transforming the dynamics of conflict through discursive acts such as norm-changing, the presentation of alternative knowledge, and the re-articulation of accepted narratives.³⁶ Moreover, a strong civil society can help to reconfigure state-society relations and build accountable and legitimate institutions able to respond to conflict.³⁷ Other vital functions performed by civil society in conflict settings include monitoring, advocacy, intermediation and facilitation, and service delivery.³⁸

These maxims on the democratizing and peacebuilding potential of civil society quickly made their way into development discourse. Since the 1990s, support to civil society organizations has become a central pillar of Western overseas development assistance, peacebuilding initiatives, and democracy promotion programmes in many parts of the global South.³⁹ International institutions have also embraced this rhetoric, with the United Nations Development Programme holding that ‘civil society can contribute to build nations that can withstand crisis, and to drive and sustain the kind of growth that improves the quality of life for all.’⁴⁰

Civil society and human rights

Civil society also has a powerful role to play in promoting respect for human rights. First of all, civil society organizations contribute to ‘localising’ international human rights norms and making them culturally meaningful at the domestic level.⁴¹ Civil society organizations can help to embed human rights culture in society, while also fostering a ‘cognitive dissonance’ when there is revealed to be a disparity between human rights ideals and real practices, leading to bottom-up demands for change.⁴² Civil society organizations also play a vitally important role as ‘watchdogs,’ guarding against abuses by the state.⁴³ The primary means through which they hold states accountable is by monitoring their implementation of human rights

obligations and gathering data on violations, thereby acting as important sources of information on a state’s human rights practices. Moreover, civil society organizations take concrete actions to defend human rights in their communities, such as by providing support services to victims, bringing legal cases to court, and proposing new policies and mechanisms to address abuses. Lastly, civil society organizations are one of the main ways through which the voices of marginalized or invisible groups can be heard and their concerns addressed.⁴⁴

On the international stage, human rights NGOs have come to play a leading role in pushing states to adhere to international human rights norms. First of all, international human rights NGOs have been instrumental in building international consensus around new human rights norms, and then working to promote their diffusion and consolidation.⁴⁵ Furthermore, they contribute to enforcement of those norms through the practice of ‘naming and shaming,’ by which they produce compelling information on a state’s violations of human rights norms, publicize that information widely, and bring international pressure to bear on the state in question.⁴⁶ At a time when being seen as a human rights pariah in the eyes of the international community has become more costly for states, such tactics have often been highly effective in convincing states to change their human rights practices.⁴⁷

In light of the important function that human rights NGOs play, their influence has grown significantly in international governance. NGOs have participated in drafting new human rights documents and establishing new international organizations.⁴⁸ They also perform a variety of roles at international tribunals, including representing victims, filing ‘friend of the court’ briefs, or acting as expert witnesses.⁴⁹ NGOs also play active roles at regional inter-governmental organizations and tribunals, including the African Commission on Human and Peoples’ Rights and the Inter-American Commission and Court of Human Rights.⁵⁰

In the various organs of the UN, the role of NGOs has grown steadily more institutionalized over time. Thousands of NGOs enjoy consultative status with the UN Economic and Social Council. NGOs participate in consultations with the Security

Council and have even drafted Security Council resolutions.⁵¹ At the Human Rights Council, NGOs are permitted to deliver oral statements and organize parallel events to highlight key human rights concerns. They provide input into reviews of state parties under the Universal Periodic Review process, to which they are invited to submit alternative reports which are reviewed by the OHCHR and made available to all Council members. They also provide shadow reports to inform the work of the human rights treaty-monitoring bodies. In the words of Claude Emerson Welch, ‘without NGOs the entire human rights implementation system at the UN would come to a halt.’⁵²

Critical perspectives

In light of the unbridled enthusiasm with which civil society has come to be viewed by many donors, some commentators have called for a degree of caution in blindly extolling the inherent virtues of civil society. According to some critics, dominant political science theories on the connection between civil society, democratization and good governance are based on the historical experience of Western countries and do not necessarily reflect the reality of other regions, including in the global South. For example, scholars writing on civil society in the Middle East describe a varied landscape that includes Islamist parties, tribal structures, and many other types of associations that do not fit neatly into Western conceptions of civil society.⁵³ In fact, some parts of civil society may actually be rather ‘uncivil.’ In conflict settings, civil society organizations may promote narrow chauvinist interests rather than encouraging social cohesion,⁵⁴ or focus on drawing attention to violations against their own members while downplaying the suffering of others.⁵⁵

In many cases, civil society organizations may not be truly independent from the state, limiting their ability to serve as watchdogs and critical voices for change. In authoritarian settings, the state keeps a close grip on civil society organizations through complicated registration requirements, regulations, and surveillance.⁵⁶ Many organizations may actually be mere extensions of the state, whose main function is to carry out agendas set by the government.⁵⁷ Organizations that are not sufficiently independent from the state may not be able to influence it.⁵⁸

Another issue is that international support to civil society organizations in the global South has tended to favour organizations that most closely resemble Western NGOs – liberal, secular organizations with a pro-democracy orientation.⁵⁹ However, these organizations are not necessarily the ones with the most legitimacy among the local population. In fact, many of these types of NGOs are effectively the domain of elites and may enjoy little real connection with the population at large.⁶⁰ Foreign funding has served to buttress a subset of civil society lacking real roots in the community, while also shifting its activities away from issues of indigenous concern and closer to the priorities of donors.⁶¹ The need to appeal to foreign donors has also led to a new, bureaucratic culture among NGOs which emphasizes technical skills such as proposal writing and meticulous documentation while leaving less time for actual outreach work in the community.⁶²

Such practices, although intended to build capacity of civil society, in fact reinforce unequal power relations between Southern NGOs and their Northern counterparts. It has been claimed that Southern NGOs become subordinate actors in a bureaucratic hierarchy based on Western standards of technical competence while losing the autonomy to set their own agendas.⁶³ In fact, much of the theory about transnational advocacy networks and ability of NGOs to shape international politics is more applicable to major international NGOs such as Amnesty International and Human Rights Watch than Southern NGOs. The latter face high challenges to effective participation in the international human rights system, including the prohibitive cost of travel to international capitals, insufficient understanding of international human rights mechanisms, and language barriers.⁶⁴

The above discussion calls for a more critical and less hierarchical engagement with NGOs in the global South through international partnerships that are truly driven by local agendas and needs. The key question is how to increase the participation of Southern NGOs in the global human rights regime while building their capacity in a way that acknowledges and nurtures their pre-existing strengths. As the next section will show, technological developments are providing new opportunities to do exactly that.

Advancements in technology

Constant advancements in information and communications technology (ICT) are continuing to define the way we live in the twenty-first century. While many of the major innovations in ICT of the twentieth century – including radio and television – were primarily one-way forms of communication, the new generation of technological tools are increasingly enabling two-way and multi-way communication⁶⁵ from any place and at any time. Mobile communication has been ‘the most rapidly adopted technology in all of human history,’⁶⁶ while developments in smartphone technology have made it gradually more affordable for increasing numbers of people to access the Internet from their phones. As of January 2017, there were 4.92 billion unique mobile users worldwide, of which 2.56 billion are active mobile social users, meaning they use their mobile phones to access one or more online social media platforms.⁶⁷

Social media platforms are defined by their ability to allow people to create, share and exchange user-generated content (UGC), including text, pictures and video. These platforms allow ordinary citizens to instantly reach vast networks of people worldwide, facilitating the rapid spread of information across borders. Having appeared on the scene relatively recently (the top three social media platforms, Facebook, YouTube, and Twitter, were established in 2004, 2005 and 2006, respectively) the penetration of social media increased very rapidly. As of January 2017, there were 2.8 billion active social media users in the world, with an average of 1.3 million new social media users being added every day.⁶⁸ On YouTube, a platform available in 76 languages (covering 95% of the world’s population), 300 hours of video are uploaded every minute.⁶⁹

A related development has been the rise of crowd-sourcing platforms, which share in common with social media platforms that they place ordinary citizens in the role of content creators. Wikipedia, the enormously popular online encyclopaedia, is composed entirely of articles created by users and contains entries in 250 different languages. Thanks in large part to the site’s corrective editing mechanisms, studies have shown Wikipedia en-

tries to be comparable in quality to mainstream print encyclopaedias.⁷⁰ Another area in which crowd-sourcing techniques have gained sway is in the field of geography. The increased availability of real-time, geo-referenced data has led to the proliferation of live maps, marking a shift towards what has been called ‘neogeography.’⁷¹ OpenStreetMap, built on a crowd-sourced model similar to Wikipedia, provides highly detailed, publically accessible maps, including for many parts of the global South for which reliable maps were previously in low supply or non-existent.⁷²

The birth of citizen journalism

The increasing availability of mobile phones and smartphones, combined with an array of new online tools, have given ordinary citizens unprecedented opportunities to participate as content creators in a new media landscape marked by greater diversity and decentralization. While news reporting was once almost exclusively the domain of professional journalists, today mainstream news agencies rely much more on user-generated content produced by camera-wielding citizens, knowing that their journalists cannot be in all places at once.

The 2004 Asian tsunami was one of the first major international news events in which early coverage was provided almost entirely by ordinary people.⁷³ With the speed at which the tsunami hit, there was no way that international news agencies could dispatch correspondents quickly enough to provide live on-the-ground coverage. Instead, footage of the advancing wave and ensuing destruction was provided by vacationers who had filmed the events from the safety of their nearby hotel rooms. As access to some disaster areas continued to be limited for foreign correspondents, citizen journalists and bloggers remained a major source of commentary and footage about the situation on the ground.

The role of citizen journalists becomes all the more prominent in situations where hostile governments attempt to impose a media blackout on events in their country. When protests in Tahrir Square gained momentum in 2011, the Egyptian government tried hard to keep foreign journalists

out. Instead, major Western media outlets turned to social media to gather information about developments on the ground, scouring Facebook, Twitter and YouTube for updates from protestors in the square.⁷⁴

Perhaps nowhere is the reliance on user-generated content more obvious than in the on-going conflict in Syria, which has been termed ‘the first YouTube War.’⁷⁵ As Syria became one of the most dangerous places in the world for journalists, major news outlets stopped sending reporters to the country.⁷⁶ Consequently, amateur material uploaded on YouTube and other websites has served as the main window into the horrors of the conflict. In contrast to past atrocities such as the 1982 mass killings in Hama, the details of which did not become known outside Syria until much later, news of massacres in the current conflict is rapidly disseminated through social media to a worldwide audience.⁷⁷ Not only are media outlets becoming accustomed to relying on user-generated content, but this type of material is also making it into the hands of high-level decision-makers. When reports emerged of chemical weapons attacks, a selection of videos scraped from YouTube was presented to members of the US Senate Intelligence Committee to inform their decision on the appropriate response.⁷⁸

Technology, civil society, and human rights

The implications of the above developments for human rights are many. The spread of mobile technology has given citizens the basic tools to monitor and record violations at any place at any time. This has led to the emergence of ‘the latent human rights activist,’⁷⁹ who by mere virtue of being a bystander to a violation with a mobile in hand, is propelled into the role of documenter. The perpetual presence of thousands or millions of latent human rights activists could produce a ‘Big Brother in reverse’⁸⁰ effect, by which human rights violations are constantly monitored and the ability of governments to suppress news of abuses is severely limited. Even in the poorest regions of the globe, the increasing affordability of mobile technology has given ordinary citizens the power to record human rights violations.⁸¹

In addition to the new opportunities provided by mobile technology for monitoring and recording violations, online platforms provide latent activists with the means to rapidly disseminate such information to vast networks of people. While achieving coverage of human rights issues in the traditional media has always been difficult even for the most prominent and well-funded NGOs,⁸² social media provide an effective alternative with comparatively low barriers to participation. By publishing content online, activists can circumvent the usual narratives found in the traditional media and draw attention to lesser-known issues.⁸³ This serves to break down the monopoly on information previously held by government⁸⁴ and other powerful actors, and give more of a voice to unrepresented or oppositional groups.

Social media can also be a powerful tool of organization, mobilization, and collective action around human rights issues. The Internet has the ability to link dispersed groups and communities,⁸⁵ creating ‘horizontal networks of interactive communication that connect local and global in chosen time.’⁸⁶ An activist in a remote location can instantly draw the attention of an international audience to an instance of human rights abuse and generate an outcry. But the Internet is just as useful as a mobilizing tool at the domestic level. In Iran in 2009, social media was the means through which Iranians shared accounts of vote fraud during the recent elections, called for rallies in Tehran, and documented the regime’s crackdown on protestors.⁸⁷ During the 2011 Egyptian Revolution, young activists used social media to provoke outrage over instances of police abuse and organize protests, participating in what some have termed ‘cyber civil society.’⁸⁸ In Hong Kong, studies have found that new technologies enable activists to connect and mobilize, build a strengthened sense of community, and facilitate new types of collective action.⁸⁹

Persisting inequality

Notwithstanding the many examples of new technological tools being harnessed in a way that promotes respect for human rights and enables mobilization around shared norms, there is reason for a healthy dose of realism about their empowering potential. Despite the power of social media to break down barriers to participation in

the international human rights regime, sharp inequalities remain. Firstly, the ability to participate meaningfully in the online sphere is circumscribed by factors such as literacy, educational level, and command of the English language, disadvantaging much of the global South.⁹⁰ Conversely, increased participation in a digital community established and shaped by the West raises fears about loss of indigenous cultures and minority languages.⁹¹ There are other, less visible inequalities that underpin online activity as well; for example, only 16 per cent of Wikipedia editors are women and they are responsible for only 9 per cent of the changes to entries on the site,⁹² raising questions about representation and gender-specific barriers to participation in the online sphere.

Furthermore, although posting content online is theoretically free, producing high-quality content requires enormous investments in time and resources. The need to produce high-quality content is all the more sharpened by the plurality of voices on social media, all competing for attention. Creating appeals that stand out amongst this cacophony of voices requires technical expertise in content creation as well as a well thought out media strategy. Often, it is established media organizations or only the largest and best-funded NGOs who have the ability to take on these functions. Therefore, the same actors with the advantage in traditional media will naturally hold the upper hand in the new media as well.⁹³

Lastly, despite the growing influence of social media, there remains a great deal of reluctance to rely on information disseminated over those platforms. The traditional media – mainstream newspapers and large radio and television broadcasters – remain the most trusted source of information and the biggest influencers of public opinion and policymaking.⁹⁴ In this sphere, human rights organizations – to say nothing of individual activists – are highly disadvantaged. Government actors remain the go-to sources of news on public policy is-

ues, and even the most prominent NGOs struggle to obtain coverage of their perspectives.⁹⁵ Studies have shown that NGOs are more likely to find a voice in the media when they speak on non-controversial topics, and that they often have to alter their message to conform with the dominant narratives of the mainstream media.⁹⁶ This calls into question the ability of human rights organizations to truly alter existing narratives and change public opinion.

