Intelligence for Human Rights?

Private Intelligence Structures in Human Rights Affairs

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Abstract: The violation of human rights is a serious crime. Information about it are difficult to obtain and to verify. State intelligence agencies deal with this task only according to instructions of their government and therefore they often ignore or tolerate this breach of international law. Non-state actors, however, can search and document without regard to nation-states. At the present time it appears that most of the necessary information can be acquired by private researchers: Satellite photos, videos about the conflicts, databases, sources on the ground: Private actors can use them for litigable documentary and short campaigns. Commercial private intelligence firms offer more: They can monitor the communication of suspects and track their financial transactions. Today it seems that the necessary information about human rights violations can be obtained and analyzed by private actors – independent from politics.

Keywords: State and private intelligence services, NGO, information, analysis, UN
Staatliche und private Geheimdienste, NGO, Informationen, Analyse, UNO

1. Introduction

Since the end of the Cold War, intelligence services worldwide had to search for new opportunities to justify their existence and the enormous amounts of money demanded from their governments.[1] Old enemies – e.g. the KGB, left-wing groups in South America and Africa or the tanks of the Warzaw Pact – dissapeared and only a few new risks appeared at the horizon of risk perception: organized crime and since September 11 all aspects of islamist terrorism. Connected are other problems such as the spread of weapons of mass destruction, further linked to criminal and terrorist activities. In addition, we have so-called "illegal" migration of poor people into the rich countries. Concerning this last point, one could ask whether or not the intelligence community has an interest in human rights issues as these issues present a reason for people to migrate. This does not appear to be so. There seems to be only one concern, expressed in the following statement: "The poor human rights records of a liaison partner, which may lead to a setback in the relationship."[2] Otherwise, human rights issues do not present a real scruple as current history shows. Asked about the relevance of human rights issues in their work and analysis, not one press officer of any intelligence agency gave any comment to the requests of the author. Yet, as others state, this is worth to be discussed, especially in the ongoing intelligence "war on terror" and its nexus to human rights issues.[3]

Subject of this essay is the question, whether or not intelligence agencies can play a role in detecting and observing human rights violations. Do they have special information, sources and capabilities of monitoring, unlike non-state actors? Is their information part of a well-considered and responsible reaction to emerging human rights violations? Or can the information which governments, the media and civil society need to be able to act, be delivered by non-state actors?[4]

2. Human rights and intelligence

In an older compilation of essays about the "the role of intelligence in times of peace", not one author is mentioning the term "human rights" or its possible relevance.[5] This seems to be representative for the lacking concern about how important observations by state intelligence angencies of human rights violations are. Even in the light of the "war on terror" and its sometimes shady intelligence-led operations, the role of intelligence in detecting human rights violations are not a significant part of the discussion: "While popular leftist literature and journalism has taken the intelligence establishment to task for its controversial practices, it remains poorly integrated into contemporary debates over human rights and legal order."[6]

The permanent discussion shows that it still seems impossible to say something definite about what should be regarded as human right and what not, despite the legal concept given in the Universal Declaration of Human Rights. This declaration can be consulted as a first source, independent from political

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1 There is an ongoing discussion about definition and theorization of intelligence, which cannot be discussed in this essay. For further reading: Gill, Peter/ Phytian,Mark: Issues in the Theorization of Intelligence, paper presented at the International Studies Association conference in Montreal, March 2004.
2 Lefebvre, Stéphane: The Difficulties and Dilemmas of International Intelligence Cooperation, in: International Journal of Intelligence and Counter Intelligence, Volume 16, Issue 4, p. 527–542, October 2003, p. 535.
3 Wilson Ashby,Richard (Ed.): Human Rights in the ‚War on Terror‘, Cambridge 2005.

