

BOOK REVIEW

Digital Witness: Using Open Source Information for Human Rights Investigation, Documentation, and Accountability edited by Sam Dubberley, Alexa Koenig, Daragh Murray (2020), Oxford University Press, Oxford, 384pp., paperback £30, ISBN: 9780198836070

Digital Witness, a new collection edited by Sam Dubberley, Alexa Koenig and Daragh Murray, is a book that defines a field. The potential of user-generated content to document human rights abuses has been recognized since George Holliday filmed the Los Angeles police beating Rodney King – a moment that catalysed the foundation of Witness, a global organization dedicated to empowering communities to document human rights violations. However, it is only within the last decade, with the widespread availability of mobile phones equipped with cameras and internet speeds that allow sharing of digital images, that the potential of user-generated documentation has become a reality.

In recent years, human rights professionals and technologists have been grappling with what these developments mean for the field. Among other things, advocates realized that there is a vast amount of evidence of human rights violations that is being collected – and even more that could be collected – to further accountability efforts. Considerable barriers exist, however, to making this information meaningful. Among other things, evidence is often collected in ways that do not allow it to be authenticated by courts or other judicial and quasi-judicial bodies. And advocates who seek to deploy this evidence are not necessarily skilled in how to collect, store and verify it.

Over the past several years, dedicated activists (including many of the contributors to this volume) have worked tirelessly to develop the knowledge base, capacity and professional expertise needed to make the most of user-generated information for human rights accountability. This volume is both a culmination of these efforts and a starting point for future work. It documents state of the art tools and techniques that human rights defenders and advocates can use to collect, store and verify open source human rights information. And it provides the kind of context that is needed for ethical decision-making in this field.

This book documents the phenomenon of open source investigations, the systematic collection, verification, preservation and use of publicly available information for human rights advocacy and accountability. It marks both a historical and an epistemological shift. Written and edited by the leading activists and scholars in this field, the book names and defines the parameters of this new approach to investigation. And it provides an accessible and practical introduction to the techniques that have been developed to collect and verify human rights information, as well as an introduction to the main ethical and political issues that can arise in this work.

The book is divided into three parts. The first part considers open source investigations in context, bringing historical, social and theoretical frameworks to bear on these new developments. The second part focuses on the use of open source methods in practice. The contributors to this section discuss methods for collecting and verifying information from a range of sources, from remote sensing to social media. The book then turns to questions of ethics, addressing such issues as secondary trauma to investigators and the digital and physical security concerns of victims and witnesses. The last part of the collection considers the future of open source investigations.

Although the book is important in many ways, including for the way in which it names and identifies this field, there are two aspects of the collection that warrant particular praise. First, it is not only a scholarly and theoretical framing of a field, but also a practical manual for advocates. Part II of the book, which focuses on the practice of open source investigation, is both readable and informative. The contributions to this part avoid the jargon that typically pervades discussions of new technologies while nonetheless offering a fulsome discussion of techniques and methods. The

chapters by Myers and Toler, on the collection and verification of open source evidence, are especially good at demonstrating that the technical aspects of this work are minimal and require only a basic familiarity with the tools and their functions. For human rights practitioners who may not have a deep technical background, the chapters in this part are invaluable.

Second, the collection is to be lauded for its attention to ethics and security. Open source investigation relies on publicly available information. Researchers and ethics review boards alike have been slow to recognize the potential risks that such investigations entail. Traditional concepts of ethics in research focus on the handling of confidential or private information. However, research that relies on information that has been shared publicly – even information that has been shared without any limitations – can raise significant ethical and security concerns. That information has been shared in one context or location does not necessarily mean that the source of the information will be comfortable with, or safe from, the consequences of sharing it in another context. Further, the source of the data may not have anticipated the kinds of risks that might arise when information they have shared is combined with other publicly available information.

Part III of the book addresses these and other security concerns and should be required reading for anyone seeking to use open source information for human rights purposes. As Zara Rahman and Gabriela Ivens explain, ‘one person’s open source investigation could be another person’s “doxxing” – a term used to describe publicly identifying or publishing information about another person, usually done in a malicious way as a form of punishment or revenge’ (p.251). Collecting and using public information raises a variety of ethical concerns, ranging from the impact on those who shared the information, the privacy rights of those who might have been depicted in photos or videos shared by others, or bias introduced through collective contributions and disparate access to tools. This part also considers the issue of secondary trauma to the researcher, an issue often overlooked in this area because the human rights investigator may not be travelling to a field location for the research. Guay and Rudnick’s chapter explores issues of digital security in more depth, examining points at which investigations might trigger significant security risks.

Although the book is and will continue to be essential for anyone interested in human rights documentation or the intersection of human rights and technology, there are areas that are lacking. These may be areas of future research, but in such a foundational text, more attention to these dimensions would have provided a basis for a broader conversation.

First, the book neglects the particular challenges and methods associated with documenting economic and social rights, privileging instead events-based research. Events-based methodologies focus on collecting evidence of specific occurrences of human rights violations. However, events-based research captures only one aspect of state obligations associated with economic and social rights – namely, those obligations that can be operationalized through a violations approach (Chapman, 1996). Other tools, such as the OPERA framework developed by the Center for Economic and Social Rights, provide a framework for measuring progressive realization of economic and social rights. Using open source methods to explore outcome based methodologies and documenting progressive realization of economic and social rights present particular opportunities and challenges (Land, 2015; Corkery, 2016) and more attention to these issues would have further enriched this foundational text.

Second, I would have liked to see more attention to the historical continuities these new methodologies represent. New technologies have been disrupting human rights practice for decades. For example, the introduction of new forensic techniques for exhumations have provoked new forms of reckoning with the past, challenged legal process, and helped establish norms of accountability and truth telling (Steele, 2008). The first section of the book acknowledges that the use of publicly available information for human rights documentation is nothing new (p.12), and it is of course natural that the book would focus on recent developments, such as the use of remote sensing, citizen video and big data. At the same time, more engagement with how the challenges of open source investigations are extensions of, or departures from, existing knowledge practices and controversies might have generated valuable insight.

Finally, the book might also have been strengthened by greater consideration of open source investigations with respect to other approaches to seeking accountability for human rights violations. Courts, and particularly international courts, are often not available to hold perpetrators to account. In those instances, data might be collected for preservation, or for use in public advocacy campaigns, United Nations bodies, report writing or restorative justice processes. What dilemmas and opportunities are presented when the purpose of data collection shifts?

At the same time, there is only so much that can – and should – be done with one volume, and these observations are meant less as critiques and more as an effort to highlight areas for future study. The work that the editors and contributors have done with this book will undoubtedly foster additional research and learning on these topics that will by necessity evolve as the technologies themselves change and adapt to new social contexts.

References

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