

**Legal Studies 125**  
**Human Rights and War Crimes Investigations Methods**

4 Units - Fall 2022

Mondays 2:00 - 5:00 pm

Social Science Building Room 110

[Version: August 16, 2022]

**Introduction**

This course offers an introduction to the theory and practice of human rights research and investigations, with an emphasis on the collection and analysis of digital open source information, such as information derived from social media. In addition to lectures and readings, the course will introduce students to the Human Rights Investigations Lab at UC Berkeley's Human Rights Center, which provides training and cutting-edge investigations for human rights researchers, investigative reporters, and legal investigators. During the course, students will learn how to effectively and ethically collect and verify digital information on war crimes and human rights abuses and will have an opportunity to engage in one or more real-world exercises.

**Course Instructor:**

Alexa Koenig, JD, MA, PhD

Lecturer-in-Residence, Investigations Lab Co-Founder, and Executive Director

Human Rights Center, UC Berkeley School of Law

Email: [kalexakm@berkeley.edu](mailto:kalexakm@berkeley.edu)

Office hours: Thursdays 11:30-12:30 at 2224 Piedmont Ave. Room 34 (or via Zoom)

**Graduate Student Instructor:**

Celina Romano

Graduate Student Instructor

UC Berkeley School of Law

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Office hours: Friday 11:30-1:30pm via Zoom

**Investigations Advisor:**

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Investigations Lab Director

Human Rights Center, UC Berkeley School of Law

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## Requirements

Before starting assignments, please ensure you refer to any examples, templates or instructions uploaded to the respective assignment portal on bCourses.

### Individual Participation (20% of grade)

Individual Participation includes attendance and contribution in class and at section.

### Current Event Discussion (10% of grade)

Each student will sign up to lead one ten minute discussion at the beginning of one lecture. Students will be expected to find and present for approximately five minutes on a recent report, article, or post that features a digital open source investigation OR on one of the course's readings or recommended readings for that week, while the class will be expected to ask questions and otherwise reflect on the presentation. Each presentation should be accompanied by no more than five slides. [Sign-up Sheet](#)

### Individual Blog Submission (20% of grade)

Each student will draft a brief reflection on a topic related to digital open source investigations in the style of a blog post. Max word count: 1500 words. Deadline for submission via bCourses: Friday, November 18th at 11.59pm (PT).

### Midterm (20% of grade)

Date: Monday, October 24

### Digital Landscape Analysis (30% of grade)

A digital landscape analysis is an assessment of the digital footprint related to a particular incident, including who is posting to what platforms, and about what. We will provide you with a template to help you assess the digital landscape related to a particular incident or series of incidents. The purpose of this assignment is to put into practice the hands-on skills you have acquired throughout the course, including engaging with ethics. Deadline for submission via bCourses: Monday, December 12th at 11.59pm (PT).

## Readings

All readings other than those in the coursebook will be posted on bCourses or available on the internet or via the [UC Berkeley Library Catalog](#). Each seminar has at least one required reading, which is expected to be completed before class. Prior knowledge of the reading will be relied on during class discussion and workshops.

### Required Resources

- Sam Dubberley, Alexa Koenig & Daragh Murray, eds., "Digital Witness: Using Open Source Information for Human Rights Documentation, Advocacy, and Accountability" (University of Oxford Press 2020)
- Berkeley Protocol on Digital Open Source Investigations (Human Rights Center and UN Office of the High Commissioner of Human Rights 2020), available at <https://humanrights.berkeley.edu/berkeley-protocol-digital-open-source-investigations>

### Recommended Resources

- Catherine D'Ignazio & Lauren F. Klein, "Data Feminism" (MIT Press 2020)
- Allissa V. Richardson, "Bearing Witness While Black: African Americans, Smartphones and the New Protest #Journalism" (Oxford University Press 2020)

