

REPORTER'S GUIDE TO INVESTIGATING WAR CRIMES



Global Investigative
Journalism Network



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PHOTOS BY **RON HAVIV & VII FOUNDATION**

PREFACE BY **NOBEL PEACE PRIZE LAUREATE NADIA MURAD**

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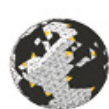


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Front page image: *Victims of a massacre by Colonel Qaddafi’s forces in Tripoli. The men were shot, hand grenades used against them and then burned in a warehouse near the Khamis Brigade compound. Courtesy of Ron Haviv, VII*

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PREFACE

by Nadia Murad



Nobel Peace Prize winner Nadia Murad (center) examining potential war crimes sites from Russian bombing in the village of Borodyanka with Olena Zelenska (right), the First Lady of Ukraine, in May 2023. Image: Courtesy of Murad

I never knew how small my village was, until I realized that the schoolyard could hold every last one of us.

It was the 15th of August 2014, and for two weeks the Islamic State of Iraq (ISIS) had prowled the outskirts of our village Kocho in Iraq, teasing and tormenting us. Finally, they moved in. My school, which had been a place of such happiness and joy, was transformed into a sinister holding pen, a waiting room, bringing us a step closer to genocide.

It took an hour for ISIS to shoot 400 of our fathers, brothers, and sons.

Then, the women and children were rounded up onto buses and sold into the indescribable horror of sexual slavery. The trauma of what happened that day in our village will never leave us. And while the world was aware that ISIS was taking vast swaths of territory in Iraq, our intimate tragedy simply wasn't covered.

In peacetime, Yazidi women were at the margins of society, but as the conflict raged, we became invisible. Yet, if someone had been looking for us, the clues were there. Written plainly in the ISIS manifesto was the desire to eradicate Yazidis through murder, forced conversions, and rape. Plus, the militants were openly selling Yazidi women and girls on social media.

If a journalist had told our story earlier, would anything have changed? I don't know the answer to that. But I would urge investigative journalists to look for us, and look for us earlier, the hidden and the vulnerable, before the atrocities start. You are, quite often, our only hope.

Maybe you'll find us in refugee or internally displaced people (IDP) camps. Perhaps we are hiding in what's left of our towns and villages. We might have survived, but have lost everything. Our only strength lies in our stories.

I'd urge journalists to find out why there is no legal or political system to protect people like us, and to investigate the root causes of our problems. Yes, ISIS wanted to wipe the Yazidis from the face of the earth. But perhaps the bigger question is, why have they so very nearly managed it?

Once I had fled my captors in Iraq, I began to talk. I wanted the world to know about the systematic sexual violence that was being perpetrated by ISIS. My voice was the only tool I had to try to save my female friends and family members who were still in captivity.

I will be forever grateful to the journalists who came to the camps to give us a voice. Many of them, like **Jenna Krajeski**, the co-author of my memoir,

were kind, sensitive, and took the time to understand me before they started asking questions.



Nadia Murad, Nobel Peace Prize Laureate and UNODC Goodwill Ambassador, briefs the United Nations Security Council meeting on women and peace and security. Image: United Nations/Evan Schneider

However, I met many reporters whose callous approach to interviewing survivors was akin to the infamous tale of a British journalist in the Congo in 1964, who was overheard asking women fleeing civil war: “**Anyone here been raped and speaks English?**”

I, too, was asked incredibly personal and intimate questions about my experiences, but never about my needs. I left these exchanges feeling like nothing more than a walking headline. A commodity once more. It is why, incidentally, I co-founded the **Murad Code**, a survivor-centric guide for investigators and journalists to use when they interview traumatized victims of sexual violence.

As a survivor of conflict-related sexual violence and genocide, I am asked what it is we want to see happen.

The answer I give is always the same: justice.

Justice, of course, can take many different forms. Overwhelmingly, though, we want to see our perpetrators held accountable for their crimes. We need to know that crimes will not go unpunished. That the men who held and abused us in the most heinous of ways will not threaten us, or any other woman, again.

So, while the work done by investigative journalists is important for opening the world's eyes to atrocities, your reporting can also be a vital part of the documentation process. The evidence you find can be used to demonstrate that a war crime has been committed or that a group has been subjected to genocide. This is particularly important when it comes to sexual violence, which is one of the most widespread weapons of war — but all too often overlooked and sidelined.

As a global community, we cannot let those people who perpetrate these crimes continue to operate with impunity. Collecting evidence and then holding them to account helps make the world a safer place.

Thousands of pieces of evidence have been collected in Iraq by journalists and **United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL** (UNITAD) — evidence that shows thousands of Yazidi women and girls were trafficked and raped. There is evidence from mass graves that confirms thousands of Yazidi men were murdered. Yet only three people have been prosecuted.

As survivors, we know that journalists move on. There is always another crisis to cover. More heartbreak and more suffering to report on. However, I think there is merit to sticking with the story after the “hot” conflict is over

to see what happens or — in our and many other cases of war crimes — does *not* happen next.

The work done by investigative journalists in war zones has the power to truly make a difference, and this guide is a vital tool for reporters who choose to bring our stories to light.

INTRODUCTION

by Anne Koch | Photography by Ron Haviv



Skull from a victim of the Srebrenica massacre found on a mountain route used to escape. Photo from 1996. Image: Courtesy of Ron Haviv, VII

Mass atrocities committed by government soldiers; villagers forced to flee as their homes and crops are destroyed by government troops; indiscriminate bombing of schools and hospitals; widespread rape; the torture of prisoners of war; systematic ethnic cleansing; and the use of child soldiers — these are but a small handful of possible war crimes investigated by journalists.

The wanton killing and abject treatment of human beings during times of war and conflict, and the attendant horrors of such violence, demand

accountability. Journalists have a critical role in reporting and investigating war and conflict. Shining a light on the practices of those who wage war, asking tough questions, exposing lies and propaganda, digging to find evidence and document what is really going on are all a critical part of the work of investigative journalists, work that complements war reporters, human rights researchers, photographers — and legal authorities.

Reporting and investigating war and conflict are critical, whether or not a war crime may have been committed. And as Ukrainian investigative journalist and contributor to this guide Valentyna Samar notes: “It is impossible to write professionally about war without basic knowledge of the laws and customs of war.”

In war, it is the existence and enforcement of laws that enable the prosecution of war criminals. In popular usage, the term “war crimes” is broadly used to describe horrific acts of violence carried out in wars and violent conflicts, acts that seem to violate accepted international rules of war. However, “war crime” is also a legal term with a prescribed meaning spelled out in international treaties that only applies to specific, serious violations of international humanitarian law. It’s essential to understand that violations of the laws in war go beyond war crimes committed by individuals and include violations by states and others. As further elucidated in Chapter 1 of this guide, the following laws apply in armed conflict:

- **International humanitarian law** (also known as the laws of war or laws of armed conflict), regulating the actions of states and non-state armed groups that are parties to a conflict;
- **International criminal law**, regulating the responsibility of individual perpetrators of international crimes;
- **International human rights law**, regulating the obligation of states (and in some cases, non-state actors) towards individuals

within their territory and/or jurisdiction, although its application may sometimes differ in armed conflict;

- **Domestic laws of the states;**
- **Other international laws and agreements** entered into by the state, although their application may differ in armed conflict.

Understanding how arguments are made about context and intention is critical. Killing an innocent person can be a crime of manslaughter, murder, a war crime, part of a crime against humanity or an act of genocide. Unfortunately, in war, some civilian deaths can also be consequences of lawful acts, and are not always war crimes or violations. Horrific atrocities that may seem to be obvious “war crimes” can be highly contested; the United States military’s bombing of a Médecins Sans Frontières trauma hospital in Kunduz, Afghanistan in 2015, still contested, is a case in point, and again illustrates the complexity of legality in war and conflict.



In 2015, the US military bombed a Médecins Sans Frontières hospital in Kunduz, Afghanistan. Whether or not the act constituted a war crime is still under contention. Image: Screenshot, Médecins Sans Frontières

Investigative work by journalists is painstaking and can take months, even years, and it must be of the highest standard, especially if it is to stand up in a domestic or international court of law. Yet what is lawful in war is not the same as what is morally right, and reporting and investigating war and conflict are critical, whether or not a war crime may have been committed. The laws governing war and conflict are important but are only part of a wider picture of accountability. Many practices considered to be legal still demand investigation and scrutiny — and journalists need to try to hold actors politically accountable for the suffering in war. The journalist's role in reporting on possible war crimes is not to carry out a judicial investigation, and there are real tensions between the roles and responsibilities of journalists and those of prosecutors and legal investigators — the protection of confidential sources, the importance of independence, and the need to publish are but three of these examples.

Understanding what is going on in the middle of an armed conflict is rarely easy. When observing or reporting an incident, it will usually not be possible for a journalist to establish the existence (or not) of a war crime. Journalists have not been trained to make the necessary distinctions between legal, illegal, and criminal acts. In addition, all individuals (including those accused of war crimes) have the right to a fair trial, and the existence of a crime may only be established by a court after an effective investigation and trial have been carried out. What may seem to be an obvious crime may, in fact, not be, because very specific legal criteria must be met, or because a state is not party to a relevant treaty.



The International Commission on Missing Persons (ICMP) in Bosnia has led the way in using DNA as a first step in the identification of large numbers of persons missing from armed conflict. By matching DNA from blood and bone samples, the ICMP has been able to identify over 17,000 people who were missing from the conflicts in the former Yugoslavia countries and whose mortal remains were found in hidden graves. Image: Courtesy of Ron Haviv, VII

Yet, at the very least, accurate understanding of the applicable laws can ensure and improve credible reporting and raise awareness of potential violations. This in turn can put pressure on governments and those with international responsibilities to investigate and prosecute perpetrators. Good reporting of possible war crimes or patterns of crimes may be the only way the international community becomes aware of them and can serve as the first step to bringing the perpetrators to justice. When states fail in their responsibility to do so, it is often the work of journalists and civil society to ensure that these acts do not get covered up and go unpunished. Ultimately, credible reporting can lead to further accountability and contribute towards combating impunity. Accurate reporting can also matter to individuals

affected by acts in conflict, as well as their families and relatives. In addition, journalists, because of what they witness and document, may wish to submit evidence of potential war crimes to legal authorities. There is increasing interest among journalists in cooperating with courts and others, and in understanding the very high standards of evidence required.

The scope of this guide is necessarily limited and its aim is to provide useful context and practical advice to enable better investigations. It does not attempt to assess the relevant laws and judicial institutions, nor the commitment and effectiveness of states and international bodies to implement those laws and prosecute those responsible for carrying out crimes in war and conflict. It provides tips for journalists on how to collect evidence that could be submitted to legal authorities, though because the laws of evidence will be different in every state, and in every international court, contacting relevant experts will often be the best strategy. The guide also recognizes that this is a choice not all journalists will make. Finally, there are many other crimes related to war and conflict that need investigation by journalists, which are beyond the scope of this guide, including war profiteering as well as corruption in defense procurement and foreign assistance disbursement, to name a few.

With that in mind, we at GIJN are pleased to offer this Reporters' Guide to Investigating War Crimes. This guide is to help the media that are documenting conflict and its outcomes. The work of investigative reporters and human rights researchers is vital to holding the perpetrators accountable, which is a long and fraught, but necessary, process of safeguarding evidence of atrocities, preserving the testimony of survivors, and building a trail of accountability. We have asked reporters with deep experience in investigating war, human rights experts, and lawyers, to offer their advice about how to tackle these complex issues. We've also taken

account of developments in technology, such as satellite imagery and social media, that are changing how journalists cover war today.

WHAT IS LEGAL IN WAR?

by Claire Simmons | Photography by Ron Haviv, Maciek Nabrdalik



The Tuol Sleng Genocide Museum chronicles the Cambodian genocide. Located in Phnom Penh, the site is a former secondary school showing images of victims held at Security Prison 21 and killed by the Khmer Rouge regime from 1975 until its fall in 1979. Image: Courtesy of Ron Haviv, VII

The horrors and destruction of war may lead one to believe that no laws apply in conflict, and that any attempt to regulate violence may seem pointless. Yet the very fact that we are horrified by certain acts more than others in such contexts indicates that we believe **wars should have limits.**

This is a conviction that can be traced back centuries, although there may not always have been a common understanding of what these limits should be.

Our modern laws of war **originated in the 19th century**, as states agreed to sign the first international conventions to protect civilians and the sick and wounded in combat. Multiple international treaties have followed, including the **four Geneva Conventions of 1949**, which have become the most globally recognized texts regarding the laws of war. These four documents were drafted in the immediate aftermath of the Second World War, which had provided a strong incentive for states to write down and commit to respect the commonly accepted rules and customs of war.

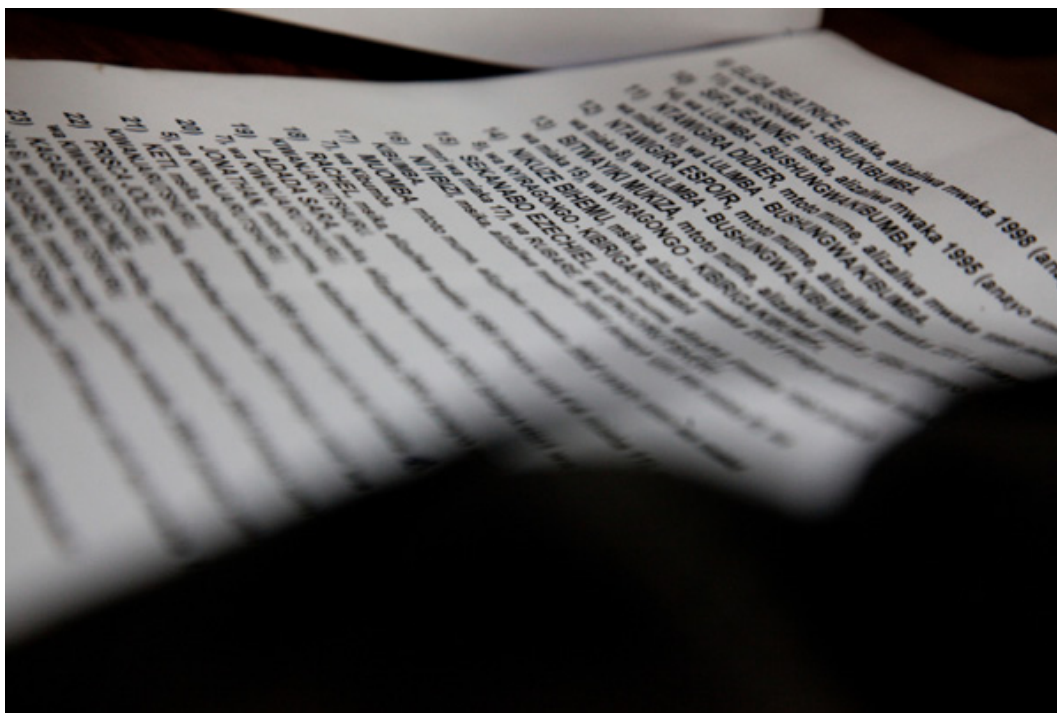
The concept of a “war crime” emerged alongside these treaties, as a term to describe the most serious violations of these laws of war. The international prosecution of such war crimes in courts became established with the Nuremberg and Tokyo Tribunals following the Second World War, and in the 1990s, with international tribunals in the former Yugoslavia and Rwanda set up by the United Nations.

But the laws of war can also matter outside of the courts. They can matter to individuals harmed by the violence, who may want recognition that they have been victims of injustice, even if they cannot go to court. They can also matter to soldiers involved in the conflicts, who want to know they are fighting for a just cause in a just manner.

Under international law today, the term “war crime” refers to specific, serious violations of international humanitarian law that lead to individual criminal responsibility. Not all violations of the laws in war are war crimes, however, and not all civilian deaths in war constitute war crimes, or even violations. Furthermore, the applicable laws of war and the enforcement mechanisms available (including international courts) depend on which treaties have been signed by which state.

Although the common understanding of the term “war crime” may have become divorced from the legal context, there is still value in understanding its precise legal meaning as well as the broader laws that apply in war to ensure credible reporting and possibly contribute to combating impunity for war crimes. It is also important to realize that some acts of war have serious consequences, including loss of life or serious injury to civilians, without being war crimes. Reporting on these acts while recognizing that no legal violation may have occurred can still be important to hold states politically accountable for the **reduction of civilian harm in armed conflict**.

This chapter lays out a basic overview of the laws that apply in armed conflict—and which acts may or may not be legal. It is not exhaustive, and further resources may be found in later parts of this guide. The International Committee of the Red Cross (ICRC) is an authoritative source for the interpretation of the applicable rules in armed conflict, and provides **resources useful for journalists** reporting in armed conflict.



A radio station broadcaster reads a list of names of missing children twice a day, provided by the ICRC, in the hopes of reuniting families, in Minova, Democratic Republic of the Congo, on Jan. 29, 2009. Numerous families have been connected this way. Image: Courtesy of Ron Haviv, VII

Laws that Apply

Generally, the following laws apply in armed conflict:

- **International humanitarian law** (also known as the laws of war or laws of armed conflict), which regulates the actions of states and non-state armed groups that are parties to a conflict. This body of law deals mainly with state responsibility (or responsibility of armed groups) as opposed to individual responsibility.
- **International criminal law**, which regulates the international criminal responsibility of individual perpetrators of international crimes (genocide, crimes against humanity, and war crimes) in and

outside of armed conflict. Although they are related, international criminal law and international humanitarian law are separate bodies of international law.

- **International human rights law**, which regulates the obligation of states (and in some cases, non-state actors) towards individuals within their territory and/or jurisdiction, although its application may sometimes differ in armed conflict.
- Domestic laws of the states.
- Other international laws and agreements entered into by the state, although their application may differ in armed conflict.

International humanitarian law only applies to situations that are determined to be armed conflicts based on specific legal criteria.

The body of law most relevant to acts of war is international humanitarian law, which only applies during armed conflict and regulates matters such as who may not be targeted (see principle of distinction below), the means and methods that may be used during the conduct of hostilities (such as which weapons are prohibited), and the treatment of those in the hands of the parties to the conflict, including persons in custody as well as persons no longer participating in hostilities.

Types of Armed Conflicts

International humanitarian law only applies to situations that are determined to be armed conflicts based on specific legal criteria.

Two different types of armed conflicts exist:

- International armed conflicts (often abbreviated as “IAC”) between states.

- Non-international armed conflicts (“NIAC”) between non-state armed groups and a state or between two or more non-state armed groups (sometimes referred to as civil wars, intra-state, or internal conflicts).

This distinction matters because the applicable legal framework differs, although the basic fundamental rules remain the same. The two are distinguished by the actors involved. Some conflicts involve both types of armed conflicts, which must be classified separately. Situations of **armed occupation**, in which a state occupies a part or whole territory of another state, are considered international armed conflicts, and specific rules governing these situations exist in treaty and custom. The existence of an armed conflict—and related applicability of international humanitarian law rules—may not always be clear from the outset (especially for NIACs), but **some institutions map the possible existence of conflicts around the world.**

Terminology: How ‘Armed Conflict’ Differs from ‘War’

International humanitarian law applies from the start of any “armed conflict.” This is a legal term, distinct but not mutually exclusive from other political terms such as “war.” The outbreak of a “war” may be used in a political sense (e.g., a “civil war,” the “war on drugs,” or the “war on terrorism”) but may or may not include an armed conflict and, therefore, determine whether international humanitarian law applies or not. **Legal criteria exist** to determine whether or not an armed conflict exists:

- An **international armed conflict** is triggered by the use of armed force between sovereign states (in theory, even a single shot across borders could meet the definition).

- The existence of a **non-international armed conflict** depends on the protraction and intensity of violence and the organizational structure of the armed group(s) involved.

Not All Laws Apply to All States

Under international law, states are only bound by the laws to which they have agreed, usually through ratification of treaties (signing and implementing in domestic law) or through customary international law. The **UN Treaty Database**, the **ICRC IHL Database**, and other online resources contain lists and information on which states have ratified which treaties.

Parties to an armed conflict are bound by:

- Treaty law
 - Which is only binding on the states that have ratified the treaty in question.
 - International humanitarian law treaties, such as the **Four Geneva Conventions of 1949**, which have been ratified by every recognized state (but which lack detailed provisions regarding certain rules, including those applicable to non-international armed conflicts) and their **Additional Protocols of 1977** (which have not been ratified by all states, including the US, Pakistan, and Iran).
 - International criminal law treaties, such as the **Rome Statute of the International Criminal Court**, which has been ratified by **123 states**. Some notable states that have not ratified this statute include the US, China, Israel, Russia, Ukraine, and Yemen (see “war crimes courts” below).

- International human rights law treaties, such as the **International Covenant on Civil and Political Rights**, **International Covenant on Economic, Cultural and Social Rights**, the **European Convention on Human Rights**, the **Inter-American Convention on Human Rights**, and the **African Charter on Human and Peoples' Rights**.
- **Customary international law**
 - Which refers to laws derived from the practice of states and their acceptance as law, even though they may not be written down in treaties ratified by that state
 - All parties to an armed conflict are bound by customary international law, including **non-state armed groups**.
 - For example, even though some states have not ratified Additional Protocol I of the Geneva Conventions, which includes the rule that civilians may not be targeted (**Article 48**), this rule is still considered customary international law binding on all parties to an armed conflict.
 - Customary law can be difficult to determine, however. **The ICRC customary international law database**, while not a legal source in and of itself, is a good reference to understand which rules may exist as customary international law in armed conflict.

The legality of starting an armed conflict is governed by **separate rules of international law** (laws on the use of force between states). But how or why a conflict started *does not* affect the rules that apply in armed conflict. In short, the same international humanitarian laws apply whether an armed conflict was started illegally or not.



The International Criminal Court in The Hague, Netherlands. Image: Shutterstock

Rules of War

Detailed rules exist to regulate the conduct of hostilities under international humanitarian law, as well as to afford protections to those not or no longer taking part in hostilities (for example, those in detention, the sick, and the wounded). The rules laid out below are indicative of some of the main principles and protections under international humanitarian law, but they are not exhaustive.

Conduct of Hostilities

Two fundamental rules applicable to the conduct of hostilities are the principle of distinction and the principle of proportionality.

1. Distinction

The principle of **distinction** dictates that parties to an armed conflict must always distinguish between civilians and those taking part in hostilities (including combatants), as well as between civilian objects and infrastructure and military objectives. Only military objectives and those taking part in hostilities may be lawfully targeted for attack.

Who may be targeted? In terms of persons, only **combatants** and those taking a **direct part in hostilities** are lawful targets. However, civilians killed or harmed are not necessarily the result of an unlawful attack, if all the rules of targeting were respected.

What may be targeted? **Military objectives** include anything that effectively contributes to the military effort by their location, purpose, or use, and whose partial or total destruction would offer a definite military advantage in the circumstances at the time. Objects which are civilian by nature (e.g., civilian buildings, bridges, roads) may therefore become military objectives depending on the circumstances, for example, if they are used to house or transport military equipment. Nevertheless, both sides to the conflict have an obligation to avoid the military use of certain civilian objects, especially medical facilities (see the section below on protected emblems and perfidy).

If any doubt exists about whether a person or an object is military or civilian, they are presumed to be civilian and prohibited from attack.

Under international humanitarian law, the **term “combatant” has a specific legal definition**, meaning all members of a state’s armed forces (excluding medical and religious personnel). Combatants are considered military objectives and, thus, can be lawfully targeted, unless they are *hors de combat* (for example, they are wounded, sick, or have surrendered) and are entitled to “prisoner of war” status if captured by the enemy.



Bosnian and Croatian prisoners of war at the prison camp in Manjača, Bosnia, 1992. All sides of the Bosnian conflict ran prison camps, where many people were killed and several commanders were later indicted for war crimes. Image: Courtesy of Ron Haviv, VII

Under international humanitarian law, anyone who is not a combatant is legally considered a “civilian.” However, civilians may lose their legal

protection from attack if they **take a direct part in hostilities**, although the details of when and for how long they lose this protection are sometimes contested. Members of organized non-state armed groups participating in hostilities may be considered to have lost their protection from attack for the duration of their membership in that armed group. Terms like “fighter” or “continuous combat function” are sometimes used to denote members of these armed groups.

Whatever their actions, both combatants and civilians can never lose all the protections afforded to them under international law, for example, the **right to humane treatment**.

2. Proportionality

The principle of proportionality dictates that an attack is unlawful if it will cause civilian harm that is much greater than the direct military advantage anticipated from the attack. For example, bombing a low-value objective, such as an empty military truck, in a busy marketplace, thus killing many civilians, would probably fail the proportionality test.

On the other hand, an attack that causes injury or death to civilians or damage to civilian infrastructure may not be unlawful if the anticipated military advantage is greater than the amount of civilian harm (which is sometimes referred to as “collateral damage” or “incidental harm”). Thus, not all civilian deaths constitute war crimes or violations of international humanitarian law. The proportionality principle depends on what was known at the time of the decision-making and the attack, and is not assessed by evidence that may become clear after the fact. Furthermore, it is based on a balance between humanity and military necessity, for which there is no exact calculation. This can make it particularly difficult to assess compliance.

Precautions in Attack

Deciding whether or not an attack is lawful under international humanitarian law (i.e., whether it respects the principles of distinction and proportionality) requires those planning and carrying out military operations to take **feasible precautions when attacking**. This includes exercising constant care to spare civilians during military operations, verifying that the objective is military not civilian, canceling or suspending the attack if the force used will be indiscriminate or disproportionate, and providing warnings in attack when appropriate.

The obligation on precautions also applies to **protecting civilians and civilian objects against the effects of attack**, for example, by choosing not to station military equipment or personnel in densely populated areas.

Weapons

International humanitarian law further regulates the means and methods of warfare, including the types of weapons that may or may not be used. This includes weapons that, by their nature, are indiscriminate — if they cannot distinguish between lawful and unlawful targets — and those that would cause superfluous injury or unnecessary suffering. **Certain weapons are further prohibited or regulated under certain treaties** (e.g., biological and chemical weapons, land mines, expanding bullets).



Roughly four to six million unexploded land mines were left over after nearly three decades of civil war in Cambodia, and the country still experiences dozens of casualties every year from the munitions. Image: Shutterstock

Other Protections Under International Humanitarian Law

International humanitarian law also provides protections for those who are not or are no longer taking part in hostilities. Some of these are summarized here.

- **Treatment of those in custody**

Anyone not or no longer taking part in hostilities must be treated humanely in all cases, including being protected from torture or inhuman and degrading treatment. **Civilians detained for reasons related to the armed conflict** are entitled to specific judicial guarantees in international armed conflicts. **Prisoners of war** — a status that only exists in international

armed conflicts — are entitled to specific protections detailed in the **Third Geneva Convention of 1949**, including entitlement to judicial guarantees, protection from serving in the forces of the hostile power, and rules related to their communication with the outside world.

- **Occupation**

Specific rules exist under international humanitarian law **governing occupation**, which is always supposed to be temporary in nature. These laws include **details about the governing of the territories as well as prohibitions on forcible displacements and collective punishments**. Furthermore, occupying powers will most likely have international human rights law obligations with regard to those under their control.

- **Misuse of Protected Emblems**



Mama Bona, an International Committee of the Red Cross volunteer at a food distribution in Sake, Democratic Republic of the Congo, 2009. She has taken care of orphaned and unaccompanied children since 1992. She has four Rwandan orphans and is in charge of overseeing other foster families. Image: Courtesy of Ron Haviv, VII

International humanitarian law provides for enhanced protection in certain cases, including for the use of the **red cross, red crescent, and red crystal emblems**. The protected use of these emblems is crucial for the respect of humanitarian rules in armed conflict. Parties to a conflict must trust that no one, including their adversaries, is misusing the emblems in order to maintain their significance of neutrality and protection. Misrepresenting any civilian or protected status, including these emblems, is a violation of international humanitarian law. Committing perfidy, namely **using these protections in order to kill, injure, or capture, constitutes a war crime**.

War Crimes

International humanitarian law principally deals with the responsibility of parties to a conflict, such as states and non-state armed groups. The term “**war crimes**” refers to a subset of serious violations of international humanitarian law that lead to individual criminal responsibility. But it’s important to recognize that not all violations of law in war are war crimes. Likewise, not all civilian deaths constitute war crimes or violations of international law.

Violations of the principles of distinction and proportionality **constitute war crimes**, as do torture and inhuman treatment of those in custody or perfidious use of protected emblems. The Rome Statute of the International Criminal Court (ICC) contains a list of war crimes in international and non-international armed conflict. Despite the fact that not all states have ratified the Rome Statute, the war crimes listed within are generally considered to represent the customary international understanding of the term.

States have an obligation to investigate war crimes committed by their armed forces and nationals, as well as those committed within their territory and/or jurisdiction, and if appropriate, prosecute the suspects. They may also choose to investigate and prosecute any war crime, regardless of where and by whom it was committed, a principle known as “universal jurisdiction.”

Genocide and Crimes Against Humanity

Genocide and crimes against humanity are two other forms of international crimes, which were also **concepts that emerged following the Second World War** to prosecute the international crimes committed in previous years. Both are now codified within the Rome Statute of the International Criminal Court. The **1948 Genocide Convention** is also considered customary international law binding on all states. Note: genocide and crimes against humanity have **different criminal elements than war crimes**, which are explained as follows:

- Crimes against humanity must be committed as part of a “widespread or systematic attack.”
- Genocide must be committed “with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group.”
- Genocide and crimes against humanity can be committed in or outside of armed conflict.

Both these international crimes are usually committed on a large scale, unlike war crimes which can be committed in individual instances. Identifying the existence of crimes against humanity or genocide therefore requires identifying the pattern, intent, and scale of these crimes. War crimes are sometimes part of genocide or crimes against humanity.



A view of Auschwitz is seen through the “Arbeit Macht Frei” sign on the main gate of the camp as the first visitors arrive in the morning, in Oswiecim, Poland, 2009. This photograph was taken less than a week before it was stolen. The sign has since been returned and is currently being restored at the Auschwitz conservation laboratory. Image: Courtesy of Maciek Nabrdalik, VII

Other Violations

War crimes are not the only violations of international humanitarian law which lead to serious consequences. Other violations, such as the **failure to take precautions in attack**, may lead to loss of life or serious injury to civilians and/or civilian property, even though one individual person may not be criminally responsible for the act. Misusing the protecting emblems can constitute a war crime if it is done perfidiously, but in all cases, it also constitutes a violation of international humanitarian law and can have serious consequences if it undermines trust in medical and humanitarian objects and personnel. States have an **obligation to investigate and suppress these possible violations**.

‘Alleged’ or ‘Possible’: Determining the Existence of a War Crime or Violation

Journalists should bear in mind that their investigations will rarely be able to prove the existence of violations of international law by themselves.

When observing or reporting on an incident, it usually won't be possible to establish the existence of a war crime. All individuals, including those accused of war crimes, have the right to a fair trial and the presumption of innocence (or an equivalent right in domestic legislation). For this reason, a war crime or other violation of humanitarian law may only be established by a court after an effective investigation and a trial have been carried out. When reporting on acts that may constitute war crimes, it is legally accurate to report on “alleged” or “possible” war crimes.

In most cases, establishing the existence of a violation of international humanitarian law will also require information that is internal to military or state institutions. For example, this could include contemporaneous accounts and knowledge about the attack, what intelligence was used, what the actual target was, how the expected civilian harm was calculated and balanced to the anticipated direct military advantage, and what feasible precautions were taken.

States have the primary obligation to conduct investigations into possible violations. When they fail to effectively investigate, other bodies may step in, including international bodies such as the International Criminal Court or UN agencies. Civil society, including journalists and human rights organizations, can have an important role to play in **raising awareness about possible or alleged violations**, as well as calling out states on their failure to investigate them. Understanding the law and pointing out possible violations can be a powerful call to action. In many cases, these non-state investigative efforts may lead to eventual accountability. Nevertheless, journalists should bear in mind that their investigations will rarely be able

to prove the existence of violations of international law by themselves, and efforts should be made not to compromise potential future investigations.

Command Responsibility

The concept of command responsibility is a unique concept under international law which can lead to commanders being held directly responsible for the acts of their subordinates. Under international criminal law, this can extend to civilian superiors (not only military commanders). There are two forms of such responsibility:

- Command responsibility for **ordering their subordinates to commit war crimes**;
- Command responsibility for **failing to prevent, repress, or report war crimes** (e.g., failing to investigate and prosecute war criminals under their command).

This concept has been examined in detail by international criminal tribunals. There are various legal elements to the concept that must be met, including that the commander “knew or should have known” about the war crimes, and that they did not take the “necessary and reasonable” measures within their power to act.

War Crimes — and Other — Courts



The courtroom at the International Criminal Tribunal for the former Yugoslavia, a body of the United Nations established to prosecute the war crimes committed during the Yugoslav Wars and try their perpetrators. The tribunal was an ad hoc court located in The Hague, Netherlands. Image: Courtesy of Ron Haviv, VII

War crimes can be prosecuted in **different courts** at the domestic and international level, depending on which treaties have been signed by the states in question and the political will of the states within which perpetrators find themselves:

- The most effective prosecution route will usually be in domestic courts (e.g., **prosecution of Syrian war criminals in Germany** and **The Netherlands**) as all states will have legislation to prosecute war crimes, although not many states will prosecute

war crimes committed outside their territory (i.e., exercising “universal jurisdiction”).

