



## Authorizing the Use of Visual Force: Strategic Analysis and Examination of Incriminating Visual Images Presented at the United Nations Security Council

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### Abstract

With its aegis of maintaining international peace and its power to authorize the use of force on a global scale, the United Nations Security Council (UNSC) also provides an arena in which state representatives advocate for various military measures by exhibiting photographic material. Despite the fact that such material has been introduced for these purposes at the UNSC since its inception, systematic research into the principal visual codes and values that legally define the types of photographic material presented at the UNSC remains absent. This paper aims to fill the gap by analyzing the history of visual presentations, focusing on the strategy of incriminating states or non-state fighting frictions by weaponizing photographs submitted as evidence of atrocious international law infringement to justify military operations, or in blatant support of war efforts. Combing through the timeline of visual presentations in the history of the Council, our point of departure is the Syrian Civil War (2011–ongoing) to draw comparisons with two other cases: one in 1947, when the Dutch government submitted photographs as evidence against the Indonesian Republic troops; and another in 1961, whereby the Portuguese government presented photographs to incriminate the national movement's fighters in Angola. In these cases, the modus operandi reveals itself to be an imperial tool at the service of colonial purposes. The article's goal is to draw attention to the frequent abuses of imagery presented at the UNSC, and to shed light on the recurring pattern of misusing visuals for the purposes of justifying war.

Keywords: Visual Evidence, Visual Lawfare; United Nations Security Council; Syrian Civil War; Indonesian National Revolution; Angolan War of Independence

### Purpose

The proposed research aims to contribute to our understanding of how photographic material presented at UNSC is employed to justify military actions. Despite the fact that such material has been introduced for these purposes at the UNSC since its very beginnings, by and large there is still a lack of systematic research into the principal visual codes and values that legally define the various types of photographic material presented at the UNSC. This paper aims to fill the gap by analyzing the history of visual presentations, focusing on the strategy of incriminating states or non-state fighting frictions by weaponizing photographs submitted as evidence of atrocious international law infringement to justify military operations, or in blatant support of war efforts. The article's goal is to draw attention to the frequent abuses of imagery presented at the UNSC sessions, and to shed light on the history of a recurring pattern of misusing visuals for the purposes of justifying war.

## **Design/Methodology/Approach**

Combing through the timeline of visual presentations deployed this way in the history of the Council, our point of departure is the Syrian Civil War (2011–ongoing). We draw comparisons with two previous cases dating from as early as 1947, when photographs were submitted by the Dutch government as evidence against the Indonesian Republic troops, and then a second instance from 1961, whereby the Portuguese government presented photographs to incriminate the nationalist movement's fighters in Angola. The analysis combines original archive work, viewed against the backdrop of the growing scholarship at the intersection of law and image, in particular those that address the role of photography in the context of international law. The research follows references to the presentation of visual evidence in both written and visual records in the UNSC archives, as well as the respective national archives of the cases in question. The findings are understood in light of today's knowledge of the respective history of the episodes they claimed to attest to, and provides a methodical extraction of the conclusions, broadening the spectrum of interpretation of evidence presented in case.

## **Research Limitations/Implications**

Despite its significance to international history, the video recordings of the sessions in which the visual imagery was presented are missing from the UNSC archives. To address the limitation, the present research includes a comprehensive study of the saved meeting records, and traces the material—wherever possible—to the respective national archives, where photographs related to the period in question were unearthed, some still in the envelope sent to the residing ambassador, and captioned with his official UNSC address. In addition, as the history of visual presentations in the Council has yet to be researched in full, an overview of existing literature studying colonial practices of documentation in general—and in relation to the specific imperial powers involved in the cases under examination—was undertaken to corroborate the analysis of the evidence presented.

