

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

4 Units - Fall 2024

Wednesdays 2:00 - 4:59 pm

Social Science Building Room 110

[September 2024 Final]

**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 and other public-facing spaces online. 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

Research Professor of Law, UC Berkeley

Co-Faculty Director and Director, Investigations Program

Human Rights Center, UC Berkeley School of Law

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

Office hours: Tuesdays 2:30 to 3:15

Thursdays 11:00 am to 12:00 pm at 2224 Piedmont Ave. Room 34

or via Zoom by appointment

**Graduate Student Instructor:**

Yen-Tung Lin

Graduate Student Instructor

UC Berkeley School of Law

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

Office hours: Wednesdays 1-2 pm @ Zoom/Ong & Ong Plaza (<https://rb.gy/9r1cbb>)

Thursdays 10-11 am @ Zoom (<https://berkeley.zoom.us/j/3871441851>)

Or by appointment

**Investigations Advisor:**

Andrea Richardson

Senior Legal Researcher

Human Rights Center, UC Berkeley School of Law

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

Office hours: Tuesdays 2:00 to 4:00

Thursdays 2:00 to 4:00

## 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 in office hours.

### Midterm (30% of grade)

Date: Wednesday, October 23

### Digital Landscape Analysis (25% 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: **Sunday, November 24 at 11:59 pm (PT)**.

### Open Source Investigation Assessment (25% of grade)

Each student will identify and assess an example of a digital open source investigation that they discover online. As part of the assessment, students should include: 1) a brief summary of the investigation with a link to the write-up of the investigation (what was the research question that the investigators asked?) 2) a brief summary of the methods used (online search? geolocation? chronolocation? other?) 3) any ethical concerns in the methods or any other aspect of the investigation? how satisfactorily did the investigator address those ethical issues, including any security-related issues (whether digital security, physical security, or psychosocial security)? 4) did you find the analysis convincing, and if so why? 5) is there anything you would have done differently or that you think could strengthen the analysis? Max word count: 3000 words. Deadline for submission via bCourses: **Monday, December 16 at 11:59 pm (PT)**.

## Readings

All readings other than those in the coursebook will be posted on bCourses, 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” (Feiwel &

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 Padskocimaite, "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	Wed, Aug 28	Intro to the Class and to the Investigations Lab; Intro to History of Open Source Investigations Spotlight: Activism 2.0	Alexa Koenig, Yen-Tung Lin Andrea Richardson, Sofia Kooner, Brian Nguyen
2	Wed, Sept 4	Introduction to the Law: International Humanitarian and Human Rights Practice Introduction to the International Criminal Court Investigating the Case of 43 Missing Students	Alexa Koenig Omar Gomez
3	Wed, Sept 11	Introduction to Elements of the Crimes Introduction to Investigations	Alexa Koenig Eric Stover
4	Wed, Sept 18	Introduction to Digital Investigations Introduction to Investigation Planning Introduction to a Digital Landscape Assessment	Andrea Richardson Alexa Koenig
5	Wed, Sept 25	Digital Search I Digital Search Workshop Spotlight: Burkina Faso	Brian Nguyen
6	Wed, Oct 2	Introduction to Digital Verification I: Technical, Source and Content Analysis Spotlight: Anatomy of a Killing	Alexa Koenig Andrea Richardson
7	Wed, Oct 9	Holistic Security: Digital, Physical and Psychosocial	Alexa Koenig Andrea Lampros
8	Wed, Oct 16	Introduction to Digital Verification II: Geolocation Spotlight: Al Ahli Hospital Bombing	Andrea Richardson
9	Wed, Oct 23	<i>Midterm</i>	Yen-Tung Lin
10	Wed, Oct 30	Introduction to Data Ethics Introduction to OSINT Ethics Introduction to Anthropology and OSINT: Colonialism, Orientalism and Intervention	Alexa Koenig Andrea Richardson
11	Wed, Nov 6	Reporting Your Findings Exercise: When, Where, Who	Alexa Koenig Andrea Richardson
12	Wed, Nov 13	Investigative Reporting: Palm Oil in Brazil Research: Torture in the US: Solitary Confinement	Sasha Schell Yen-Tung Lin
13	Wed, Nov 20	Guest Speaker: Real-World Investigations	Andrea Richardson
	Sun, Nov 24	<i>Digital Landscape Assessment Exercise Due Deadline: 11.59pm</i>	<i>assignment due</i>
	Wed, Nov 27	<i>Non-Instructional Day: No Class</i>	
14	Wed, Dec 4	Course Conclusion: Pulling it all Together Answer Questions + Course Evaluations Applying to the Investigations Lab	Alexa Koenig Andrea Richardson Sofia Kooner
	Mon, Dec 16	<i>Open Source Investigation Assessment Due 11:59pm (PT)</i>	<i>assignment due</i>