- The International Criminal Court does not have jurisdiction over all international crimes around the world. It can only prosecute war crimes, genocide, and crimes against humanity in certain circumstances, including:
 - Alleged perpetrators who are nationals of one of the 123 states party to the Rome Statute.
 - Alleged crimes committed in the territory of states party to the Rome Statute of the Court (e.g., in the case of crimes against the Rohingya in Bangladesh).
 - States that choose to accept the Court’s jurisdiction (e.g., in the case of Ukraine).
 - Referrals from the UN Security Council (e.g., Darfur and Libya).
 - The ICC gives preference to domestic prosecution of international crimes and will only step in if a state is unable or unwilling to genuinely carry out proceedings against alleged perpetrators.
- The International Court of Justice does not prosecute individuals. It is a court to settle disputes between states and may also issue advisory opinions on matters of international law. It may find a state responsible for violations of their obligations under international law (e.g., the duty to prevent and punish genocide).

Various *ad hoc* or hybrid tribunals have been set up in transition periods following certain conflicts to prosecute international crimes committed

during that conflict. Some examples of this are the Nuremberg and Tokyo Tribunals following the Second World War, the *ad hoc* tribunals set up in the former Yugoslavia and Rwanda, and hybrid tribunals set up in Cambodia, Sierra Leone, Lebanon, and East Timor.

2

ATTACKS ON CIVILIANS

by Maggie Michael | Photography by Ron Haviv, John Stanmeyer



Harush Ziberi, a Muslim man, begs for his life from the Serbian paramilitary unit known as the Tigers during the first battle of the war in Bosnia in 1992. He was later thrown from a window during an interrogation and eventually found dead in a mass grave. Image: Courtesy of Ron Haviv, VII

Editor's Note: The end of this chapter also features a Special Focus interview by Olivier Holmeyer with visual investigations journalist Azmat Khan, on The New York Times exposé on civilian casualties from US drone strikes.

Journalists are key witnesses to atrocities committed against civilians. Without their eyes and presence on the ground, the barbarity of wars would probably go unnoticed.

Nailing down who did what to whom, where, when, and how are the basic questions journalists would naturally ask. This is true whether one is covering international armed conflicts, where more than one state is involved, or non-international conflicts like civil wars, which can both result in deaths or injuries of civilians and displacement and destruction of infrastructure or medical facilities.

Hindering humanitarian aid, either by looting or blocking access to affected areas and misinformation campaigns — which impact people's abilities to make sound judgments, putting their lives at risk — **can also cause great suffering to civilians**.

Nevertheless, it's important to understand that, in war, acts that cause harm to civilians or their property are not always unlawful. In order to understand whether or not a war crime or other violation of international law may have been committed against civilians, it will be necessary to establish as much detail as possible about the context and circumstances. The obligation on parties to a conflict to **distinguish at all times between civilians and combatants** is one of the most fundamental rules of international humanitarian law (also known as the laws of armed conflict or the laws of war). Purposefully targeting civilians or civilian objects does constitute a war crime. However, civilian harm resulting from attacks is not necessarily unlawful if it respects the principle of proportionality (see the section in the chapter What Is Legal in War on distinction and proportionality).

Violating either of the principles of **proportionality** or **distinction** constitute war crimes. Some other **specific war crimes against civilians** include (but are not limited to):

- Torture or inhuman treatment
- Unlawful deportation or transfer or unlawful confinement
- Taking of hostages
- Transfer of civilian population into occupied territory, or deportation of the population of the occupied territory
- Pillaging
- Use of prohibited weapons
- Rape and other sexual violence
- Use of human shields
- Using starvation as a method of warfare
- Recruiting child soldiers

In some cases, for example sexual violence or torture, it will be more obvious that these are unlawful acts, as such acts are always prohibited, even against combatants. However, when coming across the scene of possible unlawful attacks against civilians or civilian property or infrastructure, some of the questions that will need to be asked include the following:

- Was the victim a civilian? Were they possibly taking a direct part in hostilities?
- Was the property or infrastructure destroyed a civilian or military objective? (Did it have a possible military use?)
- Were these people/property the target of the attack? Or was the harm a consequence of targeting something or someone else (e.g., was there a military objective or combatant nearby)?
- What did the attacker know/think they know about the target at the time of attack?

Even with this information it may not always be possible to determine the legality of an act, but answering these questions can begin pointing towards the answers.



Ukrainians flee as the Russian military advances into Irpin, Ukraine, 2022. Image: Courtesy of Ron Haviv, VII

Tips and Tools

Before embarking on this journey of fact-finding, investigating, and collecting evidence, journalists need a deep understanding of the facts. There is nothing more important than being fully informed about the geography and landscape, the population under attack, the perpetrators, the political, cultural, and religious dynamics, the historical background of the conflict, and how it has unfolded.

Background Research

Such extensive research is required before conducting deep, months-long investigations into attacks against civilians in order to protect journalists from being manipulated by misleading narratives and propaganda. It can also boost confidence before a journalist even sets foot in the conflict zone.

One of the main sources of research are think tanks, like those on this **George Washington University list of top think tanks in the Middle East and North Africa**. Research centers like the **International Crisis Group**, in addition to the **UN Panel of Experts**, and rights groups like **Amnesty International** are always informative. Previous work done by UN human rights investigators is also important, such as work by those affiliated with the **Office of the High Commission of Human Rights**.

As always, journalists should do a full search of previous work on the conflict. A look at a news database like **LexisNexis** can help identify the best investigations.

This initial research should arm a reporter with a list of questions about the movers and shakers, profiteers, external and internal forces, front lines, composition of the impacted populations, resources at stake, and more. This will give journalists guidance on which experts to seek out. Journalists not only need experts' insights but also their unanswered questions, which may provide new leads in one's own research.



More than 600 Rohingya refugees cross the Naf River, fleeing Myanmar to arrive on homemade rafts at Shah Porir Island, Bangladesh. Image: Courtesy of John Stanmeyer, VII

Interviews with Witnesses and Victims

In order to prove victims are civilians, journalists need to look for documents that verify identity, and records that show educational background and career history. Journalists can also collect testimonies from local municipal officials, tribal leaders, and neighbors. The families of the victims may keep copies of documents like graduation certificates, or invoices or receipts that show payment of salaries (if employees) or the source of income (if running private businesses) around the same time as the attack. The collection of such evidence or testimony, along with the corresponding paper trail, would give enough answers to whether the victim was part of the conflict.

As for whether properties that came under attack were for civilian use, parties of the conflict (especially if involving legitimate or government

entities) should have what is known as a “no-target” list, which includes all civilian properties that participants in the war must avoid. Journalists documenting war crimes should reach out to sources at the ministries of defense, sometimes to the UN bodies, and other international organizations to obtain a copy of this list in order to check and compare what came under attack and establish without doubt which sites had no military value.

In some situations, properties on the no-target list can be occupied or taken over by parties of the conflict, similar to soldiers or fighters using human shields. In those situations, witness accounts, especially those living in the same vicinity, are key to establishing whether military forces were present at the site during the time of the attack. On many occasions, civilians would possess footage of suspicious activity in buildings near them. It’s worth checking neighbors if they have any visual evidence of whether armed groups are using nearby buildings for military purposes.

Interviews with Former Combatants or Insiders

In other situations, gaining insights from insiders who are former members of armed groups or defectors could also serve as additional evidence. Speaking to these insiders — those connected to, or with direct knowledge of, any of the parties of the conflict — should be a top priority of any investigation. However, investigators must be wary of approaching insiders and always consider: What is the motive this source has for coming forward with information?

Also recognize that there are different types of insiders: those forced to join perpetrators against their will; those who believe that the benefits of cooperating outweighs the harm; and those who freely joined the perpetrators, and later repented.

Questions to these insiders could include: What was the motive or intent behind an attack or certain act? For example, were they targeting a specific

combatant or military objective in the area or were they intending to target civilians and their property? It is also helpful to try to establish what information the parties to the conflict had at the time of the attack, such as the intelligence about the nature of the buildings or the presence of combatants in the areas. Were they aware of the presence of civilian buildings or people? Both of these elements — intent and information available to the parties — are crucial to establishing the legality of certain acts in armed conflict. They can help to point towards establishing — or disproving — war crimes against civilians.

Breaching the Language Barrier

Language can be a major barrier for journalists working internationally. It's essential to give time, effort, and if possible a special budget to find a reliable, independent, and previously tested translator. Also important: a backup, such as a colleague or an independent researcher who can cross-reference your translations. Translators' impartiality is something journalists must not overlook. As many journalists do, asking one question several times in different ways provides a way to verify the accuracy of a translation.

Preparing for Traumatic Conversations

The cornerstone of any investigation into human costs of war is civilian testimony. Be prepared, as these civilians may be seriously impacted by the death of a family member, injury, various assaults including rape, psychological trauma, displacement, or loss of property. Journalists might get overwhelmed by the task of sitting with shattered souls to get their accounts for fear of retraumatizing them. (For more on this topic, see the chapter on Interviewing Victims and Survivors.)

Victims or witnesses often open up only after a second or a third interview. And while journalists need to collect as much testimony as possible,

conducting several interviews with one person may be difficult. However, journalists can also do initial interviews with victims to determine which ones would be the most important because they are direct witnesses, most affected, or have relatives or friends who support opposing forces in the conflict and who can provide more inside information about the attacks themselves.

Keeping a written timeline also helps journalists to understand the sequence of events and will lead to further questions which can fill in the gaps of information. Collecting names, contacts, and pictures of the interviewees is essential.



A counselor, Sifa Muhima, 47, (right) speaks with a rape victim at a “maison d’ecoute,” also known as a listening house, in the Democratic Republic of the Congo. These houses provide victims immediate medical care and support counseling after being raped. Image: Courtesy of Ron Haviv/VII

Cellphones Are Gold Mines

Cellphones are a treasure of data for journalists, and getting access to a victim or witness's phone can be indispensable. Once the victim starts to open up and share their stories, journalists should always ask them to "show me" whatever can support the victims' account. Social media platforms, especially WhatsApp, Telegram, or most other chat apps can show the last moments of conversations before an attack. They can also provide a definitive answer to whom the victim was communicating with, the content of any discussions, movement, actions, and everything else that would indicate a victim's status in the armed conflict around the same time of the attack.

In addition, journalists can ask victims to consent to share screenshots, pictures, or videos from their phones, including contacts of other victims, or sources who might have inside information or documents needed for the investigation. It's important to check dates, locations, and to ask questions about the context of the photos so that they can later be cross-checked with locations and dates gathered during the course of the investigation. Reporters always need to carry copies of written consent forms for owners of the material to give journalists permission to publish.

Collecting Physical Evidence and Military Materiel

As many rights activists and experts have done in past decades, collecting shrapnel, spent ordnance, or other evidence of weapons and armaments is a crucial element in verifying the basic information about an attack. Marks or writings on this battlefield detritus can be examined by experts to determine the origins.

This kind of evidence paves the way for future investigation into the countries that exported the weapons to the attacking party. In addition to victims and insiders, look for accounts from other sources: medical teams, relief workers, lawyers, tribal leaders, local officials, drivers, and school

teachers, all of whom can add depth and open up pathways for further investigations.

Getting coordinates, locations, maps, and accurate descriptions of the sites of attacks on civilians is important for seeking verification and documentation through satellite imagery or other geolocation techniques.

Case Studies

US Drone Strikes Killing Yemeni Civilians

What does it take to prove that a victim of a US drone strike is a civilian and not an al-Qaida militant? Hundreds of documents, pictures, chat messages, and Ids. This is what the Associated Press team collected in Yemen in 2018 to disprove US claims that its airstrikes had only killed al-Qaida militants in the region. AP's investigation, in fact, found that **one-third of all deaths in that year's drone campaign were civilians**.

In Yemen, a race to save a boy from al-Qaida and a US drone

By MAGGIE MICHAEL and MAAD AL-ZIKRY November 14, 2018



A months-long AP investigation in 2018 debunked US military claims that its drone airstrikes had only killed al-Qaida militants in Yemen. Instead, the AP found that one-third of all airstrike victims were civilians. Image: Screenshot, Associated Press

The investigation covered a large geographical area across southern, eastern, and central Yemen where al-Qaida was active and where the drones were flying overhead.

The first step involved collecting all of the dates and locations of the strikes provided by a Pentagon source. Then all incidents were checked, a list was compiled of strike sites, and local human rights activists, doctors, tribal leaders, security, and government officials in the targeted areas were identified.

The third step was conducting thorough interviews with people close to the victims to piece together their profiles to prove that they lived civilian lives

and had no record of terrorism. The interviews aimed at answering key questions, such as: the proximity of the victims to the site of the strike, why the victim was at that specific location, who else witnessed the strike, was there any indication or sign that al-Qaida militants were nearby, et cetera.

Families of the victims have called upon human rights groups to further investigate these drone strikes, to no avail.

Myanmar Military's Ethnic Violence Against the Rohingya

In a powerful investigation published in February 2018, Reuters exposed ethnic violence and massacres of Rohingya in its story, **How Myanmar Forces Burned, Looted, and Killed in a Remote Village**. The piece won the Pulitzer Prize for international reporting in 2019 and resulted in two Reuters reporters being arrested and jailed. (The pair were ultimately freed in 2019 **after spending more than 500 days in prison**.)

The investigation focused on a single village in northern Rakhine state targeted by ethnic violence. It was the first time the massacre was pieced together from accounts of perpetrators. In previous coverage of the Myanmar genocide, only victims had spoken about the crimes committed against the Rohingya minority.

Notably, Reuters got sources with inside information to speak with them. Buddhist villagers, members of the paramilitary police, and security personnel who participated in the killings all spoke to reporters. Using photos of the massacre itself, Reuters was able to obtain indisputable evidence of the event.

The story noted that three photos provided by a Buddhist villager “**capture key moments in the massacre at Inn Din**, from the Rohingya men’s detention by soldiers in the early evening of Sept. 1 to their execution shortly after 10 a.m. on Sept. 2.” Other photos showed captives lined up in a row and men’s bodies in a grave.

Visiting the site of the massacre, taking pictures there, and showing them to forensic experts were also key elements of the investigation. They all “observed human remains.”

The Myanmar military told Reuters that its “clearance operations” in the region were legitimate, but the story noted “the United Nations has said the army may have committed genocide; the United States has called the action ethnic cleansing.”

Russian Siege of Ukraine’s Mariupol

In its eye-opening visual documentation of the Russian siege titled **20 Days in Mariupol**, an Associated Press team was the only international media left in the Ukrainian city in the spring of 2022. It spent weeks exposing Russian attacks on civilians that have been alleged as war crimes, after invading forces cut off the city from the outside world, effectively imposing a media blackout. After nearly three weeks in the besieged city, the **AP team had to be rushed out of Mariupol, upon learning that Russian soldiers were reportedly targeting them.**

The AP’s important work also exposed the Russian government’s disinformation campaigns by providing a first-hand account of the attacks committed against civilians. Shocking AP footage of a maternity hospital under assault — and a pregnant woman rushing out from the building — prompted the **Russian Embassy in London to try to dismiss the shocking photos as fake.** To counter the propaganda, AP reporters went back and found the woman and proved that she was pregnant as she gave birth to her baby.

“With no information coming out of a city, no pictures of demolished buildings and dying children, the Russian forces could do whatever they wanted. If not for us, there would be nothing,” said Mstyslav Chernov, the AP videographer who, with his colleagues, **won a Sundance Audience**

Award after their reporting was turned into a 90-minute documentary. “I have never, ever felt that breaking the silence was so important,” he added.

Killing of a Palestinian-American Journalist

After the shooting death of Palestinian-American Al Jazeera correspondent Shireen Abu Akleh in the West Bank, several media organizations launched investigations to understand what really happened.

The New York Times was among the media organizations that went beyond gathering official statements and testimonies of witnesses, including Abu Akleh’s colleagues who were at the site of the shooting. Notably, the team also conducted detailed forensic examinations of user-generated videos posted on TikTok and other social media to look for clues **to reconstruct what happened**.

The Times concluded that Abu Akleh was killed by a bullet fired from the same location as an Israeli convoy that was raiding a nearby refugee camp in Jenin at the same time. “Most likely by a soldier from an elite unit,” the investigation concluded.

The investigation also ruled out the theory, initially promoted by Israeli officials, that Palestinian gunmen were behind the shooting, based on the distance and positioning between the gunmen and Abu Akleh’s location.

One of the most important tools used by The Times was expert audio analysis of the sound of the gunfire recorded in these user-generated videos. “Measuring the microseconds between the sound of each bullet leaving the gun barrel and the time it passed the cameras’ microphones, they were able to calculate the distance between the gun and the microphones,” The Times explained. “They also considered the air temperature that morning and the type of the bullet most commonly used by both the Israelis and the Palestinians.”

Special Focus: Civilian Casualties from US Military Drone Attacks

Interview of Azmat Khan, by Olivier Holmey



*Azmat Khan, a Pulitzer-Prize winning member of The New York Times visual investigations team.
Image: Courtesy of Khan*

When, in early 2018, Azmat Khan visited western Mosul in Iraq, the destruction was so extensive that all the residents had moved away—and the reporter found few people to interview. Only on subsequent visits, once some of the population had returned, was Khan able to collect testimonies that helped establish that drone attacks had killed civilians in the area in

greater numbers than what the US-led coalition fighting Islamic State of Iraq and Syria (ISIS) had claimed.

Khan has led extensive investigations into the civilian casualties of US remote warfare in Iraq, Syria, and Afghanistan — most notably for two New York Times reports, **The Uncounted** and **The Civilian Casualty Files**. On-the-ground reporting is at the heart of her work — and it typically requires multiple visits.

“Khan has also relied on classified US military files and open source reporting tools. “We can do some things from a distance,” she says, “but it is my view that going on the ground allows you to reach a higher bar of investigation. All too often, reporting from a distance can flatten people.”

To make sure those she encounters answer her questions as candidly as possible, Khan says that she does not give advance notice of her visits. She also avoids asking leading questions. On one occasion, an eyewitness spontaneously brought up the fact that a man in a wheelchair was in a house that was struck, which matched a piece of information that had come up during her research, thereby confirming his reliability as an interviewee.

Khan has relied on a variety of sources — some of them unlikely ones. She says that ISIS propaganda videos turned out to be surprisingly reliable when it came to footage of civilian casualties. Meanwhile, the US government’s own YouTube posts about coalition airstrikes helped her date and geolocate attacks that the US was simultaneously denying. In Iraq, she was able to consult death certificates to confirm casualties. But in remote parts of Afghanistan, she found that she had to study tombstones instead, as official death notices were not available.

Determining who counts as a civilian among the casualties can be tricky, she notes. Her own definition did not include the family members of ISIS fighters — a decision she made because she was not able to gather

information about those individuals, but which she acknowledges likely means that she undercounted civilian casualties.

3

CONFLICT-RELATED SEXUAL VIOLENCE

by Christina Lamb | Photography by Ron Haviv, Ali Arkady



Two Yazidi teenage girls reunited in a camp for displaced people near the city of Zakho in northern Iraq. Both were captured by ISIS extremists, repeatedly raped, and forced to convert to Islam before ultimately escaping. Khanke, Iraq, 2015. Image: Courtesy of; Ali Arkady, VIII

Editor's Note: The end of this chapter also features a Special Focus interview by Olivier Holmey with Congolese investigative journalist Ruth Omar, whose coverage, including this BBC documentary, has extensively examined the epidemic of sexual violence during the years of violent unrest and civil war in the Democratic Republic of the Congo.

There has always been sexual violence in war. From the Ancient Greeks, Romans, and Persians to the Spanish Civil War and the Second World War, from Guatemala's Civil War to the onslaught by ISIS across Iraq and Syria, and most recently Russian fighters in Ukraine, there is hardly a conflict where it hasn't happened.

Sometimes, this is random and opportunistic in the general chaos of war. But in recent years, we have increasingly seen it used as a weapon of war — where forces are encouraged or ordered by commanders to rape or abduct women and girls for religious, ethnic, or political reasons. Sexual violence not only targets women and girls, it is also used against men and boys — but the latter is rarely reported because it's even more taboo.

Sexual violence is endemic in conflict. It has been written about in classical literature, and portrayed in famous works of art such as Peter Paul Rubens' painting "The Rape of the Sabine Women." Yet until recently, it was hardly reported in the media, and is rarely prosecuted. Rape is the most neglected of war crimes — accountability for it is the exception, not the rule.

Defining Conflict-Related Sexual Violence (CRSV)

The term "conflict-related sexual violence," as **defined by the United Nations**, refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls, or boys that is directly or indirectly linked to a conflict.

One in three women worldwide will **experience physical or sexual violence in their lifetime** — a figure that is far higher in conflict settings where societal norms can quickly break down. According to the UN report **Conflict-Related Sexual Violence Against Women and Girls in South Sudan**, conflict-related sexual violence even occurs with and around camps of displaced people in South Sudan. Relatedly, as many as 73% of the

women and girls have been sexually assaulted, per a **Prevent Sexual Violence in Conflict Initiative policy paper** by the UK Government.

In the **most recent annual report** of the UN Secretary General's Special Representative, 49 parties, a majority of which were non-state actors, had been reported for conflict-related sexual violence in more than a dozen countries across the Middle East, Asia, Africa, and South America.

“Against the backdrop of ongoing political and security crises, compounded by trends of militarization and the proliferation of arms, sexual violence continued to be employed as a tactic of war, torture and terrorism,” the UN report concluded. “Civilians were disproportionately affected in settings in which actors pursued military interventions at the expense of political processes.”

However, that UN report was released before the 2022 Russian invasion of Ukraine, so it's possible that CRSV is even more widespread now.

It's important for journalists to understand that CRSV is **prohibited under international law**. Rape and sexual violence are **serious violations of international humanitarian law** and therefore can constitute war crimes, and since the 1990s, it has been recognized that sexual violence can form part of crimes against humanity and as a means of perpetrating genocide. **UN Resolution 1325 on Women, Peace and Security** was passed in 2000, calling on all member states to take action to curb CRSV — and also increase female participation in peacekeeping and conflict resolution as the two are related.

CRSV was first successfully prosecuted as a component of genocide in 1998 by the International Criminal Tribunal for Rwanda in the case of Taba mayor **Jean Paul Akayesu**. That trial found that the sexual violence perpetrated under his orders “was an integral part of the process of destruction, specifically targeting Tutsi women and specifically contributing

to their destruction and to the destruction of the Tutsi group as a whole.” However, as Bosnian sexual violence survivors could tell you, CRSV prohibition — and even the widespread reporting of it — does not translate into prevention or accountability.



Nusreta Sivac, a Bosnian judge, was one of 37 women who suffered nightly rapes by Bosnian Serb forces in the Omarska concentration camp in 1992. Image: Courtesy of Ron Haviv, VII

Indeed, the situation has worsened since then. The past decade has seen sexual violence used on a mass scale against Yazidis, the Rohingya people, women and girls in Nigeria, and people from Ethiopia’s Tigray region. Though there have been a few recent successes in domestic courts, and we have seen the innovative use of universal jurisdiction by German courts to **prosecute Iraqi abuse of Yazidis** and by Gambia to bring **Myanmar to the International Court of Justice**, prosecutions continue to be very rare, allowing impunity to flourish.

Why Does It Happen?

CRSV is brutal, deliberate, and intended to punish and/or humiliate individuals and their communities. It is usually perpetrated against civilians who are targeted because of their perceived or actual membership in ethnic, religious minority, or political groups and may follow a campaign to dehumanize them through propaganda. For example, in Rwanda, CRSV was accompanied by characterizations of the Tutsi minority as “cockroaches,” or in Russia where Ukrainians are defamed as Nazis.

It is very effective in clearing an enemy from the area — and cheap. As one militia member told me, perpetrating sexual violence was “cheaper than a Kalashnikov bullet.” CRSV can also be used as a tool to intimidate and punish political opponents’ family members and female human rights defenders.

Sometimes it is used to exact revenge by forces for what happened to their own people or from frustration after failing to achieve military objectives. Often it involves more than one perpetrator — gang rape. I have met victims ranging in age from four months to 83 years old.

As the International Tribunal on Rwanda recognized in the prosecution of Akayesu, it can be part of a strategy of genocide — to either wipe out another population by leaving the women infertile or to change a region’s ethnic balance by impregnating them.

Thousands of **children have been born of conflict-related rape**, and they are sometimes rejected by the mother since they can serve as a reminder of the worst day of her life. Apart from the emotional trauma, survivors can be left with sexually transmitted infections, including HIV. Some of those raped are so physically traumatized that they are rendered incontinent.

In addition, female victims of CRSV have been abandoned by husbands and families, outcast by their societies, and left destitute. As we said, it is

generally the victims who are left to pay the price, while few perpetrators are brought to justice.

Reporting on CRSV Is a Step Towards Accountability

In the past, perhaps because the majority of war correspondents were male, there has been little coverage of this topic. The right questions have not been asked, and even when there has been plenty of evidence, like after the Second World War, war crimes prosecutors have regarded rape as a side issue, somehow less important than torture or mass killing.

Often, the victims have been reluctant to come forward because of stigma. Rape is the one crime where the victims are often made to feel that they did something wrong and in many cases even today, such as girls taken by Boko Haram in Nigeria, those who do speak out can end up ostracized by their community.

Yet in the past 10 years, we have seen more and more media attention about the issue and increasing numbers of women coming forward. Many Yazidis spoke of their ordeal being forced into sex slavery by ISIS fighters. Numerous Rohingya women told of being gang-raped in their villages by Burmese soldiers. Afterwards, though, some of these victims became angry that they told their stories and nothing happened — and they felt used by journalists.

CRSV is no longer accepted as an inevitable side effect of war, thanks to the tireless work of journalists, civil society groups, and survivors themselves. But that hasn't stopped it. Only by reporting and making people aware of the horror and scale can we make a difference.

Tips and Tools

Sexual violence can be one of the most difficult subjects to report on. Reporters are asking survivors to recount the most painful and intimate

ordeal someone can experience. At the same time, local societal norms might make the victim feel that they will be shamed or excommunicated if they come forward. The low likelihood of prosecution might also make them reluctant to speak out. In Ukraine, for example, thousands of women have called the CRSV hotline, but only around 160 have lodged official reports.

It goes without saying that the last thing to do is ask the question “Anyone here been raped and speaks English?” which was reportedly posed by a British reporter to Belgian nuns and other European survivors of unrest in eastern Congo in the early 1960s as they disembarked from a US military plane. However in spring 2023, in a recently liberated village near Kyiv where rapes had been reported, I heard TV reporters asking: “Anyone know where there’s a victim?”

Sometimes, a conflict reporter will find themselves in a place where survivors are fleeing horror and some will want to talk and may even find some relief in doing so. But remember, these people can be psychologically and emotionally fragile, and making them relive their experience can retraumatize them or damage future legal proceedings. No one should be asked to talk about this unless they are willing. Nor is there any need to publicly name victims, though, very occasionally, some survivors want to be identified as they feel so strongly and have reported or gone to court. Informed consent is key.

Another section of this guide delves into how journalists should conduct such interviews, but I have spent a lot of time talking to survivors about CRSV, and they tell me they want to tell the stories the way they want, where they want, and how. And that it’s also very important who else is in the room at the time. “We had no control over what happened to us, but at least allow us the dignity of control over how we tell it,” one woman who had been assaulted told me.

Ask them about their lives and dreams, not just about the attack. “We don’t just want to be our trauma,” a young Yazidi girl said.

A good starting point for journalists researching this topic is the **Murad Code**, named after the brave Yazidi advocate and survivor Nadia Murad. It was specifically written for interviewing survivors of CRSV. The **Dart Center** also has useful guidelines and resources.

Telling stories with sensitivity and respect is possible: for example, this **CNN photo essay of Rohingya refugees** in a camp in Bangladesh preparing to give birth to babies conceived during rape is a powerful example of how you can convey tragedy, pain, and strength without showing faces.

Take care of yourself too. These are hard stories to listen to as well as to tell. And be mindful of the toll this kind of reporting has on your local partner, fixer, or translator, for whom it may be even harder if they are hearing about atrocities in their own country.

Sources

Where possible, it is better to go through trusted third parties working with survivors who can ask their clients if they wish to talk. These can be medical organizations such as the wonderful **Panzi Hospital** in eastern Democratic Republic of the Congo, counseling agencies such as **Medica Zenica** in Bosnia, or legal aid groups such as **Trial International**.

Often, first reports of atrocities might emerge internationally from big human rights organizations such as Amnesty International or Human Rights Watch, who can provide contacts on the ground.

Another best practice: Go local — find activists, **survivor networks**, women’s groups, and local lawyers or prosecutors. Some children of rape have formed support or activism groups. If people are trying to prosecute their perpetrator, it is much more likely that they will want to speak. I like

to have a psychologist working with the survivors sit in on interviews to make sure the process is not too overwhelming.

And bear in mind that some NGOs and UN workers have instead sadly taken advantage of the most vulnerable, or may have vested interests in hyping up a situation to get more attention. (There are also instances of aid workers jeopardizing investigations by telling survivors that they will receive more support for recounting abuse.)

War in Ukraine

The Russian invasion of Ukraine in late February 2022 shocked the world. As Russian soldiers subsequently pulled out of Bucha and Irpin, cities north of Kyiv that they had briefly occupied, journalists could enter. There, they found bodies in the streets and stories began to emerge of sheer horror.

Many involved rape, often of young girls and boys. “What we are seeing in Ukraine is a terrifying echo of the Red Army’s mass rapes committed in 1945,” said Antony Beevor, the British military historian. His acclaimed book, **“The Fall of Berlin,”** estimates that as many as two million women were raped by Soviet soldiers in the Second World War — not only Germans but also Poles, Hungarians, Serbs, Ukrainians, and even Soviet women.

Across Ukraine, similar tales of horror have emerged — so many that a special hotline set up by the Ombudsman for Human Rights took 1,500 calls within the first six weeks of the invasion last year and was having to operate 24 hours a day.

Ukraine President Volodymyr Zelenskyy spoke of the rapes in the same breath as torture and killing, unlike many male leaders who have tended to downplay its impact. A father of a teenage girl himself, he fought back tears as he visited Bucha and Irpin in April 2022, later saying, “Hundreds of

cases of rape have been recorded, including those of young girls and very young children. Even of a baby!”

In Fall 2022, the **UN Office of the High Commissioner for Human Rights issued an update on the ongoing war in Ukraine**. Covering a three-month period from August through October 2022, it included a summary of CRSV allegations. The report “documented 86 cases of CRSV against women, men, and girls, including rape, gang rape, forced nudity and forced public stripping, sexual torture and sexual abuse. The cases occurred in different regions of Ukraine and in a penitentiary facility in the Russian Federation.”

Many international organizations have sent missions to help investigate. Among them has been Karim Khan, chief prosecutor for the International Criminal Court, who has pledged to improve the court’s poor record on prosecuting sexual violence. Of note: Only one person has been successfully prosecuted for this war crime in 20 years.

“Ukraine is an opportunity — a dreadful opportunity,” Khan said in a **March 2023 Sunday Times interview**. “It represents an opportunity for us to succeed but also a risk because if we can’t show international justice can play a role here when the world seems on a precipice – we might as well be blowing hot air on a cold day.”

Also, notice the compelling use of detail in this **Sky News podcast**, including the following quote: “I remember very well the creak of the table where I was raped, the number of times — five, the smell in the room — smoked sausage mixed with alcohol and sex, the thunder of explosions and the names of books that were on the shelves in front of my face, I read them over and over again while they took turns raping me.

Case Studies

Abductions and Rape in the Democratic Republic of the Congo

Journalist Lauren Wolfe has written chilling accounts of the desperately poor village of Kavumu in the eastern part of the Democratic Republic of the Congo where children as young as 18 months were being mysteriously abducted from their homes and raped, often left irreparably damaged. Why was it happening and what action could they take?

Wolfe has spent years in conflict zones focusing on violence against women and you can [read more of her work](#). She offers great examples of how to cover these issues with sensitivity.



In 2005, members of Médecins Sans Frontières were operating a clinic in Irumu, eastern Democratic Republic of the Congo, that treated victims of rape, sexually transmitted diseases, and other issues related to sexual violence during that region's civil war. Image: Courtesy of Ron Haviv, VII

Sexual Slavery of Yazidis

This 2016 investigation by the Associated Press looked into how ISIS established a complex tech infrastructure to **engage in widespread human trafficking and sexual slavery of Yazidi women and girls**. (Men from these communities were shot while fleeing or killed in mass executions.) In 2021, **UN investigators ruled that ISIS had committed genocide against the Yazidis**, killing or kidnapping thousands of civilians.

The AP found that ISIS extremists in the far north section of Iraq used ads on the encrypted app Telegram to sell many of the 3,000-plus Yazidi women they captured in 2014. These women and girls, some as young as 12 years old, had been repeatedly raped by members of the terror group, who view the Yazidis as less than human because their religion combines elements of Islam, Christianity, and Zoroastrianism.



The hand of Jwan, 18, a Yazidi woman from Sinjar wearing a watch she stole from the home of an ISIS emir to aid her escape, after being captured and raped by ISIS militants. Khanke, Iraq, 2015. Image: Courtesy of Ali Arkady, VII

I also investigated Yazidi sexual slavery. In a 2020 report, I looked at one southern German state's efforts to **rescue female Yazidis and evacuate them out of Iraq and Syria**. In my reporting on the Special Quota Project, I documented its rescue of more than 1,100 formerly enslaved women and the nearly two-dozen secret shelters across Baden-Württemberg where the survivors have been housed. I was also able to interview several of these Yazidi women, who told me their harrowing experiences of abuse and the long-term psychological trauma that they continue to confront.