4 "Should include members of major non-governmental non-profit associations with interests in global security and assistance, as well as investigative journalists, computer-aided journalism, and watchdog journalism." See: Steele, Robert David: Information Peacekeeping & the Future of Intelligence, in: de Jong, Bob/ Platje, Wies/ Steele, Robert David (Ed.), Peacekeeping Intelligence. Emerging Concepts for the Future, Oakton 2003, p. 221.
5 Carmel, Hesi (Ed.): Intelligence for Peace, London 1999.
6 Sanders, Rebecca: Norms of Exception? Intelligence Agencies, Human Rights, and the Rule of Law, Presented to the Canadian Political Science Association Annual Conference, Vancouver, B.C., June 6th, 2008, p. 7.
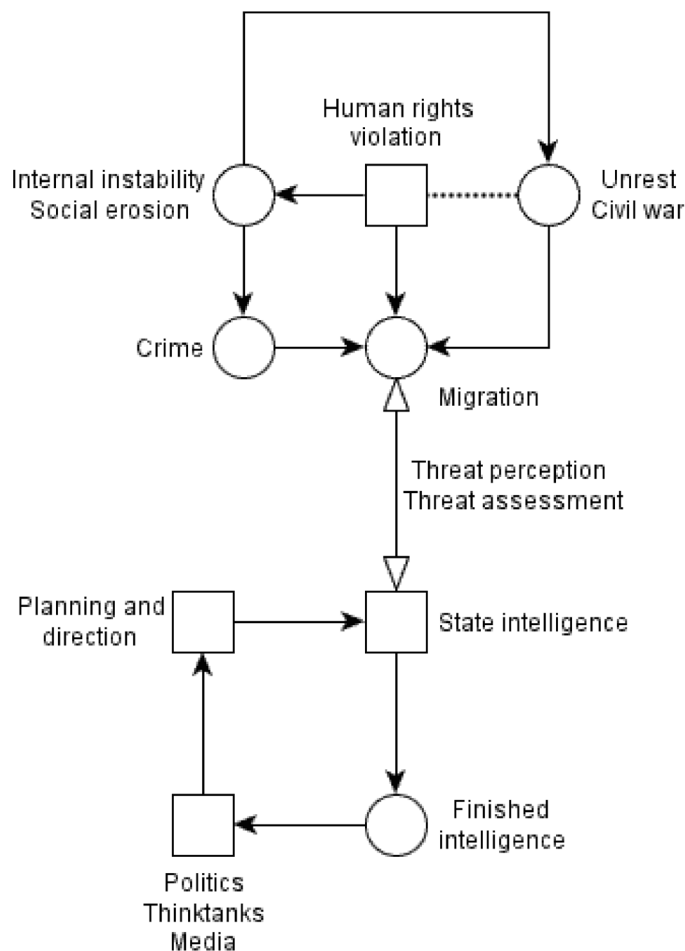
discussions about human rights. Reading e.g. only Article 5 ("No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"), it is obvious that many states and political systems ignore this claim. While one could assume that it is easy to comprehend, official publications of an intelligence agency offer nearly no comment on it. Of course, one can read about results of human rights violations by governments or private actors, of which migration is one of. For example, "Migration can become a serious threat for public order and state security."[7] It shows that instead of discussing "new threats", human rights violations and the possible mass migration are perceived as a risk for national security, not as tragedy for the individual and not as responsibility for governments to act.

The following chart shows the traditional way of information processing by state intelligence agencies, which are perceiving migration as a risk for national security. Observing political entities as crime or potential for civil unrest and being influenced at the same time by public opinion or thinktanks with a more conservative view on security issues, the results of this process often tend to be fixed from the beginning, as various examples show: Migration as a danger for national security, but not as a warning signal for the government or a chance to change policy.

Unfortunately, the "mainstream debate still centers on traditional national security issues. Here, compared with the relative stability and calculability of relative capacities for "mutually assured destruction" in the Cold War, is now a different calculus of risk."[8] Traditional intelligence perception cannot always fit with those new risks. In restructuring processes of the intelligence agencies of the former East Bloc a few attempts of a re-start can be observed, ending the often harsh operations of their spies. From the beginning this was related to the persons assuming political positions, who brought – in this time – some kind of idealism and the feeling of a "new beginning" into bureaucracy. E.g. until today one can read on their websites, that the Security Information Service of the Czech Republic (BIS) "consistently observes human rights and freedoms…".[9] Thinking about today´s scandals, this has to be attended to in any case.

The term "human rights" is not easy to find in intelligence publications and it is mostly connected with types of threatening imagination of uncontrollable movements, which are observed with distrust and fear. To deal with future threats in the context of human rights violations, U.S. intelligence tried to estimate e.g. indigenous protest movements and came to the conclusion that "such movements will increase, facilitated by transnational networks of indigenous rights activists and supported by well-funded international human rights and environmental groups."[10] In numerous states, NGOs, observing human rights violations, are just forbidden,

Figure 1: Threat perception of state intelligence services

labeled as state enemies and prevented from getting inside. And of course, there is a long tradition in observing and infiltrating human rights groups by intelligence services – not only in repressive states but in the West too. While this subject still has to be analyzed, most publications address the violation of human rights by intelligence agencies. Today the "war on terror" and the outsourcing of intelligence-related functions, as for example the tracking of suspects or their interrogation, produces new cases of malpractice and violation of prisoners and their human rights nearly every week.

2.1 Intelligence against human rights?

Since governments are confronted with the concept of human rights in practical politics, they try to use and exploit it for their own interests – independent from the political system. It is assumed that intelligence agencies – especially today – are well informed about the situation in a country of interest. There can be unsureness in naming a function owner or a special location in a foreign country, but never in the identification of small or massive violation of human rights. Today the intelligence community can resort to satellite images with very

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7 Bundesnachrichtendienst: Der Auslandsnachrichtendienst Deutschlands, Pullach 2000, p.33.
8 Gill, Peter: Intelligence and Human Rights: A View fromVenus, in: human rights & human welfare, Volume 8 – 2008, p. 118, http://www.du.edu/korbel/hrhw/index.html (09.03.2010).
9 http://www.bis.cz/who-we-are.html (16.03.2010).
10 National Intelligence Council: Global Trends 2015. A Dialogue About the Future With Nongovernment Experts, Washington 2000, p. 46.

high resolution,[11] or they can use Twitter and any other form of mobile communication. And even in very repressive states, seperated and nearly not connected by wire with the outer world, like North Korea, Myanmar, Sudan etc., there is a growing and useful network of underground communication, defectors and informants. It is possible to get smuggled videofiles, showing state crimes, executions and starvation. And furthermore it is possible to ask activists from NGOs, working directly – often under risky conditions – in those countries.