## **Originality/Impact of the Paper**

This article takes a close look at an often-used strategy by which photographs of atrocities and other imagery are co-opted at the UNSC to incriminate a declared rival in war crimes and in other infringements of international law, so as to advance legal justifications for military campaigns. Combing through the timeline of the use of visual incriminating evidence in the history of the Council, the modus operandi reveals itself to be an imperial tool at the service of colonial powers that exploit such photographic imagery, applying Laws of War terminology within the forming international legal forum. Even though such a strategy can often be detected and exposed, this tactic seems to have been adopted not only to confirm a legal basis for imperial military power projected beyond state borders, but has continued to emerge among diverse disputes in which states have contributed and developed an aggressive visual legacy under the apparent tutelage of the UNSC and its expanding archive of visual records that claim to reflect crimes against humanity and deprivation of human rights. The research and conclusions presented here are

intended to provide a practical language of interpretation for how this tool has been deployed at the UNSC, the aim being to close a seventy-six-year gap of silence on such maneuvers.

### **Authorizing the Use of Visual Force: Strategic Analysis and Examination of Incriminating Visual Images Presented at the United Nations Security Council**

“Look at [these] pictures,” implored the then American ambassador Nikki Haley during her speech at the United Nation Security Council (UNSC) emergency meeting held on April 5, 2017 (Haley in UNSC, 2017, p. 17), a day after a reported chemical attack on the town of Khan Shaykhun carried out in Syria, indicating dozens of civilian casualties, while naming the Al-Assad regime as the perpetrator (Krishnan, 2017, p. 138). After holding up two enlarged (unattributed) color images she indicated as child victims of the devastating chemical substance, the ambassador added: “We cannot close our eyes to those pictures,” petitioning the council not to remain passive before the evidence: “If we are not prepared to act ... we will see more conflict in Syria; we will see more pictures that we can never unsee” (Haley in UNSC, 2017, pp. 17, 18).<sup>i</sup>

By then, the multi-sided Syrian Civil War (2011–ongoing) that was entering its sixth year of brutal battles fought between the Bashar Al Assad regime (supported by Russia and Iran) and multiple opposing forces (some with various intermittently direct and indirect backing by Western and other countries in the region) already exposed the Syrian people to almost all possible acknowledged, deliberate, and indiscriminate wartime violations (Van Schaack, 2016; Tan and Perudin, 2019; Muzzall et al., 2021; Öztop and Efeğil, 2021, pp. 37–38). While the United Nation Security Council remained deadlocked in decision on international law enforcement, if we reconsider the ambassador's presentation, we can begin to observe how the UNSC saw the birth of a parallel field of conflict in which visual documentation is weaponized as evidence of war crimes in order to legitimize subsequent military actions. The American ambassador sought to harness visual proof of violations of international law of war, in order to support and secure a mandate for a retaliatory act that consisted in the subsequent US missile attack carried out a mere two days later. Led by the Trump administration, the strike was the first to openly target Syrian government forces since the outbreak of the devastating war (Kube et al., 2017).



Image 1: Former Permanent Representative of the United States Nikki Haley presenting photographs, which she depicts as children who suffered from a chemical attack in Douma, Syria, during the 7915<sup>th</sup> UNSC Meeting, 5 April, 2017. Credit: UN Photo/Rick Bajornas.

With its aegis of maintaining international peace worldwide, and power to authorize the use of force on a global scale, historically the UNSC also provides an arena in which representatives of individual states can champion arguments for diverse military actions (United Nations Security Council). The myriad ways international laws rhetoric was misused—from its application as mere “lip service” (Glick, 1995), “a (vocabulary for) politics” (Koskeniemi, 2011, p. v.), with the potential to utterly confuse “military with the humanitarian ... the hero with the victim... cure with care” (Debray in Salvatici, 2019, p. 3) to its outright deployment as a “weapon of war,” a practice now termed “lawfare” (portmanteau of *law* and *warfare*), both in the context of the United Nations and beyond—has generated a rich and expanding scholarship (Glick, 1995). In the past, the privileged statutes of the written word and spoken testimony in international law often eclipsed the crucial role of visuals in the discipline (Charlesworth, 2021, p. 173; Biber, 2007, p. 17). Continuing in reference to the significant read from the scholar Roland Bleiker (2001, p. 510) which urges for a needed “aesthetic approach” to international relations, to replace the formerly dominating mimetic understanding of images employed to address the “inevitable difference between the represented and its representation [as] the very location of politics” the following essay embarks to find cracks in the “just” war façade. Dusting off these historic cracks and shining a light on a specific dangerous method practiced within the UNSC, whereby images are exploited in order to sanction the escalation of violence, is more urgent than ever for the United Nation’s goal to promote

