

# **OPEN SOURCE INFORMATION: STRENGTHENING ACCOUNTABILITY AT THE INTERSECTION OF LAW, TECHNOLOGY, AND THE HUMANITARIAN SPACE**

**An inter-disciplinary experts' consultation to facilitate information sharing and debate on good practices and challenges concerning the use of open source information in investigations, fact-finding and court proceedings**

Cassese Room, Villa Moynier - Rue de Lausanne 120B, Geneva

Wednesday, 14<sup>th</sup> December 2022

## DAY 1: 14<sup>TH</sup> DECEMBER 2022

08:00 – 08:30      **Welcome Coffee and Registration of the Participants**

08:30 – 09:00      **Introductory Remarks**

Professor Gloria Gaggioli, Director, Geneva Academy

Dr Erica Harper, Head of Research and Policy Studies, Geneva Academy

09:00 – 10:30      **Panel 1. Open source information: The new normal of international fact-finding?**

Open source information is increasingly relied upon to gather evidence concerning violations of IHL and human rights law. Several fact-finding missions, commissions of inquiry and investigative teams have integrated open source information in their standard methodology as a source of direct information - using it to investigate incidents, determine their compliance with applicable legal standards, and attribute responsibility. This panel will consider the comparative advantages and disadvantages of open source information vis-à-vis other types of evidence, and the consequences of its use on the ownership of the accountability process.

10:30 – 11:00      **Coffee Break**

11:00 – 12:30      **Panel 2. Technology for accountability: The tools at the centre of open source information**

Innovations in open source information mean that ‘traditional’ forms of evidence (such as media and the Internet) have been supplemented by new technologies, including satellite imagery and social media. Their evolving features enhance the prospect of accountability and prosecution, but raise important questions in terms of management, bias and veracity. This panel provides an overview by tech experts on the tools used to obtain open source information, and their impact on accountability practices.

12:30- 14:00           **Lunch Break**

14:00 – 15:30           **Panel 3. The added value (and the higher stakes) of open source information for humanitarian organizations**

Open source information equips humanitarian actors with unprecedented tools to carry out their mandates. As technology becomes cheaper, easier and more widely distributed, human rights abuses and IHL violations can be better scrutinized, monitoring can be effectively outsourced, and investigative organizations have new tools for evidence collection and verification. At the same time, open source information raises important questions, such as the risk of falsified information, the right to privacy and the protection of witnesses and victims. This panel examines how humanitarian organizations understand the added value and challenges of managing open source information, and best practices in safeguarding the humanitarian space in settings characterized by human rights violations.

15:30 – 16:00           **Coffee Break**

16:00 – 17:30           **Panel 4. Admissibility of open source evidence in criminal proceedings: substantive consequences of a technical choice**

Reliance on open source information varies depending on the nature and subject-matter jurisdiction of the forum in which it is used. Standards for the admissibility of this information as evidence differ at the domestic and the international level. These distinctions bring to the fore questions pertaining to fair trial guarantees and the balance between the imperative of accountability and the rights of the accused. More fundamentally, the extent to which open source information can be used as evidence contributes to defining what model of criminal justice is embraced in a given setting. This panel sheds light on this varied landscape of admissibility rules in criminal proceedings, looking at national and international jurisdictions as well as at mechanisms operating at the intersection of these two levels.

17:30 – 18:30           **Cocktail Reception**

**END OF EXPERTS' CONSULTATION**