This means that there is no plausible reason and no excuse for a government or an intelligence agency to be clueless or uninformed. Additionally, informal contacts between those organizations, e.g. the German Bundesnachrichtendienst (BND) and Amnesty International or the Central Intelligence Agency (CIA) and Human Rights Watch, are dealt with discretion by both sides.

From the past until today, there are many cases where intelligence agencies watched massive human rights violations, the beginning of them or just the planning period of responsible persons. In many cases their governments decided not to act or to behave in an opportunist matter. It seems to be a double accountability:Western states create e.g. African states, but during their failure they ignore the signals of crimes and internal violence. "In part because the nation state is a Western construct imposed on Africa, life in post-colonial times has often been characterized by the oppression of one ethnic group by another: first Hutu by Tutsi, then the reverse, first native Liberians by Americo-Liberians, then the reverse, and so on."[12] In case of violation that means no intervention, or only very cautious interventions, if it is an important political or economic partner that is committing such crimes. On the other side, we find aggressive public relations and sometimes covert or overt operations against special states, which are "the bad ones", for whatever reason. For example, Russia is a powerful state, which has many important economic ties with nearly every region in the world. But it is violating human rights in Chechnya. Nevertheless it has an efficient lobby avoiding severe sanctions or insistent inquiries. Cuba is a poor country, a hangover from the communist age, connected with only a few others more or less non-influential states. It is violating human rights, e.g. by arresting people because of their political attitudes. This is resulting in harsh sanctions since many years as well as boycotts on the political and economic level.

Uzbekistan is another still ongoing example. Its media is under strict government control, the state agencies are using torture, restriction of civil rights such as free association, religious acitivities etc. In the Freedom House 2009 report entitled "The Worst of the Worst: The World´s Most Repressive Societies", Uzebekistan – among others – is judged "to have the worst human rights records".[13] In 2005 hundreds of people were killed during unrests. Various media reports show that Western

governments allowed the delivering of surveillance technology to Uzbekistan, e.g. Siemens in Germany.[14] Even though there are definitely massive and brutal violations of human rights – and Western governments must be informed about this – there are actually deepened relations between Uzbekistan and countries like Germany or Russia. Therefore two reasons must be mentioned: Uzbekistan is rich of gas, which can be exploited by Gazprom, and the war in Afghanistan, where Western allies need Uzbekistan for their military operations. Since 2002 Germany has a military base in Termes. Related to the "war on terror" are widespread speculations about to the so called "Islamic Jihad Union", a group which the former British ambassador to Uzbekistan, Craig Murray, and others called a fake organization, which is controlled and maybe established by the Uzbek government, serving as reason to keep on oppressing the opposition in Uzebkistan[15]. Building up pseudo-organizations, conducted by intelligence services, are sometimes called black or sting operations. Furthermore, concerning the economic ties to Uzbekistan, Western intelligence agencies must be informed about the situation in the country due to the highly interwoven connections between the Uzbek foreign trade and their security services. This is based amongst others on a strong nepotism.[16]

Especially in this area of the world, Western intelligence agencies take a close look at local business people, because of their links to the drug trade in Central Asia. In contrast to this, it seemed crude to invite Rustam Inoyatov, the head of the National Security Service of Uzbekistan, who flew to Germany on October 23, 2008, "the same day that an Uzbek court sentenced a prominent human rights activist to 10 years in prison on politically motivated charges."[17] His visit was organized by the German BND, although they were well informed that Inoyatov was one of the persons responsible for the murder and torture of hundreds of innocent people. Employees of the German federal police, the Bundeskriminalamt (BKA), went to Uzbekistan interrogating the prisoner Scherali Asisow, who seemed to have informations about a few terror suspects in Germany. This happened even though "the interrogation of witnesses by German investigators in such states is a human rights abuse."[18] This and a few other examples show that since many years there is an exchange of security-related information, a flow of special equipment and training for the personnel of Uzbek security agencies, although NGOs and the media continuously report about human rights violations. Cooperation exists in face of the cruel reality and reliable information about it.

Examples from the past centuries show that the intelligence community had clear information about upcoming crimes, but they held them back or just observed the situation. This was the case in Egypt, China and various countries in South America, Africa or Central Asia. Different programs of intelligence

11 „Anyone with a credit card can now purchase sophisticated satellite imagery of almost any site on earth.", Lord, Kristin M.: Global Transparency. Why the Information Revolution May Not Lead to Security, Democracy, or Peace, New York 2006, S. 9.
12 Lerner, K. Lee/ Lerner, Brenda Wilmoth (Hrsg.): Encyclopedia Of Espionage, Intelligence, and Security, Detroit 2004, Volume 1, A – E, p. 8.
13 Freedom House: The Worst of the Worst: The World´s Most Repressive Societies 2009, www.freedomhouse.org (22.03.2010).

