

PS295
Visual Evidence in Human Rights

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Office Hours: [\[12:30-13:30 Weds\]](#) or by appointment

Course Description

The course has been designed to examine the growing production of visual evidence exposing human rights violations that have been deployed into various forums (media, art exhibitions, courts). It will focus on visual evidence produced through open source intelligence OSINT but also visual evidence produced by research agencies (Forensic Architecture, Mnemonics) the course will also look at the Syrian Archives and their work in this respect. The course will familiarize students with Berkley Protocol on Open Source Investigation and will make distinctions between investigation, documentation and archiving.

The course conceptually centers towards investigating the issues around visibility, representation, power, truth, aesthetics and ethics and will address the following:

- What is evidence, and particularly what is visual evidence in human rights?
- Who produces the visual evidence and how it can be employed to determine violation/s especially their systematic character?
- Avenues to use this type of visual evidence: national international and regional courts, UN human rights bodies for example Committee Against Torture, media and art exhibition for example (for example, Abu Ghraib).
- Processes of gathering, production and representation of visual evidence and relationship with witnesses.
- Ethics in production and representation of visual evidence

Relevant resources and initiatives:

- WITNESS “helps people use video and technology to protect and defend human rights”:
<https://www.witness.org/>
- Mnemonic: <https://mnemonic.org/>
- Syrian Archive “Syrian Archive is a project of Mnemonic , a non-profit organization dedicated to archiving disappearing digital material”: <https://syrianarchive.org/>.
- Exposing the Invisible: “captures different techniques, tools and most importantly the mindset and motivation of those working at the new frontiers of investigation”:
<https://exposingtheinvisible.org/en>.
- Forensic Architecture: <https://forensic-architecture.org/>.
- Investigative commons: <https://investigative-commons.org/#who-we-are>
- Bellingcat: <https://www.bellingcat.com/category/news/>.
- UC Berkeley Human Rights Investigation Lab:
<https://humanrights.berkeley.edu/programs-projects/investigations-lab-projects>

On Open Source Information and Verification:

- Berkley Protocol on Digital Open Source Investigation:
https://www.ohchr.org/sites/default/files/2022-04/OHCHR_BerkeleyProtocol.pdf
- OSI UC Berkeley: https://multimedia.journalism.berkeley.edu/tutorials/osi_verification/
- Citizen Evidence Lab - Digital Verification Corps at Amnesty International:
<https://citizenevidence.org/>
- The Digger Project on identification of deep fake:
<https://digger-project.com/sharpen-your-senses/>

Course read an open access edition of the book:

Ristovska, S. (2021) Seeing Human Rights, Video Activism as a Proxy Profession, MIT Press, pp.
Accessible by chapters:

<https://direct.mit.edu/books/oa-monograph/5132/Seeing-Human-RightsVideo-Activism-as-a-Proxy>

Course platforms:

We will use Google Classroom where all reading material and announcements will be posted, including submission of assignments and sometimes Zoom. On some occasions we might be using a Padlet.

