Human Rights Electronic Evidence Assessment

Center for Research Libraries

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CRL Presenters

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Agenda

• Introduction and background

• Nature of electronic evidence
  – Case studies

• Regional assessment
  – Information trail

• Lifecycle and uses of electronic evidence

• Conclusion
Project Background

Objectives

• Documentation of practices and technologies
• Adequacy of documentation in supporting
  o advocacy
  o reporting
  o investigations and legal proceedings
  o scholarship
  – Identify best practices
  – Encourage and support collaboration

Funding from John D. and Catherine T. MacArthur Foundation
Organizations Surveyed

U.S. NGO/IGO
- Amnesty International
- HURIDOCS
- ICTJ
- WITNESS

Academic/Research
- Texas HRDI
- Columbia CHRDR
- Web Ecology Project

Mexico
- 10 organizations
  (Feb 2010)

Rwanda
- 10 organizations
  (May-Jun 2010)

Russia
- 8 organizations
  (Nov 2010)
Gikonda : Case study

1994
- Gikonda Event captured by Nick Hughes
- Footage sent to WTN distributors
- Footage shown on TV (CNN, Australian Broadcasting, ZDF)

1998
- Footage entered as Exhibit 467 in the trial of George Rutaganda, Vice President of the HUTU militia, (Rutaganda is convicted.)

2003
- Alan Thompson contacts Hughes about footage
- Hughes sends footage to Thompson (mini DVD)
- Footage converted for display on Thompson’s laptop (.wav file)

2004
- Thompson shows to witnesses in Rwanda
- Witnesses contribute additional information (Names, etc)
- Thompson shows footage to family

2007
- One of the Gikonda perpetrators convicted by local court.

2009
- Original footage made available on Toronto Star website
- Footage archived at Carleton University
Producers of Evidence

- Victims
- Witnesses
- Perpetrators
- Human Rights Organizations

- Government and state-sponsored agencies
- Non-state actors (companies, organizations, individuals)
- Courts
- Media
Technology for evidence

- Desktop and laptop computers
- Cameras
- Video devices
- Mobile devices
Kinds of electronic evidence

• Recorded testimony
Kinds of electronic evidence

• Recorded testimony
• Digital photographs
Kinds of electronic evidence

- Recorded testimony
- Digital photographs
- Video documentation
Kinds of electronic evidence

• Recorded testimony
• Digital photographs
• Video documentation
• Email and networked communication
Kinds of electronic evidence

• Recorded testimony
• Digital photographs
• Video documentation
• Email and networked communication
• Text messages and SMS
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• Blogs
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- Digital photographs
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- Text messages and SMS
- Blogs
- Web-based communication
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- Social network content
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Regional Assessment

Information Flow

• Field work: Mexico, Rwanda & Russia
  10-12 organizations visited in each country

• Investigate range of documentation practices used, with particular focus on digital practices and tools

• Understand cultural and infrastructural contexts shaping documentation practices
Following the Information Trail

Small grassroots organizations or subsidiary offices
Mid-size professionalized organizations or central offices
Large national & international institutions

* Governments
* Courts
* Universities
* Libraries
* Media
Mexico City

• Background RedTdT
  – Network of 75 human rights organizations in 22 Mexican states
  – Utilizes a database based on HURIDOCs Human Rights Thesaurus
  – Data collected from network organizations intended for analysis of regional and national trends
  – Reports generated are disseminated via TdT’s website: http://www.redtdt.org.mx/index.php
Network of 75 orgs submit information to central database via case documentation program.
Ibuka Genocide Memorial

Kigali, Rwanda

• Background
  – Genocide memorial site & activist group seeking civil & human rights of survivors
  – Umbrella organization for a number of other groups focusing on gender rights, HIV treatment, legal rights, & Diaspora issues
  – Three primary objectives: Genocide memory, Justice, Survivors needs
IBUKA KIGALI

Rwandan Justice System

Kigali Memorial Center ARCHIVE

Exterior National & International Publications

Gacaca Courts

Ibuka Rwanda

Ibuka England

Ibuka Belgium

Ibuka Germany

Individuals have documents or collect them from organizations & submit to Ibuka

Individuals acquire documents from Rwandan government offices & submit to Ibuka regional offices

Diaspora individuals in other countries submit information to international Ibuka offices
Moscow

**Background**

– Focus on issues of racism, xenophobia, & radical nationalism

– Collects data in four areas:
  1. News & current events
  2. Activities of regional human rights groups
  3. Information on up-coming nationalistic events (e.g. neo-Nazi rallies)
  4. Legal case and court documents