14 El Difraoui, Asiem/ Schmidt, Markus: Jagd auf Regierungsgegner dank deutscher Abhörtechnik, Monitor, 16.03.2006.
15 After his criticism and other grave reproaches, Murray was removed by the British government from his ambassadorial post in 2004.
16 E.g.: Secret service and foreign trade, in: Intelligence Online, No 610, January 28, 2010, p. 3.
17 Human Rights Watch: Uzbek Security Chief Visit a ´Disgrace´, http://www.hrw.org (22.03.2010).
18 Bensmann, Marcus: Der Zeuge aus dem Foltergefängnis, in: Amnesty Journal, 04/ 05 2010, p. 58.

cooperation illustrate the approach of direct political control and influence, producing torture and death of many thousands of victims. E.g. "Plan Condor", a concrete strategy by Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay of worldwide tracking and killing members of the opposition such as left-wingers, priests, journalists, unionists and human rights activists. Assistance came from time to time from Peru and Ecuador as well as the CIA, the FBI and French paramilitary and terror specialists. Taking place during the 1970s and 1980s, "Plan Condor" is a horrific example of intelligence cooperation, accompanied by violations of human rights and national rights of the countries, in which victims were killed.[19]

Further information exists about human rights violations by organizations and persons, which seem unimportant or on the other side so important, that governments do not want to read the intelligence files. Some of the violations seem not to be important in a global context, and some of them can only be understood in connection with political, economic or sometimes religious interests. E.g. the activities of Paul Schäfer, a German Nazi, and his sect "Colonia Dignidad" in Chile have to be mentioned here: 1961 he founded an obscure organization, where he tortured and opressed hundreds of "members", which had to obey his pseudo-religious ideas. After the CIA put Pinochet into power, Schäfer established close contacts to his regime and the former Chilean intelligence agency Dirección Nacional de Inteligencia (DINA). He also networked with the German embassy and German politicians such as Franz Josef Strauß. German officials were informed about the crimes committed by Schäfer and his followers, but the German embassy in Chile sent refugees back to the "Colonia Dignidad". German intelligence services knew about the human rights violations too, because of their cooperation with DINA, who tortured and killed Chilean opposition members on Schäfer´s ground and exchanged information about the acitivities of "left-wing" Chileans in Europe. Other relationsships existed with the German Bundeswehr and German arms dealers, but even today not all of this is yet clarified.[20] Pinochet represented an important anti-communistic regime in South America, and German and U.S. intelligence agencies closed their eyes to the human rights violations of a notorious sadistic sexual offender and criminal person and his system.

Other cases deal with the crimes committed by mercenaries, which are engaged by governments. The incidents with the former Blackwater company in Afghanistan are well known, but there are many more. Their description is too complex, including the history of mercenaries and private security companies since the human rights declaration in 1948.

3. Information gathering by intelligence agencies

There are a few methods of intelligence agencies to collect information and different levels of that information. First of all, most of the information – something about 80 % or more – are

open source intelligence (OSINT), which means everybody can get it from the media and other open sources like the internet. There are sometimes very specialized journals, grey literature, websites on hidden or encoded servers, etc., but this should be no problem for an expert in this area of interest. Other kinds of OSINT can consist of interviews with experts from academia or people travelling in regions of concern. OSINT can become classified information simply by the decision of an intelligence officer to pad out his interview – sometimes just an internal hype to gain in importance. Furthermore, OSINT can sometimes be cost-effective and easy to get, but this is not the standard. "For policy–makers, OSINT has the great advantage that it does not need to be kept secretly: it can be used in discussions and negotiations."[21] It was a logical consequence by the U.S. intelligence community to build up the Open Source Center in 2005, housing the Open Source Academy, "which trains intelligence professionals from throughout the U.S. Intelligence Community in cutting-edge tradecraft and reack-back capacity to support their homeagencies and units."[22] In Germany the BND has the "Abteilung Unterstützende Fachdienste (UF)", which is a rather new unit, trying to compete with many other high-profile non-state OSINT experts.

The interpretation of information is more difficult. To be precise, this means that we first talk about raw data, which via processing has to become information of value – generating at least knowledge. Behind this stand, near-, intermediate- or long-term political demands, producing pressure to succeed in giving advice for making decisions.

The other part of information gathering is "real espionage" and there are many paraphrases used: surveillance and bugging persons, listening to their intimate talks, taking pictures of their social network, observing their meetings, blackmailing someone to get informations about the other one, etc. There is a technical and a human factor, which means that an agency has the possibilities to scan e.g. the internet traffic or the telephone calls of one or more persons. They can use satellites to take closed pictures and to follow the movement of people or vehicles as well as detecting ecological changes on the ground. Relating to the conditions on the ground, an agency can place a mole inside an organization, to get a direct contact or overview about the plans, named human intelligence (HUMINT).

