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Abstract

This article offers a definition and explores the dynamics of database-driven empowering surveillance. That is, it focuses on surveillance from below that is directed at powerful institutions or groups for the benefit of the marginalized, using a database as its main facilitator. By examining six Israeli NGOs working for the protection of Palestinian human rights in the Occupied Palestinian Territories, I am able to break down the database-driven empowering surveillance process of amassing and disseminating information, to identify its mechanism of action, and to highlight its limiting and enabling factors. This scrutiny in turn helps shed light on the capacity of NGOs to effectively monitor powerful institutions: to surveil from below in spaces with pervasive top-down surveillance; to surveil in territories under the control of the surveillance subjects; to impact policy on polarized issues; and to enforce human rights. Empowering surveillance emerges from this article as a process that requires those carrying it out to maintain a delicate balance between using a forceful mechanism against those monitored and being highly dependent on third parties with coercive power—often from the same organizations being monitored—to exact the desired deterring effect.

Introduction

Ordinary people have been gazing back at the establishment since institutional power has existed. They have been examining it; studying it; monitoring policy, movement, and behavior; and deciphering patterns. However, it was not until very recently, when technologies of monitoring, data storage, and data dissemination became cheap and readily available, that such practices of surveillance from below could be enlisted in the hope of empowering the weak and keeping power in check. Once these surveillance technologies became readily available, activists across the globe began to use them, and we are currently in the midst of a bonanza of empowering surveillance initiatives, initiatives which try to counterbalance the sharp asymmetry between the powerful and the marginalized.

Scholars of empowering surveillance have been hastening to catch up ever since in an attempt to keep pace with changes on the ground. Yet up until now it was video-driven empowering surveillance that caught the bulk of the scholastic attention in the field, with other types of surveillance from below provoking little to no academic writing. Practices of empowering surveillance that revolve around building a database and disseminating its information serve as a case in point. Database-driven empowering surveillance has been around for a while now and as such is in need of scholastic examination and scrutiny.

This gap between reality and academic writing is evident not least in the empowering surveillance initiatives of Israeli non-governmental organizations (NGOs) aimed at stopping human rights violations perpetrated

against Palestinians in the Occupied Palestinian Territories (OPT). While video-driven empowering surveillance began earnestly in 2007 with B'Tselem's now famous camera project (B'Tselem 2017a; Desai 2015; Ginsburg 2018; Hagin and Wagner 2014; Miretski and Bachmann 2014), database-driven empowering surveillance can be traced back to the end of the 1980s and beginning of the 1990s, when Israeli NGOs began to monitor human rights breaches and disseminate their findings via the media (B'Tselem 1989; HaMoked 1990; Kav LaOved 2000). Since then, and more vigorously since online access became commonplace, a growing number of Israeli NGOs have been documenting government agencies' policies and actions in the OPT, loading this documentation into databases, and disseminating information. Yet, notwithstanding an occasional examination of certain of these organizations' practices, the phenomenon as a whole and its surveillance-based mechanism of action have not been studied.

This article focuses on clarifying what database-driven empowering surveillance is and how effective it is in delivering the desired social change on highly polarized issues. It is based on a fieldwork study of six Israeli NGOs that operate in the OPT, monitoring human rights breaches of all sorts. This fieldwork entailed a comparative analysis of each of the NGO's open databases, institutional websites, and social media pages. It also included an analysis of myriad reports produced by these organizations since the end of the 1980s and the study of secondary sources about these organizations and their operations. Furthermore, I conducted eight semi-structured interviews with key activists from these organizations (former and current), and some of these interviews were also followed up by email correspondence in order to clarify issues and seek further information.

In this examination, I first define database-driven empowering surveillance and situate its analysis in relation to current scholarship in the surveillance-studies field. Second, I describe the empowering surveillance efforts undertaken in the OPT and identify their database-driven logic. Third, I suggest a criterion for assessing the effectiveness of empowering surveillance initiatives on polarized issues. Fourth, I use the model developed in the previous section to analyze what enables and what impedes these initiatives' effectiveness in the case study.

Definition and Existing Writing

Empowering surveillance is, in short, surveillance done for the empowerment of marginalized groups. The surveillance may be carried out by the group itself or by a third party seeking to aid the marginalized group. Within it, the "database-driven empowering surveillance" category pertains to all those initiatives that focus on building a database of the surveillance-acquired data and disseminating information in order to provoke a change.

As a scholastic field, empowering surveillance is a surveillance studies subfield, dedicated to surveillance and general resistance directed against powerful institutions or groups in society. Thus, while most of the writing about surveillance deals with how government agencies, corporations, or elites monitor ordinary people, a small but growing share of the writing is dedicated to the surveillance done by either ordinary people or organizations that work on their behalf.

The term empowering surveillance is by no means the consensual term used in the field. It stems from the 2010 issue of *Surveillance & Society* dedicated to "Surveillance and Empowerment," in which the editorial and one of its articles make explicit use of the "empowering surveillance" term (Monahan, Phillips, and Murakami Wood 2010; Shilton 2010). Other terms associated with this subfield are sousveillance (literally to watch from below; see Brucato 2015; Mann and Ferenbok 2013; Mann, Nolan, and Wellman 2003; Verde Garrido 2015), inverse surveillance (see Mann 2004; Timan and Oudshoorn 2012), defensive surveillance (Institute for Applied Autonomy 2006), and counter-surveillance (see Beutin 2017; Fiske 1998; Huey, Walby, and Doyle 2006; Monahan 2006; Wilson and Serisier 2010).

