

Victims and Violators: Open Source Information, Admissibility Standards, and War Crimes Investigations in Iraq and Syria

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Abstract : Modern technology and social media platforms have fundamentally altered the nature of war crimes investigations by providing new forms of data, evidence, and documentation, and pose a unique opportunity to expand the efficacy of international law. However, much of the open source information available is deemed inadmissible in subsequent legal proceedings and fails to function as evidence largely due to issues of reliability and verifiability. Focusing on current judicial investigations related to ongoing conflicts in Syria and Iraq, this paper will examine key challenges and opportunities for the effective use of open source information in securing justice. This paper will consider strategies and approaches that can be used to ensure that information collected by affected populations meets basic admissibility standards. This paper argues that the critical failure to equip civilian populations in conflict zones with knowledge and information regarding established admissibility standards and guidelines both jeopardizes the potential of open source information and compromises the ability of victims to participate effectively in justice and accountability processes. The ultimate purpose of this paper is, therefore, to examine how to maximize the value of open source information based on the rules of evidence in international, regional, and national courts, and how to maximize the participation of affected populations in holding their abusers to account.

Keywords : human rights, international criminal law, international justice, international law, Iraq, open source information, social media, Syria, transitional justice, war crimes

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