

# VIDEO AS EVIDENCE MINI GUIDES



ACTIVISTS | LAWYERS  
SUPPORTING | SUPPORTING  
LAWYERS | ACTIVISTS



[VAE.WITNESS.ORG](http://VAE.WITNESS.ORG)

# BASIC PRACTICES 1:

## GETTING READY TO FILM

IMPLEMENT THESE BASIC PRACTICES TO ENHANCE THE EVIDENTIARY VALUE OF THE VIDEO YOU CAPTURE.

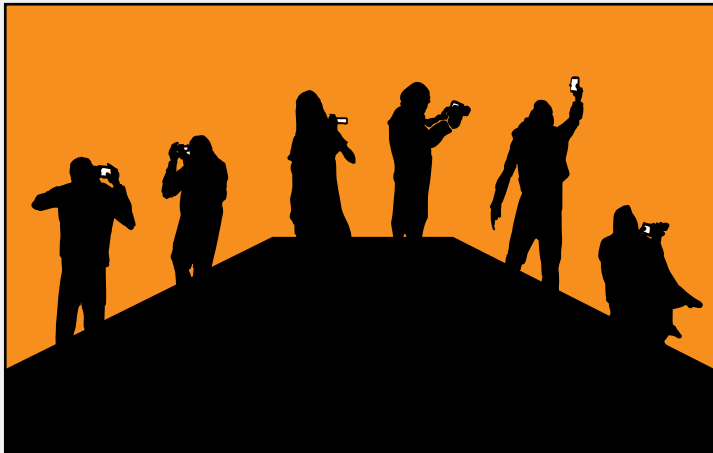
**STEP 1** Know your rights before you press record.

**STEP 2** Protect, encrypt or delete sensitive personal information and contacts on your filming device in case it's confiscated.

**STEP 3** Complete a security assessment to protect yourself and those you are filming.

**STEP 4** Determine which images you should film (see other side).

**STEP 5** Learn more at [bit.ly/WITNESSLibrary\\_vae](https://bit.ly/WITNESSLibrary_vae).



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# DETERMINE WHAT TO FILM

To hold someone accountable for a crime, lawyers must prove:

**What** crime was committed?

**Who** committed the crime?

**How** the perpetrator committed the crime?

Capture images and details that provide information about  
“WHAT”, “WHO” & “HOW”

### Example Images to Prove “WHAT”

- A death caused by gunshot
- Persons being beaten or tortured
- Injuries resulting from abuses
- Damage to civilian property
- Damage to cultural objects
- Children bearing arms or participating in military activities

### Example Images to Prove “WHO” & “HOW”

- Police formations at a protest
- Uniforms and badge numbers
- License plates of official vehicles
- Military equipment & serial numbers
- Speeches

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# BASIC PRACTICES 2:

## FILMING FOR EVIDENCE

IMPLEMENT THESE BASIC PRACTICES TO ENHANCE THE EVIDENTIARY VALUE OF THE VIDEO YOU CAPTURE.

**STEP 1** Set the correct date, time and GPS location on your device.

**STEP 2** Use the camera microphone and/or written documentation to record:

- Date, time and location
- who is filming
- who and/or what is being filmed
- others on scene with information

WHEN?



WHERE?



WHO?



**STEP 3** Film strategically and logically:

- ✓ Film continuously
- ✓ Film a variety of shots from the incident scene
- ✓ Hold all shots for 10 seconds or more
- ✓ Move the camera slowly
- ✓ When possible, use a tripod, monopod or level surface to stabilize the camera

**STEP 4** Create written documentation that summarizes key information, including security information.

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# FILMING FOR EVIDENCE:

## SHOT LIST



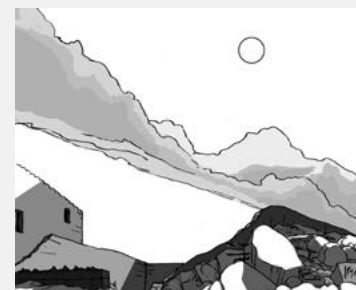
LANDMARK



OVERVIEW



HORIZON WITH SUN OR MOON



360°



WIDE



MEDIUM



CLOSE UP



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# BASIC PRACTICES 3:

## SAFEGUARD YOUR FOOTAGE

### STEP 1 Protect your media in the field:



- Keep your memory cards safe from physical damage and confiscation;
- Swap out the used card with a blank card and hide the used one;
- Create an immediate backup to a drive that you carry with you or to a secure server.