My preference toward the term "empowering surveillance" stems from what it emphasizes. While terms such as inverse surveillance and counter-surveillance emphasize that the same tool used by the powers that

be is turned against them (sometimes against the surveillance personnel themselves), empowering surveillance emphasizes that the aim of this surveillance is empowerment as opposed to profit or exploitation and control or repression. Indeed, the formidable body of work of surveillance studies over the last two decades has shown that currently surveillance is a common practice directed toward many points (albeit not with the same intensity), including laterally, from one ordinary person to another (Andrejevic 2004; Jiow and Morales 2015; Joinson 2008; Marx 2002; Reeves 2012). This “democratization” of surveillance, to the extent that it is used today by virtually everyone, in a way reduces the novelty in merely redirecting the surveillance act. In other words, in a society where everyone is surveilling everyone (Haggerty and Ericson recognized this dynamic back in 2000), there is no more “inversion,” no more “counter.”

Moreover, I treat the term empowering surveillance purely as a practice used to improve the state of the marginalized and/or the defenseless and as a term that is generally relevant to social groups and not to individuals. This decision is anchored by research in the field that concluded that much of the surveillance from above is about social categorization and monitoring or controlling marginalized groups (Bigo 2004; Fiske 1998; Gilliom 2001; Henman 2004, 2005; Henman and Marston 2008; Lyon 2003, 2004; Murakami Wood et al. 2006; Zureik 2001, 2016; Zureik, Lyon, and Abu-Laban 2011). Therefore, and following the logic of this definition, we can see that empowering surveillance is not about erasing social categories but about accepting them and trying to elevate the marginalized groups within them. Furthermore, it should be clarified that the “empowering” part of the empowering surveillance term pertains not to the end result of the process, but to the goal of the process,¹ that is, surveillance done in the hope to empower a certain marginalized group.

Data-driven empowering surveillance initiatives revolve around the attempt to harness database technology, that technology which Deleuze (1992) recognized “as the exemplary new control mechanism” (Murakami Wood 2009: 184), as the main feature in the surveillance process. This characterization is mostly relevant in order to distinguish video-driven from database-driven empowering surveillance, since they each involve a different set of practices and limitations and each give rise to different sets of practical and moral dilemmas. For instance, while video empowering surveillance can be carried out by a single individual, such as the creator of the *5 Broken Cameras* documentary film, database-driven empowering surveillance requires a multi-person operation and more significant resources.

To date, writing about empowering surveillance has been intricately connected to the act of video capturing. This dates back to the 1991 Rodney King incident, which is considered by several scholars as a watershed moment that inspired many video-driven empowering surveillance operations (Goldsmith 2010; Huey, Walby, and Doyle 2006; Institute for Applied Autonomy 2006; Mann, Nolan, and Wellman 2003; Wilson and Serisier 2010). Indeed, it is clear that empowering surveillance scholars mostly tend to follow in the tracks of activists and their initiatives, for instance, regarding cop-watching (see Beutin 2017; Haggerty 2012; Huey, Walby, and Doyle 2006; Wilson and Serisier 2010) or anti-repression tactics in large protests (see Goldsmith 2010; Institute for Applied Autonomy 2006). This tendency to follow the activists and their initiatives is carried through in the present text, not only by determining which phenomenon to study but also by focusing on one of these activists’ main dilemmas: whether or not their attempts are effective.

Empowering Surveillance in the Occupied Palestinian Territories

It may seem somewhat paradoxical, but in the middle of one of the most top-down monitored and regulated places on the globe—a place in which Palestinians are being watched, scrutinized, checked, re-checked, and controlled on a daily basis (Handel 2011; Handel and Dayan 2017; Lentin 2017; Zureik 2001, 2016; Zureik, Lyon, and Abu-Laban 2011)—exists a thriving network of empowering surveillance. An array of NGOs redirect the surveillance gaze toward Israeli government agencies as well as toward Jewish settlers in order to monitor and prevent human rights violations. They do this by documenting human rights breaches in a variety of ways and loading the information into one or more databases.

¹ I thank Loïc Wacquant for directing my attention to the double meaning of the term *empowering*.

Several dozen organizations carry out this type of monitoring in the OPT, of which some are Israeli organizations, others Palestinian, and the rest international or UN-run.² Of the local organizations, the Israeli ones seem better equipped to monitor violations by Israeli agencies and citizens, due to ethnic, lingual, and cultural commonality with their object of monitoring. Thus, when interacting with Israeli government agencies and with Israeli citizens, activists belonging to the Israeli NGOs are mostly perceived as part of the in-group and are able to avoid being labeled as a security risk. Moreover, Israeli NGOs operate from Israel's pre-1967 borders and therefore avoid the risk of their databases being damaged in Israel's security forces operations in the OPT, a risk to which Palestinian NGOs are exposed (Zureik 2016: 204).

Six of these Israeli NGOs are examined here (see Table 1), in a sample that exhibits high variance on criteria such as area of operation and budget size, albeit with some bias toward the more conspicuous NGOs in the field. Indeed, this is not a random sample, but one created intentionally with the aim of representing the different trends of empowering surveillance in the OPT.

The methods these organizations use are classic surveillance methods, common to both state agencies and international monitoring agencies, with the difference that here they are exacted by NGOs. These methods include collecting testimonies, taking affidavits, recording their own operatives' observations, gathering physical evidence, gathering pictures and video evidence, monitoring court proceedings, monitoring official printed material, submitting official and unofficial queries to government agencies, and collecting tip-offs from locals. All this information is accumulated and fed into a database in order to build "cases" of single incidents as well as to detect and monitor patterns of policy and conduct. Thus, both in data gathering and in the actual use of databases to track the big picture,³ these organizations draw on methods common to traditional top-down surveillance organizations, such as police forces, security forces, court systems, administrative enforcement systems, international enforcement organizations, and investigative journalism.