SPECIAL FOCUS: SEXUAL VIOLENCE IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Interview of Ruth Omar, by Olivier Holmey



Investigative journalist Ruth Omar. Image: Screenshot, LinkedIn

Ruth Omar has one piece of advice for interviewing victims of sexual violence: “Be human.” The freelance journalist, who has **reported for the BBC World Service** on the use of rape as a weapon of war in the Democratic Republic of the Congo, says she always makes sure her interviewees feel perfectly at ease in her company. “Think about what those

people are going through,” she recommends. “Doing interviews, I just listen to them, I let them feel comfortable.” Only then will they share their stories, she says.

Omar grew up and lives in Goma, the capital city of North Kivu, a region that has known conflict for decades. She says that sexual violence is widespread in the area, and not only because of the war between the government and rebel forces, including the M23 movement. “Sexual violence is not only connected to war,” she explains. “There are also social, economic, political, and historical dynamics connected to sexual violence. When one is reporting on sexual violence, one needs to draw these connections.”

“Reporting on sexual violence has always been a sensitive issue,” she continues. “It takes so much time to go about it carefully. It requires one to dig deep.”

She tells GIJN that NGOs are essential partners to her reporting. These have included Doctors Without Borders, the UN High Commissioner for Refugees, USAID, and the International Rescue Committee. Not only are these organizations able to introduce Omar to those who have endured sexual violence at the hands of rebel forces, but they are also able to reassure these individuals that they can trust her. NGOs also help keep her safe when she travels to potentially dangerous parts of the country.

Although her reports reveal heart-wrenching stories, Omar also always shines a light on the Congolese activists working hard to address these issues. Only by covering the solutions as well as the problems will readers trust the media and will society change for the better, she argues.

4

ENVIRONMENTAL AND PROPERTY DAMAGE

*by Wim Zwijnenburg | Photography by Christopher Morris,
Ed Kashi*



During the 1991 Desert Storm war, the retreating Iraqi military lit more than 600 Kuwaiti oil wells on fire to hinder the allied forces' advance, leading to an environmental catastrophe. The fires were all extinguished within 10 months. Image: Courtesy of Christopher Morris, VII

The wanton destruction and humanitarian suffering caused by wars and armed conflicts often echo long into the future. Beyond the direct impact on people's lives, armed conflict and its consequences also impact natural resources, livelihoods, and ecosystems.

These environmental aspects of armed conflict have long been understudied, and it's often referred to as the **"silent casualty"** of war. This lack of interest can largely be explained by limited research and the often hard-to-visualize damage to nature. As a result, devastating ecological and human health consequences have gone unrecorded — and have often not been accounted for.

There are few notable exceptions that have drawn international attention to the relationship between war and nature. The use of the toxic defoliant **Agent Orange** by the US military in Vietnam caused widespread damage to forests, exposed soldiers and civilians to dioxin, and left a deadly legacy of birth defects and other health consequences among Vietnamese people. In 1991, the retreating Iraqi Army set fire to more than 600 oil wells in Kuwait, causing **blackened skies** and a regional drop in temperature. The shocking images of hundreds of wells burning and a sun-blocked horizon became a wake-up call for the international community. And though the well fires were all extinguished within a few months, the long-term soil and water pollution took decades to clean up.



Nguyen Thi Ly, 9, who suffers from disabilities related to the use of Agent Orange by the US military, in her home in the Ngu Hanh Son district of Da Nang, Vietnam, 2010. Image: Courtesy of Ed Kashi, VII

The silver lining of these disasters was increased attention to the environmental dimensions of armed conflict. A 2001 United Nations General Assembly resolution declared November 6 as the **International Day for Preventing the Exploitation of the Environment in War and Armed Conflict** and provided a stepping stone for the UN Environment Programme (UNEP) to conduct work on **post-conflict environmental assessments**. Though helpful, these often came with financial limitations or time constraints, and the implementation of its recommendations remain complicated. Compilations like **Armed Conflict and Environmental Damage**, combined with **academic research**, provide a useful starting point to dissect the various causes and consequences and build better policy responses.

The Internet and Innovation of Conflict Analysis

The change in urgency to address the environment as an intrinsic part of conflict analysis took a turn in the early 2010s with the rise of smartphones and wider access to the internet. The abundance of videos, photos, and other information shared online has provided journalists, researchers, and civil society organizations with direct and timely access to data of conflict events. This has brought forth a new form of digital open source investigations that can help track down perpetrators of war crimes and human rights violations.

At the same time, there was a revolution in public access to remote sensing data from satellite systems, providing near real-time insights into armed conflicts. This also allowed academics and civil society organizations to use earth observation tools to identify and monitor changes in the natural environment in conflict-affected areas.

The environmental damage wrought by armed conflicts includes a wide spectrum of topics that now can be both qualitatively and quantitatively assessed through satellite imagery and social media tracking. This ranges from direct bombings of facilities storing hazardous chemicals such as industrial sites or oil refineries to wide-scale destruction of urban areas via explosive weapons. Beyond these direct impacts, there are often broader, environmental side effects, like the collapse of governance impacting waste management, increase of unregulated natural resource exploitation like deforestation or poaching, unsustainable practices such makeshift oil refining, and wider concerns over biodiversity loss.



Image: Environmental Armed Conflict Assessment Using Satellites: Fernando Mendez and István Valánszki, Journal of Environmental Geography, 13. 1–14. 10.2478 (2021)

With these new tools and methods also comes the ability to quantify the environmental loss and damage linked with armed conflicts. This data can be essential throughout the cycle of conflict.

First responders and humanitarian organizations can use the information during the conflict to prioritize support, while relevant authorities can apply this to conduct post-conflict environmental assessments for clean-up remediation and restoration efforts.

Lastly, there is a growing trend towards holding military actors, both states and non-state actors, accountable for the environmental damages, either through improving existing **legal practices** or through initiatives to develop new principles such as the crime of “**ecocide**” under the Rome Statute of the International Criminal Court. Beyond conflict-linked environmental damages, there are also numerous examples of researchers and journalists using open source reporting to track environmental crimes, such as **wildlife trafficking** and **unregulated artisanal mining practices**.

Analyzing the Impact of Conflict on the Environment

The first step in assessing the environmental impact of war involves verifying and safely storing any data. This means archiving all the imagery, footage, and social media content, which can be done through various means. One popular tool used by law-enforcement agencies as well as journalists is **Hunchly**, an app that captures your browser activity and archives the data in a tamper-proof way so it can be later used in judicial proceedings. There are also initiatives such as **Mnemonic**, which archives all the online data captured in an investigation, with examples from **Syria**, **Yemen**, and **Ukraine**.

Data on conflict-events can be found on a wide-range of social media, but which one will be relevant depends on the popularity of specific platforms per country. In Eastern Europe, Russia, and the Central Asian countries, for example, VKontakte and Telegram are more popular than TikTok, Twitter, and Instagram. But those latter sites are a better resource when investigating in east Asia and Europe. In many African countries, Facebook is an important social media platform. Each of these platforms present their own unique challenges in terms of collecting and verifying data. **Bellingcat** provides an excellent overview in its **Online Investigation Toolkit**, which guides users on what data can be found where.

Building a research base from existing datasets can be a useful way to begin mapping conflicts. The **Humanitarian Data Exchange** website contains a variety of relevant datasets provided by UN agencies and humanitarian groups that is an essential starting point, whether it's analyzing population, settlements, urban damage assessments, or access to water. The website also includes data from global conflict monitoring trackers such as **ACLED**, which uses open source information on bombing, airstrikes, and riots, that can be downloaded in raw formats and processed with geo-information tools like **QGIS**. Other open source alternatives with both free and paid options include **Liveuamap**, one of the first conflict tracking sites that

shaped reporting on the Syrian civil war and is now being used to monitor the Russian invasion of Ukraine. There are also regional monitoring sites that are often quite accurate, such as the [Rojava Information Centre](#) in northeast Syria, the [Counter Extremism Project](#) in central Syria, and conflict tracking projects from [Bellingcat](#) and the [Centre for Information Resilience](#) on Ukraine and Myanmar. Similar projects can be found in different geographical regions in the world.



Regional monitoring sites, like the Counter Extremism Project in Syria, can be useful resources for tracking environmental or property damage during wars or conflict. Image: Screenshot, Counter Extremism Project

Satellites: A Key Resource

There are many constellations of satellites orbiting earth with both optical (passive) and radar (active) sensors, capturing what is happening below them. From low-resolution data that is used for meteorological observation to very high-resolution imagery that can spot individuals, earth observation is a vital asset in the open source research toolkit. Luckily for researchers, a substantial amount of this data is free, either directly from the source such as NASA and its European equivalent, ESA, or provided by third-party online platforms. The following are a few helpful “eyes in the sky” tools

(for more detailed information, see the **GIJN overview on satellite imagery**).

- **Sentinel-Hub**: This platform hosts a wealth of free medium- to low-resolution (10–500 meter) satellite sensor data, including NASA’s Landsat imagery (with archives going back to the 1990s), ESA’s Sentinel constellations data, including MODIS, Sentinel-2/3 optical data, Sentinel-1 radar data, and Sentinel-5P atmospheric monitoring data. With a minimum of five-days orbit for Sentinel-2, there is also the opportunity to obtain up-to-date imagery. The latter is helpful in detecting pollution from large emitters. The platform also provides the option to buy high-resolution images (0.4–3 meter) from Airbus, Maxar, and Planet. The free Sentinel Playground version is limited but has some very useful options. The paid-tier Sentinel EO Browser offers access to all imagery and includes options for making time-lapse images, downloading raw data, buying high-resolution photos, and making 3D landscapes. However, there are options for researchers to get a grant for free access to EO Browser data. Sentinel-Hub users have also developed a wide-range of **custom-made scripts** that can be applied to track oil spills, deforestation, wildfires, burned areas, and flooding, including a special focus on **conflict-linked environmental damage**.
- **Google Earth Pro**: This go-to tool offers very high-resolution imagery from Maxar and Airbus and can be a key tool for identification and geolocation. The desktop version also has historic image data, which is helpful to track environmental changes at a certain location. It also includes measurement

options, the ability to create polygons, download imagery, and build databases by pinning locations, among many other things.

- **EarthView**: This earth observation platform by NASA has a wealth of medium- to low-resolution imagery with a plethora of sensor systems, some of them showing the earth in near real-time with updated low-resolution photos every hour. The website provides different types of data on hazards and disasters that can be used in conflict tracking. Of particular use is NASA's **V**(VIIRS), which can be used to detect heat signatures. This is helpful to see if an attack took place that resulted in something burning, or find flaring locations from the oil and gas industry.

Climate and Environmental Datasets

When researching the environmental context of a conflict area, there are also large pre-existing datasets that are extremely helpful to understand what is happening on the ground over time. The rise of data platforms with ready-to-use analysis is an added value of the growth in earth observation and makes this data easier to use for non-experts, yet it's still quite reliable. One important database is the **Global Forest Watch**, in which users can get aggregated data on tree-cover loss per country, and also recent satellite imagery. This initiative is part of the wider datasets developed by the World Resource Institute in their **Resource Watch** portal with hundreds of options to choose from, including water stress, endangered species, nature reserves, and croplands, just to name a few. Diving into the oil business, **SkyTruth** is an invaluable resource for tracking flaring locations and quantifying air pollution, while providing excellent intelligence on **oil spill reports**. For those willing to take a deep dive into earth observation, the UN's Food and Agriculture Organization (FAO) has set up a collaboration with Google

Earth Engine and developed **Earth Map**, a toolkit with multiple layers of data on anything related to the environment.

Background data on country-specific environmental dynamics and legacy pollution issues can easily be accessed through data submissions to the UN. **The UN Convention on Biological Diversity** and the **UN Convention to Combat Desertification** host country profiles with national reports, while **United Nations Development Programme** and **United Nations Environment Programme** often also have specific (post-conflict) environmental reports. All these tools and datasets are merely the tip of the iceberg, yet they provide a good starting point for exploring specific conflict-linked environmental cases and build accountability for environmental damage caused by states or non-state armed groups.

Using a layered approach with pre-existing datasets, humanitarian data, and satellite imagery for verification, researchers can now identify and track specific conflict-linked environmental damage. While the long-term impacts often take time to quantify, a wealth of information can now be collected, visualized, and used for improving environmental policies in humanitarian response and accountability mechanisms.

Environmental War Crimes?

There are currently limited options to hold states and non-state armed groups legally accountable for environmental damages. The bar for breaching international humanitarian law on environmental damage is quite high. Specifically, it requires documenting “widespread, long-term, and severe damage to the natural environment,” but this is a threshold that, notably, has never been met officially. Under the Rome Statute of the International Criminal Court, the threshold is even higher, as such damage can be considered a war crime only if it also violates the principle of

proportionality (if it is excessive to the direct anticipated military advantage).

Causing damage to the environment can also violate other rules of international humanitarian law, some of which could constitute war crimes, such as destruction of objects necessary for the survival of the civilian population, the destruction of certain industrial installations such as dams, dikes, and nuclear electrical generating stations, or damage directly causing displacement. Other **principles of international law** may also provide protections for the environment, although their application in armed conflict is not always straightforward. The International Law Commission has **adopted** a set of **Draft Principles on Protection of the Environment in Relation to Armed Conflicts**, which provide some legal guidance, and the International Committee of the Red Cross has published **Guidelines on the Protection of the Natural Environment in Armed Conflict**, which also provide tips for implementation by parties to an armed conflict. While the law in this area develops, in many cases, it may be political accountability that has a stronger voice.

The Russian invasion of Ukraine could be a catalytic moment for building better environmental monitoring and accountability policies among states, international organizations, and NGOs. In Ukraine, civil society groups and government agencies use public media reporting to map areas on the **Ecodozor** website to show where potential environmental damage has occurred. The **Centre for Information Resilience** includes verified data on environmental harm and damage to civilian infrastructure in its **Eyes on Russia** project, and at **PAX for Peace**, all this data is collected and analyzed in order to be published in detailed **Environment and Conflict Alerts**. All these efforts have spurred governments into action, as now there are state-sponsored and UN-backed initiatives to identify and monitor conflict-linked environmental damage, such as this **UN Coordination**

Centre for Environmental Damage Assessment in Ukraine Such efforts could provide a useful staging ground for **future prosecution** of states for environmental damage, though the forum and framework for that has yet to be determined.

Case Studies

Illegal Logging of Syria's Maydanki Lake Forest

More than a decade of civil war has had serious implications for Syria's forests; the Environmental Journal Atlas documented how spiking fuel prices have seen civilians and Turkish-backed armed groups resort to **uncontrolled logging of the Maydanki lake forest to get firewood for cooking and heating**. Social media reports combined with Global Forest Watch data provided an excellent tool to quickly check areas of main forest loss, and other satellite imagery gave more details.

Leaking Ghost Tankers in Yemen's Port of Aden

In 2015, after heavy fighting in the Yemeni civil war, oil tankers were abandoned in the Port of Aden and they frequently leaked heavy fuel, causing local environmental impacts and affecting livelihoods. Using Planet and Sentinel-2 data, as well as historical high-resolution data from Google Earth Pro and shipping manifests from the Yemen Port Authorities, PAX for Peace **identified the different tankers and their owners**, and the article helped raise funds for an environmental assessment and clean-up.



PAX for Peace used Planet and Sentinel-2 satellite images to identify “ghost tankers” abandoned in the Port of Aden that were causing environmental damage from leaking oil. Image: Screenshot, PAX for Peace

Ticking Toxic Time Bomb in Ukraine’s Donbas

Before Russia’s 2022 invasion, the risk of environmental disaster was already apparent in the Donbas due to shelling of industrial sites over the previous eight years. In a [2017 Bellingcat article](#), open source datasets were combined with the Flash Environmental Assessment tool to provide an overview of ecological risks associated with specific facilities storing hazardous substances in case they were hit by artillery.

5

BANNED AND RESTRICTED WEAPONS

by Nick Waters | Photography by Ed Kashi, Ron Haviv



A Kurdish guerrilla inspects an unexploded chemical bomb left over from the 1988 Iraqi Army poison gas attack on Halabja that killed as many as 5,000 civilians. Image: Courtesy of Ed Kashi, VII

Editor's Note: This chapter contains graphic details. Special thanks to Dearbhla Minogue of the Global Legal Action Network for her invaluable expertise on this topic.

In 2018, as regime troops crushed the rebel-held city of Douma in Syria, the videos emerging from the ground were apocalyptic in nature. Fire rained down from above as heavy shelling forced the civilian population underground and into basements, where yellow-green chlorine gas dropped by helicopters suffocated victims in darkness.

The horror of the situation was overwhelming, but it was vital to log each piece of information, noting what weapon was used, and how, in order to identify if and how crimes had potentially occurred.

Weapons are designed to kill people and break things. Their effects can result in death, maiming, and life-long injuries. It is hardly surprising that an interest in weapons and how they work can sometimes be seen as something geeky, weird, or even bloodthirsty. Yet, understanding how weapons work and how they can be categorized can be an incredibly important part of understanding what kind of harm is being done in conflict.

One of the crucial questions that a journalist may wish to answer about a particular incident is whether a crime has been committed — and to answer this question, or at least understand the issues surrounding it, it's also necessary to understand the law around how and when weapons can be used and when they are restricted or even banned.

As discussed in Chapter 1, there are a plethora of different definitions, rules, and principles which regulate the conduct of armed conflict. These same rules, and other more specific agreements, govern what weapons can and can't be used, and in what circumstances. In theory, the use of all types of weapons is restricted due to the principles of International Humanitarian Law (IHL) — also known as the Law of Armed Conflict or the Laws of War — as well as **Customary International Law** (CIL).

Some types of weapons, such as land mines, cluster munitions, and incendiary weapons like napalm, have specific treaties or customary

international law rules which govern or restrict their use. Weapons may be outright prohibited under these treaties, while others may be restricted in the way they are used, for example, because of the expected effects they are to have in certain circumstances.

Such treaties are only binding on states which have ratified them. However, legal obligations and many of the prohibitions regarding the use of specific weapons can also “crystallize” as CIL due to consistent and widespread practice by states and their acceptance of this practice as law, resulting in these obligations being applied universally. The International Committee of the Red Cross maintains a **database outlining under what circumstances CIL may be applied**.

None of the treaties governing the use of weapons have been signed by all governments of the world. If a state has not agreed to a convention or treaty, then it is not breaching any agreement by using a weapon which might be governed by that agreement, except where those rules have crystallized into CIL and as such are universally applicable anyway.

For example, neither Russia nor the United States of America are party to the Convention on Cluster Munitions, and there is no specific CIL prohibition on the use of cluster munitions. As such, it is legal for them to stockpile and use cluster munitions as long as they abide by the principles and restrictions of IHL and CIL.

Of course, there is also an argument that, due to their design and effects, cluster munitions may inherently breach the principles of **IHL** and CIL, thereby rendering them effectively banned in almost all circumstances anyway.

The ongoing and rapid development of weapons means that they regularly emerge as topics of debate, such as the use of artificial intelligence in weapons systems. In some cases, such as unmanned combat aerial vehicles

(UCAVs), the legality of the use of certain weapons systems may be debated, not necessarily because of the specific effect of that weapon system, but rather due to rules regarding legality of a state using force within the territory of another state.

The **large number of rules and principles** can often be confusing to those who aren't familiar either with the various laws or the application of force. Indeed, even those who should be familiar with these rules, whether lawyers or soldiers, can and do make decisions that are inconsistent with these rules and principles. Rather than trying to summarize the entirety of the law regarding use of weapons, this chapter will lay out some principles and agreements. It will also address the topic of the use of phosphorus, which can be used to illustrate the identification and legality of the use of both incendiary and chemical weapons.

Resources for Identification

Identification of weapons can sometimes be difficult as many explosions look very similar to each other. However, some weapons, such as incendiary and cluster munitions, have distinctive visual signatures. Many others can be identified by the fragments they leave behind. Fragments like this should not be picked up, but photographs of them, especially including any serial numbers, can provide clues to what they were.

Experts

The most valuable tool for journalists when trying to identify weapons and the legality of their use is a weapons expert. Some organizations are lucky enough to have such experts near at hand in the newsrooms, but sometimes it may be necessary to reach out to an external expert to get the required information, especially if it's regarding a more esoteric weapons system.

Contextual Understanding



While it's unlikely that most journalists will be able to invest the time required to identify weapons from their effects or the fragments they leave behind, it is helpful to have an understanding of how different systems function and their visual signatures. For distinctive weapons like incendiary or cluster munitions, it's certainly possible to understand what they could look like, even if it might need an expert to confirm their use.

Websites like [CAT-UXO](#) provide an excellent resource on what weapons look like, while reports like the Atlantic Council's [Breaking Aleppo](#) and [Breaking Ghouta](#) provide information about what the effect of these weapons can look like.

How Is the Use of Weapons Governed?

At the most basic level, the use of all weapons is restricted by the principles laid out in IHL, including the principles of distinction and proportionality, and the prohibition of causing unnecessary suffering or superfluous injury. States must also ensure in the study, development, acquisition, or adoption of new weapons that their use will not violate IHL. Since 2014, the Arms

Trade Treaty, ratified by 113 states, regulates the transfer, including sales and export, of weapons by these states.

The legality of a weapon can depend on how it is used. For example, the GBU-43/B Massive Ordnance Air Blast (MOAB) is one of the most powerful conventional weapons ever made and has an extremely large blast radius. If it were used against a battlegroup assembly area in the middle of a desert during a conventional war, it would arguably be legal use of the weapon.

However, if a MOAB were used in the middle of a city populated by civilians to kill a man armed with a muzzle-loading gunpowder musket, then it would almost certainly breach certain obligations under IHL, such as the principle of proportionality. As such, the use of all weapons is inherently restricted to some degree by these principles. Chapter 1 discusses these general principles in more depth.



A model of the US GBU-43 Massive Ordnance Air Bomb, or “MOAB,” outside the McAlester Army Ammunition Plant in Oklahoma. Image: Shutterstock

Specific Treaties

The following list of treaties is not exhaustive. However, it contains the most prominent examples of such agreements.

- **The Ottawa Convention**, also known as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel (AP) Mines and on their Destruction. This treaty prohibits the use, stockpiling, production, and transfer of anti-personnel mines, and includes an obligation to remove anti-personnel minefields from the territory of member states, whoever laid them. It has 133 signatories (suggesting political support) and 164 states parties (states which are legally bound by the treaty).

It defines anti-personnel mines as “a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.” It does not govern the use of anti-vehicle mines.

Due to continued use, it cannot be said at this stage that the use of anti-personnel land mines is **prohibited** under CIL.

- **The Convention on Certain Conventional Weapons (CCW)**. This treaty governs the use of certain types of conventional weapons, such as land mines, booby traps, incendiary weapons, and blinding lasers. Note that this convention does not ban the use of most of these weapons, but rather restricts their use. It has four signatories and 126 parties.

Under CIL, there are restrictions on the use of land mines, booby traps, incendiary weapons, and blinding lasers.



Anti-personnel mines found inside an Al-Qaida house in Kabul, Afghanistan. Numerous papers with chemical formulas, weapons, and flight instructions were also found in the building. Image: Courtesy of Ron Haviv, VII

- **The Convention on Cluster Munitions.** This convention prohibits the use, transfer, production, and stockpiling of cluster munitions. It has 108 signatories and 110 state parties.

This treaty defines cluster munitions as “a weapon consisting of a container or dispenser from which many submunitions or bomblets are scattered over wide areas.” It should be noted that there are further, specific definitions within the Convention.

While there are no specific CIL restrictions on the use of cluster munitions, it may be argued that they can be defined as a “weapon that by its nature is

indiscriminate,” and therefore **prohibited**.

- **The Biological Weapons Convention.** This convention governs disease-causing organisms or toxins which are used to harm or kill humans, animals, or plants. It effectively prohibits the development, production, acquisition, transfer, stockpiling, and use of biological and toxin weapons. It has **185 state parties and four signatory states**.

The **UN’s World Health Organization defines biological and toxin weapons** as “either microorganisms like virus, bacteria or fungi, or toxic substances produced by living organisms that are produced and released deliberately to cause disease and death in humans, animals or plants.”

Under CIL, the use of biological weapons is **prohibited**.

- **The Chemical Weapons Convention.** This convention prohibits the development, production, acquisition, stockpiling, retention, transfer, or use of chemical weapons by state parties. It has 165 signatories and 193 state parties. Only four UN states are not parties: Egypt, Israel, North Korea, and South Sudan.

This **treaty defines chemical weapons** as “Toxic chemicals and their precursors... munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals... and any equipment specifically designed for use directly in connection with the employment of munitions and devices.”

Under CIL, the use of chemical weapons is **prohibited**. Some chemical agents, such as tear gas, may be lawful in some circumstances, such as for riot control purposes, but may not be used as a **method of warfare**.



A 54-year-old woman receives care for her wounds in the town At-Ta'mim in Halabja, Iraq, 1991. This woman received her scars during an Iraqi Army mustard gas barrage on the area in 1988, which is believed to be the largest chemical weapons attack directed against a civilian-populated area in history. Image: Courtesy of Ed Kashi, VII

Controversial Weapons

White Phosphorus

In order to illustrate how these conventions might be applied, this chapter includes a case study on **the use of white phosphorus**, which can be used in war and conflict in several different capacities.

White phosphorus is a chemical that ignites spontaneously when it reacts with oxygen, producing an extremely hot flame and a large amount of dense, white smoke. When it comes in contact with flesh, it produces extremely severe burns and is difficult to remove or extinguish.

Reporting on the use of phosphorus can sometimes display a poor grasp of how and why certain weapons are restricted or banned. In various forms (red, white, and black), the element phosphorus can variously be used in a

smoke-producing or illuminating projectiles that are not specifically restricted, as an incendiary weapon governed by the Convention on Certain Conventional Weapons, or in very specific contexts, as a chemical weapon governed by the Chemical Weapons Convention. As such, examining where and which kind of phosphorus can and cannot be used is a useful case study. The most frequent reason for the use of white phosphorus — which is by far the most common type of phosphorus in military munitions — is to produce a smoke screen. The smoke it produces is very thick and screens both visually and in the infrared band, meaning that thermal optics cannot see through it. White phosphorus can also be used for its bright flame, illuminating a particular area.

In both these cases, if all the other principles of IHL and CIL are followed and the intent is to achieve either a screening or illuminating effect, then the use of white phosphorus is perfectly legal.

The primary area of concern relates to the use of white phosphorus as an incendiary weapon. An incendiary weapon is defined by the CCW as “any weapon or munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame, heat, or combination thereof, produced by a chemical reaction of a substance delivered on the target.”

If the user is a member of the CCW, then the use of white phosphorus will be governed by that convention. Under the CCW, it is prohibited to use incendiary weapons to:

- Make civilians or civilian objects the object of attack;
- Target a military objective within a concentration of civilians by air-delivered incendiary weapons;

- Target forest or plant cover, except where it is used to cover, conceal, or camouflage combatants or other military objectives, or are themselves military objectives.
- Make any military objective located within a concentration of civilians the object of attack by incendiary weapons other than air-delivered incendiary weapons, except:
 - When the military objective is clearly separated from the concentration of civilians;
 - Where all feasible precautions are taken with a view to limiting the incendiary effects to the military objective;
 - Where the attack avoids or minimizes incidental loss of civilian life, injury to civilians and damage to civilian objects.

Rule 84 of CIL states: “If incendiary weapons are used, particular care must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.”

As such, the use of white phosphorus as an incendiary weapon is in fact permitted under CCW and CIL in an extremely limited set of circumstances. The reality of war is that most large battles take place in and around population centers and means that it is unlikely, but not impossible, that an incendiary attack is justifiable under the CCW, IHL, and CIL.

Although the definitions above may seem relatively straightforward, there may still be cases where the legality of its use is unclear. For example, in 2017, **video footage showed white phosphorus munitions being fired into an urban area of Mosul by the US-led coalition**. Although this would appear to breach the principle of distinction in IHL as well as the CCW, a statement from the coalition claimed that these munitions were

being used to create a smoke screen to hide civilians who were being attacked by ISIS while attempting to flee. Human Rights Watch also noted that in this incident the “the projectiles burst very close to the ground in what seems to be an attempt to minimize the footprint of the effects.”

In this case, it is hard to know in what capacity white phosphorus was being used without direct knowledge of all factors of the situation and without knowledge of the effect that the commander intended to have on the target. These elements are necessary to establish whether its use constituted a war crime or other violation of applicable laws. Taken at face value, it could easily breach IHL principles such as proportionality and distinction, as well as the CCW itself. However, if the statement from the coalition is true, then the use of white phosphorus to create a smoke screen in this case could be argued to be justifiable under various agreements given the circumstances.

White phosphorus can also, in theory, be used as a chemical weapon. The definition of a chemical weapon according to the Chemical Weapons Convention is “a chemical used to cause intentional death or harm through its toxic properties.”

Phosphorus is a pretty nasty chemical by itself, but even when used as an incendiary weapon, it is not necessarily a chemical weapon. In order to fulfill the definition under the Chemical Weapons Convention, it must be deployed with the intent to utilize its toxic properties.

Therefore, it is extremely difficult to identify if white phosphorus is being used as a chemical weapon. First, it requires knowledge of the commander’s intent. Second, phosphorus has multiple uses on the battlefield, where it can be used for smoke, illumination, or its incendiary qualities. This is different from agents such as sarin or even chlorine, which only have a single viable use on a battlefield: as a chemical weapon. As such, it’s more difficult to disaggregate the effects of white phosphorus and identify if it is being used for its toxic properties.

A clear example of where the use of white phosphorus could be governed by the CWC is if written orders were leaked showing that a commander had ordered their men to blow the smoke from burning white phosphorus into a tunnel system in order to kill or drive out enemy fighters. In this case, it is clearly not being used for illumination, a screening effect, or as an incendiary. It is only being used for its toxic properties, which can incapacitate and kill.

Unmanned Combat Aerial Vehicles (UCAV)

UCAVs, or armed drones, are governed by the same rules as all other weapons. There is currently no specific international agreement governing the use of unmanned vehicles as such, and the law draws no distinction between manned and unmanned platforms. An airstrike which kills 10 civilians at a wedding carried out by a manned F-16 is, legally speaking, essentially the same as an airstrike which kills 10 civilians at a wedding carried out by a Predator drone. The fact that the pilot is sitting several thousand miles away is unlikely to make substantive difference in the law, although there may be considerations regarding actions which may be taken to protect the pilot.

The primary legal controversy over the use of drones relates not to rules of IHL or the actual effect it has on target, but rather the where and how drones are used, according to other international laws regulating **the use of force between states**. The **United Nations Charter** prohibits “the threat or use of force against the territorial integrity” of another state. This may include drone strikes, the use of which by one state on the territory of another could be a prima facie breach of the Charter.

There are many examples of the United States carrying out such drone strikes in Pakistan and Yemen, campaigns that also resulted in high numbers of civilian casualties. The United States has **justified** such strikes under the principle that the targets of such drone strikes represent an “imminent threat” and that the state where the target was located either consents to the use of force or is “unwilling and unable” to take appropriate action to address the threat itself. It is often unclear how the United States has evaluated what represents an “imminent threat,” especially since so much of the information regarding these strikes remains classified.



A US Air Force Predator drone takes off from Balad Air Base in Iraq, 2008. Image: Shutterstock

Some states, such as Iran, have avoided debates regarding the legality of the use of armed drones, or drones modified to become loitering munitions, on the territory of other states by simply refusing to acknowledge that they carried out such attacks.

However, in the case of drones, some argue that the law has lagged behind on what is technologically possible, while others suggest what is needed is

clarity on how existing laws apply to such cases. While there are very clearly considerable legal concerns about the use of UCAVs due to their unique capabilities, there is currently no specific international agreement restricting or banning their use.

Case Studies

Israel's White Phosphorus Bombing Campaign in Gaza

Forensic Architecture (FA), a London-based investigative group that **brings a scientific approach to civil society issues**, was commissioned in 2012 to **examine the Israeli military's use of white phosphorus munitions during the 2008-09 conflict in the Palestinian territory of Gaza**. Using 3D modeling and video analysis, FA found that the Israeli air force repeatedly deployed white phosphorus shells on the urban population, harassing and terrorizing civilians who abandoned entire neighborhoods. After initial denials were contradicted by video evidence, Israel acknowledged using the munition but claimed that its only purpose was for smoke screening operations. FA ultimately presented its report to both the UN Convention on Conventional Weapons and to the Israeli High Court. While the Israeli military continued to dispute the findings, in 2013, it declared that it would no longer use white phosphorus in urban or populated areas.

US Drone Strikes' Widespread Civilian Casualties

In 2021, The New York Times published an in-depth series on the **widespread failure to prevent civilian casualties in the US military's use of drone strikes**. The Times uncovered hidden US Department of Defense records documenting airstrikes and their impacts in the Middle East

stretching back to 2014. These archives revealed the military's own assessments of nearly 1,300 dead or wounded civilians in Iraq, Afghanistan, and Syria, despite the Pentagon publicly claiming that precision drone strikes had resulted in almost no known civilian casualties. The Times exposé, which was **awarded the 2022 Pulitzer Prize for International Reporting**, uncovered an internal culture of recklessness in identifying so-called terrorist targets and widespread impunity for members of the military who made documented mistakes that ended up killing innocent men, women, and children.