- Cindy L. Otis, “True or False: A CIA Analyst’s Guide to Spotting Fake News” (Feiwal & Friends 2020)
- Maria Nystedt, Christian Axboe Nielsen and Jann K. Kleffner, “A Handbook on Assisting International Criminal Investigations” (Folke Bernadette Academy 2011)
- Craig Silverman, ed., “Verification Handbook: A Definitive Guide to Verifying Digital Content for Emergency Coverage,” available at <http://verificationhandbook.com>
- Michael Bazzell, “Open Source Intelligence Techniques: Resources for Searching and Analyzing Online Information” (Independently Published 2022)
- Reed, Kristin, and Ausra Pads kocimaite, "The right toolkit: Applying research methods in the service of human rights" (2012) [available online]
- Eric Stover, Victor Peskin & Alexa Koenig, “Hiding in Plain Sight: The Pursuit of War Criminals from Nuremberg to the War on Terror” (University of California Press 2016)

### **Grading/Evaluation**

Please see the requirements above. Your final grade in the course will reflect both the quality and timeliness of all assignments, as well as class attendance and participation. Unexcused absences will be considered during the grading process. Based on campus rules, four units of credit equates to 12 hours of work—including class time—each week.

### **Learning Outcomes**

By the end of Human Rights and War Crimes Investigations Methods, you should be able to:

- Construct a research and investigations plan, which includes a digital landscape assessment, a clear and relevant research question, a description of open source research methods that can be used to answer that question, and an assessment of ethical issues raised by the research question and proposed research methods;
- Understand the usefulness and application of a diverse set of online research methodologies that can be used to strengthen digital human rights investigations;
- Use a diverse set of open source research tools, including but not limited to InVid, Google Earth Pro, and Tweetdeck;
- Identify major ethical challenges that arise in digital human rights research and investigations; and
- Assess digital, physical and psychosocial threats and implement mitigating measures for conducting online investigations.

### **Low-Technology Policy**

We encourage you to take notes with pen and paper. Research confirms that this helps you retain more information from the class. The use of laptops, phones or other devices will not be permitted when guest speakers are in attendance. Accessing the internet during class—except for activities related to LS125—is prohibited and will be enforced. If this request is regularly disregarded we may enforce a class-wide no-technology policy.

### **Course Schedule**

While we anticipate adhering closely to the following schedule, some sessions might be moved around depending on the availability of particular guest speakers. We will be sure to notify the class of any changes over bCourses. We may also offer optional training sessions and may also add some additional readings as the course progresses. If those readings are required, we will be sure to give students at least one week’s notice.

### **Academic accommodations, supportive measures, and campus resources**

Classroom Climate: We are all responsible for creating an environment that is welcoming, inclusive, equitable, and respectful. If you feel that these expectations are not being met, please consult your instructors or seek assistance from campus resources (see the [Academic Accommodations website](#)). In addition, disability or hardships such as basic needs insecurity, uncertain documentation and immigration status, medical and mental health concerns, pregnancy and parenting, significant familial distress, and experiencing sexual violence or harassment, can affect a student's ability to satisfy particular course requirements. Students have the right to reasonable academic accommodations, without having to disclose personal information to instructors. For more info about accommodations, scheduling conflicts related to religious creed or extracurricular activities, please see Academic Accommodations hub: <https://evcp.berkeley.edu/programs-resources/academic-accommodations-hub#accommodations>