Table 1. The six Israeli NGOs examined

Organization	Self-Designation	Established	Area of Operation	Database/s Model
B'Tselem	The Israeli Information Center for Human Rights in the Occupied Territories	1989	Administrative policies, court system, military policies, restriction of movement, settlers	Closed
Breaking the Silence	Israeli Soldiers Talk About the Occupied Territories	2004	Military policy, settlers	Open
HaMoked	Center for the Defence of the Individual	1988	Administrative policies, court system, military policies, restriction of movement	Closed
Kav LaOved	Workers' Hotline	1991	Workers' rights	Closed
MachsomWatch	Women for Human Rights and Against the Occupation	2001	Restriction of movement, military policies, court system	Open
Yesh Din	Volunteers for Human Rights	2005	Administrative policies, military policies, restriction of movement	Closed

Most of the empowering surveillance done in the OPT can indeed be labeled database-driven, since creating and managing a database is at the heart of these NGOs' operations. Video-driven empowering surveillance

² According to NGO Monitor (<https://www.ngo-monitor.org/>), as of February 2018, the number of NGOs advocating for Palestinians' human rights was 249, of which 53 were Israeli and 60 were Palestinian. Of the Israeli NGOs, at least half seem to belong to the database-driven empowering surveillance strand.

³ There are explicit indications that the more veteran organizations used databases and web servers as early as the mid-1990s (B'Tselem 1996; HaMoked 1996).

is a minor part of their operations, as indicated by the small number of organizations that use this strategy. Specifically, among the thirty-odd Israeli organizations that do empowering surveillance in the OPT, only two—B'Tselem and Ta'ayush—systematically use a video-driven method, but within these organizations this is just a portion of their operations and the rest is database-driven (Yellin, interview). This is no surprise. Historically, video-driven empowering surveillance only matured in the 2000s, at least a decade after three of these six organizations began monitoring human rights breaches.

Yet even today when video surveillance is a viable tool, especially since cheap video-recording devices have proliferated, the video strategy proves itself very limited in monitoring surveillance in complex settings such as the OPT's. Video-driven empowering surveillance suits topics such as wrongful killings, beatings, and overt forms of unlawful violence and vandalism, and even in those cases this depends on the availability of good-quality video recordings that portray the scene with clarity (Hagin and Wagner 2014). Yet many of the human rights violations against Palestinians are carried out through passive mechanisms of structural violence⁴ (for this term, see Farmer 1996 and Galtung 1969), such as restriction of movement or unlawful confiscation of land and property, which cannot be video recorded. Moreover, even acts that can be filmed, such as home demolitions, make for very dull watching as indicated by B'Tselem's video channel on YouTube⁵ on which home demolitions are often the least viewed videos.

Databases, by contrast, are very inclusive and versatile in their nature and can aid in monitoring a myriad of topics. In the case at hand, the topics that the six NGOs monitor within the realm of human rights violations are varied (see Table 1) and range from planning and building policies to Israeli military policy and from military court proceedings to Palestinian workers' rights. On all these topics what databases do is link between different "pieces of information" on a given incident or phenomenon, thus enabling commonalities and patterns to be identified, inconsistencies to be eliminated, and conclusions to be drawn, which are apt to be considered much more robust than any single piece of information. For instance, while any individual Palestinian testimony on its own would be considered "evidence" too weak to kickstart criminal proceedings against a soldier, when coupled with other testimonies/affidavits and a hospital report, it may suffice.

There are two basic ways that NGOs use these databases in order to empower. There is the open-database model, in which almost all the material collected is uploaded to a database that is accessible to any internet user, and there is the closed-database model in which the uploaded material is open to the NGO's staff only. In both models the NGO's activists produce reports and items that highlight certain phenomena from the raw data, but in the open model the public may also examine the raw data directly. Out of the six studied organizations, MachsomWatch—with its reports that summarize each checkpoint shift—and Breaking the Silence—with its soldier testimonies—apply the open model, while the rest apply the closed one.

The aim of this monitoring is unequivocal—to make the government agencies and the citizen Israelis who are involved in human rights breaches accountable for their actions and thus prevent further violations. This is best indicated by the way these organizations frame their own actions on their websites and in their publications. For instance, both Yesh Din and B'Tselem have an "Accountability" section at the top of their websites. Moreover, all six organizations put much emphasis on pinpointing the precise government agency and the precise level within it responsible for each type of violation. As B'Tselem writes in one of its reports: "establishing legal liability and accountability of human rights violations is the core activity of human rights organizations both in Israel and abroad" (B'Tselem 2016: 38).

⁴ Other terms used are "hidden violence" and "bureaucratic violence" (Hallward 2008).

⁵ See <https://www.youtube.com/user/btselem/videos>.

How to Analyze the Effectiveness of Database-Driven Empowering Surveillance on Polarized Issues

The question of how to analyze the effectiveness of database-driven empowering surveillance hinges on two questions: 1) How do we define its success? and 2) How do we understand the process in which empowering surveillance effects change?

A good starting point is the existing writing. The main insight from video-driven empowering surveillance literature is that videos that record wrongdoings done by individuals from government agencies (for example, the police) have limited effectiveness. In their use in protests and demonstrations, the videos recorded by the protestors may help to negotiate the release of activists in custody and the dropping of charges but will not go so far as to bring about the prosecution of security forces captured on video taking part in unlawful protest-breaking acts (Desai 2015; Institute for Applied Autonomy 2006; Wilson and Serisier 2010). In their use of documenting police wrongdoing in non-protest settings, and especially in cases of police killing civilians, these videos may lead to an indictment, but rarely will they lead to a guilty verdict or to any structural change in the police force (Goldsmith 2010).

Research on the success of Israeli NGOs in stopping human rights violations in the OPT is more inconclusive. While some studies report good results (Fleischmann 2016; Kutz-Flamenbaum 2016; Miretski and Bachmann 2014), others report a chronic inability to influence this arena (Aggestam and Strömbom 2013; Avni 2006; Desai 2015). This inconclusiveness stems from disagreement about how to measure success, which is a point Israeli NGOs wrestle with intensively. Is ending Israel's long-lasting occupation of the West Bank and Gaza—an occupation with which these organizations associate most of the human rights violations—the main criterion for success? Is stopping a particular type of violation in a series of cases the criterion? Or is it something in between? Clearly, those studies that report dismal results pose deep structural change as the success criterion.