6

COMBATANTS AND OTHER HOSTILE ACTORS

by Denis Džidić | Photography by Ron Haviv



Bosnian and Croatian prisoners of war at the prison camp in Manjača, Bosnia, in 1992. All sides of the Bosnian conflict ran prison camps, where many people were killed, and several commanders were later indicted for war crimes. Image: Courtesy of Ron Haviv, VII

Editor's Note: This chapter contains some graphic details about wartime sexual violence and other atrocities.

About a decade ago, I conducted the most difficult interview of my life while working on a documentary series about wartime sexual violence. My role was to find former soldiers who had been sexually abused in detention during the 1992-95 war in Bosnia and Herzegovina. I had spent weeks researching detention sites in the archives of war crime trials to find torture victims to interview. I finally found one.

At the start of the war, this person was part of a village guard when Serb volunteers arrested him. He was put in a local detention site in northeast Bosnia. Members of the Yellow Wasps paramilitary unit would frequently enter these sites and abuse prisoners. These paramilitaries first shot at his feet. Then he was forced to perform oral sex on another inmate. Finally, one of the paramilitary soldiers broke off a leg of a chair and used it to sexually assault one of the prisoners.

I recall the interview vividly. The man was around 50 years old. Well built, but slouching, as if he was carrying some invisible weight. I had already conducted dozens of interviews with trauma survivors, but this was the first time I was unsure how far I could go with my questions to avoid doing further harm to him. I asked almost no questions about the details of the incident and focused mostly on ensuring I correctly understood his full back story and that all the dates matched.

At the end of the interview, we talked for a long time about his present life — I wanted to make sure I was leaving him in the “present” rather than trapped in his memories. I called him a lot during the weeks that followed. In truth, I think I needed those conversations as well. When we published the documentary, I sent it to him. He replied after a few days to thank me, explaining that he was glad somebody had taken the time to find so many people who had lived through the same ordeal. He, like many other torture victims, had felt abandoned.

Who Is — and Isn't — a Combatant?

Although war crimes are often thought of as acts committed against civilians, certain war crimes can also be committed against battlefield combatants, including prisoners of war. These war crimes — both against combatants and civilians — stem from the most serious violations of international humanitarian law, and are most clearly set out in the **Rome Statute of the International Criminal Court**.

Under international humanitarian law, which is spelled out in treaties such as the **four Geneva Conventions of 1949**, combatants are persons authorized to use force within a conflict, which usually means members of armed forces, and occasionally can include other official organized groups — such as police units. “Combatant status” can be used to refer to the principle of distinction (combatants can lawfully be targeted), but is also important for determining who is entitled to prisoner of war status. There is a distinction under international humanitarian law related to combatants within an international and non-international conflict, which is important as it regulates whether certain groups are strictly legally seen as combatants or civilians taking part in hostilities. Within an international armed conflict, **combatants are defined as meeting one of the three following criteria:**

- Members of the armed forces, except medical or religious officers.
- Members of volunteer, paramilitary, and other militias who have a command structure, clear insignia, carry weapons openly, and adhere to laws and customs of war.
- Persons who take up arms spontaneously and members of armed forces who are under the command of a structure not recognized by the other party in conflict.

In an internal armed conflict or civil war, international humanitarian law does not typically confer combatant status to persons who are not part of the official armed forces. Combatants captured during international armed conflict are usually entitled to prisoner of war status, and are therefore entitled to certain protections detailed in the **Geneva Conventions**. There is no prisoner of war status in non-international armed conflicts, but **all persons deprived of their liberty must be treated humanely in all circumstances**.

It is important to note these criteria because some groups or individuals who do actively take part in conflict — for instance **mercenaries** — do not qualify for combatant status and prisoner of war protections under international humanitarian law. So-called terrorist fighters, who do not openly wear arms or insignia, also do not qualify for combatant status — a controversial issue which, in the case of the United States, has been used to justify alleged torture in **Guantanamo Bay prison** for years. Nevertheless, all those in the custody of state forces are always entitled to **certain minimum protections**, including the prohibition of torture and cruel, humiliating, and degrading treatment, as well as certain fair trial guarantees.



An armed Serbian husband, alongside his wife, defends their home against Croatian forces in Okučani, Croatia, 1991. More than 10,000 people were killed and tens of thousands more became refugees in six months during Croatia's war of independence. Image: Courtesy of Ron Haviv, VII

In conflict, both internal or non-international, and international, combatants are a legitimate military target, so war crimes against them are usually committed only after they are taken prisoner, or if they are otherwise **“hors de combat”** (e.g., when wounded or after they have surrendered). The use of **certain methods of warfare** (e.g., some types of prohibited weapons or acts of perfidy like willful deception or failing to honor surrender) can also constitute war crimes, even against combatants.

In order to report on war crimes against combatants taken prisoner, journalists should understand that for a prosecutor to prove a **war crime against prisoners of war**, they need to establish that there was an armed conflict within which a perpetrator committed one of the following crimes:

- Killing
- Torture or inhumane treatment
- Biological experiments
- Serious abuse
- Forced conscription
- Denial of fair trial

Reporting on Potential War Crimes Against Combatants or Prisoners of War

Gathering evidence and reporting about war crimes against prisoners of war is often a difficult task, regardless of whether a journalist is investigating possible atrocities contemporaneously, in the immediate aftermath, or many years later. Since crimes against prisoners of war are indeed punishable, the reality is that the perpetrators have a strong incentive to cover them up — which may, in turn, require a creative approach to reporting.

Accumulate as much testimony from survivors as possible, both to research potential war crimes and to corroborate facts. In live conflicts, you can use social media as one avenue, but be wary about accounts from official sources, such as government ministries and armed forces, as they often push propaganda and unverified claims. Building journalistic investigations about war crimes means gathering multiple statements, so make sure to create a filing system. The best way is to save transcripts by names, dates, and locations (for example: ***Denis.Dzidic.1.2.2023.Sarajevo.docx***) and then to color code or keyword code important parts that speak to locations, crimes, individuals, and units.

Journalistic, and even criminal, investigations related to crimes against prisoners of war almost always rely on first-hand testimony and eyewitness

accounts. This means that finding survivors and effectively interviewing them are among the most effective ways to build an investigation. When interviewing former POW camp detainees, bear in mind that they are often **traumatized individuals, and treat them as such**. In interviews, make sure to adhere to the following.

- Conduct the interview in a location where they feel safe.
- Always do a preparatory interview (or several).
- Take care not to re-traumatize the survivor.
- Explain the role of the interview in your larger investigation.
- Make eye contact and be attentive during the conversation.
- Stay calm if they lose emotional or physical control.

When researching these topics, one effective outreach strategy could be to build rapport with associations of veterans and former camp detainees (or if it is a live or recent conflict, with unions of soldiers). These groups are often created to get relevant authorities to grant them certain rights and benefits, like pensions and medical and psychological support. Because of this, they will frequently be motivated to assist reporters who want to tell their stories.



In 2022, men said to be Russian prisoners of war appeared at a Ukrainian government press conference. They said they were there of their own free will — and the Geneva Convention states clearly that POWs must be treated humanely in all circumstances. Image: Courtesy of Ron Haviv, VII

Soldiers can be invaluable sources of information about potential crimes, both those who were victims as prisoners of war and those members of the armed forces who might have witnessed, joined, or been forced to participate in committing atrocities. There have been several investigations published following the 2022 Russian invasion of Ukraine that are **based on testimonies of insiders**, who have spoken out about war crimes committed by their comrades. It is important to offer these former insiders the opportunity to speak anonymously — while verifying their claims through multiple sources — but also to be careful about how you interview them as they, too can be traumatized.

Journalists should also bear in mind that they can have **certain responsibilities under international humanitarian law**, including

protecting the honor and dignity of prisoners of war and not exposing them to insults, humiliation, or public specta.

In addition to speaking with direct survivors, also consider reaching out to different humanitarian organizations, such as Médecins Sans Frontières. Note that some organizations choose not to share evidence even if they have unique access or information. Most prominent among these is the International Committee of the Red Cross (ICRC) that asserts it has a **privilege of non-disclosure recognized in jurisprudence**, which is why it did not provide confidential information to the Rwanda tribunal, the former Yugoslavia trial, or indirectly in the Sierra Leone tribunal and other war crimes proceedings. These organizations are independent and their testimony can provide invaluable information about conditions, prisoner identities, and other key details. They can be used as either a source or a means to verify the information given by survivors.

The United Nations also **compiles reports on detention sites** they are allowed to access, as do independent organizations — a phenomenon **already taking place in Ukraine**. This documentation cannot replace personal testimony, but it can provide a lot of supporting information that facilitates investigations.

Although crimes against prisoners of war can be individual incidents and do not require proving systemic misconduct (as in genocide and crimes against humanity), it's important to consider that most of these crimes take place within detention sites, prisons, or concentration camps. Typically, this means that there is some kind of administrative system in place, which means a paper trail exists that can be used to gather evidence. As a result, there is likely a larger circle of people than you might think that you can use as sources in your investigations.

For example, if there is a camp, that means that there is or was a roster listing the guards and wardens. Since prisoners need water and food, so too

will there be cooks and sanitation workers. Prisoners are often allowed to see military or outside doctors periodically as well. In wartime, prisoners of war are often used for forced labor, so there are probably drivers and civilian witnesses who have seen prisoners working. If you manage to sit down with a survivor, make sure to take the time for the interview and ask about all these other threads that you might use later to verify facts or gather information.

When investigating crimes against prisoners of war, official indictments, war crime trial transcripts, and verdicts can be vital sources of information. Most high-ranking officials are charged with systemic crimes, where you often have a group of camps and a range of crimes. It is important to scour court-determined facts to find other names of individuals who might have been involved but never been prosecuted or general information about various sites where atrocities were committed.

Trial monitoring and understanding international humanitarian law and jurisdictions have been vital for reporting on conflicts in the past, such as in the former Yugoslavia or Syria, and more recently in **Ukraine** with proposals within Europe for **creating a specialized tribunal on Russian aggression**. In that guide's chapter on genocide and crimes against humanity, you can find detailed resources valuable for learning about trials and how they can be used to develop investigations.

Child Soldiers



Young Sudanese Liberation Army soldiers pictured in North Darfur, Sudan, in 2005. Image: Courtesy of Ron Haviv, VII

The act of recruiting and using children under the age of 15 in armed conflict is a war crime, although once they become members of the armed forces, such child soldiers are legally considered “combatants” for the purposes of distinction and prisoner of war status. Unfortunately, the use of child soldiers is still prevalent, but it has successfully been prosecuted as a war crime at the **International Criminal Court**. Even in Europe in the 1990s in the Bosnian conflict, an estimated **2,000 children** fought alongside veteran soldiers.

The **Paris Principles on the Involvement of Children in Armed Conflict** is a (non-binding) international document that addresses the recruitment and use of children in war. Reporting about child soldiers and crimes committed by and against them is a sensitive topic, both in terms of their trauma, but also because of issues related to their reintegration into society. However, it

is vital to expose how violent organizations, such as **Boko Haram and the Islamic State West Africa Province**, are currently using child soldiers in battle and to commit atrocities. Before investigating these topics, it is important to review available literature and the latest trends by ICRC, **United Nations**, **UNICEF**, and **Amnesty International**. This **short ICRC guide** provides a brief overview of both legislation and issues related to human rights and children in detention.

Case Studies

Russian Military in Ukraine

One of the best investigations published during the first year of the Russian invasion of Ukraine was done by the BBC, titled **Russian Army Officer Admits: Our Troops Tortured Ukrainians**. This exposé is an excellent example of some of the key lessons in reporting about war crimes, specifically, how to use individual testimony and corroborate it using official sources (in this case, military documents), testimony of locals to verify sites and times, and open source reporting work to geolocate locations of detention sites in Ukraine.

Also, The New York Times visual investigation **Caught on Camera, Traced by Phone: The Russian Military Unit That Killed Dozens in Bucha** is an amazing modern investigation that was recently awarded the **2023 Pulitzer Prize for International Reporting**. Using open source reporting techniques, videos, and intercepted phone calls, The Times tells the story of the Russian unit responsible for the killings of prisoners of war (and civilians) in Bucha after the Russian invasion of Ukraine.

Bosnian Prisoner Abuse

A recent Detektor article represents a powerful combination of trial testimony, documents from final verdicts, and interviews with survivors and

former guards. All of this builds an **investigation revealing who was responsible for abuse of prisoners in the Bosnian town of Zenica** — and who escaped justice. The journalist provided so much evidence and testimony against one of the suspects mentioned in the interviews that the man admitted on the record that he was involved in beatings. Well-researched and written by the Balkan Investigative Reporting Network of Bosnia and Herzegovina, it even allows readers to download the evidence and peruse it with the addition of the video.

Bandit Warlords of Zamfara

A BBC Africa Eye deep dive focuses on the deadly gangs in northwest Nigeria that raid villages, attack drivers, abduct schoolchildren, and kill anyone who resists. The **documentary reveals the causes and drivers of extremism and the individuals recruiting and using child soldiers**. The investigation is based on interviews with multiple sources and shows how you can verify information using various sources.

How ISIS Recruits Children, Then Kills Them

The use of children in war, specifically to commit war crimes, also took place in the former Yugoslavia in the 1990s, and more recently in the Middle East. A **great CNN investigation using open sources, scoured ISIS propaganda videos, and social media was published in 2016**. It also used data visualization to show the nationality of the most underage soldiers and the way they were killed.

7

GENOCIDE AND CRIMES AGAINST HUMANITY

by Denis Džidić | Photography by Ron Haviv



Survivors of the Serb attack on Srebrenica learn of the fall of the United Nations safe haven in Tuzla, Bosnia, in 1995. More than 7,000 Bosnian men were killed and tens of thousands were forced to flee during the attack. Image: Courtesy of Ron Haviv, VII

Editor's Note: This chapter contains some graphic details about war and other atrocities. The end of this chapter also features a Special Focus

interview by Olivier Holmey with reporter Sheila Kawamara-Mishambi, who covered the Rwandan genocide.

I still recall the first time I saw a defendant accused of crimes against humanity admit guilt in court. It was 2008. I had been a journalist for a few years and had covered trials at the UN-backed **International Criminal Tribunal for the former Yugoslavia** in the Hague and at the **Bosnian War Crimes Chamber**. But this was different.

Vaso Todorović looked a lot like other defendants I had seen. He sat with slumped shoulders, eyes glued to the ground, barely making eye contact with anyone in the courtroom, jumpy when the clerks or judges called his name. But after the charges against him were read, the prosecution and defense explained that the former police officer — one of the first people in Bosnia to be charged with the killings of Bosnian Muslims in Srebrenica in July 1995 — was prepared to admit guilt.

The defense stated two reasons why **Todorović** should be given the minimum sentence of five years. The first was that he had agreed to testify in every single genocide-related case in Bosnia and Herzegovina and confirm there had been a clear instruction not to leave anyone alive in Srebrenica almost a fortnight before the actual attack began, a key element in proving the systematic nature of the crime of genocide in proceedings against other suspects.

Second, the court heard that Todorović himself did not seem to have genocidal intent in Srebrenica, but rather was part of a widespread and systematic attack which resulted in the killings of more than 1,200 men and boys. When the prosecutor amended the charge against Todorović — from accomplice to genocide to the lesser charge of being responsible for crimes against humanity — he agreed to plead guilty.

The total death toll in the Srebrenica massacre, which was committed by Bosnian Serb military and police forces, was over **7,000 men and boys**, while around 40,000 women, children, and elderly were expelled from their homes. **Roughly 50 people** have been convicted in the Hague and in the capitals of the Western Balkans countries — Sarajevo, Belgrade, and Zagreb — for those crimes, the vast majority for the two most “organized” types of crimes under International Criminal Law: genocide and crimes against humanity.

Crimes of War

Genocide was criminalized for the first time in the immediate aftermath of the Second World War by a UN convention adopted unanimously by the **UN General Assembly in 1948**. The most heinous of crimes in war and peace is also the most difficult to prove. This is because, in order for genocide to take place, there has to be an “intent to destroy, in whole or in part, a national, ethnical, racial, or religious group,” and for this destruction to be carried out through killings, abuse, inflicting unbearable living conditions, prevention of births, or ethnic cleansing.

Crimes against humanity can occur in peacetime, but they are more common in war. For crimes against humanity to occur, the baseline crimes — such as killings, torture, abuse, sexual violence, or other acts — must be part of a widespread or systematic attack against civilians. The perpetrator must know of this larger-scale assault, and their acts must contribute to that attack in some form.

Both genocide and crimes against humanity are most clearly defined as legal terms in the 1998 **Rome Statute**, which established the International Criminal Court, and both crimes can also be found in the **criminal codes** of many countries. Many states have implemented the crime of genocide in domestic legislation, although not all have used the **UN definition**. Multiple

states have also included crimes against humanity in their domestic legislation, especially after ratifying the ICC Rome Statute.

As is clear from the definitions, both genocide and crimes against humanity are systematic crimes and require more than proving that the individual acts took place. Both crimes will be committed as part of a pattern, often on a large scale, and both contain elements that require proving the perpetrator(s)' intent or knowledge of the acts, for example, by proving that they knew of an explicit or implicit plan or policy in the case of genocide.

Although individual testimonies of brutality are insufficient proof of either genocide or crimes against humanity, journalists and even investigators have to collect evidence from individual survivors and victims. This is crucial for two reasons.

Firstly, while it is armed forces who most commonly commit genocide or crimes against humanity, these units and their leaders rarely leave documents that reveal their plans. Instead, the evidence of crimes often comes from individual testimonies which may reveal an implicit or explicit plan or policy. Secondly, the experiences of multiple survivors can reveal patterns or similar timelines, which may indicate systematic crimes targeted against a specific group.

Journalists and other investigators should always:

- Take the time to talk to survivors and those who were close to a crime scene, or the first to arrive;
- Gather testimonies to see if there is an overlap in the accounts being given. This is particularly important if investigating crimes that took place in the distant past, but it also applies to real-time reporting.

- Try to find organizations that support victims and survivors in order to speak to multiple witnesses;
- Be cautious with language. When reporting on acts that may constitute war crimes, but which have not yet been proven in court, reporters should refer to “alleged” or “possible” war crimes. (Read more on this in the chapter What Is Legal in War?)

Interviewing traumatized people is difficult and should not be underestimated. Journalists need to be aware of the psychological effects that replaying a traumatic event can have on an interview subject, but hearing such accounts can have an impact on journalists as well. The **Dart Center for Journalism and Trauma** and **Zero Tolerance** have helpful resources to aid journalists to prepare, but there are a number of key practices reporters can put in place, such as providing a safe space when interviewing victims, explaining the reason for the interview, monitoring your subject and, if needed, stopping the interview, avoiding interrogative questions, and ensuring that the person feels they have control over the situation.

There are many domestic and international non-governmental organizations (NGOs) and civil society organizations that work with survivors, victims, and witnesses. Make sure to follow their reports, talk to them about what they are seeing, and gather information. Some good examples of NGOs that can become valuable resources are **TRIAL International**, the **Commission for International Justice and Accountability**, the **Clooney Foundation for Justice**, and other similar associations.



Rows of skulls are seen inside the Murambi Genocide Memorial Center in Rwanda in 2009. The center, formerly a technical school, was a massacre site where over 45,000 refugees were slaughtered during the Hutu-Tutsi ethnic fighting in 1994. Image: Courtesy of Ron Haviv, VII

Journalists should be familiar with international organizations that monitor human rights abuses in wartime, such as Amnesty International, Human Rights Watch, UN agencies such as the Office on Genocide Prevention whose role is to issue reports on the prevention of genocide and systematic hateful incidents, as well as the office of the UN High Commissioner for Human Rights. It is also important to connect with international institutions that play an important role in gathering evidence, such as the International Commission on Missing Persons. These organizations have investigators on the ground whose testimonies can help build stories. Additionally, their reports can be helpful in trying to determine whether crimes have reached a systematic scale.

Perhaps the most valuable piece of advice for investigating and reporting about genocide and crimes against humanity is understanding the framework of international humanitarian law, the law related to war, and international criminal law, the body of law which creates individual criminal responsibility for the most serious of international crimes.

Understanding these issues is crucial in terms of being precise when we can speak about systematic crimes which can potentially be classified as genocide or crimes against humanity. But also because the trials themselves provide an avenue to gather evidence, make connections between sites of crimes and perpetrators, and generally understand contexts of events within which crimes take place.

Prosecutions of individuals for genocide and crimes against humanity can take place in the **International Criminal Court**, but this court can only exercise jurisdiction in certain cases, for example, in countries that have signed on to the so-called Rome Statute. Although many countries are not signatories to the statute (including China, Israel, and the United States), the Court is still active and has a great **resource section** for learning about international justice. The International Court of Justice, also known as the “World Court,” is a different court that only deals with state responsibility. It can find states (as opposed to individuals) responsible for violations of international law, including for genocide, but not crimes against humanity or war crimes, as these are crimes of individual responsibility.

Trials for international crimes — genocide and crimes against humanity, but also war crimes, for example, against civilians and prisoners of war — often take place in specialized international and hybrid domestic-international courts. Some of these include the **International Residual Mechanism for International Tribunals**, **Kosovo Specialist Chambers**, and the **Special Tribunal for Lebanon**. The European Union **has already announced that a similar system** will be put in place to prosecute alleged

crimes of war such as genocide and crimes against humanity in Ukraine related to the Russian invasion.

Finally, the largest number of proceedings for international crimes during war (including genocide and crimes against humanity) occur at a local level. However, because of the universal jurisdiction principle over international crimes, this does not mean that they only occur in the locations where atrocities took place. For example, there are now dozens of crimes against humanity trials for crimes in Syria taking place across Europe, especially in Germany and the Netherlands, where defendants or victims and survivors now reside.

Considering that genocide and crimes against humanity are systematic crimes and require a legal understanding, proceedings before courts provide a key platform for accessing evidence, gathering testimonies, and understanding the complexities required to prove a pattern necessary for the systematic reality of these crimes. Gathering evidence in trials of individual war criminals, for example, of low-level officials, may help demonstrate a broader pattern of violations, which could indicate that the higher levels of authority may be responsible for crimes against humanity or genocide.

In order to collect as much information as possible from these proceedings, journalists need to refine their methods and increase their background knowledge of relevant laws, the proceedings, and the courts themselves. The reporting handbook from the Institute for War and Peace is an invaluable resource on effective court reporting. The handbook provides valuable background into how courts operate, as well as a hands-on guide on how to cover the actual trials. There are organizations that specialize in monitoring trials, such as the Humanitarian Law Center in Serbia, the Balkan Investigative Reporting Network, as well as international specialized outlets and journalists who specialize in international crimes. Finally, there are lawyers who specialize in international

humanitarian law and international criminal law, and some, such as the American lawyer Peter Robinson, publish **digests of recent international court** decisions, which can be extremely helpful.

In international crimes proceedings, indictments and verdicts are fully public, as well as most hearings. This means that the vast majority of evidence will be made publicly available as well, which provides an avenue to gather evidence that may be usually difficult to obtain, such as intelligence memos and military orders.

That said, journalists should take special care when reporting from trials to understand the legal decisions related to confidentiality and not to reveal information or identities of protected witnesses. The International Criminal Tribunal for the former Yugoslavia, and other international and domestic tribunals prosecuting genocide, crimes against humanity, and war crimes, can find journalists in contempt of court for disclosing such information.

Finally, when investigating genocide and crimes against humanity, it is important to remember that since these crimes are systematic, investigating potential patterns is critical. As the **University of Essex handbook “Reporting Killings as Human Rights Violations”** states: “Patterns may be found in the agency involved (e.g., a certain branch of the security forces, or personnel from one particular police station), the type of person being targeted (e.g., children, certain ethnic groups), the circumstances in which killings take place (e.g., masked men take the victim from his or her house in the middle of the night, drive away in an unmarked van, and the body is found abandoned some miles away a few days later) or even the method of killing. You should watch for such patterns and develop a system of keeping effective and clear records to illustrate them. You could establish a database and/or a network with other NGOs who are dealing with similar cases. It is likely that pooling such information will strengthen your case.”

Genocide and crimes against humanity are by their very nature crimes that require manpower. The larger the forces involved, the greater the likelihood of there being potential sources outside of the military regime who may be useful witnesses — people like truck drivers, doctors, cooks, cleaning crew, et cetera. It also means that there is a larger pool of institutions which might have documents needed to prove certain abuses, such as state, district, or regional agencies, government ministries, police, and courts. Freedom of information acts can be used systematically and relentlessly to gather as much hard evidence as possible.



Volunteers remove the bodies of eight Ukrainians that were said to be executed by Russians and found in the back of a building in the city of Bucha after the Russians left the area, 2022. Two of the victims were found with their hands tied behind their back. Image: Courtesy of Ron Haviv, VII

Trials for genocide and crimes against humanity are slow. It takes time for the cases to wind through the courts, which means they can last for years; the **average length of trial in front of the Bosnian state court is several**

years. Even now, decades after Srebrenica, there are still several ongoing cases related to the genocide.

I have seen Vaso Todorović and heard his testimony many times. In the end, he received a short sentence — just six years — but went on to become a key prosecution witness in at least a dozen cases, with his insider testimony proving the basis for multiple convictions.

Case Studies

There are different types of investigations into genocide and crimes against humanity. Some happen within days of an atrocity and their value is in revealing crimes soon after they happen, while others are published years after crimes take place and reveal the names of suspected — but unprosecuted — perpetrators. Some use open source methods, while others are based on traditional interviews and from gathering relevant documents.

Srebrenica Genocide

By analyzing dozens of verdicts for the Srebrenica genocide and documents, military records, and testimonies, the Balkan Investigative Reporting Network in Bosnia and Herzegovina (BIRN BiH, where I work) identified three former Bosnian Serb military police commanders who were mentioned by witnesses and in documents as being involved in capturing Bosnian Muslims from Srebrenica and escorting them to mass execution sites — but who had never been charged. The investigation shows what role military police units had in the massacre and how commanders ordered subordinates to detain and transfer Muslim civilians to mass killing sites. Along with the piece, BIRN BiH published the evidence gathered from court records. In 2022, the investigative series won second place at the Fetisov International Awards in the Outstanding Contribution to Peace category. But more importantly, one of the military

commanders alleged to have been involved was later **charged with genocide**.

Russian Cruise Missile Strikes on Ukraine

Bellingcat is renowned for using open source research techniques to publish in-depth investigations about conflict areas. In 2022, it published a number of investigations debunking some of the Russian narratives related to Ukraine and naming people believed to be responsible for mass atrocities. One of the most important investigations looks at **Russia's cruise missile strikes on Ukraine**. According to these investigations, the group believed to be responsible is part of the Russian Armed Forces' "Main Computation Centre of the General Staff" which works from the Ministry of Defense headquarters in Moscow and the Admiralty headquarters in St. Petersburg. Bellingcat used phone metadata to prove that contacts between these individuals and their superiors spiked shortly before many of the high-precision Russian cruise missile strikes, which have killed hundreds and deprived millions in Ukraine of access to electricity and heating. This type of investigation can show the systematic nature of the crimes being committed, which in turn can help reveal patterns of crimes that may constitute crimes against humanity or genocide.

Uyghur Detention Camps in China

In the summer of 2022, the United Nations Office of the High Commissioner for Human Rights issued an **in-depth report** citing that "the extent of arbitrary and discriminatory detention of members of Uyghur and Muslim groups" in the Chinese region of Xinjiang "may constitute international crimes, in particular crimes against humanity." These findings come after years of journalistic investigation revealing the horrors of Chinese government detention sites used to allegedly combat "violent extremism and separatism." In 2020, a BuzzFeed News series by Megha

Rajagopalan, Alison Killing, and Christo Buschek were named as a finalist for the **Pulitzer Prize**, for revealing the sprawling system of more than 260 detention sites built since 2017. **The investigation** was based on open source techniques, with Killing using her skills as an architect and geospatial analyst, along with testimonies of survivors collected by her colleagues, to showcase the deliberate, systematic nature of the Chinese targeting of Muslims and their incarceration.

SPECIAL FOCUS: COVERING GENOCIDE IN RWANDA

Interview of Sheila Kawamara-Mishambi, by Olivier Holmey



Sheila Kawamara-Mishambi covered the Rwandan genocide as a foreign correspondent. Image: Screenshot, Twitter

Sheila Kawamara-Mishambi's coverage of the Rwandan genocide for New Vision, the Ugandan daily, was her first experience of war reporting. It was also her last. She tells GIJN that she left journalism after that, as she felt she needed a clean break from the horrors she had seen. "These visions stay with you for a lifetime," she says.

Counseling, she adds, may be necessary for many who endure such trauma. Looking back on her experience of covering the events of 1994, Kawamara-Mishambi says that foreign correspondents, including herself, were overly reliant on the Rwandan Patriotic Front (RPF). The RPF, which was fighting

génocidaire government forces and was led by current Rwandan President Paul Kagame, had a well-oiled public relations operation, she recalls. The organization would take foreign journalists it had vetted to visit mass graves, then guide the reporters to interview selected individuals who had allegedly witnessed the massacres, always with an RPF representative present. “As journalists, we were all controlled,” she says. “The RPF was in charge.”

“It was a big issue,” she adds. “When journalists insisted on digging deeper, that’s when they [the RPF’s representatives] would say: ‘You need to move on from here.’”

Those visits left her with the distinct sense of being fed a prefabricated narrative. As a result, Kawamara-Mishambi says she tried to make clear in her reporting that she was only covering one side of the story, and that gray areas remained. “In times of war, when you can’t cross over to the other side, it is likely that you have a distorted story,” she says.

Beyond the massacres she was told about at the time — those committed against Tutsis and against Hutus opposed to the late President Juvénal Habyarimana — evidence has since emerged of atrocities committed by the RPF in Rwanda and in the neighboring Democratic Republic of the Congo. “It has taken decades to uncover, unravel what we couldn’t actually put our fingers on in 1994,” she says.

With the RPF treating journalists as “guided tourists,” as she puts it, she says she would never have been able to paint as comprehensive and nuanced a picture as the one that has slowly emerged since 1994. That is a lesson in skepticism and humility for reporters covering genocide, she continues: “In journalism, we need to be open and leave room for unanswered questions. Let another person take it up from there, interrogate further.”

8

COLLECTING AND ARCHIVING EVIDENCE

by Maggie Michael | Photography by Ron Haviv



Various weapons are seen inside the Nyamata Mission Church in Nyamata, Rwanda, 2009. The church, now a memorial, was a massacre site where over 10,000 refugees were slaughtered during the Hutu-Tutsi ethnic fighting in April 1994. It is said that only eight survived. Image: Courtesy of Ron Haviv, VII

Editor's Note: The end of this chapter also features a Special Focus interview by Olivier Holmey with The Reckoning Project's chief legal data archivist, Raji Abdul Salam, who has experience gathering evidence and testimony for use in war crimes trials in Syria, Iraq, and, now, Ukraine.

Strong evidence, whether physical or digital, is the foundation of any investigation. Securing robust evidence may be the most daunting of many challenges, but it's what distinguishes investigative journalism from news coverage or enterprise stories.

Evidence comes in many forms: from interviewing sources and witnesses and corroborating information; from physical documents such as court records, company incorporation documents, and identification; and in digital form, such as databases of leaked documents, screenshots of conversations, audio recordings of testimonies, or video clips.

Without evidence, investigative journalists would be easily challenged and discredited in the public sphere, on social media, and in the courts.

Obtaining evidence is not the same as publishing evidence. On some occasions, journalists refer to evidence without actually publishing it, for instance to protect sources or to disclose information not covered in their investigation. On others, journalists may be authorized to publish all or parts of the evidence they have.

There are numerous ways to obtain evidence. The simplest is open source research, such as gathering information from social media and online databases. There are many resources and websites that can help journalists obtain information that can reveal connections between individuals, company ownership, properties, yachts, or geolocation — simply by registering, or for a small fee. Among them are **Sayari**, **ICIJ**, **GIJN**, and **OCCRP**.

Other types of evidence are exclusive, for instance, when sources leak paper or digital documents. There are various ways to share sensitive documents, for instance, a secure submission system such as **SecureDrop**, encrypted messaging apps such as **Signal**, encrypted email services such as **Proton**, or even by traditional mail.

The next stage of collecting evidence is to share it securely with a close network of reporters working on the story. The **International Consortium of Investigative Journalists** (ICIJ) has mastered the collection, filtering, and sharing of millions of records with a large number of journalists. One of its recent investigations, the **Pandora Papers**, was one of the largest journalism collaboration projects to date and involved sharing millions of documents — on an encrypted platform — among more than 600 reporters in 117 countries and territories, so that local journalists could make the best use of the data, which provided strong evidence of how world leaders have used offshore jurisdictions to hide their money.

After sharing information, journalists need to find ways to effectively analyze and filter data, especially if there is a lot of it. Google's free tool **Pinpoint** uses artificial intelligence to help journalists **organize and manage massive troves of data** by identifying named people, organizations, and places appearing in uploaded documents, including transcripts of audio and video files. Other tools include Excel sheets, **Datawrapper**, **OpenRefine**, and **Linkurious**.