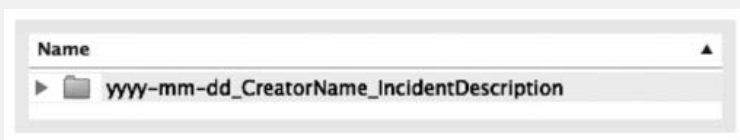
### STEP 2 Protect your media in your home or office:



- Set the write-protection lock on your memory card before transferring your media;
- Back up the original file at least once, twice if possible. Once copied, don't alter the original file in any way; and
- Keep backup copies on separate devices and in a separate physical location from your primary copy.

### STEP 3 Organize your videos once you are out of the field:

Do not alter the format, filenames or directory structure. Instead, place in folders with standardized names.



### STEP 4 Track your videos

Use a spreadsheet or database to keep track of where you store the footage and who you share it with.

Find more in-depth information about archiving footage at [archive.witness.org](https://archive.witness.org).

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# BASIC PRACTICES 4:

## SHARE YOUR VIDEO PRIVATELY

### STEP 1 Research

Sharing video footage and information with human rights organizations, investigators, law enforcement officers and courts triggers rights and responsibilities. These rights and responsibilities vary, so learn about this before sharing. Choose an intermediary you trust and has the skills, resources and infrastructure to keep your video secure.

### STEP 2 Decide how to Provide the Original File

If you can meet and transfer your footage in person, do so. If you need to transfer footage online, research secure options to transfer footage safely. Find more information about securely transferring footage at [bit.ly/VaE\\_Techtools\\_Transferring](https://bit.ly/VaE_Techtools_Transferring)

### STEP 3 Provide Supplementary Information

If possible, provide a printed or electronic summary that includes:

- Time, date and specific location of where the video was captured;
- A concise factual summary of what is shown in the video;
- Names and contact information for the videographer; persons filmed and others who may have valuable information about the incident; and
- Security information.



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# BASIC PRACTICES 5:

## SHARE YOUR VIDEO PUBLICLY

IF YOU DECIDE IT IS SAFE AND STRATEGIC TO SHARE VIDEO CLIPS ONLINE, FOLLOW THESE BASIC PRACTICES.

**STEP 1** **Title** your video properly. Include date, specific location, city, country and key descriptive words.

**STEP 2** **Add an accurate description.** Repeat the information in the title and add a factual summary of what is shown in the video. Facts only. No opinions. If safe, include the name and contact information of the videographer or posting organization.

**STEP 3** Make your video easier to find online by adding **tags**. Repeat the date, time, specific location, city and country then add words that describe the content.

**STEP 4** **Keep the original file.** Video sites like YouTube optimize video files for web streaming. This means the video is often compressed and stripped of key information, so you must keep your original.

## KEY POINTS

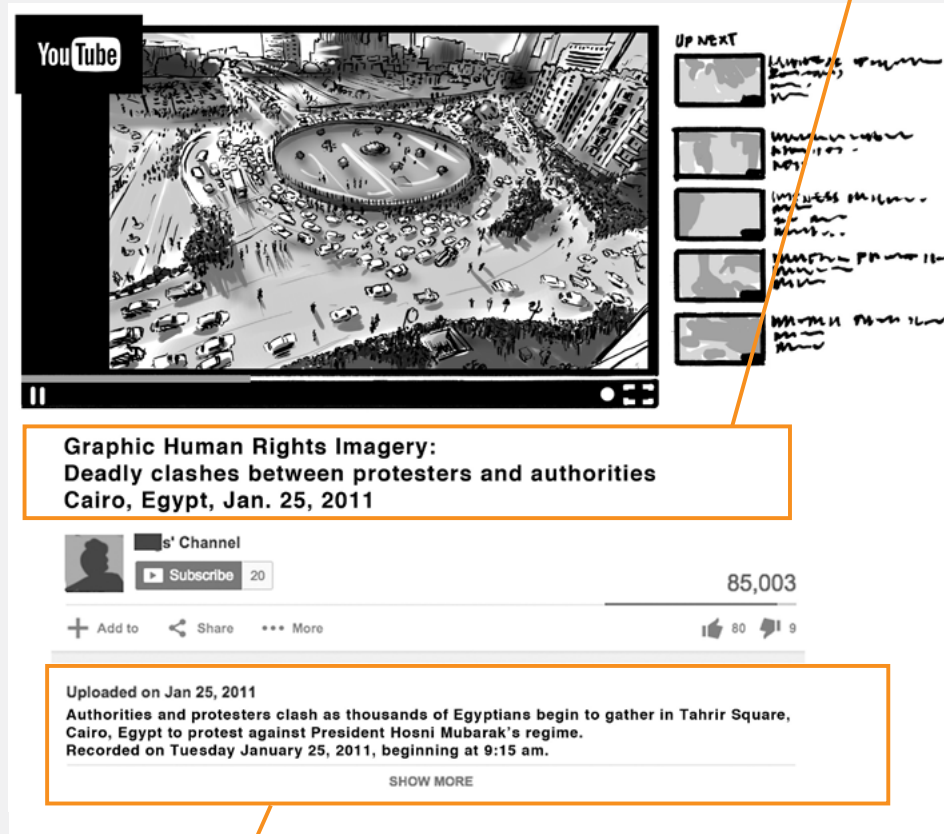
If the footage is graphic add “Graphic Human Rights Footage” to the title and description so viewers are aware of the content and online platforms know not to take it down.