Course Outline

Jan, 31	<p>Introductions Classroom and community building Syllabus overview</p>
Feb, 7	<p>Required: Vilém Flusser Our Images, <i>Flusser Studies 15</i>, (translated from the Portuguese by Rodrigo Maltez Novaes). Anita Tiessen (1997) Images and Human Rights, <i>Visual Antropology</i>, 9:3-4, pp. 325-328. On the ontology and epistemology of visual legal evidence: Interview with Jennifer L. Mnookin, <i>First Monday</i>, <i>Online peer-reviewed journal on the internet</i>. Accessible at: https://firstmonday.org/ojs/index.php/fm/article/download/13229/11049</p>
Feb, 14	<p>Required: Thomas Keenan and Eyal Weizman (2011) Mengelle's Skull, From Witnesses to Objects, Issue 43, Fall, Forensics. Available at: https://www.cabinetmagazine.org/issues/43/keenan_weizman.php. Sandra Ristovska (2023) On Ways of Seeing, The power and limitation of visual evidence across law and policy, <i>First Monday</i>, <i>Online peer-review journal on internet</i>. Accessible at: https://firstmonday.org/ojs/index.php/fm/article/view/13226/11048. Schuppli, S. (2020) Material Witness: Media, Forensics, Evidence, Opening Statement, <i>The MIT Press</i>, pp.3-39. Susan Schuppli, Evidence on Trial: https://susanschuppli.com/EVIDENCE-ON-TRIAL Suggested: Daniela Accantino and Cath Collins Truth (2016) Evidence, Truth: The Deployment of Testimony, Archives and Technical Data in Domestic Trials, <i>Journal of Human Rights Practice</i>, March 2, pp. 84-97.</p>
Feb, 21	<p>Required: Ristovska, S. (2021) Seeing Human Rights, Video Activism as a Proxy Profession, Chp 2 Video as Tool for Human Rights Activism, MIT Press.</p>

	<p>Sandra Ristovska (2023) On Ways of Seeing, The power and limitation of visual evidence across law and policy, <i>First Monday</i>, <i>Online peer-review journal</i>. Accessible at: https://firstmonday.org/ojs/index.php/fm/article/view/13226/11048.</p>
Feb, 28	<p>Required: Sandra Ristovska (2021) Of Trauma Testimony and the Power of the Human Rights Voices, MIT Press Reader. Available at: https://thereader.mitpress.mit.edu/of-trauma-testimony-and-the-power-of-human-rights-voices/</p> <p>Paul Gready (2010) Introduction: Responsibility to the Story, <i>Journal of Human Rights Practice</i>, Volume 2, Issue 2, July, pp. 177-190.</p> <p>Sonia Tascon (2012) Considering Human Rights Films, Representation and Ethics, Whose Face?, <i>Human Rights Quarterly</i>, August,, Vol. 34, No. 3, pp. 864-883. available at: https://www.jstor.org/stable/23254649.</p>
Mar, 6	<p>Students presentation of their short essay on the visual investigation by one of the human rights collectives included at the beginning of the syllabus in the resources section. (5 points)</p>
Mar, 13	<p>Required: Exposing the Invisible, The Kit, What Makes an Investigation: https://kit.exposingtheinvisible.org/en/investigation-concepts.html</p> <p>ed. by Maria Nystedt and al (2011) A Handbook on Assisting International Criminal Investigation, Folke Bernadotte Academy, pp.52-73.</p> <p>Fuller, M. and Weizman, E. (2021) Investigative Aesthetics, Chapter 7 What is Investigation, Chapter 8 Secrets, pp. 91-106.</p> <p>Murimi and Makumbe, Applying an Evidentiary Lens to the Conflict in Ethiopia: Issues Arising from Investigative Mandates, Dissect Project: https://dissect.ugent.be/applying-an-evidentiary-lens-to-the-conflict-in-ethiopia-issues-arising-from-investigative-mandates/</p> <p>Satellite images https://www.ohchr.org/en/stories/2015/07/more-satellite-images-assist-human-rights-work</p>