– On-line new consolidation serves as human rights resource for other Russian rights groups
Regional Assessment

Key Findings

1. Collaborative networking of documentation

2. Institutional centralization and standardization of documentation

3. Mid-sized professional organizations serve as network nodes for processing documentation
Lifecycle of Electronic Evidence

1. Collection
2. Authentication
3. Organization
4. Assessment
5. Output

Dissemination/Information Sharing

Additional Use of Documentation (not necessarily human rights related)

Discovery/Identification

Creation of Documentation

Archive/Storage

Reuse
Lifecycle of Electronic Evidence

- Collection
Lifecycle of Electronic Evidence

- Collection
- Authentication
Lifecycle of Electronic Evidence

- Collection
- Authentication
- Organization
Lifecycle of Electronic Evidence

- Collection
- Authentication
- Organization
- Assessment
- Output
Uses of Electronic Evidence

• Advocacy
  – Campaigns
  – Reparations
  – Memory

• Legal Uses

• Scholarship
Legal Requirements of Electronic Evidence

• U.S. Federal Rules of Civil Procedure / Evidence

• Admissibility is governed by five “foundations”
  – Relevance
  – Authenticity
  – Hearsay
  – “Best Evidence”
  – Probative Value

• Authentication is a major factor
Legal Requirements of Electronic Evidence

• International Criminal Courts – varying rules, generally based in Civil Law (though incorporate common law elements)
  – Wide discretion to make evidentiary determinations

• Admissibility – relatively low bar

• Authenticity, hearsay, lack of foundation, signature and relevance are related to the assessment of the weight of a document, not to its admissibility.
Role of Research Institutions

• Preserving materials generated by organizations and individuals
  – Duke, Texas, Columbia, Connecticut

• Preserving the online record of organizations & events
  – Columbia, Texas Web Archives
  – Archive-It collections

• Collaborating with institutions on preservation of primary source material
  – Texas HRDI partnerships
Human Rights Documentation Initiative

Objectives

• long-term preservation of fragile and vulnerable records of human rights struggles worldwide,
• promotion and secure usage of human rights archival materials
• advancement of human rights research and advocacy around the world.

Digital Preservation Partnerships

• Noncustodial archives model
• Support local capacity
• Improve access to material
Human Rights Documentation Initiative
Metadata Model

• **Standards**
  - Standardized framework for digital object packaging, ingest, and transport
  - Defines standards and components necessary for METS package
  - Accepted in Library of Congress’ METS Registered Profiles and PREMIS Implementation Registry

• **Interoperability**
  - Descriptive metadata: Maps to MODS, Dublin Core
  - Technical metadata: Maps to Library of Congress VideoMD, PBCore
  - Source metadata: Maps to Library of Congress VideoMD, PBCore
  - Preservation metadata: Uses PREMIS: event
Audio and Video Metadata Guidelines and METS Profiles*

• Video
  • UTVideo METS Profile: http://www.loc.gov/standards/mets/profiles/00000035.xml

• Audio
  • UTAudio METS Profile: http://www.loc.gov/standards/mets/profiles/00000037.xml

* Developed by Amy Rushing, Head of Digital Access Services
Projects to Conclude in 2012

- Human Rights Documentation Initiative Thesaurus
- Metadata Guidelines for Archived Websites

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www.lib.utexas.edu/hrdi
The United Nations General Assembly published the *Universal Declaration of Human Rights*, which defined the modern concept of human rights developed in the aftermath of World War II. The activities of human rights advocacy groups, courts, media, governments, and the victims and survivors of violations generate a wide variety of documentation, including:

- the records of official tribunals, courts, truth commissions, and investigations of human rights violations
- records of nongovernmental organizations (NGOs) devoted to preventing, monitoring, and exposing human rights violations
- evidence and documentation gathered and created by those official and nongovernmental organizations, and
Open Discussion

Please join us for a discussion with our presenters.

Press *6 to unmute your phone to ask a question, or submit your comments to the online chat.
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Upcoming Webinars

- Print Archives and Preservation Registry
  February 8, 2012

- Interlibrary Loan at CRL
  March 14, 2012

- CRL Collections and Services
  June 6, 2012

CRL webinars usually occur on Wednesdays from 2 to 3 p.m. Central Time

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Primary Sources: Collections, Content, and Data for Research

April 19–20, 2012
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