I believe that defining a criterion for success should derive from an understanding of how empowering surveillance effects change. Drawing on the knowledge about top-down surveillance, and its use by government agencies and commercial organizations, suggests that there are two routes through which surveillance can *intentionally* effect a desired change: persuasion and deterrence. Persuasion works via self-regulation. You inform the perpetrator of their transgression in the hope they will be persuaded to cease from it. A good example is road signs that tell the driver how fast they are driving.

Deterrence, on the other hand, works by taking some sort of punitive action in order to discourage the undesirable behavior. A person captured on CCTV vandalizing property, for instance, will be handed a punishment in order to deter others from following suit. As Bigo writes, “the issue is less about condemning an individual than it is about deterring others” (Bigo 2004: 41; see also Jiow and Morales 2015). Indeed, although it is recognized that deterrence does not always work (Goold, Loader, and Thumala 2013) and that deterrence in general can sometimes have paradoxical results (Earl 2011; Francisco 2005; Koopmans 2005), the centrality of the deterrence mechanism was also established for surveillance that is not top-down (Simonson 2016; Skoric et al. 2010). In other words, when using overt surveillance in order to discourage a particular behavior or policy, we are counting on the acknowledgment by the monitored individual or organization that carrying out this action is either wrong (persuasion) or may come with a penalty (deterrence). This acknowledgment is what will ultimately prevent the behavior.

While on consensual issues (like speeding while driving is risky) we may (to an extent) rely on persuasion in order to discourage that behavior, on polarized issues we rely much less on persuasion and often use deterrence by default. This is because you cannot persuade someone based on a norm that person does not share. It may seem surprising, but Palestinian human rights is a highly polarized issue within Israeli society. Some see it as a privilege that is waived in light of the security risk (all) Palestinians pose; others perceive the entire Palestinian human rights discussion as propaganda intended to defame Israel, and while not all human rights are treated the same (Gurvitz 2017; Zohar, interview), contention runs deep enough in order

to render this whole subject highly polarized. This means that in the case of upholding Palestinian human rights, as in many other cases of empowering surveillance, deterrence is the main mode of operation.⁶

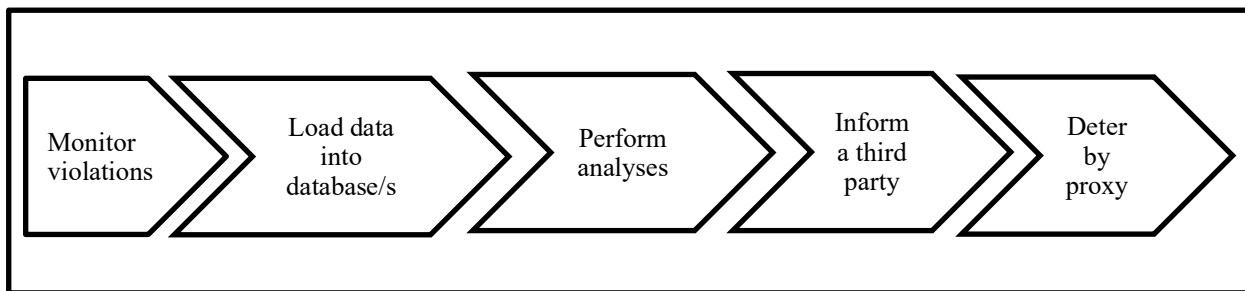
This realization, in turn, raises the question of how NGOs, devoid of internal coercive power, can deter fellow citizens and individuals working in government agencies. Judging from the case study at hand, the answer lies in either one or a combination of the following: appeals to government agencies, appeals to the courts, informing the local and/or international public, and creating a permanent record accessible to all. Hence, what organizations carrying out empowering surveillance basically do is inform different audiences (some of them institutional) and encourage them to take action against these human rights violations. Such actions include moral judging, investigative action, judicial action, disciplinary action, or carrying out structural changes that will prevent certain settings from enabling further violations.

For instance, when an NGO's monitoring activities produce evidence of a wrongful killing by a soldier, the NGO will approach the Military Police Investigation Unit and *inform* it of this incident, with the hope that the latter will launch an investigation. As a former B'Tselem employee explains:

Lots and lots of my work, really a huge part of my work, was on issues regarding accountability. This guy got shot and was injured; this guy got shot and was killed—I come in contact with the [military] Criminal Investigation Division, with the police, with the Police Investigation Unit, all depending on the context, and say “please open an investigation.” This is the easy part. I follow up on this—the follow-up can go on for years, and [this process] has many stages along the way. (Smith, interview, my translation from Hebrew)

Launching an investigation, charging with a crime, and possible disciplinary action or indictment are all deterring factors and are all in the hands of state institutions.

Figure 1. Deterrence via database-driven empowering surveillance



What is clear is that organizations doing empowering surveillance rely on third parties that possess some coercive power in order to exact the desired deterring effect (see Figure 1; Avni 2006; Perugini and Gordon 2015). This in itself is not unique. Many organizations doing top-down surveillance lack their own coercive power and rely on other organizations (mostly government agencies) to exact punishment for the transgression in a way that will create the desired deterrence. What is unique in the case of empowering surveillance is that often the violations are carried out by the same organizations that are supposed to hand out punishment for them. In the case of the OPT, this means that many of the human rights violations that are done by soldiers against Palestinians, for instance, are supposed to be investigated by the army and referred to either army-disciplinary action or to the army's own court system. These investigative and judicial systems now have to assess the guilt, judge, and/or punish or discipline one of their own and avoid

⁶ The fact that surveillance works differently in conflict zones with strong ethnic or racial clashes was previously pointed out specifically by students of the Palestine–Israel case (Leibler 2011; Zureik, Lyon, and Abu-Laban 2011: Part II).

the urge to cover up the crime. Moreover, even if the deterring institution is not investigating, judging, or punishing one of its own, since Palestinian human rights are a polarized issue, the agents of the (potential) deterring institution may not be motivated to deter.