Do not add false dates, locations or tags for any reason.

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# HERE'S AN EXAMPLE

**Title**



**Description & Tags**

Find more in-depth information about uploading and sharing online videos at [library.witness.org](http://library.witness.org)

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# COLLECTION PLANNING

## FOR VIDEO EVIDENCE

### Definition

A Collection Plan helps investigators and lawyers communicate their needs to frontline activists so the footage activists collect can better support a legal case. It is an advanced practice for activists who intentionally seek to capture video documentation to use as potential evidence for long-term justice and accountability.

A Collection Plan consists of three lists:

**LIST 1:** “Elements of a Crime” you seek to prove;

**LIST 2:** Evidence you have already collected to prove those elements;

**LIST 3:** Evidence you still need to collect.

### Create a Plan

**STEP 1: ASK WHY?** Determine why it is worth the time, resources and risks to collect this footage.

**STEP 2: INCLUDE BASIC DETAILS.** Write down basic information about the situation or violations you seek to document, such as a summary of the incident, names, dates, locations, etc. Download a blank Collection Plan form at [bit.ly/WITNESSLibrary\\_VaE](http://bit.ly/WITNESSLibrary_VaE).

**STEP 3: FIND THE ELEMENTS OF THE CRIME.** List the elements of a crime you need to prove by working with a lawyer, researching the elements online, at a library or making an educated guess.

**STEP 4: DETERMINE WHAT YOU HAVE AND WHAT YOU NEED.** Write down two lists, “Completed” and “To Do”, for all the evidence you:

- Have already collected to prove each individual element of the crime;
- Still need to collect to prove each individual element of the crime.

Highlight the video images you need.

**STEP 5: REVIEW THE PLAN.** If possible, go over the plan with the people you are filming with and those who you intend to give the footage to and then, go film!

Learn More about the “Elements of a Crime” and Collection Planning at [bit.ly/WITNESSLibrary\\_VaE](http://bit.ly/WITNESSLibrary_VaE).



# SAMPLE COLLECTION PLAN:

## VIDEO “TO DO” LIST

**CRIME:** *Excessive Police Force by an Officer on Scene*

*\*The elements are based on Brazilian Law --- two of the eight elements of this crime are listed here.*

<input type="checkbox"/> The Element of the Crime we need to prove	TO DO: List of images that could help prove this element if possible to capture safely.
<input type="checkbox"/> The suspect was acting within the scope of his/her employment as an employee of a civil or military service.	<input type="checkbox"/> Medium shot of the suspect in full uniform. <input type="checkbox"/> Close-up shot of the suspect's badge number, nameplate and face and anything that shows rank. <input type="checkbox"/> Wide shot of the vehicle the suspect was driving. <input type="checkbox"/> Close-up of the license plate and any identifying marks on the vehicle the suspect was driving/riding in. <input type="checkbox"/> Close-up video or photos of any documentation showing the suspect was on duty that day --- timecards, signed and dated reports, etc. <input type="checkbox"/> A variety of shots placing the suspect at the scene of the crime. <input type="checkbox"/> A variety of shots of the suspect giving orders on scene.
<input type="checkbox"/> The suspect intended to undermine the physical safety of the victim.	<input type="checkbox"/> Continuous footage of force being used by the suspect against the victim. <input type="checkbox"/> Images that allow for identification of the weapon being used. <input type="checkbox"/> Images showing the severity of the injuries to illustrate disproportionality. <input type="checkbox"/> Any images showing the violation of prescribed protocols. For example: <input type="checkbox"/> Images showing the use of live ammunition versus rubber bullets; <input type="checkbox"/> Close-up shots of the bullet cases including the head stamp on the casing as the stamp is the most important part; <input type="checkbox"/> Wide and medium shots showing the number of rounds fired; <input type="checkbox"/> If official protocols call for officers to aim and shoot below the waist, capture images that show the height of the shot fired as compared to the ground. <input type="checkbox"/> Any audio of the suspect giving orders or making statement that would go to show intent to violate prescribed protocols.