Mar,20	<p>Required: Alexa Koenig, Chapter 2 Open Source Evidence and Human Rights Cases: A Modern Social History in ed. Dubberlay, S. Koenig, A. Daragh, M. (2020) <i>Digital Witness, Using Open Source Information for Human Rights Investigation, Documentation and Accountability</i>, Oxford University Press.</p> <p>Alexa Koenig (2019) Half the Truth is Often a Great Lie: Deep Fakes, Open Source Information, and International Criminal Law, <i>American Journal of International Law</i>,</p> <p>Berkley Protocol on Open Source Investigation: https://www.ohchr.org/sites/default/files/2022-04/OHCHR_BerkeleyProtocol.pdf (Please select and read three chapters from the Protocol and prepare notes for the class)</p> <p>The Digger Project on identification of deep fake: https://digger-project.com/sharpen-your-senses/</p> <p>Suggested: Bailey R. Ulbricht and al (2022) Digital Eyewitnesses: Using New Technologies to Authenticate Evidence in Human Rights Litigation, <i>Stanford Law Review</i> pp.854-870.</p>
Mar, 27	Easter Break
April, 3	<p>Guest talk: Anne Schroeter ECCHR Authentication and Court Use of Caesar files in German courts</p> <p>Required: Security Council, S/2014/244, A report into the credibility of certain evidence with regard to torture and execution of persons incarcerated by the current Syrian regime.</p> <p>Documentation of Al-Khatib trial, particularly reports of days 38, 39/40, 41/42, 60 and 73</p> <ul style="list-style-type: none"> - Arabic: https://www.ecchr.eu/en/publication/das-al-khatib-verfahren-in-koblenz-eine-dokumentation-arabisch/ - English: https://www.ecchr.eu/en/publication/torture-in-syria-on-trial-in-koblenz-a-documentation-of-the-al-khatib-proceedings-2-edition/ <p>Verdict against Eyad A.: https://iiim.un.org/documents/court-judgements/</p> <p>Torture in Saydnaya Prison: https://forensic-architecture.org/investigation/saydnaya</p>

	<p>By Hannah El-Hitami (2020) They felt too safe: How two Syrian agents ended up on trial in Germany, May, 4, JusticeInfo.Net. Available at: https://www.justiceinfo.net/en/44207-they-felt-too-safe-how-two-syrian-agents-ended-up-on-trial-in-germany.html</p> <p>Suggested:</p> <p>If Dead Could Speak, Mass Deaths and Torture in Syria's Detention Facilities, <i>Human Rights Watch Report</i>, December 2015, pp. 21-84. (Content warning: Disturbing and graphic images of violence viewer discretion strongly advised)</p>
Apr, 10	<p>Required:</p> <p>Sandra Ristovska (August, 2019) Human Rights Collectives as Visual Experts: the case of Syrian Archive In <i>Visual Communication, The Visual Politics of the Human</i>, guest ed. by Lile Chouliaraki, Michael Orwicz and Robin Greely, Special Issue, Volume 18, No. 3, pp. 333-347.</p> <p>Working with visual evidence, Interview with Hadi al Khatib (in Arabic): https://exposingtheinvisible.org/en/films/working-with-visual-evidence</p> <p>Syrian Archive, investigations: https://syrianarchive.org/en/investigations</p> <p>Suggested:</p> <p>The War Show (2016) Documentary *Content warning: Graphic and disturbing images of violence*</p>
Apr, 17	<p>Presentations on cases by each group member (10 points) Feedback for the final</p>
Apr, 24	<p>Required:</p> <p>Kari Anden- Papadopoulous (2008) Abu Grahیب Torture Photographs , new frames, visual culture and power of images, <i>Journalism</i>, Vol 9(1): 5-30.</p> <p>Hedi Viterbo (2014) Seeing Torture A New: A Transnational Reconceptualization of State Torture and Visual Evidence, <i>Stanford Journal of International Law</i>, 50, pp. 281-317.</p> <p>Iraq Torture Survivors Await US Redress, Accountability, No Clear Path for Compensation for Iraqis Abused in Detention by US Forces, <i>Human Rights Watch</i>, September 23, 2023. Available at: https://www.hrw.org/news/2023/09/25/iraq-torture-survivors-await-us-redress-accountability</p>

	Rijin Sakajian (2022) Beyond Repair, Regarding Torture at the Berlin Biennale, July 29, Artforum Newsletters. Available at: https://www.artforum.com/columns/regarding-torture-at-the-berlin-biennale-251959/ .
May, 1	Federal holiday
May, 8	Required: Shireen Abu Akhleh: The Extrajudicial Killing of a Journalist, Report by Forensic Architecture and Al-Haq, Nov, 4 2022. Shireen Abu Akleh: The Extrajudicial Killing of a Journalist https://vimeo.com/751450285 TBD discussion with Discussion of the report with representatives from Forensic Architecture/ Forensis in Berlin
May, 15	Wrap-up of classes

Course Requirements

Academic Integrity

Bard College Berlin maintains the highest standards of academic integrity and expects students to adhere to these standards at all times. Instances in which students fail to meet the expected standards of academic integrity will be dealt with under the Code of Student Conduct, Section 14.3 (Academic Misconduct) in the Student Handbook.