On the plus side, the mere use of databases in order to amalgamate information, identify patterns, eliminate inconsistencies, and draw conclusions (what in Figure 1 is designated as “perform analyses”) is nonetheless not contested and in fact may facilitate the deterrence process.

Going back to the initial question, successful application of empowering surveillance on a contested issue boils down to the ability to persuade institutions and/or individuals to create deterrence for certain transgressions. It is in light of this understanding that we should assess both the degree of success of such attempts and specific decisions taken by organizations making such attempts.

What Enables and What Impedes Database-Driven Empowering Surveillance

Examining what the six studied NGOs consider success stories, it is clear that database-driven empowering surveillance in the OPT has generated significant but limited achievements. On one hand, the constant monitoring and amalgamation of information did translate into substantial improvements in Palestinian human rights. For instance at the checkpoints that crisscross the whole of the West Bank and East Jerusalem, and in which Palestinian movement is limited and delayed on a daily basis, the routine surveillance and documentation by NGOs can be credited with the many improvements that have been made over the years: improvements such as erecting shading, installing bathrooms and water taps, and creating a humanitarian lane or gate for special cases (Hirschfield 2007; Kotef and Amir 2007; Mansbach 2007).

On the other hand, little was achieved on the structural level—the level in which settings that enable and facilitate the human rights breaches are defined. This is not just to say that the occupation itself was not abolished, but also that lower-scale structural changes were hardly achieved. For instance, efforts to remove the previously mentioned checkpoints led to just one instance in which the number of checkpoints and roadblocks was significantly reduced, which took place in the year 2009 with the help of pressure from the Obama administration (Amir 2013; Braverman 2012; Greenberg 2009; Harel and Issacharoff 2009; Harker 2009; MachsomWatch, n.d.). Even this limited structural change was uneven in its application, with some roadblocks clearly operating even after they were removed (Houk 2009; MachsomWatch 2009).

This last point is typical of the world of surveillance, in which a move brings about a counter-move (Wilson 2012; Wilson and Serisier 2010) and in which any given surveillance power-play is never the final word on a matter (Marx 2003). This is well exemplified in the case of torture of Palestinian detainees by the Israeli Security Agency (ISA). As a result of pressure from human rights NGOs, and based on their unequivocal monitoring findings, the Israeli High Court Justice (HCJ) issued a historical ruling that put a stop to the torture of Palestinians by the ISA (Avni 2006; HaMoked and B’Tselem 2017). This is a case in which human rights NGOs monitored and informed (in this case filed several formal petitions to the court) and a powerful state agency was convinced and agreed to enforce and deter. Yet although a significant reduction in torture of Palestinians was seen after the HCJ ruling was issued, the ISA and the government agencies that assist it worked to undermine the deterrence that was achieved by circumventing all but the most explicit court decisions. Hence, in lieu of the specific torture methods now deemed illegal by the court, the ISA turned to very similar methods, which were not explicitly specified in the ruling (B’Tselem 2017b; HaMoked 2016). This does not completely nullify the achievement but does erode the deterrence against torture.

Nevertheless, once we acknowledge that the Israeli NGOs are somewhat effective in reducing the amount of human rights violations in the OPT, we should now ask ourselves what some of the factors are that enable and impede carrying out effective database-driven empowering surveillance in the OPT.

On the enabling side, the first factor to note is the organizations’ underlying identity. Israeli NGOs have a substantial advantage over Palestinian and international NGOs as far as being able to carry out the deterrence

process in upholding Palestinian human rights. Many Israeli government agencies would not otherwise agree to create the deterrence needed in order to achieve accountability for human rights breaches, since they would not consider the information given to them by non-Israeli NGOs as credible (Hallward 2008; Kutz-Flamenbaum 2016). Thus, the fact that the surveillance is done by members of the in-group helps to sidestep the automatic rejection of data coming from outsiders (Palestinians or internationals) and the dismissal of this data as propaganda.

Also on the enabling side is the critical mass of evidence that Israeli human rights NGOs tend to stockpile before they issue findings on a case or topic they are monitoring. Here, of course, is where databases play their vital role in the surveillance process, in making it possible to store and later access and analyze a large number of cases that may potentially convince even the most reluctant agency that there is a widespread phenomenon of human rights violations. This is made clear when looking at the reports these organizations produce. Yesh Din, for instance, specifies in its report on law enforcement of Israeli civilians in the West Bank that “from its establishment in 2005 to the end of 2016, Yesh Din has monitored 1,174 SJ District Police investigation files, both concluded and ongoing, which were opened following complaints filed by Palestinians” (Yesh Din 2017). Breaking the Silence on its part writes at the beginning of the report it published on (unlawful) settler influence on IDF conduct in the West Bank, that since 2004 “the organization has collected and published testimonies of more than 1,000 soldiers who have served in the occupied Palestinian territories” (Breaking the Silence 2017: 8), while Kav LaOved writes in its report on violations of the right to medical care experienced by Palestinian workers employed in Israel that “the report’s findings are based on the cases of more than 140 Palestinian workers who have sought the assistance of Kav LaOved” (Kav LaOved 2015). In these and other cases a massive amount of evidence is offered to counter skepticism about data drawn from surveillance done by a private organization on a contested issue.

Two additional enabling factors, which also relate to data-gathering practices, are the accuracy and currentness of the database and the reports and items derived from it. While adhering to a very high level of accuracy serves to eliminate or at least reduce doubt regarding the truthfulness of what is reported, keeping the databases up-to-date is aimed at showing that the reported phenomenon (that is, the human rights violation) is ongoing and preventing its easy dismissal as a “problem of the past.”