After publishing the investigation, the next step is to archive and store the evidence, perhaps in a safe, secret place, somewhere accessible only to fellow journalists, or even publicly on an open platform. For example, the **C4ADS Dubai Property Database** — maintained by the US nonprofit **Center For Advanced Defense Studies** (which is funded in part by US government grants) — collects data on property ownership to show how illicit networks, transnational criminals, kleptocrats, oligarchs, and others exploit the UAE property market.

Journalists must often grapple with questions about the reliability of their information, including queries from their editors. Legal departments will ask journalists to provide evidence to support a published story if it has come under scrutiny.

At times, journalists might receive a new tip or information, or hear from a whistleblower offering new information that sheds light on previously reported issues in the same investigation. Keeping everything in an organized, safe, and encrypted location is important for an investigation's credibility. Having everything in one place also helps journalists work out new elements to investigate, and whether it's worth the time and effort.

Bellingcat shares information on **ways to archive digital evidence**, such as working with **Mnemonic**, an NGO “dedicated to archiving, investigating and memorializing digital information documenting human rights violations and international crimes.” Mnemonic collaborates with Bellingcat and the **Global Legal Action Network** to preserve an **evidence database of airstrikes in Yemen** and document civilian casualties; a similar project for a digital archive to **document atrocities in Ukraine** is being developed. The nonprofit **Yemen Data Project** also collects and disseminates data on airstrikes and conduct in Yemen's civil war.



Blood stains the walls of a hospital in Tripoli, Libya, where numerous bodies were found abandoned after what appeared to be execution-style killings during the Arab Spring uprising, 2011. Image: Courtesy of Ron Haviv, VII

Journalists have relied on the **Wayback Machine**, maintained by the nonprofit digital library **Internet Archive**, to **find archived pages and websites** from websites that might have gone offline. The Wayback Machine preserves the content of many websites after they've been deleted or have disappeared from the internet.

SPECIAL FOCUS: GATHERING COURT-ADMISSIBLE EVIDENCE OF WAR CRIMES

Interview of Raji Abdul Salam, by Olivier Holmey



Raji Abdul Salam is the chief legal data archivist at The Reckoning Project. Image: Screenshot, The Reckoning Project

Raji Abdul Salam is the chief legal data analyst with **The Reckoning Project**, a team of multimedia journalists, documentary filmmakers, academics, lawyers, and researchers documenting war crimes in Ukraine. Abdul Salam has experience documenting war crimes and crimes against humanity in Syria and Iraq, including for prosecutions of war criminals under universal jurisdiction in Germany, Sweden, and Belgium.

He tells GIJN that collecting and preparing evidence for potential use in a criminal prosecution requires implementing an exceptionally rigorous

methodology.

One must first make sure that each witness is both physically and mentally fit to give evidence, Salam says. To that end, interviewers must receive extensive training on how to recognize and handle trauma.

Once it is established that interviews can proceed, the interviewer must avoid asking leading questions. “We just ask what happened,” he explains.

It’s also imperative that interviewees are not merely repeating a memorized account. Journalists must ensure that outside sources — media reports or therapy sessions, for example — have not tainted the testimony by introducing new elements beyond what the subjects have witnessed. “The verification process is a headache because of all of these contamination elements, but you have to do your work,” Abdul Salam says.

The interviews are transcribed in three stages.

First, write down everything that the witness has said, even elements that might seem fantastical or out of chronological order.

Then, create an empirical statement, now in chronological order, that excludes anything superfluous. “That means it only has the facts,” Abdul Salam says. “I was detained at this time; my hands were tied at this time; they beat me at this time; I got released at this time; they shot me at this time; I saw them shooting someone at this time. Fact, fact, fact.”



The remains of identity cards of Kosovar Albanians from a refugee convoy that was attacked by Serb forces in Meja, Kosovo, 1999. Image: Courtesy of Ron Haviv, VII

Finally, compare that testimony to all the others that have been gathered, as well as to material evidence. That determines which elements can and cannot be relied upon.

“Everything has to be coherent,” Abdul Salam emphasizes. “Coherency helps you ensure that you always have a solid statement. Because don’t forget: these people have to go before the court. Anything that does not make sense weakens the witness so they get dismissed.”

Once each statement has been fully prepared, witnesses sign a consent form, which allows The Reckoning Project to hold the information it has collected and to use it in specific ways, including for publication and for transmission to public prosecutors. “The consent letter is a form of legal protection for witnesses, but is not legally binding on them,” Abdul Salam

says. “That means the witness has his or her right at any point not to testify.”

But witness statements are insufficient to prove a war crime, he cautions. “For a successful case, to start it you need a human testimony... but to end it, you need strong supporting evidence.”

To be admissible in court, videos, photos, documents, and other forms of supporting evidence have to be verified — an onerous process — and their journey from production to collection — their “chain of custody” — has to be carefully recorded.

He recommends implementing the **Berkeley Protocol** for open source investigations when collecting digital evidence of mass crimes. “It’s a long process, it’s not easy at all,” he warns.

Once the information has been collected, data analysis programs such as **ATLAS.ti** or Excel can help establish patterns of behavior. To prove war crimes or crimes against humanity, hundreds of consistent pieces of evidence are necessary, so these types of tools help sift through the mass of data to establish that attacks are methodical and systematic, he says.

When it comes to sharing one’s findings with the justice system, Abdul Salam says one should bear in mind how overworked prosecutors are. “They are already inundated by the number and complexity of crimes they are investigating,” he explains. For that reason, it is important to submit concise statements that clearly lay out the testimonies gathered, the supporting evidence, the patterns detected, the methodology used, and the relevant legal arguments. Prosecutors are far more likely to pay attention to such a digestible, well-crafted file. “If you send them a document that is weak, they will not trust you next time,” he says. “You build trust with them case after case after case.”

But however hard one works, courts could always reach a different conclusion. “We are not the judges, we are not the prosecutors, we are just aiding justice,” he reminds reporters. “If they have a different argument or different verdict, we have to respect it.”

OPEN SOURCE RESEARCH

by Sam Dubberley and Başak Çalı | Photography by Ron Haviv, Franco Pagetti

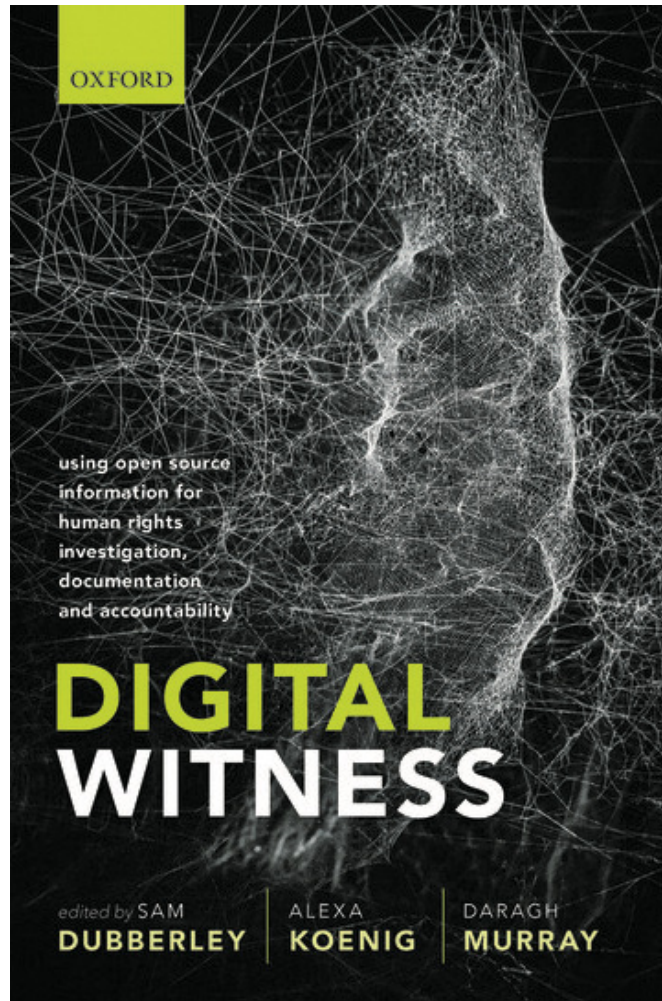


Bodies collected at various sites in Bucha, Ukraine, are brought to the cemetery for inventory as authorities investigate possible war crimes perpetrated by Russian forces in Ukraine, 2022. Image: Courtesy of Ron Haviv, VII

Editor's Note: The end of this chapter also features a Special Focus interview by Olivier Holmey with the editor-in-chief of the Crimean Center for Investigative Journalism, Valentyna Samar, whose site has extensively covered the 2014 and 2022 invasions of Ukraine by Russia.

On August 15, 2017, the **International Criminal Court issued an arrest warrant** for Mahmoud Mustafa Busayf Al-Werfalli, a commander of the Libya National Army's Al-Saiqa Brigade, accusing him of having committed or ordered 33 murders between 2016 and 2017. Seven incidents captured in seven videos posted on social media accounts were key evidence for the Court to charge Al-Werfalli for murder as a war crime under **Article 8(2)(c)(i) of the Rome Statute**. Effectively, this arrest warrant was based upon open source information. While Al-Werfalli was never arrested nor saw the inside of a courtroom (he was shot dead in Benghazi by unidentified gunmen in 2021), this incident is seen as one of the first to acknowledge that open source information can be used as evidence for legal proceedings concerning violations of international humanitarian law and international crimes, namely, war crimes, crimes against humanity, and genocide.

Of course, journalists had used open source research for years before this arrest warrant was issued. News organizations covered terrorist attacks in London in 2005 thanks in part to **video filmed by eyewitnesses on London's public transport system**. This trend gathered pace in the **early 2010s as Arab Spring protests in Tunisia and Egypt** and conflicts in Libya and Syria were filmed and shared on social media thanks to cheap camera sensors on mobile telephones and fast mobile internet connections. At the same time, the first commercial companies also launched satellites able to capture images of the Earth at less-than-one-meter resolution. As the cost to access these images fell, their use for newsrooms to analyze remote locations grew. News organizations started to collect content shared on social media networks and use it in their storytelling. When it became clear that this content also needed to be checked for authenticity, newsroom teams skilled in verification became important.



The 2019 book “Digital Witness,” by Sam Dubberley, Alexa Koenig, and Daragh Murray. Image: Courtesy of Oxford University Press

During the first years of the Syrian conflict, it became evident that open source information could not only be used to tell news stories, it could also play a role in investigating violations of international humanitarian law and possible war crimes. This wasn’t something new. As Alexa Koenig, Daragh Murray, and Sam Dubberley noted in their 2019 book “**Digital Witness**,” videos were played in the courtroom of the **International Criminal Tribunal for the former Yugoslavia**. Over the next decade, this investigative practice was codified by emerging standards and training practices, such as the **Berkeley Protocol on Digital Open Source Investigations** (last updated in 2022) by the United Nations Office of the

High Commissioner for Human Rights (OHCHR). Currently, newsrooms, human rights organizations, international fact-finding missions, and international legal mechanisms investigating violations of international humanitarian law and international crimes use open source information as a standard part of their work.

Pros and Cons of Open Source Research

Advantages

When it comes to investigating violations of international humanitarian law or international crimes, open source information can offer a very valuable method to establish facts when used together with other sources, such as site visits and interviews. Open source information can help establish facts with respect to a wide range of situations in the context of armed conflict. These range from investigations into attacks on civilians and civilian structures, the types of weapons used to carry out attacks, investigations into actions by perpetrators, or investigations into whether certain attacks against civilians are widespread or systematic — a key feature of crimes against humanity.

With respect to all these dimensions, open source information is an important tool to establish a multitude of facts. In terms of attacks on civilians or civilian structures, for example, open source information gathered from multiple images, videos, and satellites can help establish the location and time of an event, numbers of people present at a location, whether civilian, military, or other actors were involved, and possible legitimate military targets or the size and scale of the observable outcomes of military operations on the ground. In cases of possible violations of international humanitarian law or unlawful killings and torture, the perpetrators themselves, or their associates, have been known to film and

share videos of their acts on social media messaging apps. These, too, constitute open source information and may be important evidence not only for proving that an individual committed an act in violation of international humanitarian law, but also for proving the criminal intent of the perpetrators or their superiors necessary for demonstrating an international crime.

Military activities, particularly in urban areas, are frequently captured by mobile telephone cameras or are visible in satellite imagery — providing key information that can play a role in understanding what happened. Here, open source information can help answer the question: “Should this incident be investigated further as a potential violation of international humanitarian law, or does it appear to be a legitimate military attack?” If, for example, open source information is able to support the observation that the object of the attack was a military target due to the clearly identifiable military presence at a location, these immediate findings may weigh against deepening the investigation into a possible violation of international humanitarian law. These types of conclusions invariably, however, require consultations with international humanitarian law experts. If, based on the initial analysis, further investigation is warranted, open source information can also help determine whether an incident is an apparent violation or not. Journalists can use open source information to look for a number of vital details.

- **Military units and activity.** Are uniformed military personnel visible in videos or photographs? Are uniforms, emblems, and equipment recognizable?
- **Possible military targets.** Once the location of the military operation is identified, open source information can be a useful guide to help identify if possible military targets were at or closely adjacent to the location of an attack. With the right skills, it is

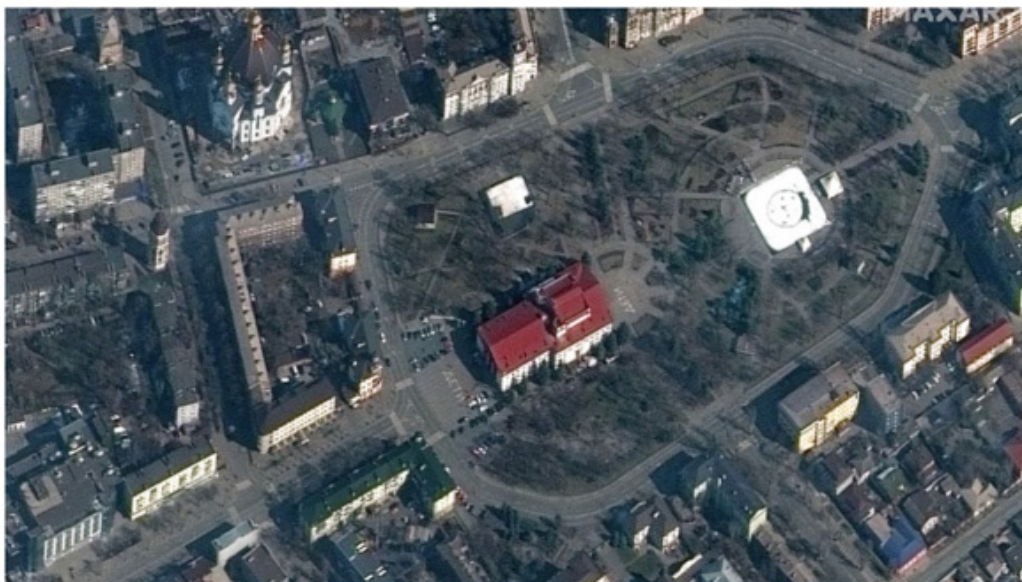
possible to identify military targets using mapping tools and high-resolution satellite imagery to check for military compounds or installations, as well as identify large military vehicles such as trucks, tanks, other armored vehicles, and aircraft.

- **Civilian activity.** Where has the attack taken place — in a residential neighborhood, an evacuation point, an apartment building, a hospital, or elsewhere? Are there civilians to be seen, such as children or older people? What are they doing? Can you count the number of civilians either dead or alive visible in the open source information?
- **Weapons identification.** Victims of attacks who have filmed the scene can often post images of the remnants of weapons or other military materiel online. These can include shrapnel from missiles or rockets, bullet casings, cluster submunitions, ordnance packaging, and so on. Identifying these weapons can help in an overall determination as to the proportionality of an attack and whether it was indiscriminate.
- **The prior state of the attack site.** Open source information can help determine if there was known civilian activity or information that military commanders should have been aware of prior to the military activity, and whether the location was being used for a military purpose before the attack. For example, historical satellite imagery enabled journalists to identify the word “Дети” (“Children” in Ukrainian) was painted outside the Drama Theater in Mariupol, Ukraine, in the days before an airstrike destroyed the building sheltering hundreds of civilians in March 2022. This attack has been decried by some international human rights groups as a likely war crime.

- **Injuries and forensic pathology.** Determining causes of death is notoriously difficult using open source information and must be done carefully, and only by referring to experts in forensic pathology. While what these experts can say from a video is limited, it can help, for example, identify signs of torture or establish a range of possibilities for a cause of death, or exclude other possibilities. Any analysis here, however, must be approached with caution and used, in the main, to corroborate any other information that the journalist has at hand.

Search for Ukraine Theater Bombing Survivors as War Crime Claims Mount

By Danny Kemp for AFP and Dmytro Gorshkov for AFP
Updated: March 18, 2022



This Maxar satellite image shows the Mariupol Drama Theater in Mariupol, Ukraine, on March 14.

Satellite image ©2022 Maxar Technologies / AFP

Russia's bombing of a drama theater in Mariupol, Ukraine (seen here with red roof, two days before the attack), which was used to shelter children, prompted war crimes accusations from organizations like Amnesty International. Image: Screenshot, The Moscow Times

Drawbacks

Journalists should follow words of warning when using open source information to investigate violations of the international humanitarian law or international crimes. Even though open source techniques are now seen as a compelling storytelling technique in their own right, researchers should avoid relying solely upon them and instead see these techniques as but one

part of the larger investigative process. For open source information to play its role, journalists should collaborate with a broad range of actors, including, just to mention a few, on-site investigators, weapons experts, forensic pathologists, and lawyers.

Journalists must also recognize the limitations of open source investigations. For example, these techniques are of limited use in establishing what type of information military personnel had available to them at the time they decided to attack. Likewise, they're of little help in understanding what type of military advantage was pursued with one or a series of targeting operations. Both of these are necessary elements when proving the existence of certain types of international crimes.

In addition, reporters must consider the weighty legal or ethical reasons that may exist for not publishing open source information. The use of such information publicly may be outright banned by international humanitarian law (like the use of images and videos that openly identify prisoners of war), or there may be concerns with respect to the freedom from inhuman or degrading treatment or the right to privacy of individuals who are recorded. Alongside this, ethical considerations could include risk to the captured individuals whose likenesses are uploaded or depicted in the open source information if the content is amplified by a news organization. Journalists should also remember that even in a non-international or international armed conflict, copyright considerations may apply if the content is to be used in reporting.

Aside from these limitations on open source information in general, there are also technical limitations.

Image quality. Photographs and video shared on social media platforms are typically compressed from their original quality. This means, for instance, it may be difficult if not impossible to verify logos or letterings on uniforms of a military unit or to distinguish between weapons and, say, farm tools.

False analysis. Geospatial analysis is one of the areas of open source research that requires training to conduct the analysis properly. It is also an area where a little bit of knowledge can lead to false conclusions. It is, therefore, important that investigators understand the limitations of what is visible in a satellite image and be able to analyze what they see correctly. For example, it is important for journalists to understand that disturbed Earth seen from space does not automatically equate to evidence of a mass grave. Earth can be moved for many reasons, and craters can be created by other incidents prior to an alleged attack.



Using satellite imagery from Planet Inc., GLJN member Texty identified masses of train cars (red), trucks (blue), and freight ships (green), possibly smuggling stolen grain out of Ukraine by Russia. Image: Screenshot, Texty via Planet Inc.

Tips and Tools

Mindset Is Bigger than Toolset

While in the following section, we outline tips and tools for using open source platforms for investigations, one of the biggest challenges of using open source information is that the tools and methods for searching and verifying can change very quickly. This is predominantly because a lot of the tools are free and are provided by the social media platforms themselves. More important, therefore, than relying on the tools is having the mindset of an open source investigator. That means being creative in finding solutions and constantly learning and thinking about new ways of doing research or gleaning information. Without this mindset, the skills of the open source researcher will quickly grow stale.

Searching for Content

Each social media platform is popular in different parts of the world. Therefore, a key first step is to understand what kinds of open source information are likely to be shared and how the search functions of the local preferred platforms work. For instance, in the Ukraine conflict, **Telegram has been by far the most important platform** on which one can discover text, videos, and photographs posted by witnesses, military personnel, and government officials. Relevant information on that war as well as individual incidents can be found using a combination of English, Ukrainian, and Russian keywords. Cities and towns across Ukraine have established Telegram channels that act as aggregators where local residents post content to be shared. (Note: some of these local channels also have been **identified as bots or potential Russian disinformation sites**.) By identifying these aggregator channels, journalists have been able to collect and verify large amounts of videos and photographs showing killed or injured civilians, destroyed civilian infrastructure, and remnants of munitions.

Collecting Content

Considering the volume of photographs and videos now posted on social media from conflicts across the world, ensuring a robust way of collecting and analyzing information is critical. Failure to do this can very quickly lead to feelings of confusion or being overwhelmed. While there are content management systems designed for open source investigations, such as Truly Media by Deutsche Welle or Uwazi by HuriDocs, a lot can be done by a well-designed spreadsheet from Excel or Google. These allow the researcher to more easily sort the data and perform analysis on individual items, which can allow determinations to be made about weapons, patterns of violations, and so on.

Archiving Material

Videos and photos depicting possible war crimes are often, by their nature, violent, disturbing, or distressing. So, it is no surprise that these can quickly disappear from the platforms on which they were posted for a variety of reasons. (Most social media networks' terms of service prohibit sharing of violent or disturbing content, which means offending posts are often removed by the platform itself.) It is, therefore, essential that content is preserved promptly when researching incidents. Tools such as the Internet Archive or archive.today are good for preserving photographs or text posted to websites and have the advantage that they can be saved for other researchers as well. Videos, however, currently require the researcher to take preservation into their own hands. Those who feel comfortable with Terminal command-line interfaces can use an open source tool named youtube-dl to preserve video. If an organization is using a lot of open source video, it might be a worthwhile investment to build a user interface for youtube-dl that preserves content on the organization's own servers for security reasons. (Note: youtube-dl has faced shutdown issues in the past

due to alleged copyright complaints, and recently a German court ruled.)

Verification of Open Source Information

The failure to verify open source content comes with a very high risk — and it is not recommended. That risk grows even higher when making claims about the most serious of charges, like violations of international humanitarian law or war crimes. Much has been written elsewhere about the processes of reverse image search, checking metadata, geolocation, and chronolocation, which are all key for the verification process and apply here. But investigating the activities of warring parties needs further verification steps. For example, if geolocated, user-generated tools that map military installations such as Open Street Map or Wikimapia can help identify if a documented attack that led to civilian casualties was close to a legitimate military target. Camopedia describes itself as a database of “major military and paramilitary camouflage patterns that have been in use around the world since the beginning of the 20th century” and is essential to verify if military uniforms seen in a piece of open source information are consistent with the military of the country they are supposed to represent.

Case Studies

Russian Airstrikes on Syrian Civilians

This 2019 New York Times investigation used open source information, including video analysis, drone imagery, and cockpit radio recordings, to show that Russian Air Force fighter pilots were responsible for airstrikes that unlawfully killed civilians in a camp for displaced Syrian families in 2019. The team at The Times spent months deciphering the cockpit recordings to link the pilots to the attack.



The abandoned, debris-strewn streets of Aleppo, Syria, 2013. Aleppo, Syria's largest city, endured some of the heaviest fighting between members of the Free Syrian Army, or FSA, and forces loyal to President Bashar al-Assad. Image: Courtesy of Franco Pagetti, VII

Cluster Munitions Attack in Ukraine

Human Rights Watch and the New York City-based visual investigations agency SITU Research meticulously **recreated a cluster munition attack on a train station in Kramatorsk**, eastern Ukraine, in April 2022. Their report debunked claims by the “Russian Ministry of Defense” that its armed forces had not deployed the weapon onto the Ukraine battlefield. Open source information and geospatial analysis were combined with on-site research to provide compelling evidence that the station was a known civilian evacuation hub, that Russian forces had deployed the weapon, and that the cluster munitions had brought harm to civilians.

Execution of Tigray Men

Demonstrating the strength of collaboration in open source investigations, these two groups worked together to **verify five videos showing Ethiopian government forces executing several dozen men on a cliff near a small town in Tigray Province**, in early 2021. Key to the open source element of this investigation was the use of 3D modeling and geolocation where the massacre took place.

SPECIAL FOCUS: COVERING RUSSIA'S INVASION OF UKRAINE

Interview of Valentyna Samar, by Olivier Holmey



Valentyna Samar, editor-in-chief of the Crimean Center for Investigative Journalism. Image: Screenshot, National Union of Journalists of Ukraine

Before Russia's annexation of Crimea in early 2014, the Information Press Center (IPC) and the **Crimean Center for Investigative Journalism** (CIJ) leveraged an extensive network of branches on the peninsula — in Yalta, Sevastopol, Yevpatoria, Feodosia, Dzhankoi, and Simferopol — to investigate corruption, despite the pressures of then-Ukrainian President Viktor Yanukovich.

On March 1 of that year, men in fatigues bearing the Russian flag **forced their way into the IPC and CIJ's joint headquarters**. “The activities of media centers in all cities, except Simferopol, were stopped,” recalls CIJ editor-in-chief Valentyna Samar. “Journalists were threatened with physical reprisals by paramilitary formations controlled by the Russian special services.”

By the end of the year, most of the media team had relocated to Kyiv. CIJ continued to **cover Crimea in depth** — from afar. From that experience, Samar says she learned to assess risks and look for opportunities to minimize them on a daily basis, if not several times a day. “Yesterday’s decisions may be wrong today,” she tells GIJN.

Open source tools proved essential to her team’s investigations, she says, as did working with Russian sources and with sources living in the occupied territories. Those years of remote coverage also taught her to part ways with those who disregard safety rules and professional standards. “‘One more chance’ for an irresponsible person can ruin the whole team,” she warns.

Following Russia’s large-scale invasion of Ukraine in February 2022, almost all Ukrainian investigative media outlets began to work as CIJ had done during the previous eight years of the Crimea occupation.

“Many methods of investigation have come in handy in the new conditions of armed conflict,” Samar says. “For example, our skills in maritime open source investigations of violations of the sanctions ban by ships in Crimean ports were very suitable for investigating the ‘**grain express**’ — the export of Ukrainian grain looted by Russia.”

CIJ makes sure that editors in Kyiv have access to the communication accounts of on-the-ground reporters, in order to delete their contents remotely in case of danger. Reporters even file reports in the “drafts” folder

of shared email accounts, so that the reports can be accessed and deleted by editors without ever being emailed.

As for those who wish to cover Russia's war on Ukraine, Samar first recommends learning the law and basic terminology of war crimes. "It is impossible to write professionally about war without basic knowledge of the laws and customs of war," she says.

COMMAND STRUCTURES

by Tony Wilson | Photography by Ron Haviv



Members of Željko Ražnatović's paramilitary group, the Serbian Volunteer Guard, also known as the Tigers, gathered around executed, unarmed Muslim civilians during the first battle of the Bosnian war. This image was used as evidence in numerous procedures to indict and convict people of war crimes. Image: Courtesy of Ron Haviv, VII

One of the most critical things that journalists seeking accountability for violations committed by police, military, or other security forces can expose is the chain of command, or the process of how orders and policies are implemented. If the chain of command for the perpetrators is established,

then senior officers and even political leaders in that chain of command can be held accountable for the actions of their subordinates through the international law concept of **command responsibility** (see this guide's chapter on What Is Legal in War for more detail). Documenting the chain of command can be incredibly challenging due to state secrecy, a general lack of information, or the reluctance of those with knowledge of the chain to be sources for journalists. This chapter will lay out different approaches a journalist can take, primarily focusing on open source techniques that can be supplemented with additional reporting.

A chain of command is a hierarchy of military or police leaders of ever-larger units that continues up to a final commander-in-chief, which is often a country's defense minister, president, or head of state. At the bottom level, typically, are small tactical units, which would most likely be the ones directly committing any violations or potential war crimes. Reporting on this chain of command by identifying specific units and commanders, as opposed to more generic reporting on "police" or "soldiers," can provide more key details about a suspected atrocity, but it can also increase the risks for both reporters, who could be targeted for "naming names," and senior commanders, who could be subject to criminal charges for the actions of their subordinates.

For senior commanders to be held accountable, a reporter has to connect the actions of individual soldiers, police, or security forces to them via the chain of command. However, just because someone is the minister of defense or president doesn't necessarily mean that they are responsible for every act or operation, nor that the path from low-level personnel up to them is clear (not every country's defense minister is in the military chain of command, for example). Prosecutors and courts need to know the specific role of commanders at every level for successful prosecutions of misconduct or violations of international humanitarian law. Accurately

reporting and identifying the individuals in the chain of command aids these efforts.

Reporting on the chain of command is a valuable endeavor even in situations where criminal accountability is not possible in the near term. Individuals who may be able to avoid criminal prosecution can still face consequences under a variety of **national**, **multilateral**, and **international** sanctions regimes, depending on their involvement in the commission of human rights violations. Even when commanders cannot be identified, naming specific units as perpetrators empowers advocates to question their own governments about any training or support that may have gone to those specific units. For example, advocates could use reports on atrocities or possible war crimes committed by specific units as leverage to pressure the United States to follow its own laws **restricting training and support** to units that have been linked to human rights violations. All of this relies upon identifying and reporting on specific units and leaders in the chain of command.

The rest of this chapter is structured to provide general background on the structures of police and military forces with tips for investigating them, general tools that can be used in any type of reporting, and, finally, case studies linking violations to the chains of command of different security forces around the world.



Serbian nationalist Željko Ražnatović (center) poses in front of the paramilitary force, the Serbian Volunteer Guard, also known as the Tigers. In 1997, a UN tribunal indicted Ražnatović for crimes against humanity for his role as leader of the Tigers while they conducted mass slaughter of Croat and Bosnians Muslim civilians in the early 1990s. Image: Courtesy of Ron Haviv, VII

Chain of Command: Definitions

Overview

The police, military, and other security forces of a country are hierarchical organizations where the chain of command resembles an inverted family tree with a single “head” at the top, usually the president or a minister. Below that sits a single or parallel senior commanders overseeing subordinate units that, in turn, command multiple smaller units. Thus, most security forces are ultimately controlled by a small number of civilian leaders, with the rest being members of the security force itself. Officers usually hold command positions within the security forces and exert control over each other based on their rank. The more senior the rank of the officer, the higher they will be on the chain of command, typically.

Broadly, there are two types of groupings: (1) territorial units that control operations in a particular area and remain within that area, and (2) mobile forces that are often deployed around a country to respond to events. How these units relate to one another can vary; either the mobile units can fall under the command of the territorial units when they are operating in their territory, or the mobile units can operate in parallel to the territorial command with both units reporting up the chain to higher level formations.

Generally, the people at the top of the chain of command give orders and receive reports of outcomes of their orders while the people and units at the bottom carry out these orders. So, when reporting on a particular incident, it’s important to recognize that top level commanders will likely not be physically present during an operation. Instead, they rely on subordinates to communicate orders down the chain and carry information back up to them.

The commander of a small police station might participate in an operation with the officers under his command, but that person's superior may sit at a desk in the provincial capital and that person's commander may be located far away in the nation's capital. But even though these remote commanders are not present, they could still be held responsible for the actions of their subordinates (again, see **What Is Legal in War** for more information).

Similarly, security forces generally have units whose role is to conduct operations out in the world (such as arresting people) and other units which provide support, whether it's logistics or managing personnel files. Understanding these roles and responsibilities for different units is important, though often the names of these units will provide a clue. The support units are usually part of a higher level unit as security forces become more "operational" and undertake more tactical missions further down the chain of command.

Tips

- ***Look at the constitution and laws of the country.*** These will establish who or what is at the top of the chain and give a framework that can help guide the rest of the investigation. Generally, these establish top-level control, such as the president is the commander-in-chief of the military who delegates day-to-day control to the defense minister or army chief. The Library of Congress, a US government body, can be a **useful resource** on the relevant laws or constitution, if it is not readily available elsewhere.
- ***Read experts/scholars.*** One of the best sources for finding books and other scholarly literature is **WorldCat.org**. Searching for "security forces" or related terms could provide details about basic formations of the military of a country. However, it may not cover

aspects of the chain of command established by the constitution and laws of the country, so it is best to research both resources when possible. Expert analysis can also be found at the **Geneva Centre for Security Sector Governance**, **International Crisis Group**, and other organizations concerned with security sector governance.

- ***Listen to what the forces say about themselves.*** Security forces often publish information that, when combined with the constitution, laws, and expert analysis, will give a clearer picture of the chain of command. For example, when the police publish their own report about an arrest that identifies the unit responsible, they could establish that the unit is responsible for that geographic area. Militaries regularly have public-facing events with speeches given by commanders, donations made by prominent citizens, and other events where specific units and commanders are regularly identified.

Police Forces

The police generally reflect the political structure of the country, so unitary states often have a single unified national police force and federal states usually have a mix of national (federal) forces and sub-national forces. The command structure of the police will almost always follow the administrative boundaries of the country. The chain of command will have units responsible for the governorate, province, or region, with subordinate units responsible for the smaller administrative areas (district, sub-governorate, city, etc.), and individual police stations or posts responsible for even smaller areas. For example, the Philippines is administratively divided into regions, provinces, cities, and then **barangays**, which the Philippine National Police mirrors in its command structure. See the Tools

section below for more information on how to find and navigate complicated administrative boundary hierarchies.