## CLASS OVERVIEW WITH READINGS

### #1-Wednesday, August 28

#### **Introduction to the Class and to the Investigations Lab**

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

**Lecture:** Alexa Koenig, Yen-Tung Lin and Andrea Richardson

**Guests:** Sofia Kooner, Brian Nguyen

#### Required Reading

- Course syllabus

#### Recommended

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

### #2-Wednesday, September 4

#### **Introduction to the Law: International Humanitarian and Human Rights Practice**

#### **Introduction to the International Criminal Court**

**Lecture:** Alexa Koenig

**Guest lecture:** Omar Gómez

#### Required Reading

- Dermot Groome, *Handbook of Human Rights Investigations*, “Chapter 1: Overview of Human Rights Law” [skim]
- Daragh Murray, Yvonne McDermott, Alexa Koenig, “Mapping the Use of Open Source Research in UN Human Rights Investigations”
- Andrew Cohen, “A Safe Harbor: Omar Gómez Trejo Finds Welcoming New Home at Berkeley’s Human Rights Center”

#### Recommended

- Minerva Tavárez Mirabel, “Reparations: A Critical Aspect of Justice at the ICC,” and Elizabeth Evenson, “The ICC at 20: the Role of Civil Society,” in Carsten Stahn and Rafael Braga de Silva, eds., *The International Criminal Court in its Third Decade: Reflecting on Law and Practices* [pages 63-78]
- Hayley N. Evans and Mahir Hazim, “Epistemic Injustice at the ICC? An Empirical Analysis of the Use of Third-Party Evidence in the Afghanistan Situation,” *Journal of International Criminal Justice* (2024)

### #3-Wednesday, September 11

#### **Introduction to Elements of the Crimes**

#### **Introduction to Investigations**

**Lecture:** Alexa Koenig

**Guest lecture:** Eric Stover

#### Required Reading

- Elise Baker et al., “Joining Forces: National War Crimes Units and the Pursuit of Justice,” *Human Rights Quarterly*, 42 (2020) 594-622
- Hernán Reyes, *Medical Meanderings of the Mind* [pages 9-26]

#### #4-Wednesday, September 18

##### **Introduction to Digital Investigations**

##### **Introduction to a Digital Investigations Planning and Digital Landscape Assessments**

**Lecture:** Alexa Koenig, Andrea Richardson

##### Required Reading

- 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*
- Alexa Koenig and Lindsay Freeman, “Strengthening Atrocity Cases with Digital Open Source Investigations,” Lieber Institute West Point (2021)

##### 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-Wednesday, September 25

##### **Digital Search I**

##### **Digital Search Workshop**

**Guest Lecture:** Brian Nguyen

##### Required Reading/Viewing:

- Please watch Dan Russell, Search Mastery Speaker Series:  
<https://youtu.be/nuHrGYeSz9M?t=286> on *YouTube* [30 minutes]
- Paul Myers, “How to Conduct Discovery Using Open-Source Methods,” in *Digital Witness*

##### Recommended

- Daniel M. Russell, “The Joy of Search: A Google Insider’s Guide to Going Beyond the Basics” (MIT Press 2019)

#### #6-Wednesday, October 2

##### **Digital Verification I: Technical, Content and Source Analysis**

**Lecture:** Alexa Koenig

##### Required Reading

- Aric Toler, “How to Verify and Authenticate User-Generated Content,” in *Digital Witness*
- Yvonne McDermott, Alexa Koenig, Daragh Murray, “Open Source Information’s Blind Spot: Human and Machine Bias in International Criminal Investigations” [skim] Zara Rahman and Gabriela Ivens, “Ethics in Open Source Investigations,” in *Digital Witness*
- Please watch “Open-Source Journalism in the War on Gaza” on Al Jazeera English - The Listening Post: <https://www.youtube.com/watch?v=BcF1hGAnGYs>.