So what kind of information is gathered by the intelligence agencies that private actors are not able to get?

3.1 Possibilities of private actors

There are a few similar ways in which private actors like journalists or NGOs can choose to get the information they want: they can buy information or try to get them by themselves. The more autonomous in compiling their files, the more independent from outsiders they are. This is the reason

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19 Also declassified documents et. al. by CIA and FBI: http://www.gwu.edu/~nsarchiv/news/20001113/#docs (26.03.2010).
20 For further informations e.g. archive of www.bundestag.de.

21 De Valk, Giliam/ Martin, Brian: Publicly shared intelligence, in: First Monday, Volume 11, Number 9 — 4 September 2006, http://firstmonday.org (08.03.2010).
22 Borene, Andrew M.: More than espionage, http://www.washingtontimes.com (29.01.2010). Unfortunately none of the documents, published by the Open Source Center and obtained by the author, deals with any human rights issue.

Table 1: Main intel disciplines

Intelligence disciplines	State actors	Non-state actors
HUMINT	Finding, contacting and using sources on the ground. Includes mostly payments or other benefits.	Personnel familiar with country A, maybe living there for a longer time, try to find and contact sources on the ground. Many of them share the same interests e.g. such as the NGO, working voluntarely.
OSINT	Gathering all reliable data about country A.	Analysts with the knowledge of language, culture, political system, etc. of country A try to gather reliable data, using their often keen interest in country A.
SIGINT / COMINT / ELINT	Interception of signals if possible and existent, mostly via expensive technology.	Possible for commercial intelligence firms, in some cases for experienced amateurs.
IMINT	Collecting information via satellites or plane.	To acquire by purchase.
FININT	Tracking covert or undeclared transfer of money.	Possible for commercial intelligence firms.

for the sporadic claim of the United Nations (UN) for an own intelligence unit independent from the national intelligence agencies of their member states.

A main problem is about money. A well-funded editorial office is able to pay high traveling expenses and essential technical infrastructure for a researcher: a rugged laptop, a few satellite phones, camera equipment, a portable water treatment plant, a generator, maybe a car and a driver, bribe for the locals, stringers and high-ranking people in the government, etc. More and more external specialists offer those services to newspapers and TV stations, due to the trend of outsourcing expensive investigative journalism. This can be critizised but has to be seen as a matter of fact. Large NGOs sometimes authorize researchers to detect illegal shipments of waste or find proof for illegal dealings with diamonds. Of course, those jobs are not riskless. At least due to the costs of those appointments on the ground they are an exception, especially for smaller organizations.

More realistic are political as well as legal risk assessments and background checks, which can be mostly done at the desk. They will be enriched with information from sources on the ground and intensive monitoring of the local official and – if existent – alternative media. Also in this part of the work, highly skilled people and the right technology are essential. "Implementing information monitoring projects is not easy and requires the consideration of many internal and external factors. It also requires management skills and an extensive knowledge of all the steps necessary for structuring the project."[23] Only a few firms which are specialised in this area exist. Some of them are working for chambers, which are active in the penalty of human rights violation, e.g. related to the U.S.-prison camp Guantanamo. Others are researching the worldwide illegal flights of the CIA rendition program. But they seem to be distrusted by the traditional commercial intelligence companies: "These companies use precisely the same methods as a traditional corporate intelligence firm (surveillance, use

of open sources, interviews and the like). But their fees are far lower and their investigators tend to be ex-militants rather than former intelligence officials who moved over to the private sector."[24] In contrast to the staff of those more alternative intelligence firms, this claim can be disputed.

Hiring firms that belong to the traditional corporate sector can be very expensive. Currently, a few of the big ones try to make a mark as firms engaged in projects with a social background – e.g. the well known Hakluyt Ltd. with their new project "Corporate for Crisis (CfC)". Some of them reckon on the Pentagon, which seems to combine military and civil operations in the future. Military action accompanied by development aid becomes an interesting marketing concept for private security firms such as International Resources Group, L3 Services Group or Hart.[25] But most of their customers still belong to the industry which is interested to avoid problems with native people or local environmentalists, producing bad PR in the context of delicate projects.

The following chart shows a few common intelligence gathering categories, coming into operation when human rights violations in a country take place. Both – state and non-state actors – have the capacities to compete in this field.[26]

3.2   Easy information?

The most common practice for organizations working in detecting human rights violations is similar to those of government: OSINT. There are not only plenty of open sources, but also analytical expertise and a vastnetwork of formidable people, many of them just working for the idea. A few of them are experts in processing OSINT and are still working

23   Pernet, Jérémie: Media monitoring, information scanning and intelligence for Human Rights NGOs, Versoix 2009 [Human Rights Information and Documentation Systems, International – HURIDOCS], p. 24.
24   Turning the CIA´s Methods Against it, in: Intelligence Online, No 601, 17 – 30 September 2009, p. 8.
25   Humanitarian goldmine for private security, in: Intelligence Online, No 616, 22 April 2010, p. 1.
26   For details see also: Category: Intelligence gathering disciplines, http://en.wikipedia.org/wiki/Category:Intelligence_gathering_disciplines (29.04.2010). SIGINT=Signals intelligence, COMINT=Communications intelligence, ELINT=Electronic signals intelligence, IMINT=Imagery intelligence, FININT=Financial intelligence.