Creating platforms for modern, meaningful participation

This chapter has summarised developments in civil society organization and advances in technology that have the potential to foster respect and accountability for human rights, but has also raised several critical challenges related to promoting the contribution of civil society in an increasingly digital world. Firstly, how can we build on the important work that civil society organizations and activists are already doing and ensure that their voices are heard where it matters? Secondly, how can we deepen the participation of civil society organizations in the online sphere and break down inequalities in access? Thirdly, how can we ensure that content produced and disseminated online by civil society activists is taken seriously? Fourthly, how can we engage Southern civil society in a way that is empowering and reflects local priorities and cultural sensitivities?

In the next chapter, we discuss the specific approach to some of these challenges offered by civilian-led monitoring of violations of human rights and international humanitarian law, particularly in less secure environments. A case study detailing the work to establish a system of civilian-led monitoring in Iraq over the last three years seeks to demonstrate promising ways to harness the latent power of civil society and technology to move past some of the current limitations in the field.

3

Towards a model of ‘civilian-led monitoring’

Civilian-led monitoring embraces new technological tools to place civilians at the centre of monitoring violations of human rights or international humanitarian law. It seeks to build on the supply of information on violations already being collected by amateur activists, and the vast latent supply potentially available from other civilians, and transform that information into formats that can be used to draw attention to patterns of violations, hold perpetrators accountable, achieve redress for victims, and inform changes in policy.

What is civilian-led monitoring?

Civilian-led monitoring empowers civilians to report violations securely and accessibly, including through crowd-sourcing, in formats compatible with international legal standards on human rights and international humanitarian law. It represents an innovation with the potential to improve the way the international community arrives at information about violations and possibly to re-structure the hierarchy of information sources.

The development of the civilian-led monitoring model was informed and shaped by many comparable initiatives that have emerged in a variety of fields in recent years. Various forms of crowd-sourcing technologies have already been used – and continue to be used – in fields ranging from environmental conservation to election monitoring, health-care and disaster response. A few relevant examples are discussed below. At the same time, the growth of individual

complaints mechanisms under international human rights treaties and in the work of international rapporteurs, and the admission of civil society reports in the UN’s UPR system, have institutionalized non-governmental information sources in the international human rights system as a complement – or a challenge – to governmental sources.

First developed in Kenya during the 2007-2008 crisis, the Ushahidi platform is probably the best-known online platform for crowd-sourcing crisis information. After allegations of electoral manipulation emerged following the victory of Mwai Kibaki in the Kenyan presidential election, ethnic violence erupted across the country. The Ushahidi platform was mobilized in order to allow Kenyans to report instances of assaults and other human rights abuses. Users submitted reports by text message, smart phone application, Twitter, email, or via the web, specifying the time, location and type of abuse.⁹⁷ They could also include pictures, video evidence, or links to media stories to corroborate their reports. These reports were geo-tagged and plotted on a map, producing a live map of the crisis. The platform proved to

be successful, garnering contributions from approximately 45,000 Kenyan users.⁹⁸

Since then, the Ushahidi platform has been replicated in over 140 countries.⁹⁹ When Haiti was struck by an earthquake in 2010, the platform was quickly deployed by a group of students in the U.S. to create a live crisis map, collecting information primarily from online sources. The crisis-mapping exercise was supplemented by the release of an SMS short code that allowed Haitians to send text messages specifying their location and requesting help. A team of volunteers from the Haitian diaspora translated these messages from Haitian Creole so they could be added to the map. The Haiti crisis map was instrumental in coordinating the humanitarian response to the earthquake and identifying victims in need of urgent assistance.¹⁰⁰

In 2011, in the midst of escalating conflict in Libya, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) requested the deployment of crowd-sourcing technology to remedy their lack of information on the rapidly deteriorating situation. The Standby Volunteer Task Force, a network of volunteers with experience in crisis-mapping, deployed a platform based on Ushahidi to consolidate information from Twitter, Youtube, the media, and humanitarian reports. Data generated and mapped by the platform was used in OCHA infographics and other communications. Around the same time, the International Organization for Migration (IOM) developed its own crisis-mapping platform in Libya, which was used to disseminate information on IOM operations and assist stranded migrants.¹⁰¹

While crowd-sourced information can be of vital application for crisis mapping and response, including in cases of widespread human rights violations, it has rarely generated the level of specificity required for purposes of documentation and accountability. On the other hand, the gradual development of best practice formats for human rights complaint procedures, and the dogged dissemination of international standards, has not in itself led to a significant increase in the scale of reporting.

Civilian-led monitoring entails the use of crowd-sourcing to facilitate reporting and documentation in formats compatible with international legal standards on human rights and international hu-

manitarian law, prompting civilian reporters to categorise and supply supporting information by recognisable categories of violation. It uses technology to empower civilians to report securely and accessibly, using local language(s) as well as English. Data mined from social media supplements user-generated reports, and the use of multiple sources assists in the triangulation of reports.

Advantages of the civilian-led monitoring model

The civilian-led monitoring model boasts many advantages, especially when compared to existing methods of violations monitoring. These include not only practical benefits, but also several intrinsic or normative benefits (potential disadvantages are covered in the next chapter). Some of the main advantages can be summarized as follows:

- **Real-time reporting:** In contrast to fact-finding missions, which often take several months to complete their investigations and release their reports, the civilian-led monitoring model enables the rapid aggregation and dissemination of information about violations. This is because the model relies on individuals and organizations that are already on the ground and are able to document violations as they happen, removing the need to dispatch outside investigators. Although the long time delay involved in traditional monitoring is understandable, given the need to meticulously collect, analyse, verify and format information, there are critical advantages to real-time reporting, even if this means that information is presented in less refined formats.¹⁰² Real-time reporting can act as an early warning system,¹⁰³ alerting relevant actors to an escalation in violations and signalling patterns of violations requiring further investigation or intervention. In crisis situations, this type of information can be crucial in identifying needs and priorities and planning humanitarian responses.¹⁰⁴ The live maps provided by the geo-referencing features of the model further facilitate the coordination of appropriate responses.
- **Plurality of perspectives:** Civilian-led monitoring is a model that facilitates the contribution of a potentially large number of sources. Traditional human rights monitoring methods rely on the work of a relatively small

number of experts who, due to time and resource constraints, must make hard choices about which issues to cover and which to leave out.¹⁰⁵ However, the low barriers to participation that characterize the civilian-led monitoring model mean that a much wider variety of perspectives can be included. This is likely to enhance the accuracy of data, since the inclusion of a wide number of sources will help to weed out and correct potentially false, biased or exaggerated reports.¹⁰⁶ A wider diversity of perspectives also means that issues that generally receive less attention, including those that affect the most marginalized populations, can be brought to light.

- **Bottom-up, not top-down:** Traditional methods of human rights monitoring, based on the work of international investigators who come up with recommendations directed at national governments, can be characterized as top-down. Such tactics are not always effective. Governments may reject the values of the international system, or view criticism of their human rights practices or military operations as neo-colonial intrusions or violations of their sovereignty. When governments have no desire to appear to be playing the rules of the game, ‘naming and shaming’ strategies are unlikely to produce results.¹⁰⁷ Civilian-led monitoring, since it is based on the contributions of domestic constituencies, enables the type of pressure from below that may be more effective in producing changes in practice in these scenarios.¹⁰⁸
- **Participatory:** A key attraction of the civilian-led monitoring model is that it removes the need for intermediaries, placing control over the process of human rights monitoring directly with the communities concerned. One of the drawbacks of traditional methods of human rights reporting is that it conducted in large part by experts and elites, often with few real ties to the communities in question. This raises the possibility that investigators may bring their own preconceptions and priorities to the table, which may differ from local needs.¹⁰⁹ Moreover, this process serves to make human rights and humanitarian values foreign and distant concepts and deprives local actors from meaningful roles in the process.¹¹⁰ The civilian-led monitoring model, instead, moves

away from this hierarchical model in favour of participation and decentralization, allowing individuals to engage directly in human rights monitoring and removing as much as possible the influence of outside interests. Giving local communities agency over the process will increase the extent to which publics identify and connect with human rights or humanitarian norms, raising the chances of broad-based support.¹¹¹

- **Harness local expertise:** Enabling greater participation of local communities in monitoring issues of concern to them also has practical advantages. Local civil society activists are likely to enjoy greater legitimacy and trust in the communities in which they work, have better access to victims and witnesses, be knowledgeable about the cultural context, and be better placed to judge the credibility of information.¹¹² The civilian-led monitoring model is based on a recognition that civil society activists already do a great deal of human rights monitoring, and seeks to build upon that work, strengthening the role of Southern NGOs rather than making them subordinate actors in the process.
- **Linguistic diversity:** Another way in which the civilian-led monitoring model allows for a move away from the North-centric orientation of human rights reporting is by enabling reporting in local languages. The human rights and humanitarian field, especially at the international level, is currently dominated by the use of the English language. On-line platforms that allow for reporting and cross-referencing in other languages will therefore lead to a more inclusive, diverse and accessible humanitarian space. They will also produce information that more accurately reflects the experience of victims by removing the need for interpreters, in the first place, and eliminating the step of re-translation of reports from English into local languages, in the second place.¹¹³
- **Low-cost:** Traditional human rights monitoring is a very resource-intensive process, not least because of the extensive travel costs involved in bringing international monitors to investigate the scenes of violations and interview victims and witnesses. Although the civilian-led monitoring requires some initial investment in building the required techno-

logical tools and adapting them to local needs, the subsequent operation of the model is relatively low cost. Anyone with a mobile phone or an internet connection can report an instance of abuse, and these technologies are decreasing in cost and becoming more widespread over time. Information collected through the model can then be accessed from anywhere in the world. Organizations with the resources and expertise can then decide to invest more into analysing such information and publishing it in more refined formats.

- **Non-political:** As previously discussed, the work of fact-finding missions is often adversely affected by the political circumstances surrounding their creation. Civil society activists, on the other hand, do not operate within the same political restraints as, for example, UN-mandated investigative missions.¹¹⁴ While governments can frustrate the work of international investigators by denying them access to the country, local civil society activists are not dependent on the permission of governments to access the territories in question. This is not to deny the other ways in which governments can attempt to target CSOs and discredit their work (more about this in Chapter 4).

Case Study: The Ceasefire project – pioneering civilian-led monitoring in Iraq

This case study is based on the experience of the Ceasefire project, an EU-funded initiative to establish a system of civilian-led monitoring in Iraq between 2014-2017, undertaken by Minority Rights Group International (MRG) in partnership with the Ceasefire Centre for the Civilian Rights. MRG first began working in Iraq in 2005, working with civil society actors and parliamentarians on constitutional drafting, as well as implementing programmes designed to support the rights of ethnic and religious minorities. Since then, MRG has worked closely with civil society activists to refine their knowledge of international human rights law, improve their ability to monitor and document violations, and enable them to engage in advocacy to defend the rights of their communities. The Cease-

fire Centre was founded in 2014 as an in-house centre of specialist expertise on civilian-led monitoring. The same year, a three-year initiative was launched, funded primarily by the EU, to establish a system of civilian-led monitoring in Iraq. In the following, we first set out some background context on civil society and human rights monitoring in Iraq, before delving into our experience of pioneering a civilian-led monitoring model in the country.

Background: Civil society in Iraq

Prior to 2003, civil society in Iraq could be characterized as weak, ineffectual, and lacking independence. Although some forms of associational life have a long history in Iraq, including charitable and social organizations, professional associations, and trade unions, the Ba'ath regime's harsh repression of intellectuals and political activists precluded the possibility of a truly critical and independent civil society.¹¹⁵ Instead, the regime fostered the growth of so-called Popular Organizations, which were firmly under the control of the Ba'ath Party, and co-opted pre-existing organizations through a system of rewards.¹¹⁶ In its later years, the regime increasingly promoted identification along tribal, ethnic and religious lines while destroying spheres for citizens to organize based on shared values.¹¹⁷ The Ba'ath period was also marked by widespread state-sponsored human rights violations, including the imprisonment, torture, and execution of thousands of opponents, the mass expulsion of Shi'a to Iran, and genocidal policies against the Kurds and other non-Arab minorities in northern Iraq.¹¹⁸

After the 2003 American-led invasion, which led to the toppling of Saddam Hussein, the adoption of a new constitution, and the holding of democratic elections, Iraq witnessed an expansion in civil society activity. Factors including the atmosphere of political change, the influx of international donors, and the need to respond to the growing humanitarian crisis all contributed to the establishment of many new NGOs. Between 8,000 and 12,000¹¹⁹ NGOs were registered in the first few years after the invasion in fields as diverse as humanitarian relief, development, culture, human rights, and democracy. The new constitution specifically recognized the importance of civil society and charged the state with supporting its activities and protecting its independence.¹²⁰ In 2010, a new law was passed regulating the activities of NGOs and

specifying the process by which they could achieve official registration.¹²¹ In the northern Kurdish region, an active civil society had already been flourishing for many years following the establishment of *de facto* autonomy from the Iraqi central government in 1991.¹²² A similar law regulating the conduct of NGOs was passed there in 2011.¹²³

Despite its young age, relative deficit in skills and experience, and lack of total independence from the major political parties, Iraqi civil society has made major strides in recent years. Civil society advocacy was instrumental to the drafting of the constitution, the introduction of a 25 per cent quota for women in the Iraqi parliament, and the passing of a comprehensive domestic violence law in the Kurdish region, to name a few major accomplishments. Civil society organizations have also stepped in to meet the demand for expertise on Iraq, partnering with international organizations to carry out in-country projects.¹²⁴ Moreover, the drastic decline in the standard of living since 2003 has led many NGOs to fulfil many important functions previously performed by the state, such as water distribution and agricultural planning.¹²⁵

The challenges of human rights monitoring in Iraq

Iraq has been plagued by almost constant insecurity since 2003. The US-led occupation, including the Coalition Provisional Authority's decision to disband the Iraqi army, created a security vacuum, leading to a complete breakdown in law and order. Militias proliferated in the streets of Baghdad and other cities, committing abuses against the civilian population and attacking Coalition forces and their perceived supporters, while US and other Coalition troops also committed abuses against Iraqi civilians. During the worst period of violence from 2006-2007, close to 3,000 civilians were killed per month in attacks which often played out on sectarian lines.¹²⁶ Political instability continued after the withdrawal of US troops in 2010, fuelled by accusations of sectarian discrimination by the Nouri Al-Maliki government.