#### #7-Wednesday, October 9 Holistic Security

##### **Digital, Physical and Psychosocial Security**

**Lecture:** Alexa Koenig

**Guest Lecture:** Andrea Lampros

##### Required Reading



- Introduction to *Graphic: Trauma and Meaning in our Online Lives*
- Joseph Guay and Lisa Rudnick, “Open-Source Investigations: Understanding Digital Threats, Risks, and Harms,” in *Digital Witness*
- 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-Wednesday, October 16

#### Introduction to Digital Verification II: Geolocation

**Lecture:** Andrea Richardson

#### Required Reading

- Micah Farfour, “The Role and Use of Satellite Imagery for Human Rights Investigations,” in *Digital Witness*
- Toler, Aric. “How We Geolocated a Photo of a Russian Missile Programming Team.” Bellingcat, October 28, 2022.  
<https://www.bellingcat.com/resources/2022/10/28/how-we-geolocated-a-photo-of-a-russian-missile-programming-team/>.

#### Recommended

- Theresa Harris, Jonathan Drake et al, Geospatial Evidence in International Human Rights Litigation: Technical and Legal Considerations (AAAS 2018)
- Forensic Architecture, “Airstrikes On The Al-Jinah Mosque.”  
<https://forensic-architecture.org/investigation/airstrikes-on-the-al-jinah-mosque>.

### #9-Wednesday, October 23

#### Midterm

Required Reading: N/A

### #10-Wednesday, October 30

#### Introduction to Data Ethics

#### Introduction to OSINT Ethics

#### Introduction to Anthropology and OSINT: Colonialism, Orientalism and Interventions

**Lecture:** Alexa Koenig and Andrea Richardson

#### Required Reading

- Sophie Dyer and Gabriela Ivens, “What Would a Feminist Open Source Investigation Look Like?” in *Digital War* [available online]
- Yvonne McDermott, Darah Murray and Alexa Koenig, “Whose Stories Get Told, and By Whom? Representativeness in Open Source Human Rights Investigations”
- Catherine D’Ignazio and Lauren F. Klein, “The Numbers Don’t Speak for Themselves: Consider Context,” in *Data Feminism* (chapter 6)

#### Recommended

- Zara Rahman and Gabriela Ivens, “Ethics in Open Source Investigations,” in *Digital Witness*

- Sam Dubberley and Gabriela Ivens, “Outlining a Human-Rights Based Approach to Digital Open Source Investigations: A guide for human rights organisations and open source researchers” (Engine Room and University of Essex 2022).
- Sullivan, Owen Zappetti. “What Can Edward Said’s Orientalism Teach Us About Community-Based Research?” Noise Project, February 23, 2021.  
<https://noiseproject.org/what-can-edward-saids-orientalism-teach-us-about-community-based-research/>.

### #11-Wednesday, November 6

#### Reporting Your Findings

**Lecture:** Alexa Koenig, Andrea Richardson

Required reading

- Catherine D’Ignazio and Lauren F. Klein, “Show Your Work: Make Labor Visible,” in *Data Feminism* (chapter 7)
- Peter Jan Honigsberg, “Gilbert Law Summary on Legal Research Writing and Analysis” (selected pages)

### #12-Wednesday, November 13

#### Torture in the US: Solitary Confinement

#### Open Source Investigative Reporting: Palm Oil in Brazil

**Lecture:** Yen-Tung Lin

**Guest Lecture:** Sasha Schell

Required reading

- Reiter, Keramet (2012) "The Most Restrictive Alternative: A Litigation History of Solitary Confinement in U.S. Prisons, 1960-2006." *Studies in Law, Politics, and Society* (57): 71-124. ONLY READ pp. 71-76, 100-118

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]

### #13-Wednesday, November 20

#### Real-World Investigations

**Lecture:** Andrea Richardson

### Wednesday, November 27 [No Class! Non-Instructional Day]

### #14-Wednesday, December 4 [Last Class!]

#### Course Conclusion: Pulling it all Together

Applying to the Investigations Lab

#### Course Evaluations

**Guest:** Sofia Kooner

Required Reading: N/A