With regard to the accuracy factor, MachsomWatch activists make a point of only documenting what they see with their own eyes, and in cases where a Palestinian account is given, the report makes this fact explicit in sentences such as, “note: this is just hearsay, we didn’t witness” (MachsomWatch 2003). Breaking the Silence, which like MachsomWatch adheres to the open-database model, writes that “all the testimonies we publish are meticulously researched, and all facts are cross-checked with additional eye-witnesses and/or the archives of other human rights organizations” (Breaking the Silence, n.d.). Other NGOs that adhere to the closed-database model, use this buffer between the data they collect in the surveillance process and their open-to-the-public website in order to make sure only well-verified information is made available to the public (B’Tselem is a case in point: Doe, interview; Smith, interview; Yellin, interview). This means that data that could not be confirmed by several sources does not find its way into the open database, even if there is a strong hunch that it is true. Regarding the currentness of the data, all the examined organizations make a point of following up their initial reports on a topic with additional updates. This is best exemplified by HaMoked’s website in which each case is presented with the initial document and follow-up petitions and/or decisions.

The end result of these three data-gathering strategies—supplying a mass of evidence, which is up-to-date and accurate—is that Israeli human rights NGOs, and the data they offer, are credited with a very high degree of reliability (Kampf and Katriel 2016; Kutz-Flamenbaum 2016). One indication for this is that Israeli government agencies, such as the army, tend to rely on these NGOs’ information and use it for their own purposes (Braverman 2012). Another indication is that certain sections within the Israeli right-wing, which vigorously oppose these NGOs, have yet to uncover any significant unfounded information, and they generally resort to disputing the interpretation of the data and not the data itself (Yellin, interview). This failure within the Israeli right-wing to poke holes at Israeli human rights monitoring organizations is

especially impressive, given the significant amount of resources these right-wing elements now allocate to monitoring human rights organizations.

This failure is also a testament to the strength of the consensus regarding database work in contemporary society. In the middle of a conflict zone, on an extremely polarized issue, parties from opposing sides, which ordinarily do not seem to agree on any notion, agree that information produced while adhering to the database's properties and procedures has high credibility.

Surveillance, as the literature suggests, is never a straightforward process. It is riddled with unintended and paradoxical consequences, difficulties to implement, and counter-moves by those being surveilled (Gilliom 2001; Lyon 2004; Marx 2003). All these end up eroding the effectiveness of this process and the goal for which it is enlisted. I will now go over some of the factors that impede carrying out data-driven empowering surveillance in the case at hand.

First on the list is resources. Empowering surveillance initiatives entail investing significant resources among other things because some of the more advanced technologies that lower the cost of surveillance and are used by corporations and state agencies are unavailable to organizations that represent the marginalized. For instance, the state has the privilege of posting CCTV throughout the OPT, but NGOs do not. Indeed, in the case of Israeli NGOs, most of the surveillance techniques used are fairly low-tech, with databases (for the storage, analysis and retrieval part of the process) and social media and/or institutional websites (for the information dissemination part) the main hi-tech tools at their disposal. This renders the surveillance rather labor-intensive and costly.

Kav LaOved, for instance, quite regularly dispatches a team of its workers to the OPT, among other things in order to monitor ongoing violations (Dukhi, interview; Zohar, interview). B'Tselem employs an array of field workers and translators in order to gather the information or evidence and translate it into Hebrew (Aggestam and Strömbom 2013; Doe, interview; Smith, interview). MachsomWatch, whose operations are almost totally based on volunteer work, sets up between one and four daily observations at the checkpoints (including on the weekend) and between one and four monthly observations at the military courts.⁷ These teams of field workers and observers from human rights NGOs do work that is both physically and emotionally draining and require an array of supportive logistics to facilitate their work in a hostile environment like the OPT (Bar, interview).

Technology, on its part, is there (among other things) to reduce the drain of resources that empowering surveillance entails. Yet once adopted, technology application is not without its difficulties and limitations. Databases, those potent tools that facilitate the monitoring of a multitude of cases and phenomena by virtue of their storage, internal linking, and retrieval power, require adequate implementation in order to fulfill their potential. The fact that human rights NGOs have difficulty properly working with databases is therefore another impeding factor.

One of these difficulties is with the standardization of data. This is a problem that all types of organizations (not just NGOs) tend to struggle with, when a large number of individuals feed or update a database (for instance, criminal record databases have the same problem: see Murakami Wood et al. 2006: 29). Human creativity and differences in cognitive patterns between individuals allow for feeding and updating data in non-standard forms, which later make retrieving the data very difficult since the anchors that bind related data together come to be disabled in this way. The most trivial example of this phenomenon is spelling differences. If the name of a place is referred to with different spellings, retrieval based on the name will always be partial. What applies to different spellings also applies to spelling mistakes, to different names for the same object or place, to leaving some information fields blank, and to filling information in the wrong field. Such standardization errors were observed in the two open-model databases and were reported

⁷ Frequency was derived from their checkpoint and court reports; see respectively <https://machsomwatch.org/en/daily-reports/checkpoints> and <https://machsomwatch.org/en/daily-reports/military-courts>.

regarding the closed ones as well (Doe, interview). For instance, the city Tulkarm appears in Breaking the Silence reports as Tulkarm, Tulkarem, Tul Karm, and Tul Karem. In MachsomWatch reports, the word “soldier” was sometimes misspelled as “solders.”

Another typical database difficulty is the lack of consolidation. This happens when a database is not sufficiently consolidated with supporting material on an incident, and thus either the user is not aware that such material exists or needs to spend time locating it. As an example, a former B’Tselem employee asserts that:

Generally most of the information, all the information, was supposed to be in the database system, but de facto there were lots of places where the information was. For instance, there were emails, there was a folder where the field worker would send files, say a Dropbox file, and then there were files which were transferred physically to the office. (Smith, interview, my translation from Hebrew)

Another example occurs when the transcription of a video testimony is not linked to the video, as is mostly the case in the Breaking the Silence database. Such problems are not uncommon in the databases of the other studied NGOs as well and end up frustrating the people working with them and draining the resources of these human rights organizations (Doe, interview; Smith, interview).

