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YouTube and the Role of Digital Video for Transitional Justice in Syria¹

Josepha Ivanka Wessels

Introduction

Since its inception, the Internet started to offer alternative sources to mainstream news outlets and consistently provided a digital public sphere of contestation and counter-narratives (Jayyusi and Roald 2016; Askanius 2012; Castells 2001). The Syrian uprising which started in 2011, is arguably the most (socially) mediated and video-recorded revolution of modern times, the most “YouTubed” war (Lynch *et al.* 2014; Elias and Omareen 2014; Al-Ghazzi 2014; Üngör 2013 and 2015; Boëx 2012). For decades, Syria was a closed media country (Al-Bunni 2008, George 2003, Wedeen 1999) and at the onset of the popular uprising, Syria became even more closed when foreign TV networks such as Al Jazeera and Al Arabiya were kicked out of the country early in the uprisings (Halasa 2014). To fill the media gap, thousands of Syrian street protesters used their mobile phones to record daily events to be uploaded on YouTube, which was banned in Syria until February 2011 (Wessels 2015b and 2011). Grassroot video footage has been hailed as a useful tool to document and evidence war crimes. But the challenges to compile a body of evidence of war crimes are significant (Koettl 2014). Providing a conceptual categorisation of online digital video in eight different types of footage found on YouTube, this article focuses on the value of digital

¹A draft version of this article was presented at the 3rd workshop of the exploratory series on ‘Virtual Zones of Peace and Conflict’ organised by the University of Copenhagen, Lund University, and the Peace Research Institute in Oslo (PRIO), March 3-4 2016, Lund, Sweden.

video for future transitional justice in Syria. The research methodology is based on observation (media-ethnography) of 400 YouTube clips, observational fieldwork in Turkey and Syria, 21 semi-structured interviews with Syrian video activists inside and outside Syria and conversations with legal (media) experts.

Videos as expressions of moral outrage, grieving death, digital memories and evidence of war crimes

For Syrian video activists, YouTube provides an online platform to deposit and distribute their videos, to find a global audience to express their moral outrage and to build an archive of action and activist memory, for commemoration, for grieving death, and honouring heroes and beloved ones. Askanius (2012) identified three major roles for online videos on anti-capitalist video activism: 1) an archive of action and activist memory, 2) commemoration in an online environment for grieving death and 3) a space to provide and negotiate visual evidence of police violence and state repression: “Vast amounts of videos documenting street violence and narrating political resistance from a citizen gaze are uploaded onto YouTube everyday” (Askanius, 2012, 13). Askanius (2012) draws upon Haskins (2007) who argues that digital memory bridges the conventional distinction between archival memory and lived memory by merging storage functions and ordering, to indicate that YouTube in particular is where amateur culture and user creativity meets history writing and archival documentation in an audiovisual online archive (Askanius 2012; Haskins 2007). This article takes into account the function of YouTube as a platform for digital memory and the three major roles of activist videos as identified by Askanius (2012), whilst posing the following question: What is the value of the available user generated video content (UGC) on YouTube in the constitution of *legal* evidence for Transitional Justice? To answer this question, the article is divided in four sections; the first section describes the emergence and development of online video content from Syria, why activists started to record and upload their videos on YouTube, the role of digital video in media discourses about ‘truth’ in the Syrian war and the transformation of online videos as evidence. The second section analyses how digital video from Syria has been introduced in the human rights discourses on the ‘power of the camera’ and ‘citizen journalists’ as eye-

witnesses of atrocities. What are the guidelines for digital video as evidence? This section critically reflects on how the evidentiary value of digital media is emphasized and can lead to a false sense of the power of the video camera. The third section unravels a categorisation of the many different types of online video clips available on YouTube since 2011 in relation to the Syrian conflict, based on a media-ethnography of 400 online YouTube clips that were surveyed between 2014 and 2015. Finally, in the fourth section, the video categorisation of the third section will be used to assess the value of the available UGC on YouTube in the constitution of *legal* evidence for Transitional Justice.

Emergence and transformation of online digital video from Syria

Due to the lack of media presence in Syria, protesters began to take their own photos and videos of the events, which coincided with the emergence of revolutionary Local Coordination Committees (LCCs) throughout the country. LCCs are civil society groups across cities and towns who tried to organise the flurry of grassroots media activism (Halasa 2014; Khalaf et al. 2014). Since 2011, more than 300.000 videoclips from Syria are estimated to have been uploaded on the internet (Wessels 2015b, Wessels 2014, Elias and Omareen 2014). For many video activists on the ground, the primary reason why they started filming was to “tell the world” what was happening in their neighbourhood (Wessels 2015b).