## LS125 Human Rights and War Crimes Investigations Methods Summary of Classes

	DATE	TOPIC	INSTRUCTOR
1	Mon, Aug 29	Introduction to the Course The History of Open Source Investigations	Alexa Koenig
2	Mon, Sept 5	Labor Day	<i>no class</i>
3	Mon, Sept 12	Introduction to International Legal Frameworks Introduction to Elements of the Crimes	Alexa Koenig
4	Mon, Sept 19	Introduction to Investigations Introduction to Investigation Planning	Eric Stover Lindsay Freeman
5	Mon, Sept 26	Digital Search I Digital Search Workshop	Brian Nguyen
6	Mon, Oct 3	Digital Verification I Digital Verification Workshop	Alexa Koenig
7	Mon, Oct 10	Holistic Security: Digital, Physical and Psychosocial	Gisela Perez de Acha Andrea Lampros
8	Mon, Oct 17	Introduction to OSINT Ethics	Alexa Koenig
9	Mon, Oct 24	Midterm Introduction to Course Projects	GSIs Safa Faki
10	Mon, Oct 31	Introduction to Satellite Imagery Introduction to Geolocation	Stephanie Croft
11	Mon, Nov 7	Reporting Your Findings Writing and Presentation Skills	Alexa Koenig
12	Mon, Nov 14	Guest Speaker: Real-World Investigations	Staci Dresher
	Fri, Nov 18	<i>Individual Digital Landscape Assignment Deadline: 11.59pm</i>	<i>assignment due</i>
13	Mon, Nov 21	Investigative Reporting	Gisela Perez de Acha and/or Brian Nguyen
14	Mon, Nov 28	Course Conclusion	Alexa Koenig
	Mon, Dec 12	<i>Individual Journal Submission Due 11.95pm (PT)</i>	<i>assignment due</i>

## CLASS OVERVIEW WITH READINGS

### #1-Monday, August 29

#### Introduction to the Course

#### Introduction to the History of Open Source Investigations

##### Required Reading

- Course syllabus
- Aryeh Neyer, “Foreword,” in *Digital Witness*
- Christoph Koettl, Daragh Murray and Sam Dubberley, “Open-Source Investigation for Human Rights Reporting: A Brief History,” in *Digital Witness*

##### Recommended

- Alexa Koenig, “The History of Open Source Investigations for Legal Accountability,” in *Digital Witness*

### #2-Monday, September 5 - No Class!

### #3-Monday, September 12

#### Introduction to International Legal Frameworks

#### Introduction to Elements of the Crimes

##### Required Reading

- Daragh Murray, Yvonne McDermott, Alexa Koenig, “Mapping the Use of Open Source Research in UN Human Rights Investigations”
- Dermot Groome, Handbook of Human Rights Investigations, “Chapter 1: Overview of Human Rights Law” [skim]

### #4-Monday, September 19

#### Introduction to Investigations [Eric Stover]

#### Investigation Planning [Lindsay Freeman]

##### Required Reading

- Elise Baker et al., “Joining Forces: National War Crimes Units and the Pursuit of Justice,” *Human Rights Quarterly*, 42 (2020) 594-622
- Alexa Koenig and Lindsay Freeman, “Strengthening Atrocity Cases with Digital Open Source Investigations,” Lieber Institute West Point (2021)
- Keith Hiatt, “Open Source Evidence on Trial,” *Yale Law Journal* (2016)

##### Recommended

- Lindsay Freeman, “Digital Evidence and War Crimes Prosecutions: The Impact of Digital Technologies on International Criminal Investigations and Trials,” 41 *Fordham Int’l Law Journal* 283
- Lindsay Freeman, “Prosecuting Grave International Crimes Using Open Source Evidence,” in *Digital Witness*

### #5-Monday, September 26

#### Digital Search I [Brian Nguyen]

#### Digital Search Workshop [Brian Nguyen and Safa Faki]

Required Reading/Viewing: Please watch video: <https://youtu.be/nuHrGYeSz9M?t=286>

## Recommended

- Daniel M. Russell, “The Joy of Search: A Google Insider’s Guide to Going Beyond the Basics” ( MIT Press 2019)
- Paul Myers, “How to Conduct Discovery Using Open-Source Methods,” in *Digital Witness*
- Charlotte Godart, “The Most Comprehensive TweetDeck Research Guide In Existence” [available online]
- Yvonne McDermott, Alexa Koenig, Daragh Murray, “Open Source Information’s Blind Spot: Human and Machine Bias in International Criminal Investigations” [skim]