The fragile security situation has long compromised the availability of reliable monitoring information about human rights and IHL violations in Iraq. Amidst constant violence and frequent threats against Western targets, international mis-

sions often find their movements in the country severely circumscribed. International organizations with offices in the country are mostly limited in their activities to the heavily protected International Zone (or 'Green Zone') in Baghdad, or the relatively stable Kurdistan region. Local human rights organizations, on the other hand, face a plethora of challenges, including insufficient access to opportunities for training and capacity-building; lack of credibility domestically and internationally; a political culture that still frowns upon critical expression; unofficial censorship by militias and others; and constant security threats. According to a 2011 survey of civil society activities, 'gathering information/producing studies' was the least common activity of Iraqi CSOs.¹²⁷

Beginning in 2014, the advance of the so-called Islamic State in Iraq and Syria (ISIS) triggered a new security crisis in the country. In January 2014, the group took control of the cities of Ramadi and Fallujah in Al-Anbar governorate, moving on to capture Iraq's second-largest city, Mosul, in June 2014. In the following months, ISIS expanded dramatically, taking control over significant parts of Ninewa, Salahuddin, Diyala and Al-Anbar governorates. In the process, they perpetrated horrific violations against civilians, including targeted attacks against religious and ethnic minorities. These violations encompassed summary executions, forced displacement, torture, kidnapping, sexual slavery, destruction of property and cultural heritage, forced conversion, and other abuses.

As a result of ISIS' expansion and on-going military confrontation with Iraqi government-allied forces, large parts of the country became inaccessible to journalists and human rights monitors, whether local or foreign. ISIS carried out several widely-publicized executions of foreign journalists, while also brutally silencing local opposition. Moreover, the group cut or severely limited electricity and Internet service in areas under its control, inhibiting outside communication with civilians trapped inside. In short, information about the human rights situation was scarcest precisely when it was needed the most.

Faced with this crisis, the UN convened a special session of the Human Rights Council in September 2014, at which point an OHCHR fact-finding mission was mandated to investigate abuses commit-

ted by ISIS in northern Iraq. The mission travelled to Iraq between December 2014 and February 2015. However, for security reasons, its in-country investigations were limited to the three northern Kurdish governorates, where interviews were conducted primarily with civilians who had fled the ISIS onslaught. Information about the situation in ISIS-controlled areas, on the other hand, remained patchy and incomplete, whether it concerned alleged ongoing violations committed by ISIS or alleged violations committed by Iraqi security forces.

Designing the pilot

The idea for a civilian-led monitoring project in Iraq was first conceived in 2013, prior to the ISIS offensive described above. However, the disastrous situation created by the events of 2014 greatly exacerbated the need for the project, and at the same time impacted its development. A computer engineer with a background in natural language processing was recruited to begin work on building the technological framework of the project. The open-source Ushahidi software was used as the basis to design a bilingual online reporting platform for violations. The vision for the online platform was to serve as an integrated platform with the ability to collect information from a wide variety of sources, including reports submitted by users directly to the website, reports submitted by email and SMS, information posted on Twitter, and mainstream news reports. Crucially, the platform needed to have the ability to receive and process information in both Arabic and English.

One of the first functions that was created for the online platform was a violations reporting form, which would allow users to submit reports of violations directly to the website. The form was based on elements drawn from a number of existing formats used by UN special procedures and MRG and other NGOs. The form was translated into Arabic and its fields were expanded to cover the wide range of abuses likely to be reported in Iraq, such as conflict-related incidents, violations of economic and social rights, and family-based violence. The form's questions ask users at a minimum to specify the title, description, category, and location of the human rights violation. However, the expanded sections of the form ask for additional details about the victim, witness, consequences, motive, and perpetrator of the violence, prompting users to supply information

that could be important in determining the nature of the abuse according to international standards. Other features of the form include the possibility for users to upload photos and other supporting documentation, or provide links to externally hosted videos or news stories. The form is also equipped with an automated geo-referencing feature, which identifies the location of the violation on the map of Iraq based on the details the user provides.

A second area of technological development was the addition of social media data mining tools to the website, allowing information on human rights violations to be automatically harvested from Arabic-language Twitter feeds. The creation of these tools proved to be technically challenging from the outset. While there had been many prior applications of natural language processing technology towards violent content detection in English-language social media (most notably in the areas of cybercrime and cyberbullying), comparatively little had been done with Arabic social media. Moreover, isolating tweets containing information about human rights abuses required separating those tweets from the much larger corpus of tweets about violence, many of which would not qualify as human rights abuses (such as tweets about criminal acts or accidents).

To do this, the technical team developed a list of 237 violence words in Arabic, which was used as a filter to arrive at a body of tweets likely to include tweets about human rights violations. To further enhance the accuracy of the filter, a second layer was added to exclude re-tweets, tweets containing emoticons, tweets shorter than five tokens, and sexual adverts. An initial dataset of 76,619 tweets was then released via the crowdsourcing platform Crowdfunder to be manually classified by contributors into seven categories of violence, one of which was human rights abuse. Each tweet was classified by between five to ten different contributors, and tweets classified with a high degree of agreement between contributors were included in a final dataset of 20,151.

This dataset was then used to train a computerized classifier to automatically separate tweets into different categories of violence. Various models of automatic classification were generated, using various machine learning techniques, including deep learning algorithms. Each model produced

different trade-offs between precision and recall scores, with an increase in one score generally producing a decrease in the other. Datasets produced by the automatic classifier were manually analysed in order to identify ways to further increase accuracy. In the end, the best scores produced were a precision score of 86 per cent and a recall score of 84 per cent. At the time of writing, the automatic tweet classifier was being incorporated into the online platform, in order to allow tweets to be converted into report format and displayed on the website's main page. Users could also tweet reports directly to the platform using the hashtag #iraqceasefire or its Arabic equivalent.

The online platform requires all reports submitted, whether via the reporting form, email, Twitter, or another method, to be approved by a staff member before they become visible to the public. To approve a report, the moderator checks that the report contains a plausible account of a human rights violation, and does not contain spam or other unwanted content. All approved reports are plotted onto a live map, showing the geographic distribution of violations by category. Visitors to the website will also see a list of individual reports in chronological order next to the map, and can click on the report title to see further details. However, sensitive fields, including personal identifying details of victims and perpetrators, are not viewable to the public.

Towards a network of civilian monitors

While these technological tools were still in development, civil society activists in Iraq were trained in monitoring, documenting and reporting violations with a view to enabling them to eventually use the online reporting tool. A number of training events were held in Iraq, bringing together activists from across the country working on different human rights areas. During these training events, activists learned general reporting techniques and legal concepts, in addition to being acquainted with the specific features of the online tool.

Once a trial version of the online platform was operational, it was piloted with a small group of researchers specialized in violence against women, who had undergone several rounds of training,

working for an Iraqi partner organization, ASUDA. Building on two years of experience documenting cases of violence against women in six Iraqi governorates across the country, the researchers began inputting the data directly into the online platform using organizational accounts. Their programme coordinator at ASUDA was allocated an account with mid-level administrative privileges, allowing him to approve their reports and supervise the quality of their work. The use of organizational accounts provided a way for the Ceasefire project to distinguish reports generated by trusted and trained civil society partners from reports generated by the general public.

The reporting tool was then launched to a wider Iraqi public audience in February 2017 through a range of outreach tools, including social media platforms. Promotion of the tool in targeted regions of Iraq via Facebook proved particularly effective, garnering over 20,000 engagements (including comments, shares, and 'likes') in only two weeks. It is still too early to undertake a comprehensive evaluation of the impact and the reporting content, but the initial response was very positive. At the time of writing, more than 800 reports of human rights violations had been submitted through the online reporting tool, the majority of which were coming from Baghdad, Basra, Suleymaniah, Erbil, Kirkuk and Ninewah governorates. The most commonly reported types of abuse included beatings, threats of violence, killings, threats against property or livelihood, forced marriage, hate speech, forced eviction or displacement, and torture or ill-treatment. Violations by a range of perpetrators were reported, including government forces, non-state armed groups, international coalition forces, and family members. The majority of reports were submitted using the expanded version of the form, providing a significant level of detail about the victim, witness, consequences, motive, and perpetrator of the violation.

Finally, when designing the online platform, a comprehensive security assessment was undertaken in order to identify the threats and vulnerabilities most likely to affect the service. Although technical details on a number of measures taken will not be detailed here, specific measures introduced to address the identified threats include encryption, password-protection and session time limits, privacy settings, and measures to prevent data from being compromised in the event of a hacking attempt.

4

Addressing the challenges of civilian-led monitoring

Whether it is in quality control, verification, or simply the deluge of information potentially available, civilian-led monitoring presents a number of significant challenges. Ethical issues, and the personal and cyber security of activists themselves, also need careful consideration.

As discussed in the previous chapter, civilian-led monitoring presents several advantages over traditional monitoring techniques, particularly in its suitability to insecure settings in which traditional monitoring activities are impeded. Nevertheless, the model is evidently not without its problems. In the following section, we discuss some of the main challenges inherent to the civilian-led monitoring model, and possible ways to overcome them.

Information deluge

An immediate, and obvious challenge to the civilian-led monitoring model is the massive amount of information that can be generated through crowd-sourcing or data-mining methodologies. By widening participation in monitoring to civilians at large, the door is opened to a potentially limitless flow of information, not all of which might be desirable, relevant or useful. Techniques that pull reports directly from social media platforms face this problem very acutely. With the number of social media users worldwide currently standing in the billions, and with millions of Facebook posts, Tweets, and YouTube videos shared everyday, it can be difficult to separate meaningful human rights information from the ocean of other types of content regularly posted on these platforms.

This presents not only a practical hurdle, but a fundamental challenge to the work of human rights and IHL advocates. In today's information-rich societies, an ever-greater number of issues are competing for attention from a public with an increasingly short attention span. Even egregious violations are quickly drowned out by reports of other serious violations. Furthermore, the kind of information generated through open-access models, which consists of mass numbers of reports of individual incidents of violence, makes it difficult to identify the structural roots and underlying causes of particular types of violations. In other words, in the absence of contextual information, it could be difficult to glean from civilian-generated information why particular violations are significant, how they occurred, and what appropriate solutions should look like.

Automation can be part of the solution to the first challenge of separating relevant reports from the mass of information being shared online. Even in its early stages, the Cease-fire project's automatic classifier showed a relatively high degree of accuracy in identifying social media posts that contained information about IHL or human rights abuses and separating them from reports about other types of violence. More specific filters can be applied as needed to

search for particular types of information. The second challenge, however, on gauging the wider significance of individually-reported violations, requires a human solution. While the raw data generated through civilian-led monitoring platforms can be valuable for some uses, such as assessing the geographic spread of violations in order to coordinate humanitarian relief, understanding the underlying significance of particular patterns of violations will necessarily require further analysis. This creates a role for experienced moderators or researchers to curate and contextualize reports of violence, isolating significant events and providing the background information and analysis that makes them understandable. There are many existing projects that follow this curation model, combing citizen-made videos with analysis of the wider context that makes them significant – such as YouTube’s Human Rights Channel, Syria Deeply, and Crowdvoice. Such an approach ensures that civilian-generated content is presented in a way that responsibly communicates its significance and makes effective responses easier.

Quality control

One of the main innovations of civilian-led monitoring is that it places violations monitoring into the hands of ‘amateur’ activists, who may have vastly divergent levels of knowledge and experience with human rights and IHL standards. This stands in stark contrast to the way human rights monitoring is currently developing at the international level, with its increasing reliance on ‘experts’ who often have legal qualifications, years of professional experience, and relevant training. How, then, can one ensure the quality and accuracy of the reports produced?

The issue of quality is a vitally important one, since it is the foundation upon which the reputation of monitors is built, and one of the main bases on which criticism of reports can

be launched.¹²⁸ Governments accused of violations will often attack the methodology of a report in order to dismiss the validity of the entire enterprise and shirk responsibility for the allegations against them. It is only through a track record of high-quality and credible reporting that producers of monitoring information, whether NGOs or other actors, gain a reputation for reliability and ensure that their findings will find a ready audience in the future. Conversely, revelations of unsound methodology can be sufficient to tarnish the reputation of an entire organization as well as the issues on which it works.¹²⁹

One of the grounds on which the quality and methodology of human rights and IHL reporting is frequently criticized is through accusations of bias. This is particularly the case with human rights reporting carried out by NGOs, which are sometimes deeply enmeshed in an on-going political struggle or closely associated with a particular policy stance.¹³⁰ The heavy reliance on testimony common in human rights work can also be subject to criticism, due to the potential for bias in the selection of witnesses and the strong temptation to seek out the worst examples of abuse.¹³¹

Another important methodological consideration concerns the categorization of violations according to the principles of international human rights and humanitarian law. It can be argued that it is difficult to carry out fact-finding without knowledge of international law because it is through legal principles that one determines what constitutes a violation, and what does not. Furthermore, classifying violations often requires making complex interpretive judgements and determinations. For example, classifying violations under international humanitarian law depends on assessment of when a conflict began and ended, whether or not it was international in character, and what degree of control a state has over particular armed groups. Similarly,



making judgements about the proportionality of an attack requires detailed information about the knowledge, calculations and intentions of parties to the conflict. Without sufficient legal expertise, amateur activists may not be able to correctly categorize violations or to distinguish important facts and details from irrelevant ones.¹³²

The above issues represent significant challenges if participation in monitoring is to be widened to the level of amateur activists. However, civilian-led monitoring does not necessarily imply total decentralization. The model of 'bounded crowd-sourcing' represents a viable halfway point between the professionalized approach to data collection and a fully crowd-sourced approach. Under this model, trusted human rights organizations are invited to contribute to the system and then invite other activists and researchers from their network for whom they can vouch. This approach can be compared to the 'snowball' sampling in statistics whereby a small number of participants are chosen for inclusion in a study based on meeting certain criteria, and then asked to refer other participants who meet the same criteria.¹³³

This is the approach that the Ceasefire project adopted in Iraq, by piloting the online platform with a human rights organization with which the project was in longstanding partnership. The organization began using the system with its own staff researchers. A programme director was given a user account with higher privileges, allowing him to check the work of the researchers and approve their reports. The partner organization then conducted training sessions for activists outside their organizations, enabling them to use the system as well, before the platform was opened to the wider public.