“I didn’t think of using my video collection as evidence, this was not the thing on my mind when I started filming. I filmed my feelings and wanted to document my neighbourhood, my area. I filmed a lot of injured people and martyrs and bombings but not with in the back of my mind to be able to use it as evidence. But I think there is so much around now that it should be possible to provide evidence and incriminate everyone who has committed crimes, we know who threw the bombs and at what time and how” - Video activist from Zabadani

Filming to “tell the word”, can be understood in a variety of ways and does not necessarily indicate a desire to build an archive of *legal* evidence. First, the fact that international media access was extremely limited to the areas where activists lived, motivated many of them to pick up a camera. Second, some activists picked up a camera when they themselves experienced and observed direct violence of the war, such as aerial bombardments or sniper

fire. The filming could be explained as expressions of moral outrage whereby the filmed use the camera as tool to direct their rage to the perpetrators and the outside world. Moral outrage is a special type of anger, caused by the observation of the mistreatment of others, violation of their rights and the violation of a moral norm or principle (not to hurt, rape, kill, bomb or shoot at others) by others, which then motivates the observer to speak up and take action (Goodenough 1997). When moral outrage about a war crime is mutually felt between Syrians and publics outside Syria, this emotion can unite people in defiance and protest. Thirdly, another reason that motivated Syrian video activists was the sudden occurrence of *extra*-ordinary events in their daily life. Bourdieu and Whiteside (1996) theorised about the use of everyday photography and found that the “*photographable*” is directly associated to *extra*-ordinary events that occur in routine daily-life marking a break from it; i.e. a holiday, a wedding or a funeral. When applied in the Syrian context, extra-ordinary events like a street protest, a funeral or an aerial bombardment motivated filming. During the first phase of the Syrian revolution, filming happened spontaneously and reactionary, no specific documentation strategy was prepared (Halasa 2014). The majority of the YouTube footage in the first period of the Syrian uprisings consists of activist recordings of street protests to serve as a digital memory of a unique revolutionary event and not specifically as legal evidence. Early UGC can thus be seen as Bourdieusian everyday photography of extra-ordinary events. These videos also correlate with the first role that Askanius (2012) identifies as online videos being an archive of action and activist memory to document the street protests.

When the events turned violent and the regime crackdown deepened, using live ammunition and bombings, the videos went beyond everyday photography or activist memory and became tools to express moral outrage and eventually document the suffering and consistent war crimes. This relates to the two other roles identified by Askanius (2012), namely a digital vehicle to commemorate martyrs and grief death and a space to provide and negotiate visual evidence of violence and repression. Videos of funerals and extreme violence increasingly started to appear online (Üngör 2013), armed opposition groups would capture

regime thugs (a.k.a. *shabihha*²), who carried personal phones. Mobile phone footage from *shabihha* contained self-recorded and/or perpetrated torture and violence against civilians or Free Syrian Army fighters, which was consequently uploaded on YouTube to provide evidence (Bashar Assads Crimes Archive 2013). For example, the YouTube channel ‘Syrian Revolution in Languages of the World is an anti-Assad channel that uploaded mobile phone footage from captured Assad regime soldiers and other self-incriminating video evidence of war crimes perpetrated by the regime army (Bashar Assads Crimes Archive 2013). Opposition video activists would also film and document the aftermath of aerial bombardments and massacres, such as those in Houla in 2012 (Syria Scenes 2012; Van Schaak 2014), Ariha market and Rasm al Nafl in 2013 (Shahba Press Agency 2013). Digital video footage also emerged documenting armed rebel groups committing human rights violations such as torture, summary execution of prisoners and beheadings.

Sometimes YouTube uploads primarily served as intimidating messages to victims; the clearest case in Syria were the videos by Syrian regime supporters of summary executions of rebels (often called ‘nusra terrorist rats’ and other animal references) or jihadi videos by ISIS, Jabhat al Nusra and other extremist factions, of beheadings uploaded by perpetrators themselves to intimidate their victims. What is clear from the videos is that violence is committed in Syria by all sides in the conflict. The regime has been employing a kaleidoscope of violence which has been documented by video activists, including sniper fire, executions, massacres, tortures to death, detention and indiscriminate bombardment using a wide range of weaponry from chemical weapons, clusterbombs, scud rockets, incendiary bombs and barrelbombs (Üngör 2013 and 2015). Consistent denial is a key element in the media discourse of the regime (Üngör 2013). YouTube videos of regime staged interviews are introduced in online media discourses, they become vehicles to claim a ‘*truth*’ about what is really happening on the ground in Syria, to counter and debunk the opposition-activists uploads leading to a battle of the digital images online and vice versa. The main argument introduced by Assad-supporters against UGC by opposition video activists is that their videos are faked, therefore do not provide proof or evidence of war crimes perpetrated

² *šabbīḥa* (arab. translit.) means “ghost” or “spirit” in Arabic and is used to describe the mostly Alawite secret militias in support of the Assad-led Ba’ath party. The militias have been active since the eighties in Syria as irregular paramilitaries in civilian clothes connected to the Assad regime (Üngör 2013).

by the regime.

However, Syrian state media and indeed Assad himself during media interviews both with foreign news agencies and pro-Assad Syrian channels such as Al Dounia TV, regularly refer to Syrian military operations as national cleansing operations, as described by President Bashar al Assad himself as “internal self-cleansing for the state first and then for the country in general” (Addounia TV English 2012) which indicates genocidal justification. When analysing video clips and YouTube content of channels supportive of the regime, much of the rhetoric is indeed focused on the utter destruction of the opponents of the regime. These opponents are dehumanised and labelled as terrorists, vermin, cockroaches, beasts, apes and pigs (Üngör 2013). The regime supporters morally justify the mass violence they unleashed onto Syrian civilians as the only way to purify the country from these opponents.