## #6-Monday, October 3

### Digital Verification I

#### Digital Verification Workshop

##### Required Reading

- Aric Toler, “How to Verify and Authenticate User-generated Content,” in *Digital Witness*
- Alexa Koenig and Lindsay Freeman, “Cutting-Edge Evidence: Strengths and Weaknesses of New Digital Investigation Methods in Litigation,” 73 *Hastings Law Journal* 1233 (2022) [skim]

## #7-Monday, October 10 Holistic Security

### Digital Security [Gisela Perez de Acha]

#### Psychosocial Security [Andrea Lampros]

##### Required Reading

- Joseph Guay and Lisa Rudnick, “Open-Source Investigations: Understanding Digital Threats, Risks, and Harms,” in *Digital Witness*
- Introduction to *Graphic: Trauma and Meaning in our Online Lives* [to be published in 2023]
- Tactical Technology Collective, “Holistic Security: A Strategy Manual for Human Rights Defenders” (2016) [skim]

## Recommended

- Sam Dubberley, Meg Satterthwaite, Sarah Knuckey and Adam Brown, “Digital Human Rights Investigations: Vicarious Trauma, PTSD, and Tactics for Resilience,” in *Digital Witness*
- Allissa V. Richardson, “Bearing Witness While Black,” chapters 1-2

## #8-Monday, October 17

### OSINT Ethics

##### Required Reading

- Zara Rahman and Gabriela Ivens, “Ethics in Open Source Investigations,” in *Digital Witness*
- Yvonne McDermott, Daragh Murray and Alexa Koenig, “Whose Stories Get Told, and By Whom? Representativeness in Open Source Human Rights Investigations”
- Sophie Dyer and Gabriela Evans, “What Would a Feminist Open Source Investigation Look Like?” in *Digital War* [available online]

## Recommended

- Responsible Open Source Investigations Workbook: A Guide for Open Source Investigators

## #9-Monday, October 24

### Midterm

#### Introduction to Course Projects [Safa Faki]

Required Reading: N/A

## #10-Monday, October 31

#### Introduction to Satellite Imagery + Introduction to Geolocation [Stephanie Croft]

Required Reading

- Micah Farfour, “The Role and Use of Satellite Imagery for Human Rights Investigations,” in *Digital Witness*

Recommended

- Theresa Harris, Jonathan Drake et al, *Geospatial Evidence in International Human Rights Litigation: Technical and Legal Considerations* (AAAS 2018)

## #11-Monday, November 7

### Reporting Your Findings

#### Writing and Presentation Skills

Required reading

- Catherine D’Ignazio and Lauren F. Klein, “The Numbers Don’t Speak for Themselves: Consider Context,” in *Data Feminism* (chapter 6)
- Catherine D’Ignazio and Lauren F. Klein, “Show Your Work: Make Labor Visible,” in *Data Feminism* (chapter 7)

## #12-Monday, November 14

#### Real-World Investigations [Staci Drescher]

Required reading: TBD

## Friday, November 18: Digital Landscape Assessment Due on bCourses: 11:59 pm

## #13- Monday, November 21

#### Investigative Reporting [Gisela Perez de Acha]

Required Reading:

- Skim or watch at least one of the pieces on Ms. Perez de Acha’s website at <https://www.giselaperezdeacha.com/>
- Watch “How a U.S. Drone Strike Killed the Wrong Person,” NY Times Visual Investigation, at <https://www.nytimes.com/video/world/asia/100000007963596/us-drone-attack-kabul-investigation.html>

Recommended

- Mark Lee Hunter, United Nations Educational, Scientific and Cultural Organizations, *Story Based Inquiry: A Manual for Investigative Journalism* (2011)
- Robin McDowell and Maggie Mason, “AP Investigation: Myanmar’s Junta Using Bodies to Terrorize,” Associated Press, 20 May 2021 [read online]



**#14- Monday, November 28 [last class!]**

**Course Conclusion**

Instructor: Alexa Koenig

Required Reading: TBD

**Monday, December 12: Individual Blog Submission Due on bCourses: 11:59**