“Peace, Justice and Strong Institutions” in the current decade, which is already riven by diverse international conflicts (United Nations Department of Economic and Social Affairs, “SDG16”).

By analyzing the category of visual documentation against a language invoking international law, this article aims to contribute to our understanding of how photographic material presented at the UNSC is employed to justify a broad spectrum of armed operations. The focus is the strategy of incriminating states or non-state fighting frictions by exploiting photographs submitted as evidence of war crimes to justify military actions, or in blatant support of war efforts. Despite the fact that this type of material has been presented for these purposes at the UNSC more or less since its establishment, by and large there is still a lack of systematic research into the principal visual codes and values that legally define this type of photographic material. This paper begins to fill the gap by analyzing the history of visual presentations deployed in this way, comparing two previous historical occurrences using the very same maneuver in which incriminating photography is weaponized to “vindicate” lethal violence by reframing it within the bounds of international law. The research draws on a case from as early as 1947—the second year of the UNSC’s operation, which held its first meeting on January 17, 1946 (UNSC, “What is the Security Council?”)—when photographs were submitted by the Dutch government during the Indonesian War of Independence (1945–1949) (Scholtz, 2018, p. 1) as evidence of atrocities being committed against civilians by the Indonesian Republic’s troops. The photographs were intended to legitimize the Dutch military’s own incursions aimed at suppressing the struggle, in order to maintain their colonial rule in the wake of the era of decolonization (Schrijver, 2000, p. 26). The second instance dates from 1961 against the backdrop of the worsening situation in Angola, when photographs were presented by Portugal’s government as proof of war crimes committed by the nationalist movement’s fighters during the first year of the Angolan War of Independence (1961–1974) (Wheeler and Opello, 2010, p. 45).

The overview of available material is by no means comprehensive, and in fact the visual evidence of these international crimes is missing from the UNSC archives. Despite its significance to international history, the material had to be traced at least in part to the respective national archives, where photographs related to the period in question were unearthed, some still in the envelope sent to the residing ambassador, and captioned with his official UNSC address. Nevertheless, this paper chooses to follow the evidence presented by our select examples, from which we can deduct and highlight an emerging pattern by which such material was employed to serve colonialist purposes. Acknowledging the facts which history provides only due to a shift of the previous imperial order in the two cases sampled for this discussion, we can see evidence of the misuse of photographs documenting war crimes to justify ensuing political violence, the moment the terms “war crimes” and “crimes against humanity” were asserted through the photographic documentation of the Nazi camps presented as evidence in the post-World War II International Military Tribunal (United Nations, “War Crimes”; United Nations, “Crimes Against Humanity”).

The goal of the article is to draw attention to potential abuses of such imagery at the UNSC sessions, and shed light on the recurring dubious pattern whereby states conceal their own military actions and violations behind images of atrocious acts which they claim represent war

crimes and international law infringements committed by the enemy, and even use such documentation to justify augmenting the forces deployed. The research and the conclusions presented here are meant to provide a practical language of interpretation of how this tool has been deployed at the UNSC, the aim being to close a gap of seventy-six years of silence on such maneuvers. Once identified, all the more so, within the provided historic continuum revealed in this paper, states can potentially be discouraged to resort to such warmongering disguised as legal pretext, and if not, at least their visual claims can be more easily deaden and when possible counteracted, exposed, neutralized and prevented from display.