A bounded approach allows for a widening of participation while avoiding some of the problems that would arise from complete decentralization. Giving established and trusted NGOs the authority to train researchers and moderate reports ensures a higher standard of reporting.¹³⁴ The core reports provided by vetted participants can still be supplemented by fully crowd-sourced information. Although practices vary widely between NGOs, many organizations take quality control very seriously and have established rigorous in-

ternal processes to ensure the credibility of the content they produce.¹³⁵ The commitment of human rights NGOs to rigorous methodologies is illustrated by the fact that on occasion they have distanced themselves from the findings of UN investigative missions on the basis that their evidence was not sufficiently strong.¹³⁶

However, this is not always the case of smaller NGOs with limited human resources, budgets, and opportunities for training. For this reason, projects seeking to engage smaller NGOs in civilian-led monitoring should necessarily be coupled with capacity-building, training, and skills transfer activities. Capacity-building of local organizations was a core component of the Ceasefire project's work in Iraq, with civil society activists attending periodic training on monitoring, documentation and reporting standards, including training on relevant international legal norms. This has helped to improve the quality and rigour of civil-society produced information over time.

Verification

A central challenge to the viability of the civilian-led monitoring model is the widespread perception that crowd-sourced content is not trustworthy. Given that crowd-sourced reporting platforms allow members of the public to freely contribute with few barriers to participation, there would seem to be nothing preventing users from submitting false, exaggerated, or otherwise unreliable reports. Fears about the dissemination of spurious information through crowd-sourcing platforms are not unwarranted. Where violations are concerned, especially in conflict settings, competing and contradictory accounts always abound. There are many potential reasons for the circulation of incorrect information. Victims may lie about their experiences out of fear for their security or out of belief that the presentation of a particular narrative will lead to material benefits for them. Even honest witnesses may misremember particular details about their ordeal, especially if some time has passed since the violation.¹³⁷ Activists may exaggerate information in order to advance their cause.¹³⁸ Rights-abusing parties and their supporters may also deliberately spread propaganda and misinformation in order to reinforce their own narratives, deflect blame for violations onto other actors, or provoke conflict.

The ongoing conflict in Syria presents myriad examples of the circulation of false information. Due to insecurity and the lack of international media presence in the country, it has been difficult to arrive at credible information about developments on the ground. In this atmosphere, both pro-government and anti-government elements have presented manipulated information in order to draw condemnation of atrocities supposedly committed by the other side. One place this battle of narratives has played out is on YouTube, where it is easy to fake videos or re-attribute footage taken elsewhere to the current conflict.¹³⁹ In one example, a widely shared video purporting to depict a Syrian boy rescuing his sister amidst an onslaught of gunfire was discovered to be a staged sequence, filmed in Malta by a team of Norwegians using professional actors (albeit without malicious intent).¹⁴⁰ In another example, a video claiming to show Syrian soldiers beating protestors was revealed to have been filmed in Lebanon four years prior, but only after it had been widely shared by major news outlets, including Reuters, often without a caveat stating that it had not been independently verified.¹⁴¹ Similarly, a photo shot by a Getty journalist in Iraq in 2003 depicting rows of dead bodies wrapped in white was repurposed and falsely attributed to the Houla massacre, then unwittingly used by the BBC and other media outlets in their coverage of the story.¹⁴²

The circulation of incorrect information has the potential to not only throw crowd-sourcing models into disrepute, but can actually threaten lives. False rumours have the potential to ignite tensions in already fragile settings, provoke retaliatory violence, or cause mass displacement. They can also cause public outrage beyond the region of conflict and lead to support for misguided policy agendas and interventions. For these reasons, ensuring the accuracy of user-generated content is of utmost importance.

The good news is that there is already a wealth of expertise and best practices available on verifying crowd-sourced information. Many mainstream news outlets already depend in practice on large amounts of user-generated content, and have developed procedures for assessing the veracity of this type of information. For example, the BBC has a dedicated Verification Hub staffed by full-time journalists devoted entirely to veri-

fying user-generated content.¹⁴³ At their core, techniques for verifying user-generated content do not vary greatly from traditional journalistic practices.¹⁴⁴ One maxim is the importance of verifying two elements of the information: the source and content.¹⁴⁵ Verifying the source usually requires the journalist to track down the originator of the content and speak to him or her, ideally, on the phone. Asking sources specific questions can quickly reveal whether they are indeed first-hand witnesses, or whether the information being provided is merely hearsay. If the source is indeed a witness, he or she can be asked whether there are additional witnesses or supporting evidence to corroborate the story, which can then be investigated separately.

Even if content has been submitted anonymously or through a username that does not reflect the real identity of the user, there are still ways to track down the identity of the content creator. If the user's YouTube profile contains a website URL, domain lookup services such as who.is can be used to track down a person's name and contact information. If the user has other social media profiles, these can also provide clues about their real identity. Websites such as Spokeo, Pipl.com, WebMii and LinkedIn can also be useful for tracking down a source's personal details.¹⁴⁶

However, in insecure or repressive settings, attempting to communicate with the source of information about a violation might be actually undesirable because it could put the person at risk. The source also might not speak truthfully over the phone out of fear of government surveillance. In such cases, there are other ways in which the credibility of a source can be gauged. If the crowd-sourcing platform requires users to register before submitting reports, a user's past reports can be analysed for signs of bias or inaccuracies. Similar strategies can be followed with reports emanating from Twitter by analysing the tweeter's profile and previous tweets. Recently created accounts with a small number of followers are less likely to be reliable than established accounts with a wide follower base. If a user's tweets are frequently retweeted by credible sources, this further attests to the source's reliability.¹⁴⁷

After attempting to verify the source, the next challenge is to verify the content. A first step is to check

whether other, unconnected sources are reporting similar information, or whether any media outlets are covering the story. If the content includes photos or videos, there are various techniques that can be followed to check their authenticity. A quick reverse image search using TinEye or Google Image can reveal whether the photo in question is an original or whether it is merely an old photo that has been recycled. The same technique can be followed using a thumbnail from a video. If a photo contains metadata, an EXIF reader can be used to determine the date and time the photo was taken. If the photo or video contains distinct landmarks or geographic features, Google Earth and Google Maps can be employed to pinpoint and verify the place the photo or video was shot.¹⁴⁸

Another viable verification technique for crowd-sourced information is the deployment of crowd-sourcing itself to assess the veracity of report. A person wishing to gauge the accuracy of a report can put the information before a network of people on the ground, or with expertise in the subject area, via social media platforms and ask for their feedback.¹⁴⁹ Journalist Andy Carvin from National Public Radio received widespread acclaim for his successful use of this approach to verify information posted on social media in Libya during the Arab Spring.¹⁵⁰ The online platform Verily is also based on this approach. Media organizations and humanitarian organizations wishing to verify a report can post a question to the Verily board, upon which users are invited to post evidence under two categories: evidence that proves the report and evidence that negates the report.¹⁵¹ Similarly, corrective editing and discussion page features on Wikipedia allow users to challenge questionable content posted by others and are responsible for the site's good track record in terms of accuracy.¹⁵²

The techniques discussed above offer proponents of civilian-led monitoring a menu of choices that can be employed separately or in combination to verify user-generated content. There are also other strategies that can be followed to address the challenge of verification. One is the decision to opt for a bounded crowdsourcing model, as previously discussed. By limiting access to the civilian-led monitoring platform to trusted human rights organizations and their networks, the likelihood of receiving spurious reports is greatly reduced and the need to independently

verify every report is removed. The Ceasefire platform opts for a hybrid approach. Reports submitted by partner organizations and their researchers are approved by a supervisor at the organization and considered verified without further investigation, while reports submitted by unknown users or collected from social media are considered unverified.

The approach used by the U-Shahid team in Egypt during the 2010 parliamentary elections offers a potential model for verifying information sent to a crowd-sourcing platform. The team opted to tag reports as verified if at least one of the following requirements were satisfied: 1) The report was supplemented by photo or video evidence clearly confirming the content of the report; 2) The same report was submitted by two or more independent sources; 3) If the report originated on social media, it was confirmed by an SMS, media story, or a first-hand witness; 4) At least one of the sources of the information was known.¹⁵³ Organizations making use of civilian-led monitoring can develop similar criteria tailored to their needs and the specificities of the context in which they are working.

There are also steps that activists themselves can take to increase the ease with which their content can be verified, and thereby increase the likelihood that it will be taken seriously. A general guideline is to provide as much specific information as possible as to the time, place, and details of an incident, saving the verifier time spent establishing these basics. Activists can also use mobile applications such as InformaCam, developed by Witness and the Guardian Project, which automatically embeds metadata onto photos and video, making it straightforward to verify when, where and how they were created.¹⁵⁴ Those shooting film should attempt wherever possible to include shots of easily identifiable landmarks, geographical features, or street signs in their videos to make verification of the location easier. They can also state the date and time while filming (or display a copy of the day's newspaper) and, if security considerations permit, the victims or witnesses appearing in the video can be asked to state their names.¹⁵⁵

At the end of the day, not all content will be able to be verified. This is especially likely to be the

case in highly insecure or repressive settings in which the number of activists is limited and the possibilities of communicating with sources on the ground are limited. Moreover, certain types of abuses – namely, invisible, systemic, or hidden abuses – will always be difficult if not impossible to verify.¹⁵⁶ However, the possibility of occasional incorrect or unverifiable reports does not detract from the utility of the civilian-led monitoring, especially since traditional human rights monitoring is also nowhere near perfect in terms of accuracy.¹⁵⁷ In contexts where lives are at stake, incomplete or imperfect information is still more desirable than no information at all.¹⁵⁸

Ethical issues

Any research methodology that relies on the collection of testimony and personal data from victims of violations immediately prompts ethical considerations. This is all the more the case when violations are documented by means of photography and video, especially in the digital age, when sensitive content can be disseminated at an enormous speed to large numbers of people all over the world.

It is considered good practice for human rights professionals serving as members of investigative missions to be bound by the principle of ‘do no harm’ and to be expected to have training and experience in interviewing victims of violations. Moreover, some investigative missions may have witness protection programmes and referral mechanisms in place to provide victims of abuses with psychosocial care or other support services, although such provision is still not the norm.

However, when amateur activists engage in monitoring and documentation, it becomes more difficult to ensure that the proper steps are being taken to protect victims of serious abuse from revictimization. If the activist is merely a bystander who manages to photograph or film an act of abuse, it is unlikely that he or she would have obtained the consent of the victim before sharing the content. Even in a more formal interview setting when the consent of the victim is sought, this may fall short of true, informed consent. Whether due to illiteracy or lack of understanding of what is being asked of them, victims may consent to being interviewed or filmed without having clar-

just as activists are becoming more adept at using technological tools to strengthen their work in documenting abuses, so are governments acquiring their own tools to enhance control and surveillance operations

ity on how that content will be used or the ramifications of that usage.

Once content about an instance of human rights abuse is shared publicly, and especially if it is posted on social media, it can be copied and circulated in unexpected ways, and reach audiences that no one would have expected it to reach.¹⁵⁹ This can lead to revictimization as the act of abuse is replayed in front of a much larger audience,¹⁶⁰ and can also serve to degrade the dignity of the victim by perpetuating an image of powerlessness and weakness. If the content reaches the perpetrator of the abuse, the victim and his or her family members could be opened to retaliation and further violence.

Although the Internet can be a powerful tool for mobilizing publics in favour of human rights, it should be remembered that online platforms can just as easily be used as a tool of abuse. Perpetrator-shot videos of abuse can be used to humiliate and harass victims.¹⁶¹ ISIS and other armed groups have used videos of beheadings and other graphic violations for propaganda and recruitment. Another problem with sharing content online is that the platforms on which activists rely – such as Facebook, Twitter and YouTube – are private companies governed by corporate interest, whose terms of service are not necessarily tailored towards protecting human rights.¹⁶² For this reason, the decision to publish or share sensitive content online should only be taken after a careful weighing of the potential benefits and possible risks.

Training programmes for activists involved in civilian-led monitoring should include a discussion of issues of consent, dignity and privacy. Activists should be encouraged to employ a rights-based approach to documentation that preserves

the dignity of the survivor and emphasizes the responsibility of the witness. There are plenty of resources, guidance manuals, and standards of practice in circulation that can be consulted for the purposes of training. For example, the organization Witness recommends adopting a ‘worst-case scenario’ model of informed consent when filming victims of human rights abuses. In this model, the film maker engages in an honest discussion with the victim about the benefits and risks of agreeing to be filmed and invites the victim to imagine the ‘worst-case scenario’ – for example, if the footage were to fall into the hands of the victim’s oppressor or abuser. If, after considering the worst-case scenario, the victim still agrees to be filmed, informed consent will have been obtained.¹⁶³

Training could also familiarize activists with new technological tools available to enhance the protection of victims. For example, the ObscuraCam mobile application allows film makers to intentionally pixelate the faces of subjects they film. YouTube has also recently released a face-blurring tool allowing users to preserve the anonymity of people in the videos they upload.¹⁶⁴

The protection of victims should also be a key concern of organizations that are storing large amounts of personal data collected through civilian-led monitoring systems. Studies have shown that even anonymized data, when combined with other existing information, can be used to identify individuals with alarming accuracy.¹⁶⁵ In an age of cyber attacks, organizations need to be aware that if the data they collect falls into the wrong hands, it could endanger already vulnerable populations.¹⁶⁶ The humanitarian sector is increasingly becoming aware of the risks involved in the collection of personal data and the need to develop strategies to mitigate these risks. Human rights organizations, too, need to be cautious about the way they present individually identifiable data, and carefully consider whether the mere collection of some types of data could present unjustifiable risks to victims.

Security

Human rights activists all over the world face risks because of the important but dangerous work that they do exposing abuses. This can take

the form of threats, harassment, confiscation of personal property, imprisonment on fabricated charges, torture, and in the worst cases, assassination. Activists are not the only ones at risk; often their family members, friends and colleagues are also targeted for attacks. Advancements in technology have provided powerful tools to activists for documenting and publicizing abuses, but they also bring with them new types of risks. It is essential that all those involved in civilian-led monitoring initiatives be aware of these risks and develop strategies on how to mitigate them.