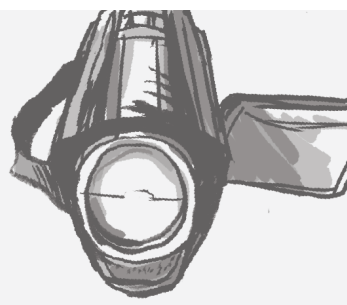
MINI GUIDE: COLLECTION PLANNING V 1.0





# 10 STEPS

## FILMING SECURE SCENES



### STEP 1

Ensure the scene safe for filming

### STEP 2

Make a filming plan

### STEP 3

Add preliminary information

### STEP 4

Film an overview shot and the horizon

### STEP 5

Film in a 360° circle in a 15-second interval

### STEP 6

Film 10-second wide shots from the four points

### STEP 7

Film 10-second medium shots from the four points

### STEP 8

Film 10-second close up shots of key evidence

### STEP 9

Complete a Camera Report

### STEP 10

Supplement video with maps, still photos, drawings, etc.

Adapt steps as necessary

# FILMING SECURE SCENES

## SHOT LIST

### STEP 4



horizon with  
sun or moon

### STEP 5



360°

### STEP 6



wide

### STEP 7

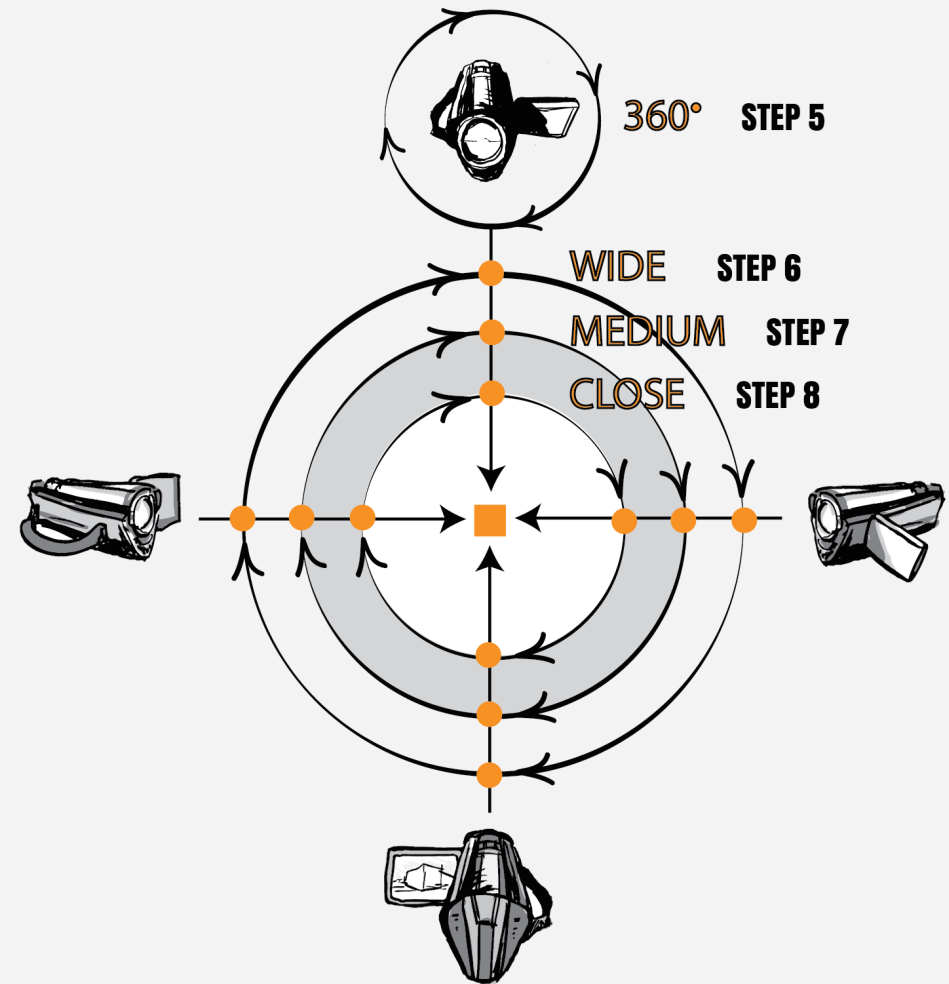


medium

### STEP 8



close up

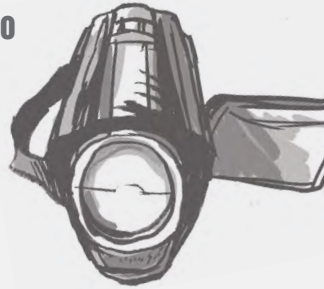


# ADDING INFORMATION

If you have determined it is safe to include essential information then, use the camera microphone or a piece of paper to add the following information:

## STEP 1 Who, When, and Where: Introductory info

Begin by recording your name, contact information, date, time, location and the names and contact information of other individuals that may have information about the incident.



## STEP 2 HOW: Orient Your Viewers by Describing How You Will Film

While filming, clearly state how you are filming the scene – from north to south, from above the scene, etc.

## STEP 3 (optional) What: Factually Describe what the Video Documents

If appropriate for your situation, add a concise and factual description of the human rights content the viewer sees to the recording.

## STEP 4 Wrap Up Filming

End by stating the time you completed filming.

- Adapt as necessary to fit your situation.
- Provide only factual information.
- Leave out unsupported opinions.
- If you need to film anonymously, see Techniques for Filming Anonymously.

# HERE'S AN EXAMPLE

My name is Morgan Wells. I work for the organization EVIDENCE and can be contacted at morgan@xxxxxx.com or +1 111.222.3333. This video footage was captured on January 25, 2015 beginning at 10:08 am at 800 Wall St., New York, NY, USA.

Other people who are here on scene with me and who may have relevant information about the likely arrest at the corner of Wall Street and Pearl Street in New York are:

- John Smith, 800 Wall Street, 5th Floor, New York, NY, USA, john@xxxxxx.com , +1 111.222.3333; and
- Jane Williams, 800 Wall Street, 5th Floor, New York, NY, USA, jane@xxxxxx.com , +1 111.222.3333