The first part of the article delves into the emergence of photographic technologies and the laws of war codifications to highlight the direct and immediate relationship between the developing products and their application to justify proceeding with violent actions in response to conflicting agendas. In part two we will follow the evidence cementing the strategy of using pictures of atrocities during an on-going conflict to justify military objectives in the international legal forum of the UNSC to its early appearance already in the second year of its establishment. While in the case of the post-World War II military tribunals, photographic evidence was admitted *after* the conclusion of the military conflict it was derived from, in the case discussed in which photographic evidence was presented by the Netherlands, we find evidence of an early if not initial use of such material *during* armed conflict. In the third part of the article, we observe the emergence of an enhancing tactic to strengthen the impact of the weaponized photographic evidence that is exhibited in the international forum. The prevention of the exposure and distribution of visual evidence by other parties concerning or disconcerting to the subject at hand. By adding and implicating such containing tactics, this action manages to obfuscate the situation, with clarity provided only by the existing evidence and incriminating context presented.

Greatly differing from the kind of documentation put forward at the Nurnberg trial, in which the evidence exhibited provided a distinct and immediate understanding of the scale of the crime committed, we discover that the visual evidence in the UNSC mostly requires a contextual explanation to determine the necessary proof. Going over the specific photographs used in the Angola case study we can observe the emergence of illustration to exemplify evidence. Following the references to the strategy in written and visual records, viewed in light of today's knowledge of the respective history of the episodes they claim to attest to, the article before you provides a methodical extraction of the conclusions, broadening the spectrum of interpretation of evidence presented in each case.

### **The Genesis of Picturing Laws of War Violation**

The codification of the Laws of War evolved in tandem with diverse photographic practices that internalized them as a system of representation in the endeavor to capture violations of all natures; this data gathering had varying and, in some cases, overwhelmingly conflicting objectives. As a so-called “universal language” (Sander, 1978, p. 676) photography’s unmatched potential to implicate others in acts of violence led to imagery being presented as evidence of war crimes and of unprecedented atrocities, strategic lexemes for legitimizing claims in the international domain. Today, photography and the Laws of War are global phenomena, however,

it is widely accepted that both bear the nineteenth-century European trademark (Marien, 2006, p. 1).

A pinnacle in the field of law and the attempt to mitigate wartime violence coincided with a breakthrough in the field of the image and the attempt to tether real occurrences to a form of durable representation. While laws of battlefield conduct have been traced far back to ancient cultures, the development of modern laws of armed conflict date to the mid-nineteenth century, when the former prevalent battlefield customs and constraints began to crystallize into broad principles that were codified and expanded through both international treaties and domestic legislation. States embarked on drafting a new canon of humanitarian values to be incorporated within their military rules; these efforts were accompanied by the scattered emergence of multinational treaties, which culminated with the Hague Regulation IV of 1907 (Solis, 2016, p. 7). Concomitantly, over that period the newly invented technology of photography emerged as a “privileged kind of evidence” (Mnookin, 1998, p. 4), and was gradually accruing recognition as evidential material admissible to western courts.<sup>[ii]</sup> As theorist and critic Allan Sekula (1986, p. 7) astutely pointed out, photography surfaced as a unique mode of representation: “designed quite literally to facilitate the *arrest* of their referent” (emphasis in text). Similarly, crime-scene photography designed to capture traces of the offense within the physical environment so as to channel “a direct ... transfer of facts to the courtroom,” initiated a process of standardization for evidentiary use (Bell, 2018, p. 78). The evolving technology was quickly adopted by law enforcers and individuals alike as an effective tool for systematic criminalization, and case by case incrimination (Sekula, 1986, p. 5; Mnookin, 1998, p. 12).