Occasionally, the police force of a country may be divided by function into “judicial” police that investigate crimes after they have been reported and “preventative” police that conduct operations. In these cases, both judicial and preventative police are still often structured to follow the administrative divisions of the country. So a province will have a preventative police unit commanding other similar police units in the province, and the judicial police will have the same structure.

Militaries/Armed Forces

From there, the chain of command may fall to the minister of defense, and then to an overall day-to-day commander of the military. Sometimes, however, the defense or interior minister is not in the chain of command, for example, the Ministry of Defense of Nigeria only provides administrative support — rather than operational control — to the military.

Militaries generally are divided into three major branches: army (responsible for ground operations), navy (responsible for ships and operations along the coastline or the ocean), and air force (responsible for aircraft and air operations). These branches usually fall under an overall commander of the armed forces with each branch having its own commander and separate chain of command. Gendarmeries (where they exist) are usually structured similarly to the police, but may fall under the command of the military. The **Council on Foreign Relations provides a useful overview** of the standard types of units and nomenclature that make up most military forces. For example, many countries’ militaries are organized with army divisions that command multiple brigades, with each brigade commanding multiple battalions.

Tips

- ***Look out for missing “middle managers.”*** There is a natural bias to focus on commanders closest to events and high level commanders who are often in the spotlight. However, sometimes sources can be accurate but potentially misleading about the chain of command, which could negatively impact an investigation. For the purposes of illustrating this point, we’ll invent a 10th Battalion, which is part of the 35th Brigade, which is in turn commanded by the 82nd Division. Reports might say “the 10th Battalion, which is under the 82nd Division, committed the violations.” While this is accurate, it also omits the intermediary brigade, and potentially worse, could confuse someone into thinking that the battalion reports directly to the division. Missing this aspect could overlook the potential role in any incident played by the brigade commander, who could also be accountable for actions of the battalion.
- ***Double-check the numbers and nomenclature.*** The single most common source of bad information about security forces is the result of typos. The difference between the 11th Battalion and the 111th Battalion is a single keystroke. If you ever encounter two units with very similar numerals operating in the same area (or under the same superior unit), that is reason enough for careful cross-referencing to confirm that those two units do indeed exist. Simple typos like in the example above have mistakenly created non-existent units around the world, ballooning the estimated size of security forces in certain countries by 25–100%.
- ***Keep track of acronyms.*** Security forces use a myriad of acronyms, abbreviations, and other jargon that can make it difficult to understand. A simple **Google Sheet** is a free way to track these acronyms and abbreviations as they are discovered and

decoded. Usefully, discovering the meaning of an abbreviation for one unit or type of group can aid an investigation into another similar unit.

Joint Task Forces and Other Ad-Hoc Groups

Governments will often establish some sort of joint force to conduct operations in an area in response to a crisis. This joint task force will often combine different military services — like the army and navy units — or take units sent from other parts of the country to operate in unison in the crisis area. These joint task forces often have their own chain of command that can be outside the regular hierarchy, with senior commanders reporting directly to ministers or even the president.

It's important to realize when investigating a joint task force that they are rarely permanent. So, it's best to focus on the individual units when reporting, as they will still be active after the joint task force is dissolved. For example, the Saudi-Emirati-led **airstrike campaign in Yemen** was made up of at least 19 squadrons that will continue to exist long after the coalition itself ends. Another example, the Nigerian Army has organized several different task forces around the country for different missions, which have been disbanded and replaced with other joint task forces. But all of these have been created using soldiers from permanent-established battalions and brigades within the Nigerian military.



An elderly Afghan man is questioned by two Afghan National Army soldiers during a 2011 mission conducted by a Polish Army joint task force in Ghazni, Afghanistan. Image: Shutterstock

De Facto Versus Formal Chains of Command

While laws and policies establish the legal and formal chains of command of state security forces, there can also be informal/de facto chains of command that supersede or exist alongside these formal structures. A good approach is to first map out the formal structure and then investigate whether there is any alternate chain of command, as these will often touch one or more parts of the formal structure. For example, an army battalion is technically controlled only by its parent brigade, but the battalion commander might also take orders from a powerful local politician because of personal or financial ties between them. As a result, the battalion has two functional chains of command, one formal and one informal. If the battalion committed violations while under the de facto control of the local politician,

that public figure — and not the brigade commander — could be held accountable.

De facto chains of command outside of the formal structure can be established for a wide variety of reasons, often based on loyalties or shared identities outside of the rules establishing the formal chain of command.

Previous service in the same area can also establish important ties among different actors in the security forces. Additionally, most security forces have formal academic programs for officers and these personal relationships formed in military or other academies can form important informal links between officers.

Tips

- ***Investigate the peer units.*** Use the chain of command as a guide to what units and commanders should be investigated in relation to any incident. There is a natural push to focus on the particular unit(s) most closely located to an incident, but this may obscure other relevant actors. So if the army is accused of committing violations in a specific town, look at all of the units under the command of the unit responsible for the district/province/governorate where that town is located. This may help frame any reporting on de facto relationships by having a comparable unit that follows the formal chain of command.
- ***Know the ranks.*** Information on the rank structure can often be found in the laws of the country and are important in establishing the hierarchical relationship between commanders. A useful reference point are the **NATO military ranks** — which are often mirrored by other countries' armed forces.

- ***Look at unusual sources.*** Phone books, social services for service members, obituaries, and other general sources could be tremendous assets providing a wealth of useful information about links between service members and their units.

Tools for Journalists

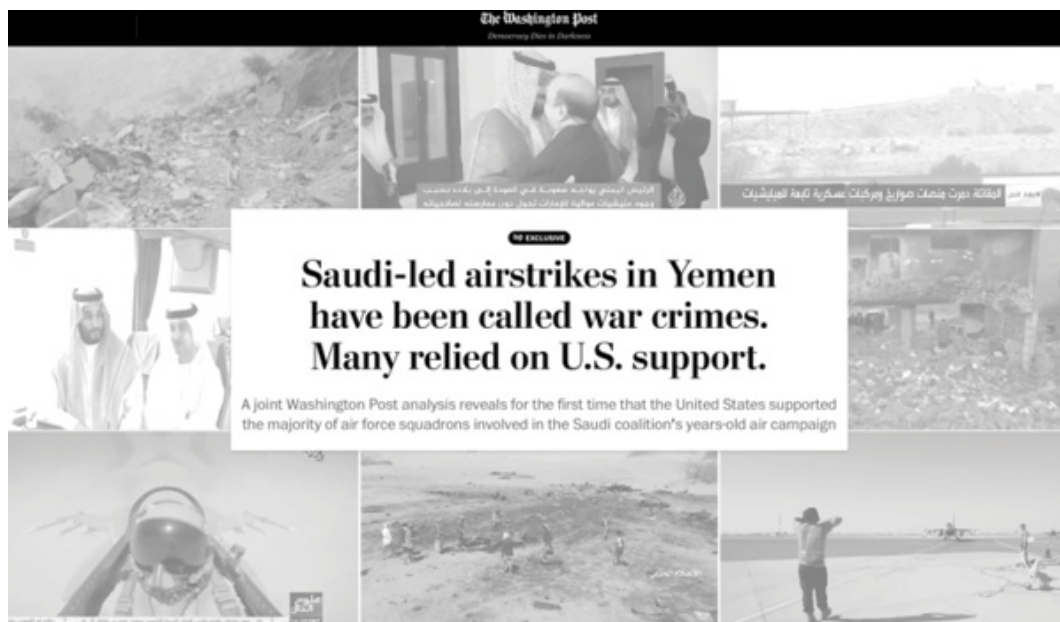
- ***Check WhoWasInCommand.com.*** The Security Force Monitor runs WhoWasInCommand.com, a comprehensive platform with data on police, military, and other security forces. The data is freely available to use and individually sourced for each datapoint. It may be that the information needed for an investigation has already been collected and published on the platform. The Monitor's entire methodology and approach is available online, along with a sample spreadsheet to organize information on state security forces.
- ***Finding deleted/removed information.*** The Internet Archive's Wayback Machine can be a powerful tool for preserving many (but not all) types of digital information, in particular for government or other official websites where information has been taken down. Governments will regularly delete information from their websites, often not in an attempt to hide information but simply as a process of "updating" old content. Bellingcat has a useful guide for thinking about digital preservation of materials in addition to the Wayback Machine.
- ***Understand administrative boundaries.*** OpenStreetMap and its Nominatim tool are the two best resources to find, discover, and analyze geographic information, in particular administrative boundaries of a country. Make sure to understand the hierarchy of

administrative divisions, as this will be reflected in the chain of command of the security forces. OpenStreetMap's data can be used to create maps as well for any final publication.

- ***Visualizing a command tree.*** A fantastic free tool to build a command tree is **yEd**, which offers a multitude of ways to map out chains of command.

Case Studies

Identifying US Support of the Saudi-led Airstrikes in Yemen



The Washington Post collaborated on an exposé on Saudi-led airstrikes in Yemen. Image: Screenshot, The Washington Post

This joint investigation conducted by The Washington Post and the **Security Force Monitor at Columbia Law School's Human Rights Institute (SFM)**, used **information drawn from books, media reports, and videos** to **establish the specific units participating in the Saudi–Emirati-led air coalition in Yemen**. This was combined with a careful

combing of the US Department of Defense's daily contract announcements to connect specific contracts with support for the coalition airstrike campaign.

Confronting Mexican Army Misconduct

By conducting extensive interviews with six soldiers, journalists worked to understand the thousands of confrontations between the Mexican Army and civilians or non-state actors across an eight-year period that often resulted in deaths of civilians. Using the data on these incidents put out by the army itself, where civilians were described as the aggressors, numerous journalists collaborated on the project **Cadena de Mando** (Chain of Command, in Spanish) in Mexico, which **dug deeper into the dynamics that led to 19 people being killed for every death of a soldier**. The interviews, which often focused on specific incidents, were combined with information drawn from laws, media reports, and army press releases to connect the experience of individual soldiers to the larger chain of command.

How an Elite Nigerian Unit Killed Dozens of Protesters

Videos allegedly showing the killings of protestors by the Nigerian Army in Abuja prompted The New York Times' visual investigations team to **identify the specific units responsible**. Reporters compared the army's version of events to what could be reconstructed via social media from multiple different angles before, during, and after the army opened fire, zeroing in on specific parts of videos showing the insignia of the army units that shot at the protestors. Using a **mix of open source information and traditional reporting**, The Times journalists were able to identify the specific battalion seen in the video and establish the chain of command from that battalion all the way up to the president.

The Uncounted Dead of Duterte's Drug War in the Philippines

Gathering reports from the police, media, and civil society, journalists built a comprehensive dataset of drug-related killings by the Philippine National Police in the first 18 months of that country's "drug war." Using information on the areas of operation of specific police stations and their chains of command, a team from The Atlantic was able to conduct **on-the-ground reporting of the impact of the killings**. Using their data, the Human Rights Data Analysis Group was able to conduct a statistical analysis that showed that the actual death toll could be more than three times higher than the official count. The story was cited in a **request by the Prosecutor of the International Criminal Court** to open an investigation into the situation in the Philippines.

TRACING WAR CRIMINALS

by Thu Thu Aung | Photography by Ron Haviv



Nedžiba Salihović of Srebrenica, Yugoslavia, screams at a United Nations soldier in a refugee camp in Tuzla, Bosnia, 1995. Over 7,000 men were executed as the UN Safe Haven in Srebrenica was overrun by Serb forces, and thousands of bodies were found in mass graves around Srebrenica. Image: Courtesy of Ron Haviv, VII

Holding individuals criminally accountable under international law for their actions in armed conflict is a relatively recent phenomenon, with the concept of war crimes being codified at the end of the 19th and early 20th centuries. As famously stated in the 1946 Nuremberg judgment: “Crimes

against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.” Nevertheless, the prosecution of war criminals is still a challenge today, with few perpetrators being convicted in court, and often only when a conflict has ended. Since the Second World War, there have been hundreds of war crimes trials in both international and domestic courts, but this number only includes a small number of successful prosecutions, involving very few **high-level leaders**. Journalists have an important role in uncovering the identity and responsibility of war criminals and increasing the likelihood that they may one day be brought to justice.

In the 20th century, journalists started to cover major war crimes trials, such as the **Nuremberg Tribunals** in the aftermath of the Nazi Holocaust. Journalists have subsequently covered investigations into identifying those responsible for war crimes. Some examples include **Seymour Hersh** in his coverage of the **My Lai massacre** in the Vietnam War; **David Rohde** and **Ed Vulliamy** in the **Bosnian War**; **Allan Nairn** in **East Timor** and **Guatemala**; and **Priyamvatha Panchapagesan** in **Sri Lanka**. Investigating war criminals often involves prolonged reporting over multiple years.

With the availability of increasing amounts of data, journalistic investigations in the 21st century have become increasingly collaborative, sometimes involving multiple news agencies and research specialists. The development of technology has also increased the amount of open source and technical reporting, to include the use of satellite imagery to locate military units. The presentation of this work also increasingly draws on multiple reporting mediums, **including interactive graphics, text, photographs, and video**. While reporting on war criminals remains a

challenging and specialized field that continues to evolve, there are some key tips and tools that can help.

Tips and Tools

Is There a Potential Story?

By their nature, **war crimes** are serious and illegal transgressions, so they are often carried out secretly or surreptitiously. Multiple channels of information can start to suggest whether there is a story to report.

- **Social Media.** Social media is a **key means for finding leads**, from user-generated materials by civilians and victims, as well as **perpetrators**, and leaked government documents. Sources can also be found and cultivated from social media.
- **Sources.** Building a strong personal network of sources that can be nurtured over the course of a career is necessary. One independent journalist covering Myanmar, **Emily Fishbein**, has a daily ritual in which she reviews/updates a personal source database.
- **Civil Society Organizations (CSOs).** CSOs are staffed by local people who live and operate in the local area, and therefore, often have an in-depth understanding of what is happening on the ground. These organizations can also be really useful for sourcing, helping journalists to find victims, witnesses, and sometimes even the history of the perpetrators involved.
- **Breaking News.** The daily news, including government propaganda outlets, and local language media can give important clues, such as major new offensives or troop movements, or unverified claims of atrocities. At the end of the week, review

which breaking news stories might warrant further time and investigation.

Pre-Research and Pitching

If there is a potential story about a perpetrator or atrocity, journalists need to consider if further investigation is: feasible, verifiable, valuable, timely, and constitutes original work.

- **Feasibility.** Are you able to reach the victims, eyewitnesses, and perpetrators either physically or online. Will the sourcing be good enough?
- **Verifiable.** Reporters need to have access to multiple streams of sourcing, which are independent of each other. Multiple forms of data are also good. Like many investigative journalists, legal expert Reed Brody advises that documents are the gold standard. He used those to great effect, for example, in his **investigation of Chadian dictator Hissene Habre**.
- **Valuable.** Is the story of public interest? Will it offer insight into the workings and modus operandi of an armed organization or will it be possible to identify the perpetrators? And practically speaking, is there also an editor who is interested in working on the story?
- **Timely.** Timely news is important; as is being the first to report it. But just as critical, a story can suffer if it's done too soon, before the facts are developed enough to warrant in-depth coverage.
- **Original Work.** In a similar vein, make sure no one has already reported the story — or something similar — you're interested in covering. That said, there might be an important angle about an incident or atrocity that has not yet been covered or explored

sufficiently. For example, in the year following Russia's 2022 invasion of Ukraine, [The Washington Post](#), [Reuters](#), and [The New York Times](#) all published original and important work on the weaponization of rape by Russian soldiers as more evidence came to light.

Collecting Information/Verification

It is important to recognize that, at any stage, it could become apparent that the story you're investigating won't be strong enough or is based on false assumptions, or pure rumor. In that case, journalists must be willing to let the story go, or archive it for the future. For example, in 2018, a colleague and I first started looking at the issue of military-backed militias in Rakhine, Myanmar, but we were unable to get a clear understanding of what was happening. However, four years later, after the situation had developed, this earlier effort eventually became an investigative piece tracking the development of [monk-led militias](#). Our reporting tied these armed groups to the sacking and burning of 100 villages and other deadly attacks on civilians that the UN has called probable war crimes.

Patience and understanding the big picture are important. Even if you have important information, it's imperative to wait until the story is strong enough before going public. Mistakes cannot be made. This can be difficult when a journalist has grown attached to the story and feels passionate about shedding light on potential criminal activity. Be methodical, detailed, and exhaustive in your research.

On the other hand, don't overcook the story. War criminals often hold positions of significant power. The longer a journalist lingers, especially when conducting field work, the more you run the risk of compromising your safety and those of your sources. What's more, unnecessary delays also offer any perpetrators the opportunity to cover their tracks. This can

include arresting or killing key figures implicating them, including eyewitnesses, other sources, as well as journalists. **Timing and risk-calibration is vital.**

Sourcing

Collecting human sourcing needs to come from multiple, independent streams. This can be first-hand accounts from victims, witnesses, and, in the best case, perpetrators. Former officials close to power structures can also be used and are often an important source of information, especially for verification. For example, in this story, **a military officer who defected helped to confirm the units involved in mass slaughter** in the Sagaing region of Myanmar.

Second-hand accounts can be sought from sources like medics, local civil actors, human rights specialists, and other authorities who have interacted with victims. This can involve dozens of human sources. It is important to corroborate as much as possible given that even assuming that people are speaking truthfully, psychological research shows that the **reliability of eyewitness testimony and victims' memories are often overestimated** in the investigation and prosecution of crimes, including by the victims and eyewitnesses themselves. Documentary evidence, such as military orders, can be incredibly valuable in adding weight to testimony. For more information on sourcing and interviewing, see Chapter 14.



Ruslan Kravchenko (center), head of the Bucha District Prosecutor's Office, Kyiv Region, and his team investigate possible war crimes in the city of Bucha. Kyiv, Ukraine, 2022. One of the male victims found was shot dead and then decapitated, according to investigators. Image: Courtesy of Ron Haviv, VII

Local Organizations

Local organizations such as CSOs can help identify victims, eyewitnesses, and the histories of perpetrators. They can also help with logistics. Getting access to hard-to-reach areas, and maneuvering through potentially dangerous checkpoints are often only possible with the assistance of local guides or experts. That was the case in our reporting on **forced recruitment by armed organizations**, which took place **in the middle of a conflict and full internet shutdown in Rakhine State, Myanmar**.

Propaganda

Propaganda can be very useful in piecing together parts of a story. Obviously, government propaganda is unlikely to report a war crime. On

the contrary, they are likely to push stories of troops making donations in the community, et cetera. But these planted stories can be inadvertently revealing. For example, they might offer key details about which unit is based in which town, as well as the names and ranks of the commanders involved, with their pictures. It is important to read such material with a critical eye and not to fall prey to unintentionally picking up or adopting propaganda narratives in one's reporting.

Technology and Open Sourcing

Direct testimony can be matched with data such as satellite imagery, government documents, and independent reports. Text can also be merged with graphics, photography, and video.

Investigative teams and newsrooms have also used open source tools such as facial recognition to verify or trace war criminals. Photos can be used to geolocate people/groups of people. Algorithms can be used to analyze massive troves of data. And specific lessons can be learned from certain events, like the takeaways Syrian journalists have gained from investigating Russian war crimes in their country.

Collaboration

Some of this work can become quite specialized, and collaboration can be an important part of conducting in-depth war crimes investigations. These partners can include specialist NGOs, legal teams, and other investigative groups looking into potential war crimes and human rights abuses in specific geographies. For more on this, see GIJN's guide to collaboration in journalism.

Protecting Sources and Colleagues

It is critical that sources and victims are protected, have informed consent about the use of information, and are interviewed with

sensitivity. In many circumstances, victims remain in areas where perpetrators can do them future harm. Also, victims might not understand how journalism works or whom they are speaking with. You need to clearly explain who you are, which organization you work with, for what purpose you are gathering data, and how you will use the data and present them in your story. You need to explicitly cover the risks they are taking in participating. You might also need to explain or educate them on best practices for digital security.

For example, if a source is sending you photos depicting an atrocity, they might need to delete these pictures and any chat histories after speaking with you. What constitutes on and off the record should not be applied to victims or vulnerable sources in the same way a journalist would with a government official or a prominent political dissenter. Even if a source agrees to an on-the-record conversation, they should be given the right to retract their identity or update their statements to your reporting at any time. If they have given permission to be named, both reporters and editors need to consider if this is a sensible idea, given the security situation and the experience of the person.

Case Studies

Massacre in Myanmar

Massacre in Myanmar is one story from a Reuters series called **Myanmar Burning** that **won a Pulitzer Prize** for looking at the Rohingya genocide from multiple angles. The story covered a massacre of Rohingya civilians amid a general cover-up and denials from the Myanmar military about their actions in the region. The story is rare in that it includes direct perpetrator testimony with photo evidence and led to the Myanmar military taking the unprecedented step of imprisoning several of their soldiers in a rare act of

recognition. The reporting was conducted by the Reuters Myanmar Bureau, after which two members of the team, Wa Lone and Kyaw Soe Oo, were imprisoned for 18 months.



Reuters produced a series of stories on the massacre of the Rohingya minority in Myanmar and the broad cover-up of the atrocity by the country's military. Image: Screenshot, Reuters

Tracking Down a Former Nazi

This television news broadcast is an original piece of investigative reporting that tracked down and interviewed a major Nazi war criminal living in Argentina more than 50 years after the Second World War ended. It caused a public uproar and resulted in Argentina extraditing Erich Priepke to Italy, where he was sentenced to life in prison. **The ABC news investigation** also involved using archival records from multiple jurisdictions to build evidence that this individual was a war criminal.

To Catch a Dictator

The book by human rights lawyer Reed Brody, **“To Catch a Dictator: The Pursuit and Trial of Hissène Habré,”** was an 18-year-long effort to hold the former dictator of Chad accountable for war crimes. It details the painstaking work of collecting evidence from victims, investigators, and legal experts, while facing many obstacles and constant threats to life. His work contributed to the Extraordinary African Chambers finding Habré guilty of war crimes, crimes against humanity, and torture, resulting in a life sentence.

FINDING THE MISSING

by Sarah El Deeb | Photography by Ron Haviv



Photographs of more than 600 Sudanese children separated from parents displayed at an International Committee of the Red Cross (ICRC) site in Abu Shouk, North Darfur, 2005. The ICRC hopes that by showing photographs throughout Darfur, families could be reunited. Image: Courtesy of Ron Haviv, VII

Editor's Note: The end of this chapter also features a Special Focus interview by Olivier Holmey with investigative journalist Pascale Bonnefoy Miralles, who has extensively covered the more than 1,500

people disappeared during the 17-year reign of Chilean dictator Augusto Pinochet.

Yasmen Almashan's torment finally ended three years after one of her brothers, Okba, disappeared from Deir el-Zour, their hometown in southeast Syria. His tortured corpse was among thousands photographed inside the prisons of Syrian President Bashar al-Assad, the images posted online by a sympathetic forensic photographer.

Discovering what happened to her brother brought some relief to Almashan. But during the wait, she lost everything. Another brother went missing and was believed to have been kidnapped by armed militias; three others were killed in the violence. In total, Almashan lost five of her six brothers.

Nearly a decade later, Almashan is a refugee, living with surviving family members in Europe and still searching for her brother, Bashar, who was kidnapped. The killers of two of her brothers, meanwhile, have not been identified. The international community is still debating how to treat Syria's tens of thousands of missing people.

"It is normal for pain to ease after years of waiting," Almashan said, and finding evidence of what happened to Okba was a "painkiller."

Her resolve to seek the truth and justice is unwavering. "Hope is a motivation. Little achievements are a motivation. What the Syrians generally are suffering is a motivation," she says. "But I will not be silenced or quieted until we realize justice for them all."

Defining the Missing

Hundreds of thousands of people around the globe go missing because of war, conflict, migration, mass displacement, natural disasters, and organized crime.

Armed conflicts are often the primary reason for civilians and fighters going missing. Civilians and combatants can disappear on the battleground or on front lines due to the fighting. People disappear in government crackdowns on dissent, often with the aim of spreading terror, as well as during government-led campaigns on organized crime or against armed groups. Others are dragged from their homes, often by plainclothes agents under the cover of darkness, and are never heard from again. Displacement caused by the fighting and abductions can lead to children being separated from their parents, severing family ties and destroying cultures. The disappearance is often accompanied by other crimes, such as torture, sexual violence, or summary trials and executions. Armed conflict generally can also cause people to voluntarily flee, as a direct or indirect consequence of violence, and this displacement enhances the likelihood of people going missing.



Shadja Abu Zeidi (left), whose 14-year-old son is missing, is seen during the “Day of Departure” protest, as Mohammed Said Ali cries after asking about where his 16-year-old missing son is, in Tahrir Square, Cairo, Egypt, 2011. Hundreds of thousands of Egyptians gathered in Tahrir Square during the Arab Spring uprising, praying, chanting slogans, and waving flags in a chiefly peaceful demonstration for the expulsion of President Hosni Mubarak. Image: Courtesy of Ron Haviv, VII

Syria is believed to have the largest active number of people missing, most of them disappeared by government agents, militias, and armed groups. According to one United Nations estimate, **100,000 people are still missing since anti-government protests erupted in Syria in 2011** and ignited a civil war that has lasted more than a decade. Mexico too, has suffered disappearances on a massive scale. Investigative site Quinto Elemento Lab has **documented thousands of secret graves**, mostly attributed to the “war on drugs.” And a recently launched Mexican government registry now estimates **as many as 112,000 people have gone missing in that country** in recent decades.

The International Committee of the Red Cross (ICRC), a key resource for relatives of victims of the missing in conflicts worldwide, said in 2022 that **the number of cases of the missing it had registered increased by 80% over the previous five years to 180,000.**

Still, the real number of the missing is likely much higher. **Active armed conflict rages throughout the world** (with 54 state-based conflicts recorded in 2021 before Russia’s war on Ukraine began and a three-fold increase in non-state conflicts between 2020 and 2021, mostly in Africa and Latin America), which makes registering and documenting the missing even more difficult due to lack of access, survivors fearful of speaking out, and continued violence.

The problem of the missing is compounded by the **number of people fleeing their homes**, which increases year after year, with the hundreds of unidentified bodies washing up on European shores every month a grim

testament to this trend. In all, there were 281 million migrants worldwide in 2021, most of them from India, Mexico, Russia, China, and Syria.

Although, for the families missing their loved ones the agony may be the same, for the purposes of investigating the missing, it can be useful to understand the legal distinctions between different groups.

- **Enforced disappearances**, whereby a state (or other actor) uses force to deprive a person of their liberty and conceals or refuses to acknowledge their whereabouts. This is a direct violation of international human rights law. Enforced disappearances also violate, or threaten to violate, **certain rules under international humanitarian law**, and could constitute war crimes. If committed on a widespread or systematic scale, these acts can also constitute crimes against humanity (see Chapter 7). In Syria's case, human rights groups have called the cases of the tens of thousands of disappeared a potential crime against humanity.
- Other people missing due to armed conflict are not necessarily related to war crimes or other violations of international law. This can occur because families fleeing the violence of conflict are separated, or because communication and record-keeping breaks down due to lack of adequate infrastructure. Regardless of how the disappearance occurs, states have **certain obligations under international humanitarian law to account for the missing**, which includes tracking the fate of missing persons, setting up systems to centralize information of those in custody, allowing prisoners of war to communicate with their loved ones, and accounting for the dead, including marking the location of graves.

Finding the missing is therefore not just a humanitarian issue. International human rights law has developed many detailed provisions to prevent and account for the disappeared in and outside of armed conflict, and different UN and regional treaties and mechanisms exist to monitor the issue.

Kathryne Bomberger, director general of the International Commission on Missing Persons, says: “I think it’s high time that journalists start looking at this as a human rights issue and one in which the rights of surviving families of the missing must be secured.”

Both international humanitarian law and international human rights law require investigations into possible serious violations. In the case of alleged forced disappearances, states must carry out official and effective investigations into the fate and whereabouts of missing persons and the circumstances of their disappearance, regardless of the ethnic, religious, or national background of missing persons, or their roles in violent conflicts or human rights abuses. Under international human rights law, States must investigate the missing across a wide variety of circumstances, including those who went missing or are suspected to have died at sea. In this way, journalists should question the systematic failure of states, especially if their actions suggest discriminatory patterns or double standards towards migrants or other groups of people, such as ethnic or religious minorities. It is the responsibility of the state, Bomberger says, to investigate disappearances of persons within their territory or jurisdiction.

Journalism’s Role in Investigating the Missing

It is an agonizing journey for the families of what the ICRC had called the “hidden tragedy.” And like investigators and prosecutors, journalists have played an important role working with families and activists to shed light

on cases of the missing and disappeared, sometimes revealing details about perpetrators and, at times, resulting in families being reunited.



A Tamil family fearing abduction seeks shelter in a safe house in Sri Lanka, 2007. Image: Courtesy of Ron Haviv, VII

Journalists in Sri Lanka, the Balkans, Argentina, and Lebanon have played a leading role in highlighting the importance of establishing the truth, identifying perpetrators, and seeking accountability for enforced disappearances. The search for accountability often continues for decades after the crimes were committed.

Obviously, in the case of enforced disappearances, perpetrators go to great lengths to deliberately obscure and often weaponize the issue. In Syria, it is estimated that most of the missing have disappeared in government detention facilities, at checkpoints, or in hastily organized burials during fighting. But so too have people disappeared in detention facilities operated by armed groups and in mass shootings by militias, including one of the

world's most brutal groups, the so-called Islamic State and its affiliates. The Syrian government has denied holding any political prisoners and failed to reveal public records of those it is detaining, despite widespread testimony and evidence of facilities overflowing with inmates. Investigations into prison conditions and **government registry updates of deaths** years later challenged the government's denial and led to UN calls for a solution to the prisoners' fate.

In Myanmar, **thousands, including children, have been arbitrarily arrested, disappeared, or killed** in a crackdown on anti-government protests. In Nigeria, the Democratic Republic of the Congo, and other sub-Saharan African nations, thousands have disappeared in civil wars or bandits' attacks and kidnappings. (In Nigeria alone, where kidnapping by bandits and rival tribal militias is rife, **25,000 people are reported missing, more than half of them children.**)

In some cases, authorities may discredit testimonies of survivors for political, ethnic, gender, or social reasons. Reporting a missing woman is stigmatized in some societies, **as sexual violence and assault often accompany an abduction** — so reporting a missing woman suggests the woman has been sexually violated. In both peacetime and war, the disappearance and murder of Indigenous people **has gone largely ignored and unreported**. Those missing on the migration routes, many of whom are fleeing conflict, are largely marginalized groups whose plights are also often underreported.

But the search for the missing doesn't go away with time. Countries still dealing with the legacies of conflicts that ended long ago still grapple with the anguish and difficulty of locating and identifying the missing. Those who have "disappeared" remain an issue that **legislators and campaigners** haggle over for decades after the guns have been silenced. Mass graves continue to be revealed. In Sri Lanka, families of the disappeared continue

to demand answers for **the estimated 60,000 to 100,000 missing** from one of Asia's longest running conflicts (1983–2009).

Reporting on finding the missing faces many challenges. Time and silence take their toll, as does survivors' fear of retribution from authorities, criminal gangs, or parties to a conflict who remain in power. National associations of families of the missing, local and regional rights groups, and social media archives are great resources for digging into past atrocities and finding documentation of cases that may have long been forgotten by authorities or legislators. In conflicts, perpetrators of enforced disappearances often cover their tracks and try to expunge any record of the victims' existence. Lack of access to areas of crime and evidence as well makes it difficult to report the story. And in some cases, the missing **may not want to be found**.

Some simple but effective tactics when conducting these types of investigations and looking for clues to identify perpetrators include looking for geographical landmarks to confirm locations and creating a timeline to double-check the veracity and sequence of events. Searching social media for information on individuals, current or former officials, and armed groups also helps build a database and profiles for names and faces that show up in media reports or testimonies of survivors.

However, the lack of political standards in dealing with the missing is among the major challenges facing those investigating the issue, Bomberger says. "People are calling now for a humanitarian mechanism for Syria, for example, while at the same time they're calling for proper investigations and a tribunal in Ukraine," she notes.

"The war in Ukraine has accentuated the need for proper investigations into missing persons cases in line with the rule of law," Bomberger explains. "The problem is a double standard still exists when it comes to adhering to rule of law standards when addressing missing persons cases in non-

Western countries. Regarding the Syrian conflict, where as many as 100,000 persons are missing, there are voices in the international community who have called for a **humanitarian rather than a law-based approach**. For example, by focusing on the right of relatives to know the fate of their loved ones, rather than on criminal accountability. In addition, in Western countries, there is a double standard when it comes to investigating the disappearance of non-citizens and minorities.”

With no resolution to the Syrian conflict and President al-Assad remaining in power, some countries in the region and beyond are moving toward normalizing relations with the Syrian regime. Along with this detente are calls for setting up a mechanism to find the missing without the introduction of a criminal justice component. This has sparked a debate among activists and survivors over whether the perpetrators will be in essence “getting away with murder.”

Investigating the fate of those missing in conflict is not only essential in protecting the rights of the survivors to find out the fate of their loved ones. It is also one of the roles of journalism in holding to account those who are responsible for some of the worst crimes in war, providing factually correct accounts for the historical record, and enabling societies to transition to peace.

Building relationships with survivors, ensuring a real understanding of what is often a complex conflict environment, collecting data, directing the right questions to authorities and those with ability to take action on the issue, and persistence are the most essential tools to investigate the fate of the missing. For many of the survivors, the only way to heal their wounds is through justice.