The use of mobile and digital technologies makes activists vulnerable in many different ways. Cell phones, especially those with GPS capabilities, are easy to track, and text messages sent to crowd-sourcing platforms can be monitored and intercepted.¹⁶⁷ Similarly, content posted online leaves digital traces that can be used to track down and target activists.¹⁶⁸ Moreover, personal data that is easily accessible from social media pages can be used not only to track down activists, but also to uncover their entire networks.¹⁶⁹ The Syrian and Iranian governments have forced captured activists to divulge their email and social media passwords, allowing them to track down and arrest other activists from their networks.¹⁷⁰ Governments have also ordered social media platforms such as Facebook and Twitter to hand over private information about activists.¹⁷¹ Governments can also sabotage the work of activists through censorship, by preventing access to certain sites or interfering with an organization’s internet connection.¹⁷² During the 2009 protests in Iran, the government slowed internet service to a crawl while combing through online communications looking for content related to the protests.¹⁷³

The widespread use of photo and video in documenting human rights abuses presents its own types of risk for activists. Governments can match faces in photos and videos with content publically available on social media to identify activists.¹⁷⁴ During the 2009 protests in Iran, the government extracted still shots of protestors’ faces from videos uploaded on YouTube, posted them online, and requested the public to identify them.¹⁷⁵ The Bahraini government used similar tactics after the 2011 protests, taking to Facebook and Twitter to post lists of wanted activists.¹⁷⁶ The emergence

of face-recognition technology makes it even easier for repressive governments to track down dissidents.

The above examples illustrate a stark reality: just as activists are becoming more adept at using technological tools to strengthen their work in documenting abuses, so are governments acquiring their own tools to enhance control and surveillance operations. A whole industry has sprung up around the development of filtering and surveillance technologies, which some have called the new arms trade.¹⁷⁷ In a recent example, the Bahraini government released a tender to develop a 'National Website Filtering Solution,' accepting a bid from a Canadian company at the cost of \$1,175,000.¹⁷⁸ In the United States, National Security Agency documents leaked by Edward Snowden in 2013 revealed the existence of a massive global surveillance apparatus run by the American government in cooperation with Australia, Canada, and the United Kingdom which was covertly collecting data on hundreds of millions of users worldwide.¹⁷⁹

Citizen journalists who document and expose abuses online have often paid a high price for their activism, whether at the hands of governments or armed groups. Since 2014, several members of the underground citizen journalism initiative, 'Raqqa is Being Slaughtered Silently,' which documents abuses by ISIS and others in Syria, have been hunted down and killed by gunmen. One member, Naji Jerf, was killed in Turkey in broad daylight in retaliation for a film he made and uploaded on YouTube documenting the killing of paramedics and other abuses in Aleppo.¹⁸⁰ Syria has become one of the most dangerous places in the world for journalists, and at least 85 percent of those killed have been local journalists.¹⁸¹ ISIS has also targeted activists in Iraq for killings in retaliation for critical content posted online.¹⁸²

Human rights activists in the digital age need to be wary not only of attacks against themselves, but against their networks and data as well. Distributed Denial of Service (DDoS) attacks against human rights activists are on the rise.¹⁸³ Cyber at-

tacks may be designed to prevent access to certain platforms, destroy machinery, or infiltrate data.¹⁸⁴ Due to the fact that the military and civilian sectors often use the same IT infrastructure, in conflict settings a strategic attack on a network can adversely affect civil society.¹⁸⁵ The vulnerability of human rights organizations to cyber attacks was demonstrated when the Syrian Electronic Army, a group of hackers loyal to President Bashar Al-Assad, hacked into Human Rights Watch's website and Twitter feed. The group has previously used spearfishing attacks to gain information about anti-government activists, which could be used to track them down.¹⁸⁶

Various parties concerned with the security of human rights defenders have proposed different methods by which they can increase their security. The Onion Router (TOR), a free software programme, hides users' locations and browsing patterns and enables anonymous online communication.¹⁸⁷ Some organizations recommend that activists encrypt all email communications, not only sensitive ones, and use separate computers for receiving emails and storing data.¹⁸⁸ Others advise against the use of encryption because of its tendency to draw more attention from government surveillance, and its ability to be decoded.¹⁸⁹ An important issue to note here is that lack of resources, training, and technical competence often stand as barriers preventing NGOs and activists from taking proper measures to protect themselves from security risks.¹⁹⁰ As result, training and skills transfer are important parts of increasing the security of organizations.

Developers of civilian-led monitoring should work closely with partner organizations to develop risk mitigation strategies that reflect the realities of the context in which they work and the factors that might put them at risk. For example, when implementing crowdsourcing in Libya, UN OCHA opted to develop two versions of the crisis map: a password-protected map, and a public map on which reports appeared only after a twenty-four hour delay. The public map contained only the title and category of the reports submitted, with no further details or personal identifiers.¹⁹¹

5

Securing justice and accountability for violations of civilian rights

If it conforms to necessary standards, information produced by civilian monitors can be used in both judicial and non-judicial settings to promote justice and accountability for violations.

Monitoring, documenting and reporting human rights and IHL violations is of little use if this information cannot be used to effect positive change. One strategy for achieving change is through holding perpetrators of abuses accountable for their actions, whether through judicial or non-judicial process.

UN human rights mechanisms

One of the main ways that states are held to account for violations of their international human rights obligations is through the various human rights mechanisms of the UN system. The human rights treaty-monitoring bodies responsible for monitoring state implementation of human rights conventions undertake periodic reviews of state parties, in the course of which they consider reports submitted by the state under review as well as other stakeholders, and issue recommendations for improvement. The special procedures of the UN Human Rights Council conduct investigations into situations of concern in connection with their thematic or country-specific mandates. In addition, since its creation in 2006, the Human Rights Council conducts a Universal Periodic Review (UPR) of the entirety of a state's human rights commitments every four and a half years.

There are myriad ways in which information produced through civilian-led monitoring could be used to enhance the above-mentioned processes. As mentioned earlier, civil society already enjoys substantial roles within the UN system. Most of the treaty monitoring bodies already have well-established mechanisms for NGO participation, which can include attending pre-sessional working group meetings, submitting shadow reports, providing input towards the treaty body's general comments, or supporting the individual complaints process.¹⁹² NGOs also work closely with the special procedures by submitting communications about human rights violations and supporting the work of mandate holders during country visits. Shadow reports written by NGOs are a fundamental part of the UPR process, since they are reviewed and analysed by the OCHCR and made available to the member states of the Human Rights Council and the public. NGOs have also at times contributed to the work of the General Assembly and the Security Council.¹⁹³

With data collected through civilian-led monitoring, NGOs can provide treaty monitoring bodies with more complete and nuanced information about the human rights situation in the state under review and encourage them to hold states accountable for serious and systematic violations. In cases of escalating violations, they can also use monitoring information to draw the attention of various UN bodies to

the situation on the ground and encourage further investigation or other responses. In so doing, they contribute to shaping the agenda of the international community and preventing impunity for violations.

The UN human rights mechanisms routinely underscore the applicability of human rights standards during armed conflict and have explicitly referenced IHL standards with increasing frequency. Even the treaty-monitoring bodies, whose mandates are more closely circumscribed by their respective (human rights) treaties, have often emphasized the need to ensure that treaty provisions are interpreted in a manner consistent with IHL (which in situations of armed conflict may have more detailed rules).

One of the downsides of pursuing accountability through UN human rights mechanisms is the fact that the UN system is characterized by limited powers of enforcement. UN institutions may stimulate international condemnation of states' human rights abuses and issue recommendations for improvement, but at the end of the day it is up to states to implement such recommendations or not. Moreover, the UN remains overwhelmingly state-centric with few practical avenues for individual participation. Although provisions in some human rights treaties, or their optional protocols, specify individual complaint mechanisms, many states have not ratified them. As such, individual victims are unlikely to achieve redress for human rights violations committed against them through the UN system alone.

Judicial mechanisms

In contrast to the UN human rights mechanisms, which can be described as quasi-judicial processes at most, pursuing accountability through the courts – whether at the national, regional or international level – can offer victims concrete possibilities for holding perpetrators to account and achiev-

ing redress for violations. The transitional justice literature recognizes the damaging effect of impunity on societies seeking to recover and move past periods of conflict and widespread human rights violations.¹⁹⁴ Consequently, arriving at the truth about past violations and prosecuting offenders has become a common concern of many countries emerging from conflict or dictatorship.

This development parallels an increasing recognition in international law of the individual as a claims holder where human rights abuses are concerned and, more slowly, where IHL violations are concerned. One aspect of this gradual shift has been the increasing attention paid to the right of individuals to obtain reparations for serious violations. While reparations have a long history in international law, they have normally been conceived as an inter-state measure.¹⁹⁵ However, many of the international human rights treaties, including the ICCPR, CAT, and CERD, contain articles providing individual victims with the right to reparations.¹⁹⁶ In 2005, the UN General Assembly adopted the Basic Principles on the Right to Reparation for Victims, which was intended to act as a source of guidance for national and international practice.¹⁹⁷ The value of reparations is both material – in that they are designed to neutralize the economic impact of a violation¹⁹⁸ – and symbolic, in that they validate suffering and restore dignity to victims.¹⁹⁹ The Basic Principles, as well as established international practice, dictate that reparations can take different forms depending on the nature of the violation suffered, from restitution, compensation, and rehabilitation to satisfaction and guarantees of non-repetition.²⁰⁰ It should be noted that international humanitarian law also provides for reparations, although there has so far been a greater reluctance to apply these provisions to individuals.²⁰¹

In the following section, we provide an overview of some of the main avenues available to individual victims to bring

claims and seek reparations for violations, whether through civil or criminal process. Subsequently, we discuss how civilian-led monitoring techniques can be harnessed to produce evidence that could support cases brought before judicial mechanisms.

Civil litigation

In the absence of a global human rights court,²⁰² the main judicial fora for hearing international human rights claims are at the regional level. They allow for varying degrees of participation by individuals and civil society organizations. The European Court of Human Rights accepts applications submitted by individuals, non-governmental organizations, and states alleging violations of the European Convention on Human Rights. Similarly, the African Court on Human and Peoples' rights receives cases submitted by individuals from states that have accepted the jurisdiction of the Court and from non-governmental organizations with observer status before the African Commission.²⁰³ The Inter-American Commission on Human Rights also accepts complaints from individual victims and NGOs. Although the Inter-American Court on Human Rights does not allow individuals and NGOs to file complaints directly, cases can be referred by the Commission (or by states) and individual victims are allowed to testify during proceedings. Significantly, all three of the regional human rights systems just mentioned recognize the right of individual victims to obtain reparations for human rights abuses.²⁰⁴ The European and Inter-American systems, in particular, have built up a rich jurisprudence of cases involving armed conflict, including those relating to *inter alia* Northern Ireland, south-east Turkey, Chechnya, Iraq, Argentina, Guatemala and Colombia.

At the national level, the ability of individual victims to seek legal remedies for human rights violations varies widely depending on a state's constitutional law, its incorporation of international human rights principles into domestic laws, and its preparedness to address violations through fair and impartial judicial proceedings. Sadly, often countries with the worst human rights records are also characterized by corrupt, ineffectual, or co-opted judiciaries, leaving victims with little hopes of a fair trial. Moreover, laws bringing international or constitutional human rights pro-

visions into effect may not exist, making it difficult to pursue legal action for violations and leading to a culture of impunity.

However, hope can be found in the fact that states emerging from periods of mass violations have often taken it upon themselves to reverse the impunity of the previous era by setting up institutions to receive claims and allocate compensation to victims of human rights violations. Truth commissions are designed to lift the burden off the judicial system in dealing with mass violations and promote reconciliation among perpetrators and victims of human rights abuses.²⁰⁵ They often establish a hierarchy of violations that prioritizes the gravest offences, allowing victims (or families of victims) of extrajudicial killings, disappearances, torture and other serious violations to obtain compensation.²⁰⁶

The international or transnational character of many of today's conflicts means that the victims of violations may well seek a remedy against a foreign state, in its own courts or at the regional level. While a few states (notably the US) continue to resist the extra-territorial application of human rights obligations, both regional and national courts have increasingly recognized that states owe human rights obligations to local populations under their effective control when they act abroad in situations of armed conflict or occupation.²⁰⁷ Even where a human rights jurisdiction cannot be established, it may be possible to bring an action in tort against a state that has breached its IHL obligations (although various doctrines of judicial restraint and public policy exceptions present significant obstacles to be overcome).

Domestic courts have also been used to bring transnational claims against foreign perpetrators for violations committed abroad. The main arena where most of these types of suits have been brought forward is the United States, beginning with the landmark *Filartiga vs. Pena-Irala* case in 1980 which saw the family of a victim of police torture and murder in Paraguay sue the perpetrator (after he moved to the US) in a New York federal district court. By finding jurisdiction for the case under the Alien Tort Claims Act, the US courts established a precedent that foreigners could initiate legal proceedings in the US for serious human rights violations committed abroad in-

volving foreign perpetrators.²⁰⁸ Since then, hundreds of cases involving human rights violations committed abroad have been brought before US courts, particularly under the Torture Victim Protection Act. Transnational human rights claims have also been brought before other common law jurisdictions, including Canada, where it is an accepted principle that international norms form part of the common law.²⁰⁹

Criminal proceedings

The area of IHL implementation that has advanced most markedly in recent decades has been that of international prosecution of war crimes and other crimes under international law. Beginning with the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda in the 1990s, a number of hybrid courts were subsequently established, including the Special Court for Sierra Leone, the Extraordinary Chambers of the Courts of Cambodia, and the Special Tribunal for Lebanon.

The establishment of the International Criminal Court (ICC) in 1998 represented an important turning point. Mandated to investigate and prosecute war crimes, crimes against humanity, and genocide, the ICC has so far publically indicted 39 individuals in 10 country situations. The design of the ICC is significant in that it allows for the participation of victims in court proceedings.²¹⁰ Moreover, the Rome Statute that governs the ICC sets out comprehensive rights for individuals to reparations, and its Trust Fund had distributed compensation to victims independently of the Court's investigations.²¹¹

Meanwhile national prosecutions for war crimes (including those under ICC implementing legislation or under various principles of extra-territorial or universal jurisdiction) are growing in number but still remain relatively rare.