At the same time, concerns over the misuse of the persuasive power of this “new juridical photographic realism” (Sakula, 1986, p. 5) lent the image’s oral framing a decisive role in criminal prosecution as a whole (Mnookin, 1998, pp. 12–14). Within the legal arena, speaking for photographs and verbally attesting for their credibility was granted a substantial weight, tying a Gordian knot between the image and its declared elucidation. Even though the evidentiary legal status invested therein never remained static—and could be perceived differently depending on the court—at least until the mid-twentieth century the accompanying interpretative testimony preserved a lasting effect on the way the photo was apprehended (Mnookin, 1998, p. 43).<sup>[iii]</sup> Moreover, while photography was quickly embraced for securing definitive convictions, its dual capacity to simultaneously function “*honorifically and repressively*” (Sakula, 1986, p. 6; emphasis in text) made it also exploitable for more morally dubious justifications of violence, some of which required juggling the war/peace binary. Scholarship has shown how from early on, the medium was instrumentalized also in the field of international relations (Kennedy and Patrick, 2014, p. 1). Photography historian and political theorist Ariella Azoulay (2019, p. 5) asserts that photography emerged and “developed as an imperial technology”; “it didn’t halt [the imperial/colonial] process of plunder that made others and others’ worlds available to some, but rather accelerated it and provided further opportunities to pursue it.” She continues, “the camera made visible and acceptable imperial world destruction and legitimated the world’s reconstruction on empire’s terms” (Azoulay, 2019, p. 7). The deployment of photographic evidential imagery during wartime as a tool of incrimination of the opponent for unfair conduct at the service of the interests of the accusing party to the fighting, can be found already in the context of the American Civil War

(1861–1865) (Collins, 2013). At the hands of proponents for the humanitarian cause, building on the nineteenth-century sense of the term as “a philosophy of advocating or practicing compassionate action,” photography was adopted as a means to “reveal the barbarism of warfare” (Lydon, 2018, pp. 2, 6).

Since the late nineteenth century, within the framework of what is now called “humanitarian photography” (Fehrenbach and Rodogno, 2015, p. 1), all kinds of photographic aids—including incriminating evidential imagery—were mobilized for varied humanitarian causes across the globe to denounce particular acts of aggression but also more mundane crude horrors perpetrated as part of any dominant repressive rule (Fehrenbach and Rodogno, 2015, p. 12). Such conventions of representation were affected by and corresponded with dominant trends in print journalism, political propaganda, and commercial emphasis that privileged sentimentalism, among others (Fehrenbach and Rodogno, 2015, p. 11). Not to underestimate the overall historical significance of these campaigns, in some cases, argue historians Heide Fehrenbach and Davide Rodogno (2015, p. 6), photographic imagery was more of a “*moral rhetoric* masquerading as visual evidence” (emphasis in text). Nevertheless, photography was not merely illustrating pre-defined universalizing concepts or fixed legal categories within international law, but rather played a role at the very establishment of the legal framework of human rights, and impacted perceptions of “humanity” as a whole (Lydon, 2018, p. 1).

Sharon Sliwinski (2006, p. 91) and Adam Hochschild (1999, pp. 215, 112) unraveled how the evidential imagery of atrocities was subsequently recruited to denounce “crimes against humanity” even before such evidence was in legal use within an international tribunal. This leap came as part of a campaign that began in 1904 against Leopold II of Belgium to condemn the heinous violence inflicted upon the natives of his private colony in the Congo (Linfeild, 2010, p. 48; Hochschild, 1999, p. 191; Swilinski, 2006, p. 92 n. 6). Toward the end of the second half of the twentieth century, in the aftermath of World War II (1939–1945), the arsenal of photographic evidence—which by then steadily expanded to include moving images thanks to the evolving technology of film (Amir, 2022, p. 93; Delage, 2014)—unprecedented visual evidence of the German Nazi party’s atrocious crimes became fundamental to mobilizing criminal international law. The staggering power of the images from the Nazi death camps, propounds media scholar Sharon Sliwinski (2009, p. 24), “can be thought of as the pre-legal or perhaps the pre-political affective climate that galvanizes human rights discourse.” In the post-World War II International Military Tribunal (IMT) in Nuremberg (1945–1946) followed by the International Military Tribunal for the Far East (IMTFE) in Tokyo (1946–1948) initiated by the victorious Allied Powers charging representatives of the political leadership of the defeated countries with war atrocities, visual evidence was first to be “[i]ncorporat[ed] ... at the international level” (Duffy, 2018, p. 780; Dittrich et al., 2020). The trials which relied on international law to prosecute war crimes and crimes against humanity, provided a valuable framework for current international criminal law that is still being built upon today.<sup>[iv]</sup> The Nuremberg trials, writes legal scholar Douglas Lawrence, heralded the translation of “images of atrocity into a coherent legal idiom” (Douglas, 1995, p. 454). Photographic evidence provided “a visual register of atrocity” (Douglas, 1995, p. 465)<sup>[v]</sup> in the trials, and were considered a milestone in the doctrine’s development and “[a] turning point in the enforcement of international law” (Carter, 1948, p. 370; Tomuschat, 2006). To an extent, it was