The footage is captured from a 5th floor window located on the southeast corner of the building. I am filming from the window looking down onto the scene on the street at the corner of Wall St. and Pearl St. This was the only vantage point from which I was able to film.

OPTIONAL: The video captured here documents an alleged use of excessive force by the New York Police Department against an African American man who appears to be in his early 20s. No protests were taking place at the time and I do not know what sparked the incident.

I completed filming this incident at 10:30 am.





# PROVING RESPONSIBILITY

## KEY DEFINITIONS

**Crime-based evidence** is relevant and reliable information about “What” happened? In other words, “What” crime was committed?

**Linkage evidence** is relevant and reliable information that helps prove responsibility for the crime. In other words, it helps prove “Who” committed the crime and “How” they did it (i.e. individual perpetration, conspiracy, aiding & abetting, command responsibility).

**Notice evidence** is relevant and reliable information that shows that a military commander or civilian leader received information that ensured they knew — or should have known — that the people they had authority over were committing crimes.

**Remote commander** tends to be a high-level military, paramilitary or civilian commander who does not go into the field and instead controls people from a location that is a safe distance away from the frontlines.

Citizen witnesses and human rights activists are uniquely placed to gather crime-based, linkage and notice evidence.

# PROVING RESPONSIBILITY

## HOW CAN VIDEO SHOW THE COMMISSION OF A CRIME?

### Examples of video that could serve as...

#### CRIME-BASED EVIDENCE

- Torture in progress
- Unarmed persons being repeatedly beaten by national police
- Unarmed persons being shot by military forces
- Injuries suffered after the use of excessive force
- Injuries showing permanent mutilation after an attack such as an acid attack
- Mass graves
- Damage to civilian property such as schools and hospitals
- Damage to cultural objects
- Children bearing arms or participating in military activities
- Billboards with hate speech
- Impact zone of a suspected chemical weapons attack
- Unhealthy labor conditions
- Children working in factories
- Inadequate detention conditions
- Pillaging of humanitarian aid in progress or the aftermath
- Environmental degradation such as a visually contaminated water source
- Etc.