Digital video has thus become a central tool in media discourses about which “*truth*” in the Syrian conflict prevails, between those supportive of the Assad regime, the secular opposition against the Assad regime and the more extremist factions such as Jabhat al Nusra and the Islamic State militants, whereby those supportive of the Assad regime try to portray all those in the opposition as terrorists and Islamic extremists. Making use of social media, YouTube, Twitter, Facebook and Instagram, the pro-Assad digital communications campaign works around the clock in teams to insert counter-narratives, ignoring, denying war crimes and repudiating grass root videos coming from besieged and bombarded rebel held areas in Syria (Prati 2015). In interviews for international media networks with Assad’s media advisor and spokesperson, Buthaina Shabaan consistently denies any wrongdoing by the Syrian regime and emphasizes that the regime is focused on securing the country (BBC Newsnight 2016). On the regime’s website, the collection of interviews with the Western Media portrays the Syrian president himself as secular, socialist, democratic, kind, loving, strong, open, modern, most of all, supported by his people (Al Assad 2011).

But a ‘*truth*’ in a digital video does not necessarily reflect reality and in some cases digital video has indeed been blatantly faked. One of the advantages of online and social media is the immediate verification of content by many different online actors (Twitter, Reddit, Facebook users). One of the most recent examples is an interview with a supposed

jihadi extremist from the Al Qaeda-linked Jabhat al Nusra by the German journalist Todenhofer on 17th September 2016, which was aired by Russian State Television (Russian Television 2016). Online activists and Reddit users (Syrian Civil War 2016) and other investigative journalists (Zaman al Wasl 2016) quickly exposed the interview as having been staged inside regime controlled territory with a regime supportive commander dressed up as a Jabhat al Nusra leader.

The Syrian revolt has led to possibly the widest range of digital and social media content produced, reproduced, rehashed and distributed through a variety of actors ranging from political activists, witnesses, military staff, torturers, foreign media professionals and many more providing a vast archive of visual material that is of great scholarly importance (Üngör 2015; Ghazzi 2014). The recordings of violence that can be considered crimes against humanity have tremendous value for the sociological study of mass-violence and the role of perpetrators because the type of footage is unprecedented and many perpetrators are visible (Üngör 2015). In the transformation of online UGC from Syria from spontaneous videos of extra-ordinary revolutionary events to recordings of mass violence as evidence, international human rights organisations such as Human Rights Watch, Amnesty International and Witness, have worked tirelessly to collect and assess digital video as evidence.

Online digital video as a “game changer” for evidencing war crimes

UGC videos from Syria have been introduced in media and human rights discourses as having an enormous potential to provide legal documentation for future warcrimes tribunals (Cole 2012; Koettl 2014; Matheson 2016). But there is a difference between a ‘video recording’ and a ‘legal truth’ and both do not necessarily coincide. This requires a critical discussion of the production of ‘legal truth’ and ‘legal evidence’. In their article on the work of human rights NGOs in refugee camps in Chad to collect evidence of war crimes in Darfur, Aradau and Hill (2013) discuss the role of 500 children’s drawings for an analysis of visibility and conflict, navigating humanitarian and legal realm (Aradau and Hill 2013). The International Criminal Court accepted these drawings as contextual evidence for war crime trials against Sudanese officials. What is important to realize is that the children’s

drawings per se do not constitute legal evidence but in combination with the interviews done by workers of Human Right Watch with children-witnesses and corroboration with other evidencing visuals such as photography and satellite imagery the visuals are extremely valuable (Aradau and Hill 2013). Only then, the drawings have a potential to serve as evidence for Transitional Justice. A similar challenge can be identified for the use of UGC on YouTube.

Transitional Justice is generally accepted as a key step in future peace building and conflict transition (Gready 2005; Kaminski and Nalepa 2006; Sandoval Villalba 2011). According to the International Centre for Transitional Justice (ICTJ) Transitional Justice refers to:

“a set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses. These measures include criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms.” – (ICTJ 2016)

Due to the practical challenges, most Transitional Justice organizations plea for holistic approaches that encompass and consider a full range of factors and circumstantial events and fact recordings that may have contributed to the violations and abuses. The general consensus is that there is no single solution for Transitional Justice.

In the case of Syria, several initiatives for Transitional Justice are documenting human right violations and war crimes; the UN’s Independent International Commission of Inquiry into human rights violations in Syria, the Violations Documentations Center and the Syria Justice and Accountability Centre³ (SJAC) (IRIN 2012). The latter consists of Transitional Justice experts and practitioners, and was set up specifically to provide guidance on Transitional Justice and documentation issues. The SJAC facilitates a network of Syrian organizations working on documenting violations, accountability, transitional justice, and supporting a democratic transition in Syria. The SJAC “collects and preserves documentation of

³ Set up by Syrian activists and international experts in exile, the SJAC registered in 2013 as a non-profit organisation based in the Hague, the Netherlands and also established an office in Washington D.C. The locations are strategically located at the geographical centres of international legal (International Criminal Court) and political power (U.S. State Department). SJAC’s mission is to promote justice and accountability in Syria and ensure a Syrian state defined by justice, respect for human rights and for all Syrian citizens to live in a society without fear.

violations of human rights, humanitarian, and international criminal law in Syria in order to facilitate transitional justice and accountability efforts (SJAC 2016)”. The objectives of the SJAC are three-fold: 1) to remind perpetrators that they will be held accountable one day, 2) to prevent recurrence of war-crimes in a future Syria and 3) to ensure the narratives of the victims are documented for Transitional Justice and historical archives. Within the framework of Transitional Justice, the SJAC open-software database archives videos, pictures, documents and Syria-specific meta-data such as source, location, time, types and methods of violations and actors involved, with both Arabic and English interfaces. Visuals are important entries in the SJAC database: When a Syrian photographer known as ‘Caesar’ defected from the Assad regime with 55,000 photographs of more than 11,000 victims of systematic torture by the Syrian security forces, a renewed call for transitional justice in Syria emerged which focused on indictment of the Syrian Assad regime officials and leadership (Deknatel 2014). The existence of the SJAC opens up an opportunity for the enormous number of online videos from Syria to be considered as potential evidence of war crimes.