at the time of the establishment of the United Nations in October 1945 in the aftermath of the war (United Nations, “History of the United Nations”) that photography proved to be particularly effective in representing violations, or as media scholar Susie Linfield observes (2010, p. 37) “to show how those *without* such rights look, and what the absence of such rights does to a person” (emphasis in text), a development that seems to have reached its apogee in the realm of international law.

The United Nation's ambitious aim to develop and enhance international law, and specifically the UNSC mandate to deliberate and decide on law of war violations (United Nations, “Global Issues: International Law and Justice”), had turned it also into an arena in which photographs from different parts of the world were advocated by the state representatives as evidence of international law infringements. Visualizing violent conflict in the language of international law—in which the impact (and relevance) of imagery is typically characterized in terms of war crimes and violations recognized internationally as particularly grave—therefore instigated a broad array of attempts to exhibit photography when seeking convictions in the international context, and as a legal pretext, an element that could be also harnessed as “accuse or excuse” (Machiavelli, 2006, p. 5) by warmongers in support of their military pursuits.

### **Crossing The Ring: The Emergence of Visual Evidence in Legal Context to Justify the Military Actions of the Dutch in Indonesia at the Wake of the National Revolution**

If we trace back through the strategic use of photography as a means to implicate the adversary in violations of the law of war as a tool to justify military actions, a vast repertory of which is lodged in the UNSC archive, the trail leads as far back as the Council's second year of operation, and specifically to the documentation of abusive colonial treatment at the service of crude imperialist pursuits. After World War II, in the period between 1945 and 1949, a “nationalist revolution” (Hess, 1987, p. 289) took place in Indonesia, heralding a significant step forward in the process of decolonization after more than three centuries of Dutch rule (Schrijver, 2000, p. 26). During World War II the Netherlands lost its control over the Southeast Asian colony—then known as “Dutch East Indies”—to Japan, but was able to retain its holdings of the area in 1945, upon the war's termination (Bridges, 1947, pp. 158–159). Nevertheless, lacking previous economic and political potency (Van Der Eng, 1988, pp. 336–337), Indonesian nationalists operating swiftly in the last days of the Japanese occupation, were able to achieve territorial control over parts of the country proclaiming “the independence of the Republic of Indonesia.”

This unilateral declaration was met with fierce opposition from the Dutch, who sought to crush the struggle for independence with military force. In 1946, extensive international diplomatic efforts culminated in the signing of Linggadjati Agreement, the first Dutch recognition of the de facto autonomy of the Indonesian Republic. Still, armed exchanges continued, and in the subsequent year the Dutch launched another major military campaign under the banner “Police Action” (Hess, 1987, pp. 275–276). In reality, the easily recognized colonial terminology that sought to camouflage oppressive war between a foreign conqueror and the indigenous population behind a frame of intra-state legislation and order-keeping mission, reflected the Dutch intention to regain its colonial control—in clear violation of the territorial division specified in the accord (Hess, 1987,

p. 278).<sup>[vi]</sup> While the Dutch offensive did in fact expand its territorial holding, it concurrently diminished its already dwindling international support, however, including that of the United States (Hess, 1987, pp. 276–277).