Using civilian-led monitoring to support litigation

Having noted the increasing rights and roles afforded to individual victims within judicial processes, we turn now to the question of how

evidence collected by civilians, including photo and video evidence, is already widely being used in international criminal trials

civilian-led monitoring can be used to support and shape proceedings. Although judicial processes usually show a heavy preference for eye-witness accounts presented in court, this is far from the only source of information consulted when establishing the facts of a case. During the preliminary examination phase, criminal investigators and prosecutors often consult a wide range of existing information in order to understand the background information relevant to a particular situation and decide whether there is basis to initiate a formal investigation.²¹² As an illustration, article 15(2) of the Rome Statute of the ICC explicitly authorizes the prosecutor to 'seek additional information from States, organs of the United Nations, intergovernmental or non-governmental organizations, or other reliable sources that he or she deems appropriate.' The need of the ICC to rely on outside sources of information is particularly acute given that it has limited resources but is required to examine many country situations simultaneously; it may operate in countries where the state is unwilling to cooperate with the prosecution; and it seldom has first access to territories in the direct aftermath of massacres perpetrated during periods of armed conflict.²¹³ Consequently, information collected through civilian-led monitoring can play a crucial role in establishing a timeline of events, elucidating the background context of a particular case, identifying the main players, and galvanizing the political will to prosecute.

Civilian-led monitoring information can also be directly used as evidence to support a civil or criminal trial. Civilian monitors will often be the first to witness and document serious human rights violations. If organizations supporting them have recorded their names and contact details, they may be called upon to present testimony in court. Moreover, written documents, photos and videos collected by civilians can also be used as evidence.

There are many roles that civilian-generated evidence could play in a courtroom, whether serving as direct evidence (establishing that an incident occurred), corroborative evidence (reinforcing witness testimony), contextual evidence (providing background information), or rebuttal evidence (refuting an allegation).²¹⁴ In fact, cases in which multiple types of evidence are available to support an account of an incident are often the strongest.²¹⁵ Broad-level datasets generated through civilian-led monitoring can also be used to illustrate larger trends or patterns of violations, which can be crucial in establishing the scale of criminality or elements of particular crimes (for example crimes against humanity, which require acts to form part of a widespread or systematic attack directed against a civilian population, with knowledge of the attack).²¹⁶

In reality, evidence collected by civilians, including photo and video evidence, is already widely being used in international criminal trials. Cases brought before the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda involved significant amounts of video evidence collected by journalists and civilians.²¹⁷ The Special Tribunal for Lebanon's 2011 indictment of four Hezbollah members for the assassination of Prime Minister Rafic Hariri was also based in large part on evidence collected by mobile phones.²¹⁸ In the *Lubanga* case before the ICC, which led to the Court's first conviction, a video produced by a Congolese organization was a central piece of evidence used to prove Lubanga's involvement in forced recruitment of child soldiers, a crime for which he was eventually found guilty.²¹⁹ The ICC investigations into cases from Kenya, the Ivory Coast, and Libya have also involved significant amounts of digital evidence collected from mobiles, social media, and email.²²⁰ In the words of an expert panel commissioned in 2013 to review the use of digital evidence at the ICC, 'digital information is the 'rule rather than the exception' in current investigative activities.'²²¹

The evidentiary use of information collected by civilians, especially digital evidence, is not without its problems, however. When confronted with photos, videos or other documentary evidence, judicial decision-makers will often require the creator of the evidence to attend court so that he or

she can be examined. If the witness has submitted the content on condition of anonymity, or if the creator of the content is unknown, the evidence may be deemed inadmissible.²²² Judicial decision-makers may also require that a piece of evidence's chain of custody be rigorously documented, showing all steps in the transfer of footage from one individual to another beginning from the time of creation.²²³ If judicial decision-makers do decide to admit evidence without clarity as to its creator and chain of custody, they will naturally be concerned with verifying and authenticating its content, especially considering the ease with which photos and videos can be faked, tampered with and altered.²²⁴ This can be difficult to do if metadata has been stripped from photos and videos or if sufficient explanatory details such as the date and location of filming are unknown.²²⁵ Moreover, the investment in time and resources that would be required to verify pieces of digital evidence can sometimes be reason enough for a court to reject them outright.²²⁶ Photos and videos are far from the only types of evidence that pose problems. Poorly taken written statements can be rejected if they lack appropriate detail,²²⁷ whereas if they contradict with testimonies given in court by the same witnesses or diverge from statements taken by other investigators, they can undermine witnesses' credibility.²²⁸

Questions of admissibility are likely to pose less of a challenge in civil law systems, which have a tendency to admit most evidence and decide probative value later, as compared to common law systems, where evidence is more closely scrutinized prior to admission.²²⁹ Regardless, the evidentiary requirements imposed by judicial institutions may pose significant challenges for some organizations, and may even come into conflict with their principles and mandates. This is due to the different goals that underlie human rights fact-finding on the one hand, and judicial fact-finding on the other. Judicial processes, especially criminal trials, are focused on determining the facts of individual cases in order to arrive at determinations of liability, or guilt or innocence. They are less effective at elucidating the structural and historical roots of violations.²³⁰ Individual criminal convictions, as well as remedies achieved through civil processes, such as reparations, may not provide long-term solutions to deeply entrenched problems.²³¹

By modifying their approach to conform to the stringent standards required by courts, civil society organizations or activists may find themselves duplicating the work of judicial institutions while losing sight of their traditional goals, which may involve producing more holistic narratives of violations and advocating for long-term change. A focus on producing evidence to be used in court might also conflict with their need to protect the anonymity and security of victims and activists alike. Human rights organizations may also find that close engagement with judicial processes undermines their neutrality and independence. Amnesty International, for example, has a policy of not providing sensitive information to courts or sending its staff to testify as witnesses because of its desire to maintain the trust of informants and preserve its reputation for impartiality.²³²

For other CSOs, however, engaging with the judicial process may be a core part of their mandate of supporting victims of violations and securing accountability for perpetrators. If this is the case, organizations should maximize the evidentiary potential of the monitoring information they collect by acquainting themselves with the admissibility standards required by the legal system with which they are working. This could involve, for example, carefully documenting the chain of custody every time a piece of evidence changes possession. When collecting photo and video evidence, activists can make use of applications that embed metadata into their content, or at the very least be rigorous in recording all relevant explanatory information about the content, including details about the creator, location, time, devices used, and any other relevant contextual information.²³³

Conclusions and recommendations

Technological advances have meant that civilians are now enabled to play a greater role than ever before in monitoring and documenting violations during armed conflict or in other insecure environments. As UN rapporteurs and other official international monitors are effectively denied access to a wide range of insecure territories around the world, civilian monitors have become a complementary, and in some cases the principal, source of information on what is happening on the ground to civilian populations.

Civilian-led monitoring has developed on the back of:

- The huge expansion in popular access to mobile telephony and digital communications;
- The development of crowd-sourcing, digital mapping and crowd verification techniques, including through the use of open-source programmes;
- Increased public awareness of human rights standards and IHL standards;
- Advances in data-mining and news curation using increasingly sophisticated artificial intelligence;
- New opportunities for civil society organisation and activism created through social media;
- Growing receptiveness of UN, inter-governmental and governmental bodies to information produced by civil society.

The increase in both the quantity and quality of data from civilian sources is also a response to the demand for real-time information and for *in-situ* monitoring. Traditional human rights and IHL monitoring mechanisms, including investigative rapporteurs and fact-finding missions, remain important but are subject to long time delays, frequent controversy over mandates, and concerns over selective reporting. More generally, there is a long-standing but unresolved debate over which authorities enjoy privilege in the production and control of monitoring information.

Who owns the truth about human rights and IHL violations: duty-bearers or rights-holders, parties to conflict or the victims of conflict?

This report describes the experience and the initial results of piloting a system of civilian-led monitoring in Iraq. Funded by the European Union, and implemented by the Ceasefire Centre for Civilian Rights and Minority Rights Group International, the project involved capacity-building and training for local civil society organizations and activists, the development of an online bilingual monitoring platform and the development of new techniques for social media data mining. The report discusses significant challenges for civilian-led monitoring, including quality control, security of activists and victims, and ethical questions raised by interviewing and documentation undertaken by unqualified activists.

The recommendations also draw on the deliberations of an expert seminar held in Geneva in June 2017, drawing together senior representatives of international organizations working in IHL and human rights with NGOs pioneering civilian-led monitoring in the Middle East and beyond (see *Introduction*). Both civil society and international organization representatives agreed on the desirability of ‘professionalizing’ or further improving the quality of civilian-led monitoring practices, including with regard to such issues as securing informed consent from interviewees and protecting the chain of custody of documentation and other evidence. It was noted, however, that standards applicable to monitoring data – whether procured from civil society or official bodies – depended on the uses for which such data was needed, now or in the future; these ranged from immediate civilian protection to policy-making, design of reparations processes, input into truth commissions or other transitional justice processes, or criminal trials. One expert participant emphasized that it was not

the job of human rights monitors to prove every fact beyond reasonable doubt.

Verification remains a major challenge for civilian-led monitoring. The challenges of verifying and authenticating information posted online are exacerbated during armed conflict where the deliberate spread of misinformation has a long history. This report discusses different approaches and techniques to verifying civilian-led monitoring information, and emphasizes the importance of privileging credible sources. Many verification approaches build on the techniques and experience developed by large media organizations for assessing user-generated content.

Civilian-led monitoring is here to stay, but its effective deployment and expansion could be assisted by:

- Appropriate training and capacity-building for civil-society organizations and activists on the ground in conflict-affected environments, including training on monitoring and documentation techniques, IHL and human rights standards, and cyber security;
- Development of standardised reporting formats and related technical support *in partnership with local civil society or civilian populations*, to reflect the linguistic, technological and security situation on the ground;
- Promoting research and technical support for the harvesting, analysis and safe storage of civilian-generated data that is posted online and may be vulnerable to loss, misuse or erasure;
- Protection by states of civic space and the right to freedom of expression, including the freedom to seek, receive and impart information regardless of frontiers;
- Strengthened protection mechanisms for civilian monitors and other human rights defenders, including improved cyber security infrastructure, sanctions on internet companies which compromise security of civilian defenders, and support for emergency evacuation and asylum;
- Implementation of rules of procedure of UN and regional human rights mechanisms and IHL bodies to admit information from civil society sources whenever it has probative or documentary value; and promotion of acceptance of individual complaints procedures by states under the human rights treaties;
- Ensuring that civilian monitors and other civil society activists are not seen simply as a passive source of data but are empowered to participate fully in civilian protection, peace-building and transitional justice processes;
- Fulfilment by states parties, and non-state parties to conflict, of their obligations under international humanitarian law and human rights law to conduct prompt, impartial, thorough and effective investigations in cases of civilian casualties and to make the results transparent.

Endnotes

- 1 See eg. Search for Common Ground, *Human Rights Monitors' Guidebook*, October 2014, p. 11.
- 2 O'Flaherty, M., 'Human rights monitoring and armed conflict: challenges for the UN,' *Disarmament Forum*, no. 3, 2004, pp. 47-57.
- 3 Baumgartner, E., Hamber, B., Jones, B., Kelly, G. and Oliveira, I., 'Documentation, Human Rights and Transitional Justice,' *Journal of Human Rights Practice*, no. 8, 2016, pp. 1-5.
- 4 Partsch, K., 'Fact-Finding and Inquiry,' in R. Bernhardt (ed), *Encyclopedia of Public International Law*, Amsterdam, North-Holland Publishing Company, 1992, p. 343.
- 5 Search for Common Ground, *op. cit.*, p. 14.
- 6 De Smet, S., 'Justified Belief in the Unbelievable,' in M. Bergsmo (ed), *Quality Control in Fact-Finding*, Florence, Torkel Opsahl Academic EPublisher, 2013, p. 75.
- 7 Grace, R. and Bruderlein, C., *Monitoring, Reporting, and Fact-finding in Bahrain and Syria During the Arab Spring*, Harvard University Program on Humanitarian Policy and Conflict Research, January 2013, p. 1.
- 8 Franck, T. and Fairley, H., 'Procedural Due Process in Human Rights Fact-Finding by International Agencies,' *The American Journal of International Law*, vol. 74, no. 2, April 1980, pp. 308-345; Kaleck, W. and Terwindt, C., "Non-Governmental Organisation Fact-Work: Not Only a Technical Problem," in Bergsmo (ed), *op. cit.*, pp. 403-426.
- 9 Yuwen, F., 'Quality Control and the Mandate of International Fact-Finding,' in Bergsmo (ed), *op. cit.*, pp. 153-159.
- 10 Boutruche, T., *Selecting and Applying Legal Lenses in Monitoring, Reporting, and Fact-Finding Missions*, Harvard University Program on Humanitarian Policy and Conflict Research, October 2013, pp. 2-3.
- 11 Grace, R. and Bruderlein, C. 'On Monitoring, Reporting, and Fact-finding Mechanisms', *ESIL Reflections*, vol. 1, no. 2, July 2012, p. 3.
- 12 Xiaodan, W., 'Quality Control and the Selection of Members of International Fact-Finding Mandates,' in Bergsmo (ed), *op. cit.*, pp. 193-210; Satterthwaite, M., 'Finding, Verifying, and Curating Human Rights Facts,' *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 107, 3 April, 2013, p. 63.
- 13 Robertson, G., *Human Rights Fact Finding: Some Legal and Ethical Dilemmas*, International Bar Association, 2010, p.12.
- 14 Boutruche, T., 'Credible Fact-Finding and Allegations of International Humanitarian Law Violations: Challenges in Theory and Practice,' *Journal of Conflict & Security Law*, vol. 16, no. 1, 2011, p. 113.
- 15 Wilkinson, S., *Standards of Proof in International Humanitarian and Human Rights Fact-Finding and Inquiry Missions*, Geneva Academy of International Humanitarian Law, 2012.
- 16 *Ibid.*
- 17 Boutruche, 2013, *op. cit.*
- 18 Wilkinson, *op. cit.*, p. 12.
- 19 Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups, UN doc. A/HRC/28/18 para. 9-10, 2015.
- 20 Ratner, S., 'The Political Dimension of International Human Rights Fact-Finding,' *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 107, 3 April 2013, pp. 70-72.
- 21 Saxon, D., 'Purpose and Legitimacy in International Fact-Finding Bodies,' in Bergsmo (ed), *op. cit.*, pp. 212-213.
- 22 *Ibid.*
- 23 Cumming-Bruce, N., 'Saudi Objections Halt U.N. Inquiry of Yemen War,' *The New York Times*, 30 September 2015.
- 24 Alston, P., 'Introduction: Commissions of Inquiry as Human Rights Fact-Finding Tools,' *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 105, 23-26 March 2011, pp. 83.
- 25 Grace and Bruderlein, *op. cit.*, p.1.
- 26 Horowitz, J., "OHCHR Pre-deployment Human Rights Training: Adapting to the Evolving Roles, Responsibilities, and Influence of UN Human Rights Officers,' *Journal of Human Rights Practice*, vol. 2, no. 1, 2010, p. 35.
- 27 An important exception being international bodies concerned with the prosecution of crimes under international law; see chapter 5.
- 28 Land, M., 'Networked Activism,' *Harvard Human Rights Journal*, vol. 22, 2009, pp. 211-212.
- 29 The Role of Monitoring, Reporting, and Fact-finding in Civilian Protection (podcast) <http://www.atha.se/webcast/role-monitoring-reporting-and-fact-finding-civilian-protection>
- 30 Boutruche, 2011, *op. cit.*, p. 118.
- 31 Land, 'Networked Activism,' *op. cit.*, p. 211-212.
- 32 Mathews, J., 'Power Shift,' *Foreign Affairs*, vol. 76, no. 1, January/February 1997, pp. 50-66.
- 33 *Ibid.*, p. 53.