Last, efficient retrieval of information via an institutional website is something that many organizations, among them the studied NGOs, struggle with. Here the challenge is to implement tried and tested interface features of retrieval in order to maximize retrieval efficiency. For instance, none of the examined websites implement either the Boolean search method or an advanced search which in an html form would simplify what a Boolean search usually does. This means we cannot search for “violence AND torture” at the same time or use alternative names in the same search, such as “Nuaman OR Mazmuria,” which are two names for the same checkpoint. Instead, both internal users (workers and volunteers) and external users find themselves performing more searches, sifting through a multitude of irrelevant results, and sometimes not finding things that are there (that is, it creates both problems of sensitivity and specificity).

B’Tselem’s closed database is a good case in point. Its open text search function only searches within the title or the subtitle of a record and not its content, which limits the search significantly. As a former B’Tselem worker explains, when designating a title,

How informative can you be? You write, “house demolition in X village on such-and-such date.” You won’t start to write, “the houses of these and those individuals were demolished, and their four children...” It’s limited [what you can write], and the system becomes extremely dependent upon labeling [for retrieval], and the labeling process itself entails its own [retrieval] difficulties. (Doe, interview, my translation from Hebrew)

All in all, spotty implementation of technology in database-driven empowering surveillance is just another drain on the NGOs’ modest resources (Bar, interview; Barag, interview; Konforty, interview), which, as it is, are under attack from Israel’s right-wing. This leads to the next impeding factor facing such organizations, which is operating in a hostile environment.

NGOs doing empowering surveillance in the OPT find themselves in a difficult position of surveilling government agencies that control the space in which the observing and monitoring is done. Specifically, the Israeli army, which is associated with many of the reported human rights violations, is the controlling force in the OPT and has the ability to declare any area within it a “closed military zone.” This power to determine what Agamben called the state of exception is not totally unchecked (that is, there is some oversight) but has been known to be abused by field commanders and even soldiers who did not like the presence of human rights observers spying on them (Mansbach 2007). Indeed, at critical moments even the rank and file of a state security agency can de facto disable any empowering surveillance attempt, by force if not by law

(B'Tselem 2010b; MachsomWatch 2008). That said Israeli NGOs learned to cope with such unlawful declaration of closed zones (Houk 2009; MachsomWatch 2005; Mansbach 2007) and seem to have more trouble with closing of space sanctioned by the army's high command (Hallward 2008; Kotef and Amir 2007) than with the unsanctioned cases.

Moreover, operating in a hostile environment goes well beyond closing off space or in general sabotaging these organizations' monitoring fieldwork. These NGOs' entire operation and their sheer existence are under attack from right-wing elements and their majoritarian rule in the Israeli parliament and executive branch. These forces join together to battle human rights NGOs by means of legislation, government policy, delegitimizing campaigns, and a blind eye toward vigilantism against organizations and activists (Aggestam and Strömbom 2013; B'Tselem 2010a; Handel and Dayan 2017). For instance, recent policies have deprived such NGOs of the Israeli charitable tax status, while right-wing organizations do enjoy tax deductible rights (Sucharov 2016). The delegitimizing campaign of the right-wing organization Im Tirzu is specifically directed against Israeli NGOs advocating for Palestinian human rights and alleges that these organizations are "foreign agents" working for elements abroad as a fifth column (Im Tirzu 2016). Despite repeated attempts, Israeli state institutions refuse to see this campaign as a real threat to these NGOs' operations or anything beyond mere rhetoric (HaMoked 2015), a refusal that in itself provides support for this kind of vigilantism.

Furthermore, new right-wing NGOs were recently established specifically in order to monitor human rights NGOs (Aggestam and Strömbom 2013) in a way that now directs and expands surveillance toward those doing empowering surveillance. This new trend re-stresses the difficulty with the counter-surveillance term, as this would constitute counter-counter-surveillance. Vigilantism is also being carried out in the form of constant cyberspace attacks on human rights NGOs' institutional websites, such as B'Tselem's website, which suffered an onslaught of attacks that forced it to migrate to a special hosting platform for NGOs under attack (Yellin, interview). The aim of these forces is clear: to stop the monitoring of human rights violations in the OPT and to further entrench the occupation itself.

On their part, NGOs and their activists focus on the positive and/or moral aspects of their work and tend to ignore the power move that is embedded in their own monitoring, as in all surveillance efforts. A MachsomWatch activist, for instance, talks about the difference between their own use of video surveillance against right-wing activists as opposed to the latter's use of it against them: "They hold the camera as a threat, as a weapon, and we hold the camera as another means of documenting" (Bar, interview, my translation from Hebrew). In making such clear-cut distinctions between each side's use of video surveillance, they are denying the encroaching or intruding moment that exists universally in all forms of surveillance, when individuals are monitored without their consent. From the human rights activists' perspective, their own inability to make any deep structural change, or to influence Israeli public opinion, renders them ineffective and powerless. Therefore, the fierce hostility toward them is perceived as being based on a gross overestimation of their influence on reality. The lack of understanding by some of these activists of the inherently forceful nature of their own use of surveillance and its inner-workings breeds missed opportunities to produce deterrence. A major example of this is that some of the examined NGOs refrain from naming the perpetrators of human rights violations or naming their army unit. This phenomenon, which was identified in half of the six examined NGOs (see also Helman 2015), is apparently justified by their desire to hold accountable the "true" perpetrators of the violations—which are the army's high command and the policymakers at the state level—and to avoid the common practice of only letting the rank and file pay the price for human rights breaches (see-B'Tselem 2016; *Breaking the Silence* 2014; Dishy 2017; Gurvitz 2015; Yesh Din, n.d.). Furthermore, this practice also seems to be fueled by fear of crossing a legitimacy line, with regards to what an Israeli NGO is allowed (Smith, interview).