Tips, Tools, and Resources

Build Trust with Survivors and Witnesses

When reporting on the missing, building trust with the survivors is a great place to start an investigation. Networks of survivors, whether in organized groups or as individuals, can offer some of the richest details and clues. They have the history, pictures, and belongings, details of the missing persons' lives, and, in some cases, they may have been with them when they disappeared and can identify the location and perpetrators. Developing trust with survivors and keeping in touch even when the investigation has slowed or stopped is essential for gaining their respect and confidence, and gives a deeper understanding of the conditions of disappearance and the conflict. It is even more important in situations when the conflict is ongoing or when the alleged perpetrators may still be in power. Families and survivors are often concerned about speaking out and, in many cases, they have lost hope of finding their loved ones. Ensuring the survivors' security must be a priority, which can include tactics like offering them anonymity and reassurance that their identity or details of their whereabouts are protected, as well as using encrypted means of communications.

International Commission for Missing Persons (ICMP)

The ICMP is the only international organization that works exclusively on the issue of missing persons. Based in The Hague, the treaty-based organization has a mandate to secure the cooperation of countries and governments in locating those who have gone missing. It offers relatives and survivors tools to report missing persons through its website, an online inquiry center, and a mobile application. The **ICMP maintains databases on missing persons** that are accessible to civil society groups and local authorities, and it can ask family members to collect and store DNA samples. It also carries out forensic field operations, including gravesite reconnaissance and excavations. Respect for privacy rights is essential when access to data is requested, and family members must agree.

In the case of the 40,000 missing in the Balkan wars, ICMP obtained a half-million DNA samples from missing persons and compared them with more than 100,000 family reference samples. By doing this, it hoped to identify missing persons with scientific certainty, link missing persons back to location, enable families to seek compensation, and document evidence for possible use in criminal trials. Incredibly, some 70% of the missing from that war were ultimately accounted for. That **data is still accessible and open to journalists to search**. In Syria's case, where most families fear publicizing their information because the government accused of alleged war crimes is still in power, working with the ICMP is essential to reach families and get their consent for revealing their details.

International Committee for The Red Cross (ICRC)

The ICRC has played a leading role in setting the rules for war and this includes enshrining the right of people to know the fate of their missing relatives. It has identified measures during conflicts that could help to prevent people from going missing, such as calling for combatants to carry identification and campaigning for recordkeeping of deaths, burials, and detentions. It also helps reunite families and document those reported missing. Its Central Tracing Agency, founded in 1870, also collects and shares information among parties of an international conflict and helps families track their relatives.

The ICRC is among the few groups that have negotiated access to state-operated prison facilities, even in some of the most autocratic regimes. The committee, protective of its neutrality and its access, is often reluctant to share information with the press. But ICRC and national Red Cross staffers around the globe work with families to help find the missing and deal with the psychological trauma, and are a great resource in describing efforts to locate or reunify families. Reaching families is often the best way to find

out if they are willing to share details of their missing relatives and tracing back disappearances. Going back to the location where they were last seen, if possible, is always a good way to find new witnesses, clues, and help in retracing the missing's last known steps.



Ozias Kambale Pimo, 11, from Kiwanja, speaks about whether his parents are still alive, in Goma, North Kivu province, Democratic Republic of the Congo, 2009. Children arrived at this temporary resting place before being reunited with their families by the International Committee of the Red Cross. Image: Courtesy of Ron Haviv, VII

Other Specialized Centers

The **Argentine Forensic Anthropology Team** is a Buenos Aires-based NGO that applies forensic and scientific techniques to the investigation, search, recovery, determination of cause of death, identification, and restitution of missing persons. It works with families who are skeptical of official investigations, international tribunals, and local groups handling issues of missing victims across a broad range of circumstances: enforced

disappearances; ethnic, political, institutional, gender, and religious violence; drug trafficking, human trafficking, and organized crime; migratory processes; wars and armed conflicts; accidents and catastrophes. It trains teams around the world and offers journalists expert opinions. The group often participates in local gravesite excavations and its documented work can provide leads for further investigation.

Social media searches and other forms of open source investigation are essential in finding information about missing individuals, locating gravesites, and gathering information about a specific incident of violence.

The **University of California-Berkeley Human Rights Center** maintains a forensic project that helps in the analysis of DNA and identification of remains — with a focus on El Salvador. The center works with forensic experts and has an investigations lab that conducts information gathering, verification, and evaluation of evidence in cases seeking accountability for perpetrators of genocide and crimes against humanity. The center offers training to journalists, investigators, and others on digital, open source investigations and other tools needed in reporting, planning, and collecting data.

Family and National Associations

Activists in Argentina, Mexico, and Syria, to name a few countries, have collected information, created national databases, and campaigned to help find the missing. Argentinian women known as the Grandmothers of Plaza de Mayo (or, more commonly, **The Abuelas**), who've lost a son or a daughter to the military regime of the 1970s, have set up a database to identify nearly 500 children missing since then. They have located 132 of the missing grandchildren as of 2022.

In Syria, a military photographer who defected from the country smuggled out tens of thousands of images of victims of torture in Syrian detention

facilities, helping families to identify their missing. The photos, which are now part of the **Caesar Files Organization**, were used as evidence in the first torture and killing case in Syrian prisons held last year in Germany. Identifying and reaching out to such local groups offers a wealth of information and is an essential part of any data gathering and can lead to detailed investigations that bring the issue closer to the general public.

The United Nations Working Group on Enforced or Involuntary Disappearances

This UN-mandated group is tasked with helping families find their missing or disappeared relatives, speaking to governments on behalf of the families of the disappeared. It calls on governments to carry out investigations into reports or information it receives. In country visits, it advises governments on respect for human rights principles relating to missing people and investigates individual cases, making it a good resource for journalists. The group issues **annual reports of its activities** as well as periodic ones after country visits and follows **guiding principles for searches of the disappeared based on international conventions**. When possible, reaching the UN working group's experts has been a good resource to verify and get updates on specific cases, understand the context of a missing case, and follow up on measures underway to address the issue of enforced disappearances.

Satellite Imagery

Technology has greatly helped the quest for better data in the search for the missing. One example is this BBC News historical investigation: **Treblinka: Revealing the Hidden Graves of the Holocaust**. Thanks to satellite imagery, ground-penetrating radar, and other forensic tools, supplemented by aerial photography of the sites from the 1940s, the BBC identified potential mass graves at the death camp, followed by an

archeological dig years later that **located** them. **Maxar** and **Planet Labs** offer high resolution satellite data to partners — including media groups — and also have been effective in tracking mass burial sites in Ukraine and Iraq, for instance. Looking at Google Earth over time is a more accessible tool but less high resolution. With Maxar and Planet, the satellites can be tasked with and zoom in on locations. In addition, GIJN offers a **Resource Guide for Finding and Using Satellite Images**.

Case Studies

Ukrainian Refugees Disappearing into Russia

This story emerged when Associated Press reporters noticed **Ukrainian refugees being sent to Russia — and then disappearing**. But with some two million Ukrainians thought to have ended up in Russia, AP journalists had to interview dozens of people and pore over scores of Russian and Ukrainian media and social media accounts to get an accurate picture. The process of tracking down refugees was at the core of the investigation, including securing interviews with Ukrainians still in Russia — no small feat. Through interviews with refugees, and activists who helped them in and out of Russia, AP reporters pieced together journeys that for many were thousands of miles long, during which they were held incommunicado. In all, the reporters spoke to Ukrainians in seven European countries, along with many still inside Russia. They identified multiple choke points of their journey — shelters where Russians kept them for weeks. Along the way, some of them were strip-searched and they suffered other human rights abuses, as they were processed in what came to be known as “filtration camps.” Some were never seen again. The investigation was the first comprehensive documentation of the systematic deportation of Ukrainians.

Syria’s Prison Cells Being Emptied by Mass Murder

A report by The Washington Post's Louisa Loveluck and Zakaria Zakaria uses technology to shed light on one of the cruelest aspects of Syria's long-running civil war: **the fate of thousands of detainees, often held incommunicado for years, in the regime's dungeons**. The sheer duration of Syria's civil war has made the task of investigating what happens to prisoners more challenging, said Loveluck. As time passes, conditions on the inside change, and interviews with people detained early in the conflict do not always shed light on contemporaneous conditions. The team trawled satellite imagery for unusual recent changes — in this case, what appeared to be bodies in the prison yard — and then looked for individuals who could corroborate or dispute the apparent findings. The reporters reached out to civil society groups to connect with survivors who had been released shortly after that period and had spent time in parts of the prison that left them close to that yard at the time. “Survivors connected us to other survivors, and over time, their testimonies built up a vivid picture — later fleshed out by legal sources — of accelerating executions after systematic neglect,” Loveluck said. The result is a nine-month investigation that exposed the government practice of summary trial and execution of political inmates in one major detention facility — abuse likely exercised in similar facilities —that may constitute a major war crime. While the report doesn't identify individual missing detainees, it helps families of the missing to understand what may have befallen them.

Tracing the Stolen Children of Argentina's 'Dirty War'

More than 40 years later, reporters are still seeking to understand the fate of children abducted during the darkest years of the Argentine military regime of Jorge Rafael Videla. During that period, more than 30,000 people, including at least 500 babies, were disappeared. La Repubblica, Le Monde, and the Guardian **launched a cross-border investigation to find those children**, most of whom are thought to be living in Europe. Reporters

Lorenzo Tondo, Elena Basso, and Sam Jones tracked down one surviving child in London, using help from former government sources and local activist groups. “But finding him wasn’t the hardest part of this investigation,” Tondo explained. “Getting him to be interviewed was.” Like many of the children, he didn’t want to be found. Many feared they would be accused of being collaborators, feared for the fate of their adopted parents, or simply loved them. The reporters explained the investigation and its purpose to highlight the atrocities under the military regime. Then they waited. Two months later, the formerly disappeared child agreed to tell his story. The result was an exhaustive report that not only revealed the fate of missing children but also told their side of the story — revealing not only their whereabouts but also why many didn’t want to be found.



The Guardian, La Repubblica, and Le Monde conducted a cross-border collaboration to track down the children abducted from captured political prisoners and given to military families to be raised as their own during Argentina's "dirty war." Image: Screenshot, the Guardian

Protesters Killed, Arrested, and Never Seen Again in Nigeria

Nigerian Reporter Fisayo Soyombo spent 10 weeks **investigating the deaths and disappearances of nearly two-dozen civilians**, some of them unidentified, after a military assault on a protest site in October 2020 in Lagos. Soyombo interviewed survivors and families of detainees and came face-to-face with two of the toughest challenges of reporting on the missing: the fear families have of speaking to reporters and the terror the perpetrators use to silence them. Many family members still live with the hope that their loved ones will re-emerge, so they avoid reporting their cases. Soyombo identified and profiled the dead and disappeared, speaking to witnesses and families, trawling videos and photos shared on social media, and documenting the threats they have received. His reporting reveals new information and provides one of the most detailed accounts of the attack, including the identity of the attackers, in an incident where the army still denies any involvement.

SPECIAL FOCUS: ON THE ‘DISAPPEARED’ IN CHILE

Interview of Pascale Bonnefoy Miralles, by Olivier Holmey



Pascale Bonnefoy Miralles. Image: Screenshot, Universidad de Chile

To piece together the history of enforced disappearances under the regime of Augusto Pinochet, the general who ruled Chile from 1973 to 1990, Pascale Bonnefoy Miralles made a bold decision: she would speak not only with the families of those who had gone missing but also try to interview the perpetrators of these mass crimes.

This might have seemed an impossible task at the time. But as the Chilean journalist, who wants to encourage others to investigate, tells GIJN: “You never know what you’re going to find.”

Although many declined, several former military and police officers spoke to Bonnefoy Miralles at length. One welcomed her into his home after she knocked on his door without warning. Bonnefoy Miralles says she wasn’t concerned for her own safety, as the disappearances were “very cold cases” by the time she began investigating them. “So many decades had passed,” she says. “What can they do at this point? They don’t have power, they’re not in the army any more.”

These testimonies helped her with several investigative breakthroughs. She identified a notoriously violent officer who had been known only as “The Prince,” confirmed that US journalist **Charles Horman** had been taken to Santiago’s **National Stadium** before being murdered in the immediate aftermath of the 1973 coup, and established how the army summarily disposed of the bodies of those it detained and executed in that stadium.

Bonnefoy Miralles, who has authored **a book on the National Stadium** that addresses Pinochet’s campaign of enforced disappearances, says that she extended the same courtesy to these criminals as she does to any interviewee. By showing interest and empathy, she found that former officers were far more likely to open up about what they had witnessed – although unsurprisingly they were still reluctant to discuss their own involvement. “Most of them will tell you everything except what they did,” she says. “It’s better not to push them to say: you were wrong as well. Because you can get that from somewhere else.”

She has also reported on several disappearances by Argentina’s military junta. Bonnefoy Miralles is particularly proud of **an investigation** during which she discovered the identity of a Chilean fighter of the Revolutionary Left Movement – Mario Espinoza Barahona – who disappeared in

Argentina in 1976 and was known to investigators and forensics teams there only by “Mauro,” his alias. “I traced his steps from the time he left Chile clandestinely in October 1973 and ended up in Argentina three years later,” she says. “This meant there was a name to a victim and, more importantly, his family was able to learn about where he went upon leaving the country, what he did, and his ultimate fate.”

DOCUMENTING WITH PHOTO AND VIDEO

*by Ron Haviv | Photography by Scott Peterson,
Ron Haviv*



Ron Haviv, celebrated war photographer of the VII Photo Agency, under sniper fire from rebels of the Northern Alliance, during the surrender by the Taliban of the village of Maidan Shar, Afghanistan, 2001. The stand-off at Maidan Shar — 30 kilometers southwest of Kabul, on the strategic Kandahar road — lasted one week, with 2,000 Taliban finally surrendering. Image: Courtesy of Scott Peterson

Editor's note: This advice from veteran conflict photographer Ron Haviv — co-founder of the VII Photo Agency and The VII Foundation, who has covered more than 25 conflicts — reflects a transcript of his insights from an extended interview with GIJN senior reporter Rowan Philp.

The role of the visual journalist, photographer, or videographer is different from other journalism roles, in that we always have to actually see what is happening. We have to be there — be upfront, as witnesses. But, like all journalists, we also need to understand the story and the players involved. We need to rapidly develop relationships with local sources to know what's happening and to be able to anticipate events.

Technology has changed over the years, and so too have conditions in conflict zones. All people in the theater of conflict, including soldiers, are more sophisticated about how photography works, so they aren't fooled if you just delete the image on the back of your camera. In some regions in the 1990s, your sheer presence and the presence of your camera, representing the Western world, could cause whatever was happening to stop. Nobody really cares about that anymore.

Our responsibilities have changed also. Given that photographers are often the first outsiders on the scene in conflicts, it is now increasingly expected that we not only provide the visuals, but that we should provide the context as well. So when you come across a scene in Bucha, Ukraine, where two men are lying dead in a front yard, the older way of working might have been: "Take the best photograph possible, document the situation, and caption it: 'Two men lie dead in a Bucha front yard.'" But now I think it's our responsibility to get the context and the backstory — talk to multiple people, collect what documentation you can, gather relevant facts and contact numbers, and create a fuller caption and context for that image.

You need to be able to adapt on the fly, to be able to take advantage of what people and even soldiers want from you — making sure you're always being ethical and reporting with integrity.

Preparation

Information and Gear You Need Before Going to Documenting Conflict

Try to consume as much information as possible ahead of time — from traditional media, like, say, The New York Times or the Guardian; from your colleagues; from trusted military press officers; from local media; **from NGOs**; and from local journalists or producers, **sometimes known as fixers**, that assist you.

Of course, you already need to have formal **hostile environment and first aid training** (HEFAT). (See more on this training below.) It's also a good idea to identify and join the WhatsApp or Facebook groups of journalists already located where you're headed.

I have a basic kit I take on foreign assignments — cameras, computer, satellite phone, et cetera — and an extra set of gear specific to the country and the story. If I'm going to a front line, I'll need X, Y, and Z; if I'm only going to France to cover the protests, I'll need a different set of gear.

Ask colleagues who've been there about the items they needed, and think about the nature of the place you'll be visiting: Will power likely be out? Are there disease risks?



Kyiv Mayor Vitali Klitschko speaks to the media near the front line in Kyiv, Ukraine, 2022. Image: Courtesy of Ron Haviv, VII

If I'm going to an impoverished region, I'll need to deal with more medical issues, because I'll be more isolated than if I'm going to a European city.

For instance, before traveling to **Libya for the Arab Spring**, I packed a flak jacket, ballistic [body armor] plates, and a satellite phone; I had a first-aid kit and probably some water purification equipment, like a **small filtration straw**. Take extra batteries and equipment to get power from a vehicle, maybe solar power. Try to be as self-contained as possible, just in case.

Make sure you have communication back-ups. Luckily, the days of \$40-per minute sat-phone calls are over; now you can call for \$2 per minute, or use them to transmit your images, but, amazingly, there is often some kind of cellphone coverage almost everywhere you go.

Access

Embedding May be Controversial, But It Remains a Key Way to Possibly Document War Crimes

The help of fixers, also known as local producers, is incredibly important, both in terms of helping you with things like language translation but also for access to the military or paramilitary commanders and politicians and so on, to gain permission to the front lines. Developing relationships with local people is essential. Being identified as Western press — with a sign that says PRESS, translated in the local language — can be helpful in situations where people realize you're the mechanism for telling their story. But it can also be difficult, because you are representing the outside world, and they might not want you there to bear witness. At that point, you might not want to be identified with press markings. Each situation will need its own rules and analysis.

You need to figure out how to get to the event — whether that's something as simple as embedding with a Western military unit, which can be a process involving meeting commanders and having your editors write letters on your behalf. It also depends on personal relationships: developing a good relationship with a press officer in Ukraine, for instance, or becoming friendly with a unit in Ukraine to work more independently.

There are rules that can be broken, and rules that can't. Within realistic limits, you can make yourself less visible. But even if you're just using an iPhone, you're still pointing something at somebody, so being invisible is difficult. Depending on your ethnicity and gender and so on, you will either blend in or stand out, and you have to take that into account. Individual photographers need to consider how perceptions of you and where you're coming from affect your relationships in the field and your ability to work effectively in various contexts.

For many journalists, and for the public, journalists embedding within military units, like some within the US Army, gained a negative connotation during the second Gulf War. But embedding is essential to what every photographer wants to do, whether it's spending time with the family of refugees or a politician attached to the conflict. You want to maintain a presence until your subjects don't even remember you're there, so they will go about their business naturally. This is often the only way we've been able to witness war crimes up close. When I spent time with Arkan's Tigers in Bosnia, with the permission of the commander, I was basically just present. Yes, they didn't want me to take certain photographs, but because I was there and "part of their group" and documenting what they were doing, they looked at me in a different way.

Never go into an assignment thinking: "I'm going to embed with them till I catch them committing a war crime." Instead, your mindset should be: "I'm going to see what they're going to do, and document whatever happens in front of me."

Tools

War Photographers Actively Cooperate — Apps That Connect Them are Essential

In the past few years, specific Facebook groups involving various journalists have been launched, where the members contribute knowledge and lessons learned. During the Russian war with Georgia, there was a similar group where many journalists were sharing information that was extremely helpful.

Fast forward to Ukraine, and there is now an incredibly sophisticated system of sharing information among photojournalists. This also includes the Ukrainian government, or pro-Ukrainian activists, saying, "This battle is

starting here,” or “Shells just landed in this neighborhood.” That’s all available through various WhatsApp groups, Telegram channels, and **Signal** groups. This was very helpful information for covering Ukraine — especially during the first month of the war, when different parts of Kyiv were being attacked and you had to get there as fast as you could to document the impact. Like everything, you really need to start by asking your colleagues and peers for these groups — especially in the world of photography, which is incredibly generous and helpful to the younger generation.

The **Committee to Protect Journalists (CPJ)** and **Reporters Without Borders (RSF)** have various services that help, and a new WhatsApp channel from CPJ, called Chat CPJ, helps walk photographers through risk assessment, safety training, pre-assignment support, and so on. That’s especially helpful for newcomers.

Techniques and tools for conflict photography are also discussed and taught **throughout the courses we offer at the VII Academy**, which are free of tuition fees.

Safety

Crowdsourcing and Survival Training — Especially Mental Retraining — Are Best Practices

I would not work with anybody, or even stand next to anybody, in any risky situation, who has not gone through a proper hostile environments training course (HEFAT). These courses (CPJ has a **long list of HEFAT providers**) are absolutely essential and not just for the vital importance of understanding trauma first aid (which most people really don’t know). This training differs greatly from what we think we know about war and conflict from TV and the movies. There, you might see someone react by saying,

“Oh there’s gunfire, let me go hide behind this car door,” without realizing that bullets will go right through a car door. These training courses retrain your mind to survive. So, when bullets are flying, you don’t stand up to see where they’re coming from, which is a normal reaction for many people; you don’t cross a sniper alley one after another, like in the movies.

This applies to places like refugee camps too — any place where kidnapping or militias are prevalent, you really need one of these classes. There are organizations like the **Rory Peck Trust** and the **ACOS Alliance** that will help freelance photographers find funding for these courses. Many of these courses will have slots available for freelancers that are either heavily discounted or free, so there really shouldn’t be any excuse to not have this training before going to a war zone.

CPJ has many good resources as well, like a **guide to moving personal protective equipment across borders**. But real-time information is central to safety, so trust the information from fixers and fellow journalists on scene in the conflict.

There is also a major psychological and emotional aspect to safety. **Academic studies led by Dr. Anthony Feinstein** have found comparable levels and effects of PTSD between war journalists and soldiers and police. These findings have helped de-stigmatize PTSD in newsrooms. It’s also encouraged managers to pay more attention to staff coming back from war zones, be more conscious of telltale signs of PTSD, and offer treatment when needed. As somebody who has suffered from PTSD, I can say that treatment is very helpful, and nothing to be ashamed of, and organizations like the **DART Center** have important resources to help reporters handle these impacts. PTSD can be cumulative — it could take five trips before it presents — and it doesn’t have to involve witnessing conflict or war crimes.

Captions

Responsibility for Providing Context for Images Rests with the Photojournalist

Photographers can certainly collaborate with reporters on captioning if they're together, but the caption is absolutely the responsibility of the photographer. Accurate, contextualized captions are paramount. For starters, if they are misleading, the image will be misunderstood. We are photojournalists, after all, so the who, what, why, when, and how should be in the caption, if possible. Guessing should not be. If there is a backstory, that should be added too, so there is context. The work we are doing — especially around war crimes — will likely be immediately attacked by someone claiming that it's not true or wasn't perpetrated by their people.

Don't overlook updating your captions. In Bucha, for example, I was among the first group of photographers who found men executed behind a building. Access to Bucha had just opened up, and nobody really knew what had happened there, so we wrote what we knew. Later, The New York Times **did a substantial investigation**. They put together who the men were, what happened to them, and by whom — and so our initial captions needed to be updated with that new, verified information.

If you're wrong in your caption — and you're working for a well-trusted, narrative-establishing news service like the AP, or Reuters, or AFP — it can be very hard to correct information once it's out there and republished. If you're the first person from the outside world at the scene of a possible war crime, it's crucial to gather as much metadata as possible, depending on the gear you're using. If your camera doesn't do it, use your phone to get a precise GPS location, or simply take an extra image with your cellphone.

Documenting Potential War Crimes

Why Getting the Perpetrator and the Victim in the Same Frame Is the Ultimate Goal

I've never said to a soldier: "Do you realize you've just committed a war crime?" But I will say that soldiers and paramilitary fighters often feel like they're fighting for a cause — say, a nationalistic or family or religious cause — and believe that their actions are justified.

The idea of using photographs to document criminal activity is secondary; it's more that the photographers are the eyes of the public and document what we see to bring that to the world's attention.

With the ethnic cleansing image of the soldier in Bosnia — **a militia member in the act of kicking a dying woman** — I realized that to ensure that I had to defend this photo visually. I wanted and needed one of the soldiers, plus his insignia, plus victims in the same image. I was just hoping for an image of them walking by the victims, not necessarily with his foot back about to kick them. But that was a conscious effort, to make sure that nobody could deny what the caption was going to say. If it was just the victims lying there, it would be my word against theirs. This way, it's much harder to dispute.

Beyond the value of evidence and public awareness, these images can also provide a form of protection for the victims. A photo I took — **of the vice president-elect of Panama being beaten by Manuel Noriega's thugs** — became so well known that it gave the victim, Guillermo Ford, some protection from further attack.



Members of Arkan's Serbian paramilitary group, the Tigers, execute unarmed Muslim civilians during the first battle of the Bosnian war. This image was used as evidence in numerous procedures to indict and convict people of war crimes. Image: Courtesy of Ron Haviv, VII

Equipment and Evidence Security

Quickly Uploading Images — and Awareness of What's Been Published — are Important to Protect Both Photographers and Their Findings

Digital technology has certainly changed photography. When I was photographing with film, there came a point in some conflicts where I got stopped by soldiers who were angry that I appeared to be taking pictures. Sometimes, they'd take the film out of my camera, pull the film from the canister, and hold it up to the light, and then conclude, "OK, there's nothing on this," and then hand the camera back, believing I'd taken no images at all. They often had no understanding of how photography works.

When digital cameras first came out, we would just delete the picture on the back of the screen — but, now, combatants are more sophisticated and know that you can recover a deleted picture, so now they'll just take everything — all your cameras and digital cards. They also know how to search online. So, if you're sending daily images to a newsroom somewhere and they're being published, combatants can easily see them. Now, it's better to upload images to the cloud, so that once there, they can never be removed. Still, there's a risk that you may run into a person who doesn't like your published work, and it can be hard to talk your way out of it.

When it comes to navigating a conflict zone, still image photographers generally have to get a little closer to an incident than a videographer — but we've also had videographers standing right next to us in the most difficult situations. They also have the ability to use sound, which can make something that's not very visual much more dramatic. And with the cellphone camera, it's obviously much easier now to capture video in very intimate situations.

While documenting protests and war, we still use traditional Digital Single Lens Reflex (DSLR) equipment. But because smartphone camera quality is so high in both video and still image quality, you can have a very small footprint in terms of not having giant cameras in the faces of stressed people. Also, it can make embedding requests much easier.

For a short film I did during the Arab Spring in Libya, I used a DSLR camera for video and stills, and an iPhone for stills — juggling between them, depending on the situation.

Gruesome Imagery

Keep Documenting Atrocities — But Be Mindful to Look for Images That Audiences Won't Ignore

Publishing evidence of possible war crimes can require a delicate balancing act, especially when you're documenting particularly grisly or shocking events. Recently, The New York Times published a **graphic image of a Ukrainian family killed in Irpin** on its front page. **Lynsey Addario**, who took the photo, **praised The Times** for running it so prominently, and I agree, it **was quite brave of The Times** and rather unusual for the US media.

These decisions must weigh respect with impact and the media culture, and sometimes photographers do have to lobby for an image to run where more people can see it. However, you have to accept that images of war crimes or their victims won't be published every day. That said, editors should also be very careful not to get inured to atrocities and say: "Our audience saw something similar last week, so let's not bother." That's incredibly disrespectful, and also does injustice to the story — rather they should say: "Why are these killings of civilians continuing?" It's our responsibility as news media to remind people day in and day out of the wrongs that continue to happen.

I wouldn't say that I alter my framing in anticipation of editing decisions, but I am very conscious about the way I frame via the aesthetics. I'm very aware that some graphic images of a body torn apart is not something most people can deal with. Even if it was published, they might just quickly swipe to the next page, because it's so horrific. If that happens, the photograph is a complete failure. So, a successful photograph in terms of what could be a war crime will find that moment where the reader will be drawn to that image, making it that much more powerful. I want there to be a relationship between the viewer and the image. The flip side for me is that I've been accused of creating "war porn," and I understand the criticism but don't agree with it. I'm trying to make sure the viewer looks at the photographs, because if they don't, then what's the point?

Impact of Women War Photographers

There are women doing the same or better work in conflict than men, when, for a long time, photojournalism in war — especially in Vietnam and the Second World War, with some remarkable exceptions — was dominated by men. Now, the female voice in this space is truly being heard, or better seen, with the work of people like Lynsey Addario, Heidi Levine, and Carol Guzy, who has won four Pulitzer prizes — more than any other photojournalist. These are amazing photographers, with some unique challenges and unique views. In the Muslim world, for example, they get to see a world that men are prohibited from entering, but, at the same time, they can also be treated incredibly poorly in patriarchal societies. On the other hand, sexual abuse and violence is a much greater threat for women photojournalists and can require an entirely different risk assessment than what's required by their male counterparts.

Certainly, at The VII Academy, the educational arm of The VII Foundation, we are trying to maintain equality for our students between male, female, and non-binary, which we have done to help the next generation, so the world of photojournalism should be closer in balance.

Intervening

Be an 'Upstander' not a 'Bystander' If Possible — But Helping Victims Is a Personal Judgment Call

There is no set rule for intervening. Yes, you'll be documenting life-and-death situations that you could potentially influence, but it could be your life or death as well. You have to make a judgment on what you can — and can't — do and, if so, gauge what is your personal added risk. There have been times when I have been able to help people — in Haiti and Afghanistan, for instance — and there have been other times when I've

been unable to do anything. In the latter, I'm determined that, at the very least, I'm able to document what's going on.

For example, when I was embedded with Arkan's Tigers in the border town of Bijeljina in Bosnia in 1992, I photographed a **Macedonian-Albanian Muslim man named Hajrush Ziberi**, who became one of the first prisoners in the war in Bosnia. He was thrown to the ground, and he put his hands up, and essentially asked me, silently, to help him. There was nothing I could do. He was eventually taken into a building, then either fell out or was thrown out of a window, landed at my feet, and was taken into a house, and I never saw him again. I looked for him at the hospital the next day. Twelve years later, his remains were identified by DNA. When I went to visit his family to explain, I expected them to be furious for not helping him, but the first thing they did was take out every publication that had used my pictures of their son, and they said: "Thank you for making his death mean something." I thought this was just incredible. They felt there was some impact, and, in fact, the photographs were part of a series used in The Hague as evidence of a war crime.

Case Studies

Heightened Risk of Sexual Abuse for Women Photographers

Sexual discrimination and assault remains a **greater risk for women photojournalists**. During **widespread attacks on the press amid the Arab Spring protests in Egypt**, I witnessed episodes of sexual violence. I remember how my colleague **Chris Hondros** and I had to shield a woman photographer to move her through the crowd safely, because she was getting so physically abused by the men.

Embedding in the War in Ukraine

If you look at The New York Times coverage in Ukraine, several of their photographers — Tyler Hicks, David Guttenfelder, Mauricio Lima — are spending time with certain units day in and day out, or are doing a story focused on medical first aid stations, because they think it's important, even if that means missing out on separate shots elsewhere. There are also a number of freelance photographers who are spending months of their own time — living like the soldiers and documenting those conditions. They're not getting paid every day, but eventually they will get a story they think is important to be told.

How HEFAT Could Save a Life

RISC (Reporters Instructed in Saving Colleagues) is a program set up by Sebastian Junger specifically to train freelance journalists. Junger was compelled to start RISC after photographer Tim Hetherington died in Libya because journalists around Tim could have saved his life, but didn't know how to administer basic first aid. These courses also help you develop the ability to understand what it's like to operate in a war zone.

14

INTERVIEWING VICTIMS AND SURVIVORS

by Gavin Rees | Photography by Ron Haviv



Sudanese girls seen in Darfur, Sudan, 2005. The 12-year-old girl wearing the striped scarf (front), tells how she was separated from her two friends and raped by soldiers from the Sudanese government. Image: Courtesy of Ron Haviv, VII

As an investigative journalist interviewing witnesses to potential war crimes, you will encounter one constant: the work involves trauma.

Reporters will routinely face situations involving death, injury, sexual violence, or the threat of those.

Some of a reporters' contacts will be more peripheral witnesses to violence: some survivors of direct military attacks, and yet others may have been subject to intense interpersonal cruelty, expressed in torture, sexual violence, or detention in inhumane conditions. The scale of impact is likely to be greatest among those closest to events.

Everyone you meet in a **conflict zone**, however, will have had to adjust to living with pervasive threat, disruption, and immense uncertainty. This chapter explores what effective and sensitive interviewing in this context looks like.

Starting Points

Journalists often worry that the act of talking about painful experiences can *re-traumatize* an interviewee. Many trauma experts, however, believe that expression may be more confusing than helpful in clarifying where the risks lie.

When people talk about painful events in the past, distress — manifested in concentration lapses, heightened emotionality, numbness, and other difficulties — is likely. If journalists are working responsibly, that distress will be a natural by-product of those past (or continuing) events — not fresh injury.

During conflict-related violence, perpetrators treat their victims as objects, a means to an end, rather than as individuals deserving dignity and consideration. The key is to avoid behaving in any way which echoes the original abuse and deepens a source's feelings of powerlessness.

Some examples of behaviors to avoid: over-interviewing a source by a procession of journalists, forcing someone to discuss details they would

rather not, dismissing or ignoring a source's emotional state, or displaying a lack of transparency about how someone's contribution will be used.

The suggestions below delve deeper into how you can build safety into these conversations by extending choice and control to interviewees. Working in this way will also increase your chances of returning with an account that is accurate and insightful.