# PROVING RESPONSIBILITY

## HOW CAN VIDEO LINK A PERPETRATOR TO A CRIME?

### Examples of video that could serve as...

#### LINKAGE EVIDENCE

- Police formations at a protest
- Badge numbers
- Passports or other official documents of identification
- License plates of official vehicles
- Military equipment – small arms, large arms, protective gears, missile heads, tanks, planes, etc.
- Serial numbers on military equipment
- Uniforms
- Speeches by leaders and those that they have authority over
- Checkpoints
- Troop movements
- Buildings where perpetrators based operations out of
- Communications equipment – satellites dishes, radios, etc.
- Video of documents that can't be taken because of security risks so the contents are filmed or photographed instead
- Video-taped interviews with perpetrators, prisoners or defectors
- Etc.

# PROVING RESPONSIBILITY

## HOW CAN VIDEO PUT A PERPETRATOR ON NOTICE?

### Examples of video that could serve as...

#### NOTICE EVIDENCE

- The crimes or the aftermath of the crimes broadcast on television
- Public speeches by UN or national officials presenting video clips of the crimes and calling for crimes to stop
- Public speeches by remote perpetrators acknowledging crimes on the ground.
- Perpetrators in the field with their troops
- Perpetrators using communications technologies
- Video-taped interviews with perpetrators acknowledging the commission of crimes
- Video-taped interviews with prisoners and defectors acknowledging communications with remote commanders and leaders
- Video reports produced and distributed by NGOs that document crimes.
- Etc.

# FILMING PRELIMINARY INTERVIEWS

## CHECKLIST: TO PUSH RECORD OR NOT?

The decision to record an interview on camera is generally not an easy one. This is a decision you will need to make based on the information you have at the time. Ideally, you want to be able to answer “yes” to each of the above questions before choosing to press record.

YES	NO	
		<i>Are there any advocacy reasons to record this testimony in addition to evidentiary reasons?</i>
		<i>Is it logistically easier to film the testimony rather than write it down?</i>
		<i>Is it safe to record a person's identity (name, face, and voice)?</i>
		<i>Is it probable that the person can provide relevant information?</i>
		<i>Is this likely to be the only opportunity for someone to speak with this person?</i>
		<i>Does this person strike you as a credible and reliable witness?</i>
		<i>Is an on-camera interview likely to empower (rather than re-victimize) the person giving the testimony?</i>
		<i>Is the likelihood that contradictory testimony will later be given low?</i>
		<i>Is it possible to secure informed consent? (See details below.)</i>
		<i>Do I have the means to securely preserve this video footage?</i>

# CHECKLIST: KEY QUESTIONS FOR

## PRELIMINARY FIELD INTERVIEWS

Here's a checklist of key questions to ask during a preliminary field interview:

	<i>What, if any, security concerns do you have? Are there any actions you would like us to take while filming you or afterward to minimize your risks and/or the risks to your community?</i>
	<i>What is your name? Please spell it.</i>
	<i>Could you tell me the date, time, and location of the interview?</i>
	<i>Please state the date, time, and location of the event we will be speaking about.</i>
	<i>Can you describe what happened? How do you know?</i>
	<i>How do you think it happened? Why do you think this?</i>
	<i>Can you tell me to whom it happened? How do you know?</i>
	<i>If you have an opinion about why this happened, could you share your thoughts with us? What is your opinion based on?</i>
	<i>If it's safe to do so, could you share the names and contact information of anyone else at the scene or with information about the event?</i>
	<i>Are there any witnesses you believe we should talk with or any physical evidence we should film (such as property damage, injuries, impact areas, bullet holes, or environmental degradation)?</i>
	<i>Can we or someone else get back in touch with you to follow up or complete a more thorough interview? If yes, how can we contact you? What is your address, phone number, email, and any other key contact information?</i>

# FILMING PRELIMINARY INTERVIEWS V. COMPREHENSIVE INTERVIEWS

## A preliminary Field Interview is typically (but not always)...

- collected by a frontline documenter;
- conducted in the field, either during or shortly after an incident;
- captured in a spontaneous manner;
- shorter in length;
- intended to collect basic information; and
- to help identify if there are additional witnesses or physical evidence the witness is aware of.