Table 2: State and private intel IC

IC	Inherent problems of the IC	State actors	Non-state actors
Planning and direction of information requirements, preparing the operational approach, pushing the concrete order through the intel bureaucracy.	Intransparent motivation and decision-making process. Clumsy implementation.	Country A can be ignored due to political reasons. Possible help can be related to special conditions.	Motivations to get into action are discussed openly and emotionalally. Duties are carried out often voluntarily.
Collection of data, related to the official request for information.	Often imprecise and randomly. Nebulous final aim.	For ad-hoc collections experts of country A must be contracted; some will not be found. Collection from country A is not always possible.	A network of various experts, insiders, journalists, members of the opposition, former prisoners – staying inside or outside of country A – can be used to get informations.
Processing of the collected data, converting them into a working format.	How to process huge masses of data when it is not known that it must be sought for ? How to process data from rural societies?	Data cannot be processed because analysts are not skilled in contextualizing them.	A permanent process of discussion and external assessment by experts leads to a continuous processing of data.
Production of so-called "finished intelligence", understandable for the customer.	Finished intelligence can be a political problem; different customers want to read different results	Without contextualizing, finished intelligence will be incoherent. The final paper will only show a vague alternative.	Finished intelligence is understandable for everybody, because its aim is to influence the public opinion and to build up political pressure.
Dissemination of intelligence results to the customer.	Some customers never get the information, others will.	Positive conclusions will not reach relevant people; it remains without effects for victims and delinquents in country A.	Most information is open, files can be downloaded on a website or are free to order.

in providing better techniques to exploit information, to be used by interested organizations: "My intention is to create an open, legal, ethical process by which the United Nations and non-governmental organizations such as Doctors without Borders, the International Committee of the Red Cross, and Foundations responsible for charitable giving, can receive multinational decision-support helpful to their decisions about their respective strategic mandates, operational campaign plans, tactical interventions, and technical choices."[27] This project is not yet finished, particularly for the most important international organization: "One of the great gaps in the UN´s peace operations capability is the acquisition, analysis and effective use of timely intelligence information."[28] In 1960 there was only one peacekeeping operation during the Kongo crisis, where the UN had its own intelligence capabilities. Only a few attempts were made since then to create something like a UN intelligence agency. The "Office for Research and the Collection of Information (ORCI)" – founded in 1987 and closed in 1992 – was one of those attempts.[29] Until today it is not easy for the UN to get reliable information, especially with an intelligence

background. The conclusion is that in a crisis or during operations its departments are forced to cooperate with state intelligence as well as NGOs. Such cooperation should be based on a joint interest, but it is in the nature of state intelligence agencies to represent the position and wishes of their national governments. NGOs, however, can rely on their network in the field and their ability to communicate their knowledge fast and in an unbureaucratic manner, unimpaired by the interests of a national government. Yet, also here manipulation, dominance and ineffective paperwork can be present.

Presenting a case of human rights violation in country A, the following chart shows the conventional procedure of state actors – observing the steps of the well-known intelligence cycle (IC) – compared to a non-state actor's possibilities of replacing them in an effective way.

The most important pre-stage to be mentioned is the longsome, often intransparent, external and internal political debate before concrete steps are taken by state actors. [30]

As noted above this shows an ideal situation, but experiences with huge bureaucracies – as most state intelligence agencies are – give an impression about the difficulties or the political motivated unwillingness of state actors to react fast and effectively in cases of human rights violations.

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27 Tovey, Mark (Hrsg.): Collective Intelligence: Creating a Prosperous World at Peace, Oakton 2008, p. VI.
28 Findlay, Trevor: The Use of Force in UN Peace Operations (in particular Chapter 10. II.: Improving the ability of UN peace operations to use (and avoid using) force), Oxford 2002, p. 360 ff. [Stockholm International Peace Research Institute (SIPRI)].
29 An overview of those attempts can be found at Wiebes, Ces: Intelligence And The War In Bosnia 1992 – 1995, Münster 2003, p. 22 ff.

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30 Of course the chart shows an ideal situation – in bad and good regards.

3.3 Technical measures

Comparing the technical measures state and non-state actors can use, it should be clear that both need sophisticated equipment to achieve at least some parts of the original plan. Many operations failed because of technical difficulties. Some NGOs distrust expensive installations, especially if they are run by hired professionals, but in the long run they have to accept them to compete against the power of those they want to fight.