- 34 Orentlicher, D., 'Bearing Witness: The Art and Science of Human Rights Fact-finding,' *Harvard Human Rights Journal*, vol. 3, 1990, pp. 83-135.
- 35 Yom, S., 'Civil Society and Democratization in the Arab World,' *Middle East Review of International Affairs*, vol. 9, no. 4, December 2005, p. 15.
- 36 Marchettia, R. and Toccib, N., 'Conflict society: understanding the role of civil society in conflict,' *Global Change, Peace & Security*, vol. 21, no. 2, 2009, pp. 201-217.
- 37 Van Leeuwen, M. and Verkoren, W., 'Complexities and Challenges for Civil Society Building in Post-Conflict Settings,' *Journal of Peacebuilding & Development*, 7:1, 2012, p. 81.
- 38 Kolbe, J., *Civil Society & Peace Building – two debated Concepts in the Post-Conflict Environment of Iraq* (Master thesis), Linnaeus University, 2013, p. 16.
- 39 Van Leeuwen and Verkoren, *op. cit.*; Yom, *op. cit.*, pp. 81-84.
- 40 United Nations Development Programme, *Civil Society and UNDP* (Fast Facts document), 15 June 2013, p. 1.
- 41 Cardone, R., 'The Evolution of Civil Society and the Rule of Law regarding Female Genital Mutilation in Iraqi Kurdistan,' *Glocalism: Journal of Culture, Politics and Innovation*, 2015, vol. 1, p. 6; Fernández, L. and Patel, C., 'Towards developing a critical and ethical approach for better recognising and protecting human rights defenders,' *The International Journal of Human Rights*, vol. 19, no. 7, 2015, p.899.
- 42 El Naggar, M., 'Human Rights Organisations and the Egyptian Revolution,' *IDS Bulletin*, vol. 43, no. 1, January 2012, p. 82.
- 43 Marcinkute, L., 'The Role of Human Rights NGO's: Human Rights Defenders or State Sovereignty Destroyers?,' *Baltic Journal of Law & Politics*, vol. 4, no. 2, 2011, p. 56.
- 44 Vieira, O., and DuPree, A., 'Reflections on Civil Society and Human Rights,' *Sur - International Journal on Human Rights*, Vol. 47, No. 1, 2004, p. 56.
- 45 Land, 'Networked Activism,' *op. cit.*; Keck, M. and Sikkink, K., *Activists Beyond Borders: Advocacy Networks in International Politics*, Ithaca, Cornell University Press, 1998; Harrelson-Stephens, J. and Callaway, R., 'You Say You Want a Revolution: the Arab Spring, Norm Diffusion, and the Human Rights Regime,' *Human Rights Review*, vol. 15, no. 4, 2014, pp. 413-431.
- 46 Keck and Sikkink, *op. cit.*; Land, 'Networked Activism,' *op. cit.*; Satterthwaite, *op. cit.*; Krain, M., 'J'accuse! Does Naming and Shaming Perpetrators Reduce the Severity of Genocides or Politicides?' *International Studies Quarterly*, vol. 56, 2012, pp. 574-589.
- 47 Orentlicher, *op. cit.*, pp. 84-85.
- 48 Charnovitz, S., 'Nongovernmental Organizations and International Law,' *The American Journal of International Law*, vol. 100, no. 2, April 2006, p. 348.
- 49 Haddad, H., 'Judicial Institution Builders: NGOs and International Human Rights Courts,' *Journal of Human Rights*, vol. 11, no. 1, 2012, pp. 126-149.
- 50 Charnovitz, *op. cit.*; Haddad, *op. cit.*
- 51 Niemetz, M., 'Empowering Civil Society: How to Increase the Input of NGOs into Security Council Deliberation,' *Journal of Human Rights Practice*, vol. 6, no. 1, March 2014, p. 70.
- 52 Marcinkute, *op. cit.*, p. 56.
- 53 See eg. Yom, *op. cit.*; Hawthorne, A., *Middle Eastern Democracy: Is Civil Society the Answer?* Carnegie Endowment for International Peace, 2004; and NGO Coordination Committee for Iraq (NCCI), *Iraq's Civil Society in Perspective*, April 2011.
- 54 Marchettia and Toccib, *op. cit.*, p. 214.
- 55 Felner, E., 'Human Rights Leaders in Conflict Situations: A Case Study of the Politics of 'Moral Entrepreneurs,' *Journal of Human Rights Practice*, vol. 4, no. 1, 2012, p. 59.
- 56 Yom, *op. cit.*, 24-25.
- 57 Hawthorne, *op. cit.*, pp. 11-12.
- 58 Zayani, M., 'Civil Society and Democratic Change in the Arab World: Promises and Impediments,' *Comparative Studies of South Asia, Africa and the Middle East*, vol. 32, no. 3, 2012, pp. 680-681.
- 59 Yom, *op. cit.*, p.19.
- 60 Hawthorne, *op. cit.*, p. 13.
- 61 Marchettia and Toccib, *op. cit.*, p. 204.
- 62 Massoud, M., 'Work Rules: How International NGOs Build Law in War-Torn Societies,' *Law & Society Review*, vol. 49, 2015, pp. 333-364.
- 63 *Ibid.*
- 64 Nader, L., 'The Role of NGOs in the UN Human Rights Council,' *Sur - International Journal on Human Rights*, Vol. 4, No. 7, 2007, p. 10.
- 65 Diamond, L., 'Liberation technology,' *Journal of Democracy*, vol. 21, no. 3, July 2010. pp. 70-71.
- 66 Meier, P., 'New information technologies and their impact on the humanitarian sector,' *International Review of the Red Cross*, vol. 93, no. 884, December 2011, p. 1239.
- 67 Kemp, S., 'Digital in 2017: Global Overview,' January 2017, WeAreSocial, retrieved 30 May 2017, <https://wearesocial.com/special-reports/digital-in-2017-global-overview>.
- 68 *Ibid.*

- 69 Smith, K., '96 Amazing Social Media Statistics and Facts for 2016,' March 2016, Brand Watch, retrieved 11 July 2016, <https://www.brandwatch.com/2016/03/96-amazing-social-media-statistics-and-facts-for-2016>
- 70 Alston, P. and Gillespie, C., 'Global Human Rights Monitoring, New Technologies, and the Politics of Information,' *The European Journal of International Law*, vol. 23, no. 4, 2012, pp. 1117-1118.
- 71 Meier, 'New information technologies,' *op. cit.*, p.1241.
- 72 Stowell, D., 'How OpenStreetMap Used Humans and Machines to Map Affected Areas After Typhoon Haiyan,' in Silverman, C. (ed), *Verification Handbook*, European Journalism Centre, 2014, p. 83.
- 73 Allan, S., Sonwalkar, P. and Carter, C., 'Bearing witness: citizen journalism and human rights issues,' *Globalisation, Societies and Education*, vol. 5, no. 3, 2007, pp. 374-376.
- 74 Cole, B., 'The Web as a Spotlight: An Alternative Look at Technology in the Arab Spring,' *Huffington Post*, 18 April, 2011.
- 75 Koettl, C., "'The YouTube War": Citizen Videos Revolutionize Human Rights Monitoring in Syria,' *MediaShift*, 18 February 2014.
- 76 Global Voices Advocacy Netizen Report Team, 'Netizen Report: Keeping the Spotlight on Syria's Independent Media,' *MediaShift*, 15 January 2016.
- 77 Sarah Joseph, S., 'Social Media, Political Change, and Human Rights,' *Boston College International & Comparative Law Review*, vol. 35, no. 1, 2012, p. 154.
- 78 Koettl, *op. cit.*
- 79 Harrelson-Stephens and Callaway, *op. cit.*, p. 417.
- 80 Gregory, S., 'Cameras Everywhere: Ubiquitous Video Documentation of Human Rights, New Forms of Video Advocacy, and Considerations of Safety, Security, Dignity and Consent,' *Journal of Human Rights Practice*, vol. 2, no. 2, 2010, p. 195.
- 81 Alston, P., 'Introduction: Third Generation Human Rights Fact-Finding,' *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 107, 3 April 2013, p. 62.
- 82 Thrall, A., Stecula, D., and Sweet, D., 'May We Have Your Attention Please? Human-Rights NGOs and the Problem of Global Communication,' *The International Journal of Press/Politics*, vol. 19, no. 2, 2014, p. 138.
- 83 Allan, Sonwalkar and Carter, *op. cit.*
- 84 Mathews, *op. cit.*, p. 51.
- 85 Gregg, B., 'Politics Disembodied and Deterritorialized: The Internet as Human Rights Resource,' *Current Perspectives in Social Theory*, vol. 30, p. 212.
- 86 Castells, M., 'Communication, power and counter-power in the network society,' *International Journal of Communication*, vol. 1, 2007, p. 246.
- 87 Diamond, *op. cit.*, pp. 79-80.
- 88 Harrelson-Stephens and Callaway, *op. cit.*, p. 424.
- 89 Himelboim, I., 'Civil Society and Online Political Discourse: The Network Structure of Unrestricted Discussions,' *Communication Research*, vol. 38, no. 5, p. 639.
- 90 Gregg, *op. cit.*, p. 214.
- 91 *Ibid.*
- 92 Dutt, M. and Rasul, N., 'Raising Digital Consciousness: An Analysis of the Opportunities and Risks Facing Human Rights Activists in a Digital Age,' *Sur - International Journal on Human Rights*, vol. 11, no. 20, 2014, p. 432.
- 93 Thrall, A., Stecula, D. and Moyer, R., 'Building a Better Boomerang? Human Rights NGOs and the New Media,' in Oehmer, F. (ed.), *Political Interest Representation and the Media. Functions, Forms and Follow-up of Online and Mass Communication of Parties, Interest Groups and Social Movements*, Nomos Publisher, 2013, p. 8.
- 94 Waisbord, S., 'Can NGOs Change the News?' *International Journal of Communication*, vol. 5, 2011, p. 146.
- 95 Thrall, Stecula, and Sweet, *op. cit.*, p. 138.
- 96 Waisbord, *op. cit.*, p. 144-145.
- 97 Alston and Gillespie, *op. cit.*, p. 1112.
- 98 Diamond, *op. cit.*, p. 77.
- 99 Meier, 'New information technologies,' *op. cit.*, p. 1242.
- 100 *Ibid.*, p. 1244-1245.
- 101 *Ibid.*, p. 1252.
- 102 Alston and Gillespie, *op. cit.*, p. 1120.
- 103 Land, M., 'Peer Producing Human Rights,' *Alberta Law Review*, vol. 46, no. 4, 2009, p. 1131.
- 104 Land, 'Peer Producing Human Rights,' *op. cit.*,
- 105 *Ibid.*, p. 1134.
- 106 Alston and Gillespie, *op. cit.*, p. 1094.
- 107 Harrelson-Stephens and Callaway, *op. cit.*, p. 418.
- 108 Land, 'Peer Producing Human Rights,' *op. cit.*, p. 1122.
- 109 Alston, 2013, *op. cit.*, p. 62.
- 110 Land, 'Networked Activism,' *op. cit.*, pp. 211-212.
- 111 Land, 'Peer Producing Human Rights,' *op. cit.*, p. 1117.
- 112 Wilkinson, *op. cit.*, p. 42.
- 113 Alston and Gillespie, *op. cit.*, p. 1120.
- 114 Wilkinson, *op. cit.*, p. 42.
- 115 Kolbe, *op. cit.*, p.39.
- 116 NCCI, *op. cit.*, p.10.