## A comprehensive Interview is typically (but not always)...

- collected by a trained human rights advocate or investigator;
- conducted in a safe, comfortable environment;
- separated in time and space from the incident;
- captured in a planned manner;
- longer in length;
- intended to collect thorough information about everything the person can remember; and
- to learn if there are additional witnesses or physical evidence the witness is aware of.

# FILMING PRELIMINARY INTERVIEWS V. COMPREHENSIVE INTERVIEWS

## PRELIMINARY FIELD INTERVIEW

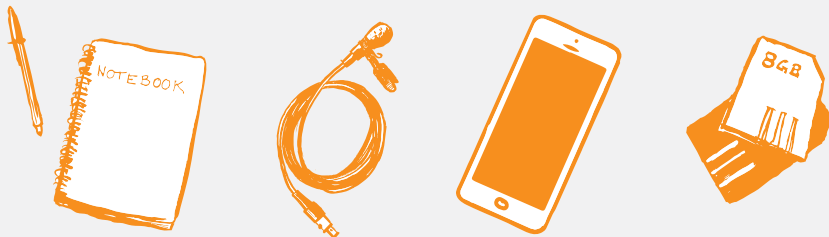


## COMPREHENSIVE INTERVIEW



# CONDUCTING PRELIMINARY INTERVIEWS BEFORE FILMING

- STEP 1** Prepare your equipment
- STEP 2** Identify and minimize the security risks
- STEP 3** Know what you need to collect and why
- STEP 4** Prepare supporting materials in advance
- STEP 5** Select witnesses
- STEP 6** Chose a safe, private, and informative interview location
- STEP 7** Select an interviewer
- STEP 8** Make the interviewee comfortable



# CHECKLIST: SECURING INFORMED CONSENT BEFORE FILMING

Begin with an off-camera conversation to establish that your interviewee understands:

	<i>Who the filmer and crew are and your roles.</i>
	<i>The purpose of the interview.</i>
	<i>Why they will be continually asked explain their responses.</i>
	<i>The implications of speaking out.</i>
	<i>Who may potentially see the video.</i>
	<i>How the video will be used and shared.</i>
	<i>That the interviewee may be asked for a more detailed interview or, in some cases, to testify in court.</i>
	<i>That participation is voluntary.</i>
	<i>That no incentives will be provided.</i>
	<i>That they can cancel their permission during the interview, and the video can be deleted on the spot; if they rescind permission after the interview, logistical and legal realities may make it impossible to delete the testimony.</i>

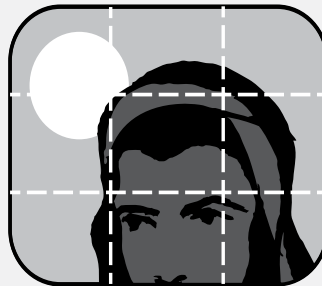
# CONDUCTING PRELIMINARY INTERVIEWS DURING FILMING

- STEP 1** Secure informed consent on camera
- STEP 2** Consider framing, lighting, and sound
- STEP 3** Add objective on-camera narration
- STEP 4** Ask the interview questions
- STEP 5** Keep Recording
- STEP 6** Interview one person at a time
- STEP 7** Listen closely and adapt your plan as needed
- STEP 8** Film additional information
- STEP 9** Close the interview

GOOD SET-UP



BAD SET-UP



# CHECKLIST: SECURING INFORMED CONSENT DURING FILMING

*ON CAMERA – Now turn to the camera, and before beginning the questions about the incident, ask the following:*

	<i>If the security situation allows, please state your name and the date and location of this interview.</i>
	<i>Please explain what we are doing in your own words.</i>
	<i>Can you tell me who may see the video and how it will be shared?</i>
	<i>Can we show your face and use your real name and voice in this video?</i>
	<i>Are there any other restrictions to using and sharing this interview that we need to be aware of?</i>
	<i>Are you aware that your participation is voluntary and that you can refuse to answer any question and end the filming process at any time in order to ask questions, take a break, or stop completely?</i>
	<i>Were you informed that no incentives will be provided for your testimony and that we cannot assist with any follow-up services?</i>
	<i>Were you informed that you might need to make yourself available for a further, more detailed interview?</i>
	<i>If applicable, were you informed that there is a possibility that you may be called to testify before a court? (As a frontline documenter, it's impossible for you to say with certainty whether a person will be called to testify in court. However, if you think that might be the case, be honest about it.)</i>
	<i>Do you consent to your interview being used in the manner discussed?</i>