Cole (2012) emphasizes that most important for documenting violence and human rights abuses is the recording of proof of the date, time and geographical location (meta-tagging) in order to verify and corroborate crucial facts in the video. With the use of smartphones, Cole (2012) assesses, citizens are increasingly equipped with technology to push for accountability. Western narratives initially framed and celebrated citizen journalism and digital video activism in repressive contexts as ultimate vehicles for mobilisation and democratisation, in the end leading to social justice for the victims of the oppression (Ghazzi 2014). However, this argument, which has been greatly pushed by international media and organisations working on human rights and democratisation, can also create a false sense of *protection* from a phone or a camera. This has led to the unfortunate deaths of Syrian video activists and amateurs who have taken great personal risks to document the Syrian war, such as the death of Molhem Barakat, an 18-year old activist in Aleppo who got killed whilst covering a battle between the Syrian army and the rebels for Reuters news agency (Ghazzi 2014; Kenner 2014). Within the Syrian context, the video camera has not given protection neither led to accountability of perpetrators (yet), despite

the somewhat utopian belief in the *power of the camera* as a weapon against oppression and authority, as propagated in western discourse on the importance of digital media.

Ghazzi (2014) criticizes the construct of citizen journalism as a panacea for democratisation in Arab countries and argues that the conceptualization of digital media practices through a modernist Western discourse fails to take into account the deadly challenges citizens face within the context of the Syrian uprising. Another aspect is a false sense of the value, credibility and leverage that UGC from Syria has with Western media and legal institutions. Indeed, Syrian video activists, whilst they are convinced of the credibility of the footage, have encountered resistance with international human rights organisations to take their video footage seriously. They became utterly disappointed over the years and expressed a lack of trust in the international community:

“I think the videos going out from Aleppo are all credible. But human rights organizations are closing their ears and eyes. They do not want to see the reality that is happening in Aleppo (...) They do not want to believe, they want to contradict the video. We give them a video and they try to falsify it. Although the video is so real but they do not want to think or believe the reality that there is a criminal in this world whose criminality has reached to an extent of killing for example in a short time more than 50,000 citizens and displaced over 1.5 million from Aleppo city. They do not want to know the truth. If they believe this truth and acknowledge it, Bashar al Assad would have been ousted. They are not ready to oust Bashar al Assad because they have interests with him”- **Video activist from Aleppo**

“The problem is that the video clips are used by all the organizations. Videos are the most used thing now and I mean the human [rights] organizations they use this regularly. The basic tools are the videos taken by us, the media activists. But the problem is that the international community does not have a serious desire to hold the criminals accountable. They are not serious in [working] to hold the criminals accountable (...) they have enough evidences, whether with videos or other than videos but they do not have the will, they are not serious to hold the regime accountable as a criminal or [anyone] other than it [the regime]” - **Video activist from Azzaz**

To help journalists, activists and researchers verify YouTube videos, Amnesty International launched a website, called the ‘citizen evidence lab’ (Amnesty International 2016). The citizen evidence lab contains all kinds of tools such as the You Tube Data viewer, which allows researchers and activists to extract data from a video-clip such as the exact timing of

upload, location and whether other copies of the same clips exist on YouTube. Another useful tool for journalists and activists to use is the verification handbook for digital content produced by the European Journalism Centre in order to sort out authentic material from fakes (Silverman 2014). Koettl (2016) and Matheson (2016) both argue that open source UGC content can be instrumental in evidencing human rights abuse on the condition that proper fact-finding methodologies are applied. In his latest article for the Centre of Governance and Human Rights at the University of Cambridge, Koettl (2016) states that the shift to digital technology to store and distribute information and the rise of digital images and videos from unofficial observers such as bystanders, video activists, armed actors, shared through social media provide immense opportunities and at the same time challenges for human rights practitioners (Koettl 2016). Smartphones in combination with social networks, constitute a game-changer for research and human rights advocacy, according to Koettl (2016). He suggests the following analytical framework to provide guidance for human rights researchers using YouTube videos.

Table 1 Analytical framework to verify UGC on YouTube (Koettl 2016)

Step	Task	How ?
<i>Prerequisite</i>	<i>Secondary trauma prevention</i>	<i>Self-care plan</i>
1	Material collection and preservation	Save & Download Archive
2	Metadata review	Free software online YouTube dataviewer
3	Verification of provenance and source	Locate unique identifier(s) Cached websites
4	Content analysis: landmarks, language, dialect, season, date, symbols, uniforms, clothing, license plates, signs, names, streets, other recording devices in the image	Frame-by-frame Watch in slow motion
5	Optional: expert consultation	Hiring forensic experts

6	Integration with other research	Corroboration
7	Professional Standard Considerations	ICRC guidelines

Prior to verification and observation of video content containing evidence for war crimes and extreme violence, a self-care plan to prevent secondary trauma with desk researchers should be in place. Until recently, secondary trauma was an under-recognised challenge of the human rights work with videos (Dubberly *et al* 2015). The first step is the collection of material and its preservation whereby the material collected is specifically focused on the recording of human rights violations. Witness has developed an elaborate process on how to download, save and archive video for human rights, which requires a sophisticated method of cataloging and back-up (Matheson 2016).