Prior preparation:

Prior preparation for the class is required. This includes reading of the assigned course readings for the particular class. Many times you will be required to refer to the readings in various ways so prior preparation and taking notes while you read is encouraged.

Attendance:

You must regularly attend all the classes. You are allowed to have one absence that you do not need to justify, and in some legitimate cases (illness and other reasons) if necessary you may have one excused absence.

Participation:

Active participation during the classes is required. Sometimes this might entail discussion in class plenary, in breakout rooms, or presenting in class an image that is related to the text.

Use of mobiles:

Use of mobile devices during class is discouraged as it significantly disrupts the students focus in the class. Handbooks, laptops, Ipads and notebooks are encouraged.

Course assignments

The course assignments will involve both individual and group assignments. Please note that the individual assignments will be essay writing, brief commentaries on readings and image/video presentation relevant to the course readings.

The **mid-term and final projects** will be organized as group assignments in creating the research portfolio for the cases of visual evidence in Abu Ghraib, Caesar Files, Shireen Abu Akhleh and any other relevant case you find applicable. The **mid-term** will be based on the case study you are working on by focusing on the context, actors involved and identifying the violations. You will need to write a background research and context analysis in one paper. **The final** will consist of a combination of background and context analysis along with analysis of the visual evidence of the case you are working on.

The mid-term and final contextual and visual analysis will be both individual and group work. More about the approaches we will discuss during classes.

The instructor will be providing additional information and support how this research portfolio should be created, what kind of information should be included and etc.

For the individual assignments you will be required to:

- Image and video presentations on visual evidence in human rights at the beginning of the class throughout the entire semester related to each course reading. You are required to prepare at least for five sessions (5 points);
- First analysis of the initiatives you have selected (see above) which work in visual evidence in human rights (5 points); **February, 28**
- Presentation of the analysis at class (5 points); **March, 6**
- Short essay on theoretical questions related to visual evidence in human rights (5 points) TBD. **April, 3**

For the group assignments you will be required to:

For the mid-term and final projects you will have to **create a research portfolio** as a group assignment but you will be evaluated individually, one evaluation criteria is also cooperation with the group and teamwork. This will require you to work in teams of three together since the start of the term in researching, collating and verifying sources and images based on the material.

- Mid-term projects will entail a presentation on April 17 (10 points) by the teams of students about the contextual analysis of the case you are working on that involves visuals as well.

→ Final report submission of the research portfolio (10 points). [May, 10]

More details and instructions will be provided during classes as we move through the course material.

Policy on Late Submission of Papers

Essays that are up to 24 hours late can be downgraded up to one full grade (from B+ to C+, for example). Instructors are not obliged to accept essays that are more than 24 hours late. Where a professor agrees to accept a late assignment, it should be submitted by the new deadline agreed upon by both parties. Thereafter, the student will receive a failing grade for the assignment. Grades and comments will be returned to students in a timely fashion. Students are also entitled to make an appointment to discuss essay assignments and feedback during instructors' office hours.

Students receive mid- and end-of-semester grades for their seminar work. Students are entitled to make an appointment with an instructor to discuss seminar participation, or may be asked to meet with the instructor at any stage in the semester regarding class progress.

Grade Breakdown:

- Preparation and participation 30%
- Individual Assignments 20%
- Mid-term project-presentation 20%
- Final report/research portfolio submission 20%