# CONDUCTING PRELIMINARY INTERVIEWS

## AFTER FILMING

**STEP 1** Revisit safety and security

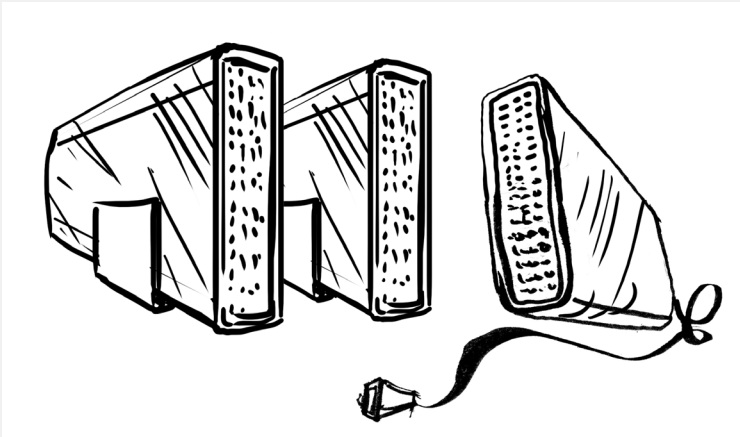
**STEP 2** Develop next steps

**STEP 3** Provide follow-up support if possible

**STEP 4** Summarize it

**STEP 5** Archive and protect it

**STEP 6** Learn from you experience



Learn more about preserving video at [archive.witness.org](https://archive.witness.org)

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# CHECKLIST:

## SECURING INFORMED CONSENT

### AFTER FILMING

*TOWARDS THE END OF THE INTERVIEW – with the camera still recording, ask the interviewee the following:*

	<i>Would you like to make any corrections or add any additional information?</i>
	<i>Have there been any threats, promises, or inducements which influenced your answers?</i>
	<i>Is the statement you gave true to the best of your knowledge and recollection?</i>
	<i>Do you have any additional safety concerns considering what you shared?</i>
	<i>What is the best way to follow up with you if needed?</i>

*AFTER THE INTERVIEW – With the camera turned off consider the following:*

	<i>Properly document and preserve the footage in a safe and secure location.</i>
	<i>Determine whether you will share the footage, and if so, with whom, when, and how?</i>
	<i>If needed and if you are able to, provide contact information for a counselor or victim-support services.</i>

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# CHECKLIST: ETHICAL GUIDELINES

## KEY QUESTIONS TO ASK BEFORE SHARING EYEWITNESS FOOTAGE

- ☐ **Who is identifiable in the video and how are they portrayed?**  
Are those individuals aware they are being filmed? How might their appearance in the footage, if seen by a wide audience, impact them or their community?
- ☐ **What was the intent of the filmer?**  
Was this filmed to document abuse? Was it filmed to promote hate or fear, or to glamorize violence?
- ☐ **Who is the intended audience?**  
Was it intended to be seen widely, or was it filmed for a specific, limited audience?
- ☐ **Does the video contain shocking or graphic imagery?**  
Is the graphic footage gratuitous, or is it critical for documenting a particular event? How can you warn your audience before they view it?
- ☐ **Are you certain the video is authentic?**  
Is it possible the video has been manipulated or misinterpreted to mislead viewers?
- ☐ **What is the intended purpose & audience for sharing the video?**  
Do the potential benefits of sharing the video outweigh the potential risks of doing so?

# DEVELOP STANDARDS

## CREATE GUIDELINES WITHIN YOUR ORGANIZATION TO DETERMINE HOW TO ETHICALLY CURATE EYEWITNESS FOOTAGE

Below are some of the considerations they should address:

- ☐ **In what situations will you curate videos without the consent of the individuals filmed?**
- ☐ **When will you protect the privacy and anonymity of those filmed?**  
Will you blur the faces of victims of abuse? Children? Activists? Perpetrators?
- ☐ **How will you share video footage publicly?**  
Link to the original online video? Embed the video within your online content? Create a new version on your own channel?
- ☐ **How will you indicate to your audience the source and context of the footage?**
- ☐ **If you have not verified what the video depicts with certainty, how do you decide whether to use it and how to acknowledge uncertainties about it to viewers?**
- ☐ **When the footage contains graphic content, do you share, embed, or link to it?**  
How do you warn viewers?
- ☐ **When footage is created by hate groups, do you share the video?**  
Link to the original? Provide a screengrab? Refuse to distribute any element of the imagery?