- 117 Chatelard, G., 'Deferred Involvement: Memories and Praxes of Iraqi Intellectuals as Civil-Society Activists between Iraq, Jordan and Syria,' paper prepared for the workshop *Memories of Iraq*, University of Maryland, 1-2 May 2009, p. 12.
- 118 Stover, E., Sissons, M., Pham, P. and Vinck, P., 'Justice on hold: accountability and social reconstruction in Iraq,' *International Review of the Red Cross*, vol. 90, no. 869, March 2008, pp. 9-10.
- 119 NCCI, *op. cit.*, p. 16.
- 120 *Ibid.*, p. 22.
- 121 United States Agency for International Development (USAID), *Iraq Civil Society Assessment: Final Report*, February 2012, p. 9.
- 122 NCCI, *op. cit.*, p. 13.
- 123 USAID, *op. cit.*, p. 9.
- 124 Chatelard, *op. cit.*, p. 16, 19.
- 125 NCCI, *op. cit.*, p. 26.
- 126 During the peak of sectarian violence between July 2006 and January 2007, an average of 2960 civilians were killed per month. See Iraq Body Count, 'Documented civilian deaths from violence,' retrieved 18 July 2016, <https://www.iraqbodycount.org/database>
- 127 National Democratic Institute, *The Voice of Civil Society in Iraq*, January 2011, p. 3.
- 128 Orentlicher, *op. cit.*, p. 84-85.
- 129 Land, 'Peer Producing Human Rights,' *op. cit.*, p. 1119.
- 130 Kaleck and Terwindt, *op. cit.*, p. 409.
- 131 Root, B., 'Statistics and Data in Human Rights Research,' *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 107, 3 April 2013, pp. 65-68.
- 132 Boutruche, 2011, *op. cit.*, p. 111.
- 133 Meier, P., 'Information forensics: five case studies on how to verify crowdsourced information from social media,' 29 November 2011, iRevolution, retrieved 20 July 2016, <https://irevolution.files.wordpress.com/2011/11/meier-verifying-crowd-sourced-data-case-studies.pdf>
- 134 Land, 'Peer Producing Human Rights,' *op. cit.*, pp. 1135-1136.
- 135 Land, 'Networked Activism,' *op. cit.*, p. 209.
- 136 Wilkinson, *op. cit.*, p. 42.
- 137 Buttry, S., 'Verification Fundamentals: Rules to Live By,' in Silverman, C. (ed), *op. cit.*, pp. 15-16.
- 138 Turner, D., 'Inside the BBC's Verification Hub,' 6 July 2012, Nieman Reports, retrieved 20 July 2016, <http://niemanreports.org/articles/inside-the-bbcs-verification-hub>
- 139 Blair, M., 'The Great Potential (and Challenges) of Citizen Videos Uncovering News,' *MediaShift*, 24 April 2013.
- 140 Athaibani, R., 'Ma yajib 'alaina an natallum min maqata' al-aflam al-mufabrikah wal-mulfaqah: fideo at-tifl as-souri "al-batal" kamithal,' *Witness Blog*, December 2014.
- 141 Shelton, T., 'The Most Disturbing Fake Videos Making the Rounds in Syria,' *Public Radio International*, 12 November 2012.
- 142 Furness, H., 'BBC News uses "Iraq photo to illustrate Syria massacre"' *The Telegraph*, 27 May 2012.
- 143 Turner, *op. cit.*
- 144 Meier, 'Information forensics,' *op. cit.*, p. 10.
- 145 Silverman, C. and Tsubaki, R., 'When Emergency News Breaks,' in Silverman, C. (ed), *op. cit.*, p. 11.
- 146 Barot, C., 'Verifying Images,' in Silverman, C. (ed), *op. cit.*, p. 37.
- 147 Meier, 'Information forensics,' *op. cit.*, p. 15.
- 148 Silverman, C. and Tsubaki, R., 'Creating a Verification Process and Checklist(s),' in Silverman, C. (ed), *op. cit.*, p. 101.
- 149 Ingram, M., 'Putting the Human Crowd to Work,' in Silverman, C. (ed), *op. cit.*, p. 75.
- 150 Meier, 'Information forensics,' *op. cit.*, pp. 9-11.
- 151 See <https://veri.ly>
- 152 Alston and Gillespie, *op. cit.*, p. 1117.
- 153 Patrick Meier, 'Information forensics,' *op. cit.*, p. 16-17.
- 154 Witness, 'Is This For Real? How InformaCam Improves Verification of Mobile Media Files,' *Witness Blog*, January 2013.
- 155 Pillay, S., 'Video as Evidence,' in Gregory, S., Caldwell, G., Avni, R., and Harding, T. (eds), *Video for Change: A Guide for Advocacy and Activism*, London, Pluto Press, 2005, pp. 226-227.
- 156 Land, Peer Producing Human Rights, *op. cit.*, p. 1132.
- 157 Alston and Gillespie, *op. cit.*, p. 1118.
- 158 Patrick Meier, 'Information forensics,' *op. cit.*, p. 1.
- 159 Gregory, S., 'Ubiquitous witnesses: who creates the evidence and the live(d) experience of human rights violations?' *Information, Communication & Society*, vol. 18, no. 11, 2015, p. 1382.
- 160 Gregory, 2010, *op. cit.*, pp. 201-202.
- 161 *Ibid.*, p. 197.
- 162 Witness, *Cameras Everywhere: Current Challenges and Opportunities at the Intersection of Human Rights, Video and Technology*, 2011, p. 20.
- 163 Gregory, 2010, *op. cit.*, pp. 203-204.
- 164 Blair, *op. cit.*

- 165 United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), *Humanitarianism in the Age of Cyber-warfare: Towards the Principled and Secure Use of Information in Humanitarian Emergencies*, October 2014, p. 15.
- 166 Raymond, N. and Card, B., *Applying Humanitarian Principles to Current Uses of Information Communication Technologies: Gaps in Doctrine and Challenges to Practice*, Harvard Humanitarian Initiative, July 2015.
- 167 Joseph, *op. cit.*, p. 167; Alston and Gillespie, *op. cit.*, p. 1121.
- 168 Witness, 2011, *op. cit.*, p. 19.
- 169 Joseph, *op. cit.*, p. 168.
- 170 Diamond, *op. cit.*, p. 80; Hankey, S. and Clunaigh, D., 'Rethinking Risk and Security of Human Rights Defenders in the Digital Age,' *Journal of Human Rights Practice*, vol. 5, no. 3, November 2013, pp. 539.
- 171 Joseph, *op. cit.*, pp. 182-183.
- 172 Maitland, C., Thomas, H. and Tchouakeu, L., 'Internet censorship circumvention technology use in human rights organizations: an exploratory analysis,' *Journal of Information Technology*, vol. 27, 2012, p. 292.
- 173 Diamond, *op. cit.*, p. 81.
- 174 Witness, 2011, *op. cit.*, p. 10.
- 175 Gregory, 2010, *op. cit.*, p. 203.
- 176 Harrelson-Stephens and Callaway, *op. cit.*, p. 425.
- 177 Hankey and Clunaigh, *op. cit.*, p. 538.
- 178 Global Voices Advocacy Netizen Report Team, *op. cit.*
- 179 Gellman, B., Soltani, A., and Peterson, A., 'How we know the NSA had access to internal Google and Yahoo cloud data,' *The Washington Post*, 4 November 2013.
- 180 Global Voices Advocacy Netizen Report Team, *op. cit.*
- 181 Simon, J., 'How to Cover the Islamic State – and Survive,' *The Washington Post*, 17 October 2014.
- 182 Puttick, M., *No Place to Turn: Violence against women in the Iraq conflict*, Ceasefire Centre for Civilian Rights and Minority Rights Group International, February 2015.
- 183 Hankey and Clunaigh, *op. cit.*, p. 538.
- 184 Lin, H., 'Cyber conflict and international humanitarian law,' *International Review of the Red Cross*, vol. 94, no. 886, 2012, p. 519
- 185 Raymond, N., Card, B., and Al Achkar, Z., *What is "Humanitarian Communication"? Towards Standard Definitions and Protections for the Humanitarian Use of ICTs*, European Interagency Security Forum, October 2015, p. 3.
- 186 Fisher, M., 'Syria's pro-Assad hackers infiltrate Human Rights Watch Web site and Twitter feed,' *The Washington Post*, 17 March 2013.
- 187 See <https://www.torproject.org>
- 188 Eguren, E. and Caraj, M., *New Protection Manual for Human Rights Defenders (3rd ed.)*, Protection International, 2009, p. 123.
- 189 Cizek, K., 'Safety and Security,' in Gregory *et. al* (eds), *op. cit.*, p. 58.
- 190 Maitland, Thomas and Tchouakeu, *op. cit.*, p. 291.
- 191 Patrick Meier, 'New information technologies,' *op. cit.*, p. 1254.
- 192 Cullen, H. and Morrow, K., 'International civil society in international law: The growth of NGO participation,' *Non-State Actors and International Law*, vol. 1, 2001, pp. 7-39; Lintela, I. and Ryngaert, C., 'The Interface between Non-governmental Organisations and the Human Rights Committee,' *International Community Law Review*, vol. 15, 2013, pp. 359-379.
- 193 Charnovitz, *op. cit.*, p. 368.
- 194 Sveaass, N., 'Gross human rights violations and reparation under international law: approaching rehabilitation as a form of reparation,' *European Journal of Psychotraumatology*, vol. 4, 2013, p. 2.
- 195 Evans, C., *The Right to Reparation in International Law for Victims of Armed Conflict*, New York, Cambridge University Press, 2012, p. 29.
- 196 Mazzeschi, R., 'Reparation Claims by Individuals for State Breaches of Humanitarian Law and Human Rights: An Overview,' *Journal of International Criminal Justice*, vol. 1, 2003, p. 340.
- 197 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005, New York, UN doc. A/RES/60/147.
- 198 Correa, C., *Integrating development and reparations for victims of massive crimes*, The Center for Civil & Human Rights, University of Notre Dame, July 2014, p. 10.
- 199 Bachmann, *op. cit.*, p. 49.
- 200 Evans, *op. cit.*, p. 5-6.
- 201 Zegveld, L., 'Remedies for victims of violations of international humanitarian law,' *International Review of the Red Cross*, vol. 85, no. 851, September 2003, pp. 507-508.
- 202 The International Court of Justice, the main judicial organ of the United Nations, is only mandated to deal with disputes submitted by states.
- 203 Charnovitz, *op. cit.*, p. 354.
- 204 Bachmann, *op. cit.*, p. 9.
- 205 Human Rights Watch, *Justice For Iraq: A Human Rights Watch Policy Paper*, December 2002.

- 206 Correa, *op. cit.*, p. 6-7.
- 207 Eg. Al-Skeini v UK, ECtHR; *Jaloud v. The Netherlands*, ECtHR; UK Supreme Court, Al-Skeini.
- 208 Sarkin, J., 'The Coming of Age of Claims for Reparations for Human Rights Abuses Committed in the South,' *Sur - International Journal on Human Rights*, No. 1, 2004, p. 67-125.
- 209 Larocque, F., 'Recent Developments in Transnational Human Rights Litigation: A Postscript to Torture as Tort,' *Osgoode Hall Law Journal*, vol. 46, no. 3, 2008, pp. 610-611.
- 210 *Ibid.*, p. 610.
- 211 Evans, *op. cit.*, p. 127.
- 212 Meldrum, E., *Time for a Change? The Traditional Human Right NGO Fact Finding Methodology in Relation to National and International Prosecutions of Gross Human Right Violations* (Master thesis), Oxford Brookes University, 31 August 2009, pp. 16-17.
- 213 Sunga, L., 'Can International Criminal Investigators and Prosecutors Afford to Ignore Information from United Nations Human Rights Sources?' in Bergsmo (ed), *op. cit.*, , pp. 360-369
- 214 Pillay, *op. cit.*, pp. 214-218.
- 215 UC Berkeley School of Law Human Rights Centre, *Digital Fingerprints: Using Electronic Evidence to Advance Prosecutions at the International Criminal Court*, February 2014, p. 3.
- 216 Rome Statute, Article 7. See also Sunga, L., 'How can UN human rights special procedures sharpen ICC fact-finding?' *The International Journal of Human Rights*, vol. 15, no. 2, 2011, p. 196.
- 217 Pillay, *op. cit.*, p. 228.
- 218 O'Neill, K., Sentilles, D., and Brinks, D., *New Wine in Old Wineskins? New Problems in the Use of Electronic Evidence in Human Rights Investigations and Prosecutions*, Bernard and Audre Rapoport Center for Human Rights and Justice, 2011, p. 40.
- 219 UC Berkeley School of Law Human Rights Centre, *op. cit.*, p. 2.
- 220 *Ibid.*, p. 5.
- 221 *Ibid.*, p. 4.
- 222 Pillay, *op. cit.*, pp. 213.
- 223 Sunga, 2013, *op. cit.*, p. 366.
- 224 Thomson, L., *Admissibility of Electronic Documentation as Evidence in U.S. Courts*, Center for Research Libraries, 1 December 2011, p. 4.
- 225 UC Berkeley School of Law Human Rights Centre, *op. cit.*, p. 6.
- 226 O'Neill, Sentilles, and Brinks, *op. cit.*, p. 25.
- 227 Meldrum, *op. cit.*, p. 30.
- 228 Gregory, 2015, *op. cit.*, p. 1382.
- 229 O'Neill, Sentilles, and Brinks, *op. cit.*, p. 25.
- 230 Accatino, D. and Collins, C., 'Truth, Evidence, Truth: The Deployment of Testimony, Archives and Technical Data in Domestic Human Rights Trials,' *Journal of Human Rights Practice*, vol. 8, 2016, p. 86.
- 231 Correa, *op. cit.*, p. 4.
- 232 Meldrum, *op. cit.*, p. 28.
- 233 Thomson, *op. cit.*, p. 28.



Eyes on the Ground: Realizing the potential of civilian-led monitoring in armed conflict

In brief

Technological advances have meant that civilians are now enabled to play a greater role than ever before in monitoring and documenting violations during armed conflict or in other insecure environments. As UN rapporteurs and other official international monitors are effectively denied access to a wide range of insecure territories around the world, civilian monitors have become a complementary, and in some cases the principal, source of information on what is happening on the ground to civilian populations.

Civilian-led monitoring has developed on the back of:

- The huge expansion in popular access to mobile telephony and digital communications;
- The development of crowd-sourcing, digital mapping and crowd verification techniques, including through the use of open-source programmes;
- Increased public awareness of human rights standards and IHL standards;
- Advances in data-mining and news curation using increasingly sophisticated artificial intelligence;
- New opportunities for civil society organisation and activism created through social media;
- Growing receptiveness of UN, inter-governmental and governmental bodies to information produced by civil society.

The increase in both the quantity and quality of data from civilian sources is also a response to the demand for real-time information and for in-situ monitoring. Traditional human rights and IHL monitoring mechanisms, including investigative rapporteurs and fact-finding missions, remain important but are subject to long time delays, frequent

controversy over mandates, and concerns over selective reporting. Drawing on the experience of a major pilot of civilian-led monitoring in Iraq, this report discusses significant challenges for civilian-led monitoring, including quality control, verification, security of activists and victims, and ethical questions raised by interviewing and documentation undertaken by unqualified activists. The challenges of verifying and authenticating information posted online are exacerbated during armed conflict where the deliberate spread of misinformation has a long history. This report discusses different approaches and techniques to verifying civilian-led monitoring information, including building on the experience developed by large media organizations for assessing user-generated content.

To support the effective deployment and expansion of civilian-led monitoring, this report recommends:

- Appropriate training and capacity-building for civil-society organizations and activists on the ground in conflict-affected environments, including training on monitoring and documentation techniques, IHL and human rights standards, and cyber security;
- Development of standardised reporting formats and related technical support in partnership with local civil society or civilian populations, to reflect the linguistic, technological and security situation on the ground;
- Strengthened protection mechanisms for civilian monitors and other human rights defenders, including improved cyber security infrastructure;
- Ensuring civilian rights to participate fully in civilian protection, peace-building and transitional justice processes.

Ceasefire Centre for Civilian Rights and Minority Rights Group International

54 Commercial Street, London E1 6LT, United Kingdom
www.ceasefire.org | www.minorityrights.org/ceasefire

ISBN: 978-1-907919-89-3

This report has been produced with the financial assistance of the European Union. The contents of this report are the sole responsibility of the publishers and can under no circumstances be regarded as reflecting the position of the European Union.