The next step is a meta-data review, including the sourcing of timestamps and GPS data (often removed when the video is edited and uploaded on YouTube) and triangulation. The third step is verification of provenance and source. Evaluating the credibility of a source is at the core of human rights fact finding and YouTube videos are no exception (Koettl 2016). Triangulation with other contextual data and remote sensing and other online media accounts, Twitter, Instagram, Google Maps that include meta-data are important in this step but also expert knowledge on languages, cultural dress, and location. For example, in the Syrian case, it has happened often that photographs and videos from Aleppo were remediated and re-circulated as being evidence videos of aerial bombardments of the Israeli summer offensive in Gaza. However it was clear that in the specific video footage, the men were speaking the Arabic dialect from Aleppo, they were dressed with typical Syrian head-dress and fore mostly, the people were wearing winter clothes whilst the Gaza offensive took place in the summer. This also brings us to step four in the process content analysis which is complemented with step five, the expert analysis. Step six is focused on integration with other research on the same event, including witness testimonies and geographical data analysis. Corroboration yields the highest results if this is done in combination with both traditional as well as innovative fact-finding methods. The final step, is to adhere to professional and ethical standards concerning the use of video for human rights and protection work. Informed consent, privacy and anonymity of victims depicted in the video ma-

terial and other ethical considerations are important, specifically if the video deals with sexual violence and torture.

Verified video footage indeed helps in establishing that a crime has happened, but corroborated evidence is needed to *legally* establish who was responsible for the specific crime in the footage, where the act took place and who is the victim or group of victims. Preserving and archiving all footage from Syria is of crucial importance for Transitional Justice and several human rights organisations, Syrian lawyers and activists are currently compiling numerous files of possible evidence. One Syrian-led initiative, the ‘Syrian Archive’ provides an online violation database of systematically archived and verified YouTube clips (Syrian Archive 2015). However, Syrian activists with smartphones pushing for accountability in Transitional Justice may still have a long road to get the perpetrators prosecuted and convicted (Cole 2012). Citizen video is increasingly used as evidence of serious crimes, yet no standard protocol for authenticating exists (Bair 2012) and the use of video for war crimes tribunals has until now been very limited. Witness, a New York-based human rights organisation has developed a first field-guide for the use of video to record human rights violations in 2016 (Matheson 2016) and within journalism, Silverman’s Verification Handbook for Digital Content (Silverman 2014) has been used to verify amateur videos. The handbook provides a step-by-step guide for how to deal with user generated content (UGC) during emergencies, verification of these kind of video clips consists of a mix of three main factors: a person’s resourcefulness and sources’ knowledge, documentation, and the number of sources willing to talk about the recorded event.

Results: Categorisation, From Trophy Videos to Puppet Sarcasm

To reflect on the central question of this paper about the *legal* value of UGC from Syria, we need to address how the archive of YouTube videos from Syria performs against an assessment of the verification guidelines described above. For this study, a conceptual thematic categorisation of eight different video-categories has been developed, based on observation, media-ethnography and regular monitoring of YouTube material coming out of Syria since 2011 and in-depth surveillance of YouTube material uploaded between 2014 and 2015. In total 400 YouTube video clips were surveyed, analysed and monitored be-

tween 2014 and 2015 (See Table 1). It is believed that these eight different categories cover most of the themes and types of videos that have been produced about the Syrian uprising and war violence since 2011⁴.

Table 2 Syrian You Tube Video Categorisation observed and surveyed between 2014 and 2015 (#clips)

1	2	3	4	5	6	7	8
Humour and Creative Non-Violent Resistance (edited)	Videos from the First Phase: (mobile phones, digital cameras)	Torture and War Crimes (mobile phones, digital cameras)	Direct Frontline Battle Experience (GoPro, helmet cams)	Citizen experience of war (mobile phones, digital camera)	Pro-Assad (edited)	Anti-Assad (edited)	Jihadi ISIS Hezbollah Other religious (edited)
(30)	(15)	(65)	(40)	(40)	(80)	(80)	(50)

1. Humour and Creative Non-Violent Resistance: these edited videos are created in a humorous style to mock the Syrian regime as a form of non-violent resistance and counter-narrative. Humour has been an effective method for Syrian to counter authoritarianism (Wedeen 2013). The creative resistance in Syria ranges from cartoons, animations and puppet shows to theatrical performances and remixes of uploaded video material and television interviews (Wessels 2015a). Material has also been uploaded that mock the Jihadi and ISIS groups. This category thus provides a good insight to the various techniques of non-violent activism and resistance against all forms of oppression using YouTube as a platform to create a counter-public against authority.