First we look upon the aims of both: State actors conduct intel operations in civil or military areas, and so do non-state actors. Both have different aims and sometimes non-state actors want to clear up the activities of state actors, conducted with the help of their intelligence agencies. This means that both are operating in a similar field, often with antagonizing aims. Traditionally a state actor uses intelligence to find the right target for his strikes against the enemy. On the contrary, a non-state actor uses his intelligence capabilities to find information about supposed crimes or violations of legal issues and regulations. Both sides should try to defend their operations from counter-intel measures by their adversary. Actors should rely on an infrastructure, which supports the operations with added information, e.g. about new developments on the ground, important decisions made by other actors, relevant news in the spezialised press, etc. State actors, conducting military operations, call this infrastructure the Intelligence Battlefield Operation System (BOS), "a flexible force of personnel, organizations, and equipment that, individually or collectively, provide commanders with the timely, relevant, and accurate intelligence required to visualize the battlefield, assess the situation, and direct military actions."[31] Due to the more non-bureaucratic organization of NGOs there is no exact term like this among non-state actors. Amnesty International has an operation unit of "researchers", some engage "fact checkers" and there may be similar names in other organizations.

Today there is a bundle of technical options, which can help NGOs to improve their operational capabilities and their chances in detecting and monitoring human rights violations. Attention should be paid to "Satellite imagery: High-resolution satellite images provide evidence of destroyed villages, mass graves, and secret prison camps [...] Databases and document management: Advanced database software systems allow victims, activists, and local NGOs around the world to upload copious amounts of data that document human rights abuses securely and then sort and analyze it to quantify broad trends that are meaningful in a court of law. [...] Medical forensics: DNA and other medical forensic techniques can provide essential information about the identities and causes of death of victims of human rights crimes [...] Social networking and other information and communication technologies: Cell phones, laptops, and Internet social networking tools have become essential vehicles for advancing free speech, reporting human rights abuses, and distributing health care and other

life-sustaining information."[32] Since the riots in Iran in 2009 and 2010 most people know the power – and the possibility of manipulation as well – especially of modern communication services as Twitter or Facebook. Even in North Korea it is a technical question how to use a Chinese mobile phone to get in contact with the outer world, which is punishable with death penalty. Reported by South Korean human rights groups such as "Free North Korea Radio" and "Open Radio for North Korea", there are attempts to use a few satellite phones inside North Korea to cover more parts of the country, whereas Chinese prepaid card mobile phones seem to work just near the border to China.

In the worldwide web plentiful of guidebooks how to blog or to phone anonymously exist. Many people use small camcorders to document incidents, uploading them a short time later on Youtube, Indymedia or other specialized platforms, administrated by activists somewhere else. Videofiles and pictures can be shared via Virtual Privat Networks (VPN), forbidden in some countries-, and they can be transmitted to a mobile phone or a laptop of a foreign diplomat or journalist. Fortunately, there seems to be no government in the world that is able to stop this information flow effectively in the long run.

Those measures – free satellite pictures, videofiles, twitter messages, reports from the ground by activists or victims, etc. – can be combined to build up platforms, where raw data as well as information can be uploaded, processed and become OSINT, often fed secretly by persons at very high risk. An example for a project like this is the Ushahidi Web platform. The team describes their project as "a platform that allows anyone to gather distributed data via SMS, email or web and visualize it on a map or timeline. Our goal is to create the simplest way of aggregating information from the public for use in crisis response."[33] There are few projects like this, "using online mapping as a way of picturing what's happening during crises or elections [...] in countries like Angola, Kenya and India."[34] A similar project is "Alive in Afghanistan", which plots SMS reports on an online map and offers information not only about human rights violations, but security issues too.[35] Furthermore, another project is to be mentioned: "North Korea Uncovered", which demonstrates the possibilities of private actors to arrange and interpret huge amounts of information. They are based on public satellite pictures of a country, where death penalty and prison camps are reality. They were detected among other things via the mentioned project.[36]

Other intelligence-related operations, which can be done by non-state actors, are dealing with searching, finding and evacuation, or rescue of lost persons. Those operations can have a strong tie to human rights violations. For organizations working in a disaster area such as Haiti or in dangerous countries

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31 Headquarters/ Department of the Army: Intelligence, Washington DC, 17 May 2004 (Field Manual No. 2-0), p. 9.

32 Dreier, Sarah K./ Schulz, William F.: New Tools for Old Traumas. Using 21st Century Technologies to Combat Human Rights Atrocities, Center For American Progress, October 2009, http://www.americanprogress.org/ (23.03.2010).

33 http://www.ushahidi.com/ (12.04.2010).

34 Cellan-Jones, Rory: Mapping the Afghan elections, http://www.bbc.co.uk (12.04.2010).

35 http://aliveinafghanistan.org/ (03.05.2010).