Indeed, the two motivations seem sound. It is true that the upper levels define the setting in which rank and file operate and thus should be held more accountable than the common soldier or policeman. This is part of a large phenomenon within Israeli society in which accountability (not just on human rights issues) most of the time stops at the junior level, with high ranking officers and politicians getting off scot-free. It is also

true that those NGOs that dedicate their entire operations to Palestinian human rights (in our case five of the six organizations, Kav LaOved the exception) suffer a high degree of disapproval (Aggestam and Strömbom 2013; Gordon 2014; Stein 2017) and, as shown, overt hostility from a large part of Israel's Jewish population. Still it does not seem that specifying the culpable army unit, or giving out some identifying information, crosses the legitimacy line. Specifically, MachsomWatch and Breaking the Silence, which do identify violators, are not singled out for doing so.

On the other hand, this partial identification of perpetrators (without providing full names) and their army units allows for some deterrence to be created. Some high officers, out of moral or utilitarian motivations, will hand out individual or collective punishment to their own subordinates if word about their transgressions gets out. This is well reflected by the relationship that has developed between MachsomWatch activists and the Israeli army's high commanders (Braverman 2012; Helman 2015; Kotef and Amir 2007; Kutz-Flamenbaum 2016). In a way these activists' surveillance serves as eyes and ears for certain commanders (Kutz-Flamenbaum 2016; Miretski and Bachmann 2014) who, as a result of the code of silence and impulsion to cover-up common in organizations such as the army (see B'Tselem 2016; Yesh Din 2016), would not get hold of this information otherwise.

The dynamic is well illustrated by an incident that might seem surreal otherwise, in which three MachsomWatch activists accompanied a reporter to the Atara checkpoint. The soldiers, who were hiding inside a "sweltering" watchtower and an adjoining compound "shouted down to the women that they knew they [the activists] were responsible for an article about them published last Wednesday on the Israel website Walla—and they shouted that they had no intention to give the women another story this week" (Houk 2009). As the report goes, they got this negative press for unlawfully detaining a minibus (including driver and passengers) for five and a half hours, as a punitive measure against the driver who complained about the lengthy roadblock procedures. Apparently, the fallout from this bad press was enough to get these soldiers scared of further monitoring.

Indeed, there are many indications that constant monitoring reduces human rights violations at the rank and file level (see Barag, interview; Miretski and Bachmann 2014). As a Palestinian worker recently told MachsomWatch activists, when the activists are around conditions at the checkpoint are better for them (MachsomWatch 2017). One activist, Daphne Banai, sums up their effect as follows: "Most of the soldiers are very angry at us [...] They don't like having 'those bitches' as they call us, looking over their shoulders. It's much easier to do what you want (if we weren't there), like being able to slip up and give an old Palestinian a slap" (Hirschfield 2007). Of course, deterrence cannot be carried out if organizations self-censor themselves and refrain from providing indications of whom the perpetrators are, as anonymity is detrimental to accountability.

Conclusion

Database-driven empowering surveillance emerges out of this analysis as a limited but potent mechanism for monitoring the powerful and defending the marginalized. Its effectiveness derives from a complex dynamic of deterrence in which it: a) monitors the situation in the field; b) stores the data in a database; c) identifies commonalities and patterns, eliminates inconsistencies, and draws conclusions; d) disseminates information on violations to a third party; e) which party (at its discretion) intervenes in order to prevent further violations. As such it is a delicate balancing act between carrying out a powerful surveillance move, which is undesirable to both its object of monitoring and a large part of the Israeli public, and a total dependence on third parties—often from the same organizations that are being monitored—to exact the desired deterring effect. Its effectiveness is moreover a result of a number of factors, some of which the organization doing the surveillance can try to manage and some of which are beyond its control and are dictated by the decisions and policies of other players in its ecosystem. Technology, which is there to facilitate this tool, comes with its own quirks and limitations and requires knowledge and resources in order to be implemented correctly.

Databases in particular contribute to those doing the empowering surveillance by granting a significant degree of legitimacy to the conclusions drawn from the surveillance process. The consensus regarding database use is so widespread that it carries through even in conflict zones and even for audiences that are reluctant or unwilling to hear the conclusions that stem from such databases. Yet, on the other hand, the use of databases constitutes a huge drain on these NGOs' resources, as it requires investment in technology, know-how, and expertise, as well as adherence to lengthy and precise procedures by whoever feeds or updates the database. Database use also entails a bureaucratization of activism—with its tendency to curb human creativity and make work more dull or repetitive in order to implement correctly. This in turn tends to erode the motivation of such NGO activists and is thus indirectly detrimental to the NGO itself.

Empowering surveillance's power to provoke structural change, especially when it deals with an issue over which the public is polarized, is very low and further decreases when it comes to deeper or more substantial changes. This is because the perpetrator of digressions from various standards (in our case from international law) is the state and its organs. At that level, deterrence can only come from other countries and from international organizations, such as the International Criminal Court, which tend to be slow and hesitant in investigating and sanctioning developed countries. Just as in state surveillance, empowering surveillance is also a forceful power play and is most potent when it is exacted against individuals—when it can provoke its own “chilling effect.” Yet while the essence of effective state surveillance lies in chilling dissent (Boykoff 2007; Fiske 1998; Starr et al. 2008), in the hands of human rights activists effective surveillance lies in chilling transgressions and breaches. This chilling effect, which can only be produced by constant monitoring, is both Sisyphean and a far cry from attending to the root causes that provoke the violations.

However, the alternative to such surveillance on human rights issues is very dark. In the case of violations done by security forces, it is sufficient to view confessions from the Vietnam War—such as those of the Winter Soldier investigation—in order to see the depths of violations a modern “enlightened” army can reach when it is left to operate unchecked. The fact that Israel's security forces have not reached this level of violations should not be credited to any inherent morality of its army but to the oversight produced by several humble NGOs. It is thus imperative for whoever does database-driven empowering surveillance to understand its strengths and weaknesses and to lean on these strengths.

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