2. Protest videos from the first phase of the uprisings: these videos are mainly activist footage of the early demonstrations and funerals that took place in Damascus, Dera'a, Douma, Homs and Idlib recorded on mobile phones and digital cameras. This category is a

⁴ The author does not pretend that the described categorisation is fully comprehensive and extensive. Therefore the typography will certainly have an overlap with other typographies that are applied in various studies on audiovisual media in and about Syria. This categorisation has left out semi-professional and professional documentaries of feature length, which are similarly uploaded on platforms like YouTube, however this is a special kind of category covering Syria and will be discussed in other texts that will be published from this postdoctoral study.

stand-alone category due to the format of the amateur video clips and the relatively systematic presentation that these videos display. The recorded event, whether a street demonstration or a public funeral, is often shot in an unedited wide shot not longer than 5 minutes. The shot is introduced by a handwritten or printed A4-sheet held in front of the camera with the Syrian revolutionary three star flag or logo of the Syrian National Council (SNC), stating the location and the date, often read out loud by the videographer who narrates the rest of the video clip. The video clip depicts dancing crowds, slogans of the Syrian revolution, songs and in the case of funerals, the carrying of the body in the crowds.

3. Torture and War Crimes: the videos in this category are intended as possible evidence for human rights violations and war crimes. Videos display activities of torture recorded by perpetrators themselves, recordings of summary executions and unlawful arrests, secretly filmed by citizens or defected soldiers and also include mobile phone footage captured from mobile phones of army personnel and officers, videos made by Free Syrian Army, ISIS, Jihadi and other factions recording torture and executions. The category also includes self-incriminating ‘trophy videos’ taken by perpetrators themselves. All of the videos in this category are 18+ videos where murder, execution, beheading and severe torture is documented. Even though the majority of these videos are in violation of YouTube channel policy on material too gruesome to be shown, a large collection of such videos remain online and have not been removed by YouTube. Most footage in this category is amateur material filmed on mobile phones.

4. Direct Frontline Battle Experience: these videos are uploaded by several warring parties; from the Syrian Arab Army, Free Syrian Army, Jihadi factions such as ISIS, Jaish al Islam and Jabhat al Nusra, and Russian Army. The footage originates from ground troops present on the ground in Syria wearing small cameras, GoPro cameras on tanks or helmet cams to record their direct frontline battle experience. Foreigners fighting inside the Syrian battlefield have also uploaded video material. Interestingly we also found clips that document “moments of peace at the battlefield” such as conversations between enemies trying to persuade each other party to defect (Baynetna 2013). Most of the video clips are amateur footage and consist of sequences of integral footage in some case over 30 minutes of unedited battlefield material.

5. Citizen experience of war: these videos document direct experiences of violence and war by citizens such as the aftermath of aerial bombings, grief and destruction. It consists mainly of amateur footage, but the longer the Syrian uprising has lasted, the more sophisticated the videos have become, more edited and its producers became more professionalized. Young media activists and citizen journalists started to edit their video material. Some of these video activists organized themselves in media centers dotted around the country. The videos in this category are targeted to Syrian audiences and are mostly in Arabic with the occasional English subtitles.

6. Pro-Assad media: conventional pro-Assad media also use YouTube channels as an outlet and include non-regime, but pro-Assad channels such as Addounia and SyriaNews, but also Assad-dedicated YouTube channels such as Syria Truth Network, Truth Syria, and Syrian Arab Nationalist. Other material in this category comes from foreign Assad-related media and political allies such as Hezbollah and foreign-based conspiracy theorists YouTube channels such as Syrian Girl Partisan, who has been outspokenly pro-Assad. State media YouTube channels from Russia and Iran, such as RT and PressTV also fall under this category. All of these videos are edited.

7. Anti-Assad Media: YouTube also includes new anti-Assad media centres such as the channels for the Free Syrian Army, Al Ghad TV, Free Media Syria, Free Syria Rev 2011 and the more established Orient TV, Ugarit TV and FNN Syria News, the Syrian Media Centre, the Aleppo Media Centre, Nour Media and Media Centre of Syrian Revolution. The anti-Assad media channels and rebel stations are staffed with professional journalists, video journalists and young citizen journalists from all walks of life.

8. Jihadi eschatology: This last group is a special type of category that includes the YouTube videos and channels by apocalyptic Islamic extremist factions both from Sunni and Shia eschatological movements and their armed actors active inside the Syrian battlefield. Syria forms a mythical and symbolic location in Islamic eschatology and as such, Syria's crisis has inspired jihadis, both Sunni and Shia, to come to Syria and fight a holy apocalyptic Islamic war within the framework of an end-time theory to usher in the coming and return of the *Mahdi* (the prophesied redeemer of Islam). Eventually these jihadis believe that Islamic domination of the world will prevail over all evil. This category contains videos

produced by Jihadi factions such as Jabhat al Nusra and ISIS but also Iranian and Hezbollah jihadi groups and material uploaded by foreign Jihadi fighters inside Syria. It consists mainly of jihadi videos and sermons, long footage of experiences of foreign jihadis and accompanying videos to justify their cause and jihadi recruitment videos.

The eight categories described above provide a useful analytical categorisation through which the vast collection of YouTube videos about Syria can be observed. For these categories we considered which type of digital video could have value for providing legal evidence of war crimes. What are the criteria?

Results: verifiability and legal potential of YouTube videos for Transitional Justice

Having devised a systematic categorisation of eight different categories to study YouTube videos about Syria, the question arises which categories are most likely to include clips that can contribute to Transitional Justice as legal evidence? Let us review the eight different categories in our categorisation (Table 2) in the light of verifiability, sourcing and corroboration for evidencing war crimes (Table 1).