36 http://www.nkeconwatch.com/north-korea-uncovered-google-earth/ (03.05.2010).

such as Colombia or – during the past worldcup – South Africa, this is an expensive possibility, exemplified by hHiring travelling intelligence experts, medically-equipped helicopters, radio equipment, etc. Of course, firms such as red24 or Global Rescue mainly work for the industry and not NGOs.
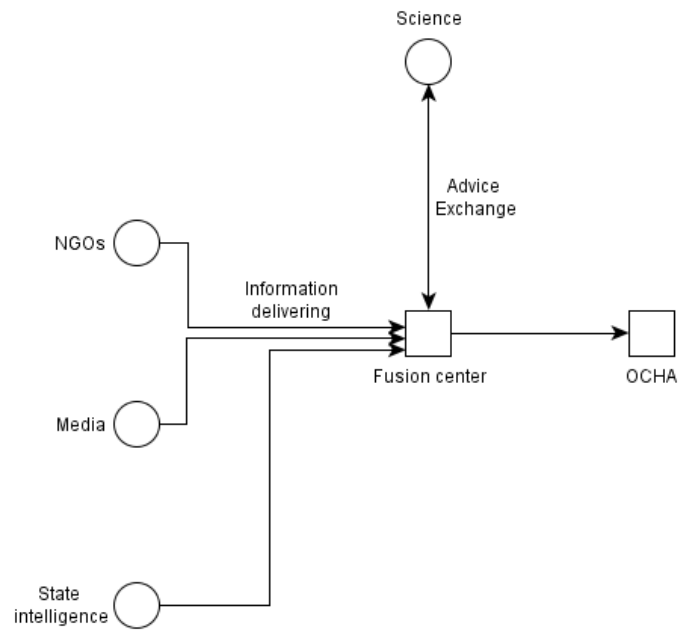
4. Conclusion and next steps

The described possibilities of non-state actors show that most methods of information gathering can be done by organizations investigating human rights violations. Provided that motivation and ressources exist, there is a chance for a professional NGO to compete with a state bureaucracy. Instead of state intelligence operations, "NGO intelligence operations have tended to be less formal and hierarchical, lacking the typical command and control chains of bureaucracy common to state intelligence organizations."[37] In the past, the CIA tried to analyze such situations in comparing two different teams: A and B, one of them stood for external experts, working with only OSINT and competing with the other team, coming from the inside of the agency. Instead of an opening of the CIA, this was a step to further privatization measures, but it showed that state intelligence accepted the challenge of OSINT and external experts – even if the results of the first B team were apparently wrong.[38]

Relationships between state intelligence agencies and most of the private intelligence firms on the one side and non-state actors on the other side will remain difficult, also due to distrust. There seem to be a few reasons to doubt the new role for intelligence agencies such as the new "peacemakers" in today´s international relations. [39] And as one practitioner stated: "National intelligence may have instinctive resistance to this new role; so too may those who do not want international organizations corrupted by back-doorintelligence contacts."[40] This more general problem should find a solution, i.e. it should be reduced to a common, small denominator. Both sides have an interest in forecasting and analyzing human rights violations, even if one side accepts or causes them from time to time. And both sides rely on information, which "at best will always be in some part fragmentary, obsolete, and ambiguous."[41] So it is not a corollary to think about ways of cooperation?

It is mainly important to build up a state and non-state intelligence network interface. This could be an organization, where various data coming in is evaluated by a team of experts. The processing and assessment of information, delivered by state and non-state actors, would be most important. Of course there would be attempts of influence and manipulation. But

there should always be a double-blind peer-review process, which could afford the highest standard of reliability. External advice and permanent monitoring by science could lead to more confidence in this sensitive field of international relations. One could think about a rotating staff of this external advisory unit. An ideal solution in this case would be a fusion center, maybe residing near the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

Figure 2: Possible intel fusion center closed to the OCHA

It is certainly unrealistic to expect this kind of cooperation in the next time, not only because of political tensions. Both sides, state and non-state actors, will keep on distrusting the other one, trying to get information without any valuable equivalent. Here especially the discussed field of human rights violations is a highly moral thing. "It may seem strange, when writing on a topic in the usually hardheaded field of national security studies, to discuss moral issues explicitly."[42] Maybe this statement will be come into discussion about possible future cooperations between state intelligence and the non-state sector.

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37 Deibert, Ronald J.:Deep Probe: The Evolution of Network Intelligence, in: Wark, Wesley K. (Ed.), Twenty-First Century Intelligence, Intelligence And National Security, Volume 18, Winter 2003, Number 4 [Special Issue], p. 178.
38 Trento, Joseph J.: Prelude To Terror, esp. chapter 13: Politicizing Intelligence, New York2005, p. 94 et seq. Further readings: Intelligence Community Experiment in Competitive Analysis -Soviet Strategic Objectives: Report of Team B, http://www.gwu.edu/~nsarchiv (20.05.2010).
39 Shpiro, Shlomo: Friedliche Spione?, in: Welt Trends: Geheime Dienste, Nummer 51, Sommer 2006, p. 37 ff.
40 Herman, Michael: Intelligence Power In Peace And War, Cambridge 2002, p. 367.
41 Armstrong, Willis C. (et al.): The Hazards of Single-Outcome Forecasting, in: Westerfield Bradford, H. (Ed.), Inside CIA's private world, Yale 1995, p. 242.

42 Shulsky, Abram N./ Schmitt, Gary J.: silent warfare. Understanding The World Of Intelligence, Washington 2002, p. 167.