Don't forget, survivors and witnesses often do very much value the opportunity to have their story heard.



A family poses with a portrait of their daughter, 16, who was killed while serving with the Liberation Tigers of Tamil Eelam, LTTE, in Sri Lanka, 2007. Image: Courtesy of Ron Haviv, VII

Begin With a Clearly Established Plan

The more internal clarity you have, especially on where your limits as a journalist lie, the better positioned for an interview you will be. The following silent mantra may sound obvious, but it is surprisingly easy to

lose sight of when talking to someone in distress. Before setting out, it may help to remind yourself of the following: *I can facilitate someone's attempts to relate the most relevant information they are able to share — and do that well — but I can't take away the pain or mend the situation.*

Confronted with horror, journalists can often feel compelled to make promises beyond their power to keep, like offers of future emotional support, aid for the community, or the certainty of justice. This can lead to interviewees feeling betrayed and interviewers feeling morally compromised.

Some other interview planning best practices are as follows.

Allow for enough time. People need more conversational space to relate emotionally challenging experiences; they should not be rushed. If security dictates short time windows, explain that in advance and focus the conversation on surface-level facts.

Be prepared for their distress (and yours). Being ready for the possibility that the conversation may be upsetting, both for your interviewee and for you, can make things easier to manage. Taking a few moments to reflect on this in advance is analogous to packing a raincoat before heading out into bad weather. The rain might get through in places but that is OK.

Research the context. Different cultures may have different sensibilities around eye contact, physical proximity, gender, et cetera. If you are not local, find out more. (Those working with translators will find this discussion a good primer.) And do, of course, brief yourself on the historical and cultural background, including recent political developments.

See each story as unique. Doing many, near identical interviews can lull someone into believing that they already know what the next person is going to say. This is an easy — but potentially toxic — trap that can undermine productive interactions.

Look for the person beyond the atrocity. Descriptions of horrifying events have the power to suck us in, simultaneously obscuring sight of the more positive dimensions of people's lives. Be careful not to reduce someone to the worst thing that happened to them. Remember that people are also likely to read what you write about them. This resource discusses your **responsibilities when writing up**.

Try not to blur *your experiences* with *their experiences*. Having similar personal backgrounds or trauma can generate some valuable insights as an interviewer, but watch out for unhelpful forms of projection. The focus of the conversation should primarily be on them — so share personal detail appropriately and sparingly.

Understand trauma's role in memory. Memory encoding — the way the brain creates memories — works differently during intense, life-threatening events. Afterwards, people may inadvertently reorder events out of sequence, confuse who did exactly what, or have whole gaps in what they can recall. Inconsistencies are not in themselves evidence of deception. You will need to use multiple sources to construct timelines and fact-check sensitively in ways that don't imply that you disbelieve them. Keep in mind that it may be unfair to expect some sources to clarify certain details.

Consider how to involve sources in visual choices about their lives. Survivors often find it upsetting when journalists take images of themselves or their relatives off social media without consulting them first. It feels invasive, and the images may not correspond to how they would like their loved ones to be remembered. Taking and using pictures and video is a complex area that benefits from **planning in advance** and prioritizing consent whenever possible.

You might need to state clearly that you can't guarantee that speaking to you will bring the perpetrator to justice.

The more one knows about trauma, the more insights a reporter will have into innovative and impactful ways of covering these stories. Check out the **Dart Center website** for examples of how other journalists have approached these challenges.

Include a Plan for Your Interviewee's Physical Safety

In crisis zones, you are responsible for risk-assessing your interviewees' physical safety as well as your own. Ask yourself some key questions: Could an interview expose your source to further danger? Is there potential for backlash from the community? Does anonymity need to be protected? Who shouldn't be in the room? How can we talk without being overheard? A guide on **covering conflict-related sexual violence** — specifically chapters **two** and **eight** — offers detailed checklists for you and your editors to discuss.

Take Additional Care With Consent

Your interviewee needs to have a clear understanding of what they are getting into by talking with a reporter — it may not be obvious to them. So do take extra time to explain **what the process involves** and how their contribution will be used, including how you are planning to record and edit images and sound.

Finding out that the final product also includes the voices of alleged perpetrators can come as a nasty shock to victims who are not expecting that.

Asking what your interviewee expects to get out of talking to you can help bring hidden assumptions to the surface. For example, you might need to

state clearly that you can't guarantee that speaking to you will bring the perpetrator to justice.

Your sources also need to know that, thanks to the internet (or broadcast piracy), anything published could be accessible to anyone, including people in their community. You may want to show them examples of similar work and warn them that trolling may be a possibility.

If there are any aspects of granting an interview that might complicate their ability to seek future legal redress, explain that too. The principal dangers revolve around breaking the **chain of custody**, asking leading questions that could bias responses, and a source volunteering multiple accounts that contain **apparent inconsistencies**.

Think of the consent conversation as an audition. If a contributor or source is likely to drop out, it is good to know early, especially on films and projects which can involve a major time commitment.

Cede Control Where You Can

Typically, trauma reduces people's sense of control. In response, look for ways of increasing your interviewee's agency. Even small gestures can make a real difference.

- Involve people in the decision about where the interview takes place and whether they would like someone they know to be there.
- Acknowledge that speaking might be difficult and explain that there is no need to discuss anything they would rather not. Ask ahead of time if there are any topics that are off limits.
- During the conversation itself, recheck permissions with the occasional: "Is it OK to ask about...?"

- Try not to fish for feelings. The classic “How did you feel?” prompt can dig into people’s emotions in a way that is unbalancing.
- Be aware that *why* questions and snappy requests for specific details are used by interrogators. Framing a question like “Why did you do that?” can imply that someone made an error and amplify blame.
- If you meet resistance, don’t push through defenses. Find another route to the information you need.

Be mindful that the standard interviewing strategies reporters employ for powerful figures, such as business people and politicians, are often about wresting control away from your sources and pressuring them to reveal more than they are comfortable saying. You still need certain information, but these reflexes are best put aside when dealing with victims or eyewitnesses to atrocities.

Facilitate the Best Conversation

Having a plan is still important when interviewing survivors or victims. These conversations benefit from being well-structured with clear objectives.

Listen actively. Nothing builds a sense of being in good hands as effectively as the feeling of being listened to. When a journalist is fully present, people are generally forgiving of the need to take notes or check sound.

Try structuring in thirds. Dividing the conversation so that the most challenging events are sandwiched in the middle can lessen the danger of your interviewee leaving the encounter with the worst details still at the top of their mind.

Start on topics that are likely to be relatively safe or neutral. This also builds rapport. Then move on to the key events you need to explore. Finally, try to bring the conversation back onto safer ground. There is no exact science to this. If the conflict is over, you could ask about life since the war. Finding less traumatic ground to finish on is harder if fighting is ongoing or recent. You could always ask what someone is planning to do after the interview, later in the day or that week.

Favor simple, open questions. Setting out with a broad topic, for example, *“What can you tell me about the day the soldiers arrived?”* can be easier to answer than more specific queries. A broad question gives people choice over what they are most comfortable discussing. Once some mapping has taken place, reporters can circle back with more narrow, detailed questions.

As discussed above, traumatic memory is often fragmented and less linear. People may find the question *“What happened next?”* surprisingly hard to answer. Instead, *“What else can you tell me about X?”* may prompt a more useful response.

Keep an eye on the clock. Talking about trauma can be exhausting, and people may forget their own needs out of a desire to be helpful. At the outset, remind interviewees that they can have a break at any time, and during the conversation, watch for signs of unusual fatigue. You may want to offer the option of following up on another day.

Wrap up well. Have a contact plan in mind for afterwards and always follow up on any promises you make. Consider reading out the quotes you use so your source knows what to expect on publication.

As discussed above, you are not a clinician and so offering detailed, unsolicited advice is usually not a good idea. But where someone expresses an interest in seeking additional support, you can signpost to relevant local organizations and resources.

Be Accepting

Do acknowledge people's distress. Depending on what is appropriate to the situation, you might say variations on the following: "I am so sorry that happened to you," or "That must have been unbelievably hard."

Big emotions like shame, guilt, anger, fear, and helplessness are the unseen currents that drive the weather system of war. People often blame themselves for things over which they had no control. And in cases of torture and sexual violence, enduring stigma may well linger in some communities.

If somebody shares details that horrify you, avoid betraying your reaction by making an uncomfortable face or anything else that might trigger shameful feeling from your source.

Crying is not at all unusual in these interviews. In fact, it often happens when people start to feel safe in the conversation. Again, be open. You might want to give someone a moment to compose themselves, then ask if they want a short break or prefer to carry on.

Sometimes, people may re-experience elements of the actual pain that they had during the attack itself. An interviewee might start to dissociate (space out) or become hyper-alert, as if they were back in that danger. You need to exercise real care in these moments, as this could be a sign that someone is starting to lose control of their emotions.



An elderly Bosnian woman sits and smokes a cigarette by the side of a road in Bihac Pocket, Bosnia, 1995. She was expelled from her hometown and arrived in a village that had just been cleansed of Serbs, where she was forced to flee again a few days later when Serb troops retook the village. All forces attempted to cleanse areas into ethnically pure groups during the war in Bosnia. Image: Courtesy of Ron Haviv, VII

If someone is stumbling over a memory, don't dig into that gap, as it may disorientate someone further and undermine their efforts to look after themselves. Similarly, avoid direct touch; it can feel invasive.

Instead, model calm and change the conversation in a way that helps the person focus back on the present — that is, being in the room with you — rather than back in the experience of what happened. **This guide** has more detailed advice on this.

If interviewees get angry, express opinions that you find hard to listen to (or morally repellent), or complain about personal losses that appear trivial compared to other people you have recently interviewed, let people have their feelings. This is probably not the time to challenge them.

There is also a safety dimension here: if someone becomes threatening, find a pathway to de-escalation and an early route out of the conversation.

15

PHYSICAL AND DIGITAL SECURITY

by Matt Hansen | Photography by Ron Haviv



A journalist being taught how to deal with chemical, biological, and radiological hazards by Bruhn NewTech, a security company that offers training to prepare against chemical attacks. Image: Courtesy of Ron Haviv, VII

Security should be a central part of the reporting process from day one for reporters investigating war crimes—especially in an era of increased surveillance, spyware, and other threats.

When reporters incorporate security into their workflow, they keep themselves, their research, and their sources safe. And while safety is the ultimate goal, increased security also enhances public trust in their work, making it more likely that potential sources will assist with future stories.

Many of the steps we'll discuss in this chapter aren't onerous. In fact, they can even enable journalists to report more effectively while keeping themselves and those around them safer.

We'll start with physical security practices, then examine how journalists should consider their digital footprint. Thinking about security in this holistic way can help reporters—and their editors and colleagues—make more informed decisions when undertaking a story.

Before undertaking any story, it's important for reporters to conduct a threat assessment on the work ahead. Covering war crimes stemming from an active conflict will pose a different set of threats than investigating events from conflicts long past, but both can be risky. A good place to start is the **risk assessment template from the Committee to Protect Journalists**.

Physical Security Best Practices

Conflict reporters wear ballistic helmets and vests. Reporters covering natural disasters bring water, food, and foul weather gear on assignment. Journalists investigating war crimes should take physical security precautions as well, even if they are working in areas with less obvious risks.



A journalist wears a flak jacket and helmet in Kyiv, Ukraine. Image: Shutterstock

Decide When, Where, and With Whom to Meet in Person

Interviewing sources is the lifeblood of war crimes investigations. While many interviews now take place virtually, some sources may feel more comfortable speaking or sharing documents face to face.

Each individual reporter must decide whether an in-person meeting is necessary. But before choosing to meet a source in person, set some ground rules that they must follow. Select the location and time to meet, and clarify whether the source is coming alone or with others. Communicate any interview plans to someone trustworthy, such as an editor, a colleague, or a partner or friend.

In general, most non-sensitive meetings should take place somewhere public, where a conversation between two or three people wouldn't raise suspicions or feel out of place. Avoid having sources visit your office or home, especially when interviewing them for the first time.

For more sensitive conversations, picking a neutral site such as a hotel room or rented office may be safest. And when dealing with highly sensitive sources, meeting in person may not be appropriate at all. There are trade-offs to each, as both in-person meetings and digital communications can be tracked and compromised. Make sure to understand the threat level faced by your sources as well as the likelihood that they (or you) may already be under some form of physical or digital surveillance, when making any decision to meet.

Before choosing a rendezvous location, make sure to visit the area at different times of the day. Gauge what "normal" feels like. For example, a coffee shop in a bustling city center may be busiest in the morning with a corresponding afternoon lull.

Prior to the meeting, arrive at the location early and see if anything feels different from the normal routine you've previously observed. Look for obvious warning signs, such as the unexpected presence of a crowd during an otherwise quiet afternoon, out-of-place individuals loitering nearby, or a lack of foot traffic during a normally busy morning.

Don't hesitate to reschedule or reconsider a meeting when too many warning signs appear. While this type of vigilance shouldn't be an obstacle to reporting, even a slight increase in situational awareness can help improve your safety.

Vary Your Daily and Weekly Routines

When living and reporting in the same place, consider the fact that groups opposed to your work may become aware of your efforts. In some cases, depending on the sensitivity of your work and your profile, these groups may assign an individual or a group to track your activities.

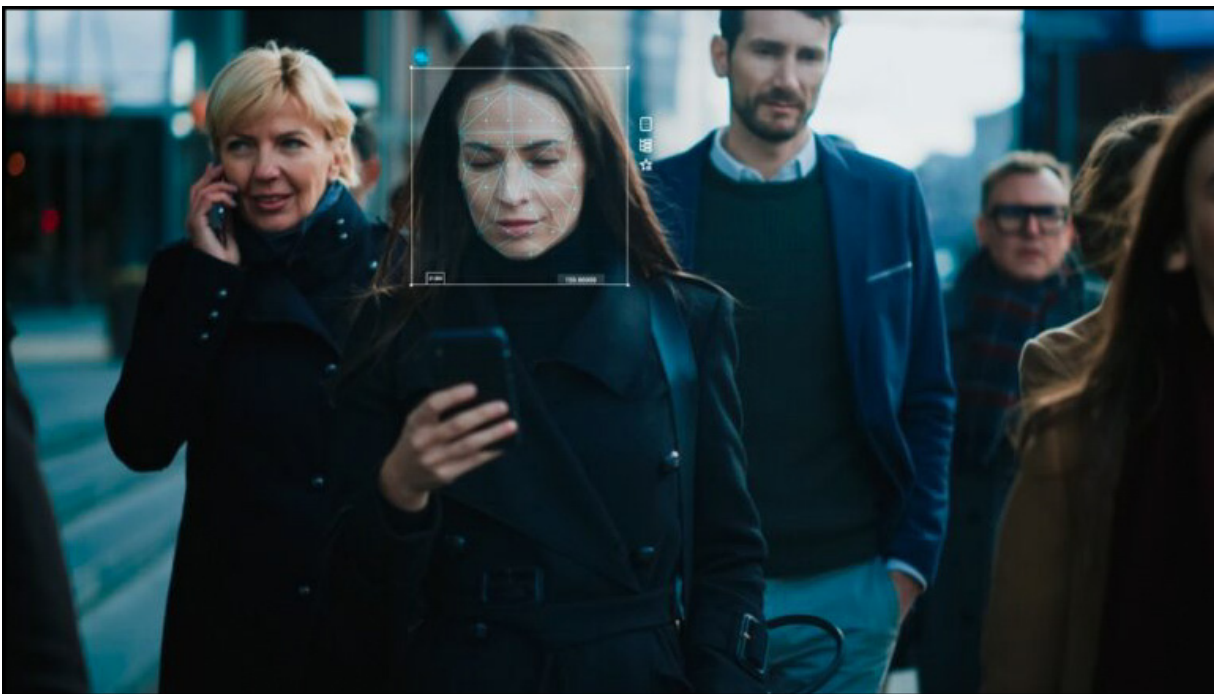
Surveillance like this seeks to map out a pattern that can track your daily life. Taking the same route to the office every day, going for a jog in the same park every morning, and stopping at the same restaurant every afternoon makes it very easy for potential adversaries to predict your movements. This also means that when you change the pattern—by meeting with a source in a location you don't regularly visit, for example—that variation becomes more obvious.

By contrast, a less predictable routine makes it more difficult for adversaries to determine a reporter's next move or notice unexpected changes.

If you suspect that you are being followed, consider the potential consequences for your sources as well. If they could face professional reprisals or threats to their physical well-being by meeting with you, it's best to divert communication to other channels, such as encrypted messaging or video conferencing.

Even when not being surveilled, varying daily and weekly routines will make it more difficult for a potential adversary to collect information about your work. Depending on where you live, adding more variation to your schedule can also reduce your risk of street crime and kidnapping.

Not every journalist investigating war crimes will experience surveillance on this scale. Many will not be surveilled at all. But if you believe that your reputation, past work, or profile are significant enough to raise suspicions, you may want to consider taking proactive steps.



Journalists should take proactive steps, like varying their routine and being careful when arranging in-person meetings with sources, to avoid surveillance. Image: Shutterstock

Secure Your Home Base

Whether you work from a home office, a newsroom, or a coffee shop, it's important to take steps to secure your "home base."

Working from home offers the most control over security upgrades. If cost is not a factor, consider installing a home security system or other measures. At a minimum, purchase a reputable document safe to store any investigation-related materials, such as reporters' notebooks and evidence, whenever you leave the premises. Power down and lock digital devices in a secure place in your home as well. And, as much as possible, ask family and friends not to use or disturb any of the devices or paperwork associated with

your work, to more easily maintain control over all the information associated with your story.

When working in a newsroom, talk to editors about their security best practices. Consider a “clean desk” policy that requires journalists working on sensitive stories to secure all related materials under lock and key when leaving the newsroom each day. Secure digital devices to desks with locks and place privacy screens on laptops and computer monitors. Avoid a paper trail by shredding any printed materials that don’t need to be preserved.

Finally, when working in a public space like a coffee shop or library, take extra steps to safeguard devices and notebooks. Don’t leave computers, phones, notes, or other materials unattended at any time. Power down and store devices when they’re not in use (and ensure that they are encrypted, per below). Avoid storing sensitive information on the devices themselves and always use privacy screens.

And while public WiFi was once considered a high risk and something to avoid for security reasons, the **EFF says that’s no longer the case thanks to the rise of HTTPS encryption** on most websites. Still, the group warns that out-of-date software can make devices more vulnerable on public networks, and it notes that metadata is not protected even when using HTTPS-encrypted websites.

Digital Security Best Practices

As more journalists conduct their work through digital devices and channels, their digital profile becomes just as significant as their physical profile. Luckily, with the advent of privacy-focused tools and increased awareness of digital risk, journalists are now better equipped than ever before to conduct sensitive investigations.

Here are several best practices to get started.

Use a Dedicated Computer for Work

Computers can be expensive to purchase and maintain. But for journalists conducting investigations, using a dedicated computer for their work is critical. This practice not only keeps their personal and work use separate, it also allows reporters to use stronger security measures that might make their work computer more complicated to use.

For example, consider installing software on any work computer that allows easy tracking of the device's location and enables erasing of its contents if lost or stolen. In some cases, you may also want to sacrifice a device's convenient features, such as Bluetooth, or block its USB ports to greatly increase its digital security.

Dedicated work computers are also easier to clear and restore if there's a chance that they might become contaminated with malware or spyware, since there's no risk of losing personal files or photos.

You may need a technical assistance provider to help select the appropriate computer and software necessary for your reporting, as well as offer recommendations on how best to use the computer during your investigation.

Regardless of the type of computer chosen, ensure that full disk encryption is enabled, which will prevent an adversary from accessing data without your passcode. You can access this option through **BitLocker** (Windows) and **FileVault** (Mac).

Compartmentalize Your Information

An old adage in cybersecurity is, "They can't find it, if it doesn't exist." This is the principle behind compartmentalization, which is the practice of keeping sensitive information separate from personal information.

For example, rather than storing all interview notes in the same folder as personal photos and files, consider storing those documents in a more

secure location, such as an encrypted cloud or external storage site (see document storage tips below). This way, if an adversary gains access to your personal accounts or systems, they still wouldn't be able to access your work-related information.

Compartmentalization also means choosing more secure options for communication. For example, if you frequently use text messaging, you should switch to an **encrypted messaging app like Signal** for any source communication. This helps avoid a **“single point of failure”** that an adversary can target for information about your research. As we note below, it's important to pick the appropriate tools and channels for each individual situation, which may require help from a local expert.

Use Appropriate Privacy Tools

We live in a golden age of privacy-focused tools designed to help journalists do their work more safely.

Selecting the right tools for your own work is a necessary first step. Before starting your assignment, seek out a technical expert who's familiar with your region and the type of work you want to do. They will be able to recommend the right tools for your needs, taking into account local restrictions, bandwidth, and usage trends.

In general, using encrypted messaging tools such as Signal and WhatsApp will be more secure than non-encrypted options. The same holds true for browsing the internet with a virtual private network (VPN). However, every country is different, and using a tool designed for one situation may raise concerns or heighten risks in another. That's why local knowledge is so critical when selecting the appropriate toolkit.

Educating yourself about these tools is a good first step. Resources like the Electronic Frontier Foundation's **Surveillance Self-Defense guides** and

Front Line Defenders' **Security in a Box** can help you navigate the landscape of tools available to you.

Store Documents Carefully

Documents, data, and other forms of evidence are central to successful war crimes reporting. Safely and securely storing this information should be a top priority.

If you choose to collect digital documents or evidence, it's important to go a step further than storing copies on your computer or smartphone. Devices break, disappear, or fall into the wrong hands. Keeping documents backed up in secure formats reduces those risks.

Placing information in the cloud ensures access to documents from almost anywhere while keeping the documents themselves off your devices. When selecting a cloud storage provider, it's safest to use an encrypted, zero-knowledge provider. Encryption ensures that the data is stored in a cryptographic format that makes it challenging to read without a key. Zero-knowledge means that only you have the key to unlock that data. As a result, the cloud provider can't access any of the information that you upload, reducing your risk of breach due to an attack or a subpoena from a court to the provider.

One downside of a zero-knowledge system is that the provider can't restore a lost account if you lose your key. If you choose to use this type of account, make sure to store your password securely in a password manager. Some password managers, such as **1Password**, even offer free licenses for journalists. But keep in mind, even these services are not immune to security lapses; in 2022, password manager **LastPass was breached and an attacker gained access to customer data.**

If you prefer to store documents on a physical device, try an encrypted external hard drive. These drives resemble the devices you've likely used to

store files outside of a laptop or desktop, except that they also contain a keypad to unlock the data within. Only users who know the appropriate passcode can decrypt and access the data on the drive.

Should encrypted drives be too cumbersome, you can also use software such as **Cryptomator** to encrypt folders and files directly, which can then be safely stored on an unencrypted hard drive or in cloud storage.

When gathering documents, testimony, or evidence from the general public, consider using a tool like **SecureDrop**, where anyone with Internet access can anonymously submit information to reporters. This requires some technical know-how to set up but can greatly expand the reach of an investigation.

Next Steps

Journalistic security is complex and multifaceted. Best practices in one part of the world may differ slightly in another region. Nonetheless, these are some basic steps that any reporter can take to be safer.

We invite journalists who want to go deeper into their security workflow to use GIJN's **Journalist Security Assessment Tool** (JSAT). This will provide an assessment of their current security footing as well as recommendations on areas for improvement. For journalists doing the long, grueling work of investigating war crimes, JSAT may be a shortcut towards a safer way of conducting their vital mission.

16

SELF-CARE FOR COVERING TRAUMATIC EVENTS

by Gavin Rees



Image: Shutterstock

The last thing war criminals want is for journalists to take good care of themselves. Far better to be pursued by investigators who are emotionally overwhelmed, burnt out, becoming sloppy in their record keeping, and losing sight of why the work matters.

Being resilient is not about being unaffected by distress, it is about knowing how to work with it.

Following through systematically on one's personal self-care and encouraging colleagues to do the same is an integral part of pushing back against human cruelty.

Vicarious Trauma

Sometimes, the risks come from being in locations where violence is unfolding. But more often, the issues arise from more indirect routes, which involve repeated immersion in traumatic detail. These include:

- Close involvement with trauma-exposed sources (interviewing).
- Viewing **graphic images of violence**.
- Processing disturbing testimony (transcripts and direct recordings).

With vicarious trauma, one doesn't need to be the direct target of abuse or violence to be affected by it. (Trolling attacks and other threatening communications are distinct but connected problems.)

Reactions and Responses

First, some good news. There are certain features built into the work itself that are protective. Having a strong sense of personal mission, professional detachment, knowing how to see issues from different perspectives, and working in supportive teams all contribute to a journalist's personal resilience.

Nevertheless, the following negatives may accompany high levels of vicarious trauma exposure:

- Concentration difficulties
- Irritability

- Physiological disturbances (muscle tension, sleep and digestion issues, impaired immunity, etc.)
- Lower mood with an increased predisposition towards negative thinking
- Themes from work content seeping into one's own life and worldview
- Difficulty trusting and connecting to others
- Guilt or shame
- Deep exhaustion

Contrary to common myths, these kinds of distress reactions, by themselves, don't imply that anyone has a longer-term emotional injury of any kind.

All the issues listed above are natural (albeit unwanted and unpleasant) by-products of essential survival reactions that happen when our bodies anticipate the possibility of violence.

Usually, tricky reactions to trauma resolve naturally, once exposure to the threat is removed (that could be high volumes of disturbing material) and the mind-body connection has the breathing space it needs to relax back into a lower level of arousal. This may take days or several weeks.

It is important to note that during an ongoing crisis — such as living and working in a war zone — reactions are likely to stay higher for longer while the conflict continues or if one is constantly seeing reminders of the conflict when it is over.

Taking the current situation of Russia's war of aggression in Ukraine as an example, a journalist who has been reporting near the frontlines may experience their stress load reducing after coming back to a safer part of the

country. But it is unlikely to reset back down to peacetime levels while the general situation of the war is continuing.



Cameraman filming a destroyed house in Dnipro, Ukraine, after a Russian missile strike. Even after leaving the front lines and returning to a safer location, journalists covering war can still experience higher-than-normal levels of stress. Image: Shutterstock

Just because some level of impact is natural and expected, it still needs attention and active management. The reactions listed above interfere with work and life, and can, if ignored, lead to more persistent difficulties.

The first things that make a difference here are awareness (psychoeducation or understanding what is going on), social support, and self-care.

In some situations, the question of whether or not to seek outside clinical support might arise. Some journalists find **psychotherapy** helpful for personal or work-related issues. The point at which seeking outside help becomes advisable (rather than optional) depends on the context.

In a war situation as discussed above, reaction levels are likely to be higher than usual, with extended periods of living on edge, feeling numb, et cetera, being quite common. Individual clinical support is recommended when a journalist or team member is in crisis and has significant problems with daily coping and being able to manage emotions and otherwise simple tasks. (An approach called **psychological first aid** may be useful if you are in touch with a colleague who is struggling.)

The situation is different once a war has ended or a journalist has left a war zone and returned back to a country that is at peace. Then, **unusual difficulties** that persist for long periods of time and don't respond to self-care, such as overwhelming sadness, incapacity to feel, or persistent anger, might mean that the help of a specialist therapist is something to explore. Burnout, depression, and post-traumatic stress disorder (PTSD) are possible consequences of heavy loadings of continuing vicarious trauma exposure.

Most people recover from traumatic experiences when given time. It is not that losses are forgotten, more that they become easier to manage.

There is no single formula for well-being and mental health. If you are struggling and worried about how you are coping, it is important to seek out help.

Being in Other Peoples' Pain

Some journalists discount personal impact because it seems so trivial in comparison to what their sources are going through. That is understandable, but it is also a fundamental misreading of what's at stake.

Effective interviewing depends on empathy — the ability to see things from other peoples' perspectives. Being in someone else's emotions in this way also opens up the possibility that aspects of those preoccupations can come back across the bridge of connection. A journalist can start taking on some

of their interviewees' helplessness, guilt, or shame, without being fully aware of it.

Over time, these fractional impacts may build up. One potential consequence is becoming jaded and intolerant of others' distress — a clear problem when interviewing vulnerable people. This is sometimes called **compassion fatigue**, but empathy fatigue would be a more accurate term.

There is only so much time one can spend working with visceral traumatic imagery or seeing traumatic events through someone else's eyes. We need the capacity to detach as well as connect.

Things That Help

Watch Exposure Levels

Think of empathy as like a muscle: it is essential for meaningful work but only becomes stronger with adequate recovery. On top of that, investigations are more often marathons than sprints.

And so:

- **Space interviews out.** Don't pack too many into a single time period.
- **Work with the worst material when you are feeling freshest** — containing distress is harder when tired.
- **Avoid unnecessary repeat exposure.** A Dart Center guide has more specific tactics for **working with traumatic imagery** that can also be applied to working with written accounts.
- **Build in frequent breaks.** From time to time, try to shift your perspective onto less charged aspects of the story or unrelated matters. (If you are stuck in a chair, best to get up and move.)

- **Spend time away from devices.** Don't be "on" 24/7; media professionals get plenty of news exposure during working hours. Reminders of work can add to background stress levels and play havoc with sleep.

Know Your Signs

Each of us will have a tell-tale indication that we are becoming run down. It could be muscle tightness, a sore throat, unusual irritability, or sudden bouts of self-criticism. Whatever yours is, it is a cue for tapping into something restorative.

An effective journalist is a well-rested one.

Aim for Tolerance Rather Than Elimination of Distress

This may sound counterintuitive, but managing distress is not about trying to banish uncomfortable thoughts and feelings. That is not realistic in daily life — let alone when investigating war crimes.

Instead, aim to turn their volume down, so that they have less power to crowd out the positives that still apply in life. Identifying what is going on can help loosen distress and open up space for a greater sense of control.

Fighting with discomfort can intensify it.

Follow Through on Self-Care

We all have a pretty good idea of what recharges our internal batteries. The challenge is doing it on a regular basis, especially when projects are urgent and engrossing.

Be aware that high volumes of negative content itself can squeeze out more positive ways of thinking, intensifying a drift into overworking and making it harder to connect to restorative activities.

Constructing mini-rituals can help. Think small and easily achievable: 10 minutes of exercise a day will be more valuable than two hours every other weekend.

You might also find some kind of personal checklist helpful. The following schema uses the simple mnemonic device **Body – Mind – Spirit** to create three headline check-in questions that one can return to regularly (every day, if useful).

Body: *How am I looking after my physical well-being?*

Start here. The body is where tension originates. Exercise, adequate hydration, eating a nutritious diet, and good-quality sleep all help down-regulate stress. Note:

- Even light exercise (stretching, walking, dancing, etc.) can help shift mood and restore equilibrium.
- Consider mastering a rapid stress-regulation technique, such as deep diaphragmatic breathing or progressive muscle relaxation. (These are now routinely taught to soldiers and emergency workers operating in high-stress environments.)
- Sleep is important. You may want to Google “sleep hygiene.” (Note: alcohol is not a sleep aid — it impairs sleep quality even in small amounts.)

Mind: *How am I approaching things in my head?*

The lenses we apply to the problems we face make a significant difference. When working with trauma, it is helpful to cultivate the ability to purposefully detach so that one is half in and half out of the material — and not hooked on fixed ideas. (Some people find mindfulness helpful for this.) You might find these questions useful from time to time:

- Am I taking on more than I can realistically achieve?
- Am I blaming myself for something that is really beyond my control?
- Am I identifying with a particular contributor in a way that feels unusually intense?

If you score a yes on any of these three questions, you might want to stop and unpack why that is. Talking things through with a friend or trusted colleague can help. The same goes for ethical dilemmas or if you're feeling stuck on a story angle or approach. Journaling and more creative forms of writing can also help with this kind of processing.

Spirit: *What am I doing to connect to things that feel bigger than me?*

Spirit, soul, transcendence. It doesn't matter how one labels this dimension. When working with trauma, horizons often contract, making it easy to lose connection to other, deep aspects of our values and relationships.

This third level is about *doing* things that keep us plugged into life's wider possibilities and meanings.

A **substantial body of research** shows that engagement with people we care about and an attachment to values and a sense of purpose that takes us beyond a narrower sense of ourselves are closely associated with personal resilience.

For journalists, some of these benefits come from the work itself, the commitment to journalistic mission, and professional ethics. But that is best balanced with outlets outside of work. Here are some examples of activities that offer these benefits:

- Spending time **in nature**

- Attending events that bring **a feeling of awe** (concerts, sporting events, religious or spiritual events, etc.)
- Creativity (art, music making, gardening, etc.)
- Practicing small acts of kindness towards strangers
- Charity work and **volunteering**
- Nurturing personal attachments and friendships

Embrace the Collective

As the previous section suggests, this discussion is not just about self-care, it is also about collective concern and colleagues watching out for each other. We are all more likely to do what is needed to look after ourselves if those around us support that enterprise — and are doing the same.

Remember, trauma exposure may leave individuals feeling isolated and fragment our sense of connectedness in news teams. So this is a dynamic process, requiring constant monitoring and effort. **Managers and editors** need to lead this, but every journalist has a role to play in making sure that colleagues feel supported. Strong team solidarity is also a powerful way of pushing back against outside intimidation.

Other Resources

First Draft's **Guide to Handling Vicarious Trauma**

Approaches to Vicarious Trauma from Different Professions: **Medical Staff**, **Human Rights Lawyers**, and **People Working with Victims of Crime**

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