The first category concerns **creative non-violent resistance**. According to the 7-step verification process described above, none of the surveyed videos and material in this category could be verified by the mere fact that content has been remixed, edited and constructed. All of the YouTube clips in this category are stripped of their original metadata. Unless combined with triangulation and interviews with the owner of the material, the actual videographer, producer or production team of the video, solely using the video output of creative digital online resistance is not enough to verify these YouTube clips reliable data. The second category deals with videos from the **first phase of the uprisings**. These clips have some successful chance of verification. Many of these clips have not been edited and contain their original meta-data. The recordings document the events that happened and in some of the clips, the videographer holds up a paper where the date, location and type of event are written either in Arabic or English or both. However, it remains difficult to verify whether the information on the sheet is correct unless it is possible to triangulate the paper with metadata (GPS position and date) of the original recordings. The third category of YouTube video clips concerns **torture and war crimes** video documentation. Indeed many

of the clips monitored during this survey could form complementary evidence of war crimes to a certain degree. Matheson (2016; 2014) identifies main distinctions regarding types of legal evidence for which video could be used (New Tactics in Human Rights 2014):

- Lead Evidence – suggests a crime may have been committed
- Prima Facie Evidence – key fact established
- Corroborative Evidence – backs up other types of evidence
- Contextual Evidence – armed conflict or not
- Inferential Evidence – perpetrator's intent
- Character Evidence – information about the perpetrator in other videos
- Notice Evidence – informed by media about the event
- Exculpatory Evidence – alibi for the defendant
- Crime-based Evidence – proves the commission of a crime
- Linkage Evidence – proves who committed the crime

Providing verification can be carried out correctly of the torture and war crimes video clips, these YouTube clips have potential to function as legal evidence because the clips show and might establish that a crime took place. But many questions can still be raised whether the video clip legally proves the commission of a crime as crime-based evidence. In all clips of this category, there is a very low probability that video clips from this category can function as crime-based evidence. To function as linkage evidence, i.e. proving *who* committed the crime, the probability of the validity of the video clips in this category is also very low because either the perpetrator is not present in the video clip or unrecognisable. Even with self-incriminating video clips, done by the perpetrator him or herself, the chance of using this clip as linkage evidence is low. Self-incriminating video and photographic material whereby the narcissist torturer and abuser films himself committing the crime, so-called 'torture selfies' or trophy videos' found on the perpetrator's mobile phone, have the highest chance for verifiability and for functioning as linkage evidence. Video clips in this third category have also some probability to function as lead evidence suggesting a crime took place and can function as corroborative evidence.

The **direct frontline battle** video clips surveyed during this study usually contain their meta-data, which can be verified. However, for them to function as legal evidence for war crimes is very difficult. The actual perpetrator is rarely recognizable and the video clips consist of many hours of tank battle for example. Unless the owner of the helmet cam can be identified and providing that the helmet cam of GoPro documents a war crime, this UGC on YouTube can be relatively well verified but cannot function as legal evidence of war crimes.

Citizen experience of war and violence YouTube clips are similar to the above described category; verifiability is medium, although the meta-data question remains for every single clip surveyed and the potential for legal evidence is low, unless functioning as corroborative evidence.

Both the categories of **Pro-Assad and Anti-Assad** categories of video clips contain heavily edited and mediated UGC and material. In that sense the verifiability is low as all video-clips have lost their meta-data and are edited in a subjective matter often propagandistic, mixed with dramatic music, sound effects, and other characteristics of the video clips that blur and remove the potential to function as legal evidence for war crimes.

For the final category of **Jihadi** YouTube clips, many of these clips are edited, so the sourcing is difficult and meta-data are unverifiable. Some video clips, especially done by Al Hayat Media centre, the main production company of ISIS videos, whether for recruitment or beheading videos, have a high production value and are scripted and edited. According to video activists from Raqqa, the ISIS videos are done by western jihadis with a professional media production background. We simply cannot determine precisely when the footage was shot on the basis of the videos alone. However some of these clips provide clues on who has been killed because victims are recognizable and sometimes named. The clips also indicate who is the perpetrator (the case of 'Jihadi John') or which organisation has been responsible. The public executions or beheadings of Western and Syrian journalists are recorded on video and uploaded on YouTube, but it cannot be legally verified for certain where this crime has taken place and exactly by whom.

Table 2 Potential and feasibility of Syrian YouTube videos for Transitional Justice

	Humour and Creative Non- Violent Resist- ance	First of the ings	Phase upris- ings	Torture and War Crimes	Direct Front- line Battle Experi- ence	Citizen experience of War & Violence	Pro- Assad	Anti- Assad	Jihadi ISIS Hezbollah Other (Sunni/S hia)
Verifiability	Very low	Medium		Medium	Medium	Medium	Very Low	Very Low	Low to Medium
Probability for legal evidence	None	Low		Low	Low	Low	None	None	Low to Medium

Based on the above exercise, we can establish that only a small number of YouTube videos can be used for crime-based evidence in a process of Transitional Justice. It seems YouTube is a notoriously weak platform for archiving of video recordings of war crimes due to the fact that many digital video lose their geo-tagged metadata in the uploading process. Moreover, in cases of extreme violence, the lifespan of videos is not long as the video clips violate YouTube's Community Guidelines on violent and graphic content. The most useful video data for legal evidence are thus not stored on YouTube but on the many servers, computers, hard disks and USB sticks that are in the hands of video activists themselves. This is the most valuable data for Transitional Justice. Other useful videos are self-incriminating video evidence, such as so-called 'trophy videos' stored on mobile phones of the perpetrators, whereby the actual perpetrator's identity is clearly recognizable when carrying out the act of war crime. If the clip can be corroborated on other social media platforms such as Instagram and Facebook profile pictures and uploads, this can form crucial evidence for tribunals and court cases. In that way, Transitional Justice makes use of the narcissism of an abuser. In two separate cases in Sweden, Syrian men have been arrested for war crimes on the basis of uploaded online videos, photographs and other information on social media as well as two Swedish nationals who were sentenced to life in prison after

a video appeared online showing them taking part in the killing of two men in Aleppo (The Local 2016).

Considering its weakness of verifiability, corroborative measures should be taken for the legal use of digital video and scholars are to be wary in using YouTube videos as their sole unit of analysis. Despite the challenges concerning legal verifiability of the videos, the uploaded UGC is still of immense knowledge value to give an insight in the Syrian war and form a vehicle for video activists to express their own moral outrage of the events happening in front of their eyes. They expressed a desire to gain attention from an outside audience in 'peaceland' in the hope that some key decisionmakers and the public will take political and diplomatic action to stop the violence that they are suffering. There is a clear power asymmetry between those suffering the daily mass violence on the ground in Syria and the YouTube audiences in the West. Chouliaraki (2008) states that the division between safety and suffering captures a fundamental aspect of this asymmetry in the viewing relationships of videos:

“This is the asymmetry of power between the comfort of spectators in their living rooms and the vulnerability of sufferers on the spectators’ television screens. The viewing asymmetry of television does not explicitly thematize the economic and political divisions of our world but reflects and consolidates them. Who watches and who suffers reflects the manner in which differences in economic resources, political stability, governmental regimes and everyday life enter the global landscape of information. Similarly, who acts on whose suffering reflects patterns of economic and political agency across global zones of influence – North and South or East and West” - **Chouliaraki 2008.**

All of the video activists interviewed expressed a deep disillusionment with the apathy and silence and lack of collective action by Western audiences and politicians. Territoriality and distance play a role here (Goodenough 1997). We care more for people in our immediate surroundings than those whose rights are violated in far away places, in other cultures with whom we cannot identify. Syrian video activists became aware of this selective empathy, poignantly emphasized by the remark by a Syrian Free Syrian Army fighter in a video where he points at a cat:

“Film the animals, maybe this cat is more important to the Americans, more than the Syrian people, because I am sure the animals have rights in America more than the people here. They don’t care about us. So maybe when you are filming three or four cats, and put it on YouTube, maybe one million will watch the video, will see the video in one hour. They don’t care about the people. Maybe after the Americans see that, and find there is a cat here in Syria, I hope they will help the cat ! ... Maybe they will help Syria then” – Kelze & Van Dyke 2013: quote at 12’55 mins.

Conclusion

The enormous collection of UGC in the form of YouTube videos from the Syrian war provides an unprecedented and diverse collection of shared digital memories of conflict and violence. The central question of this article asks what the value is of UGC on YouTube for legal evidence of war crimes and future Transitional Justice.

It is beyond doubt that the surge of uploaded videos from the Syrian uprisings revolutionized the way in which contemporary wars are observed and documented. The sheer amount of user-generated content online has given rise to manifold ways of interpreting what is happening on the ground, inspired creative resistance, led to a surge of professional and independent Syrian documentary films and increased the connectivity between those who undergo the war inside the conflict zone and those who are observing the situation from a safe distance.

Many YouTube clips from Syria are likely to be rejected as stand-alone *legal* evidence though, as it often lacks sourced information about meta-data, date, time, geographical coordinates, identity of the participants, the identity of the perpetrator, and other contextual information crucial to establishing judicial facts for war crimes prosecution. The ever-expanding body of videos from Syria will give rise to a wide and varied landscape of interactive media that has surpassed the old approach of political mainstream media to inform and possibly manipulate their audiences for their own agendas, whatever those may be. As a platform of digital memory and space to express moral outrage, YouTube served a crucial and important role in the Syrian crisis and the UGC is of immense value for digital memorialisation and historicization of the Syrian crisis.

The vast amount of UGC on YouTube was categorized in 8 different types of footage and we can conclude that only small number of videoclips on YouTube can in fact function as crime-based evidence for war crimes. This does not mean that the UGC on YouTube has no value, however as a *legal* evidence it can be problematic to use YouTube videos if not corroborated and verified properly. The main issue is the lack of meta-data in many of the UGC on YouTube. The YouTube video revolution in Syria did bring to the surface many brave video activists who are now professionally involved in producing high quality footage for international news broadcasters, the most recent example of that is the important work of Waad al Kataeb inside eastern Aleppo with the British Broadcaster Channel Four News (Channel 4 2016). Through a series of edited 5-6 minute mini stories from the ground, Al Kataeb's work provides a credible and important source of evidence.

Furthermore, as a primary source for social research on mass violence YouTube has an extremely important role to play because of the unprecedented detail and scale of the digital recordings of the war in Syria. Developments in this field go quickly and it is hoped that many of the clips that have the potential to serve as legal evidence can provide crucial necessary corroborative evidence of the many war crimes currently being committed and permitted in Syria. It is hoped that the extreme courage, energy and efforts of the many Syrian video activists who risk their lives everyday to document and record the ongoing war, conflict, and violence inside Syria, will not have been in vain.

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