On August 1, 1947, the newly established institution of the United Nations Security Council (UNSC) passed a resolution calling the parties to cease fire and resolve the conflict “by arbitration or by other peaceful means” (UNSC, 1947a, p. 6; Schrijver, 2000, p. 26), opening a “Committee of Good Offices to facilitate negotiations” (Cochran, 2016, p. 99). Despite the call’s worldwide reverberations, on the ground it was left unanswered. In a Council’s meeting held on October 3, 1947, the Netherlands government was firmly denounced for its “aggressive actions” (Gromyko in UNSC, 1947c, p. 2489); an urgent resolution was tabled, along with a call for the UNSC’s “immediate intervention” (Gromyko in UNSC, 1947c, p. 2492). The choice of words was not only couched in a language of persuasion, but also contained assorted legal rhetoric. A year prior to the meeting, in the aftermath of World War II, “the launching or waging of aggressive wars” by any state or individual became punishable (Sayapin, 2014, p. xviii). Entrusted with the “responsibility for the maintenance of international peace” (United Nations Security Council), the UNSC was established as the United Nation’s cardinal organ to determine the presence of an “act of aggression,” and were such acts identified, decide on the measures to be taken in response, to the extent of authorizing the use of force (United Nations Security Council). Nevertheless, the founding document failed to furnish a legal definition, nor to provide a systematic account of the many diverse forms of aggression and their relation to peace maintenance (MacQueen, 2006, p. 54).

To rebut the allegations, the representative of the Dutch, Mr. Van Kleffens sought to fill the void by verbally reframing the Dutch operations as acts of protection toward the population, but also—most importantly for our discussion here—by allocating an ever-greater role to photographic proof. The Dutch, states Van Kleffens (UNSC, 1947c, p. 2493), retain that they are “forced to resist [Indonesia’s] Republican violence.” Their military operation is motivated by a “feel[ing] of responsibility” toward the locals, who “look to [the Netherlands East Indies Army] to free them from depredation and violence” (Van Kleffens in UNSC, 1947c, p. 2496). Threatening that a withdrawal on their behalf would precipitate “considerable and unnecessary loss of human lives” (Van Kleffens in UNSC, 1947c, p. 2501), he appealed to the members’ moral compass, propounding that to impose such a demand is no less than “the most cruel thing that anyone can ask the Council to do” (Van Kleffens in UNSC, 1947c, p. 2501). The Dutch justificatory scheme of rationalizing imperial violence as an act of protecting the indigenous population from their fellow “savages” as part of a “civilizing mission” directed at those who are unable to govern themselves has been underscored and discredited in a wealth of post-colonial critique, and subsequently in discussions of international law’s very foundations.<sup>[vii]</sup> Notably, the Dutch representative in question sought to frame the colonists’ actions accordingly within the newly established institution by deploying hard visual evidence. To conclude his indictment, Mr. Van Kleffens had a rather more pressing proposal for the Council, which he presented as a scheme for international war violation record-keeping, an obligation to keep the international justice narrative straight within the UNSC’s growing archive, stating that:

The world has seen enough, these last few years, of atrocity pictures. Far be it for me to indulge in morbid sensationalism. At the same time I believe that the council should have in its records a collection of photographs depicting atrocities committed by troops and bands of the Indonesian republic, which collection I should now present to the Secretariat (Van Kleffens in UNSC, 1947c, p. 2501).

The visual analogy proposed by Mr. Van Kleffens—as if professing the need to subordinate any excessive *sentimental* reaction to the visual evidence of the atrocities in favor of legal *reasoning* based on war-crime evidence—sought to mobilize the moral values recently evoked by the images perceived as a triumph in the face of atrocity (Zelizer 1998, p. 136), not for the purpose of bringing war criminals to trial upon the termination of the conflict, but rather to legitimize the imperialist war under way.<sup>[viii]</sup> The State representative turned to the media of photographic evidence to project the Dutch military power across space and time. In the short term the photographs were geared to justifying the overseas colonial war machine in operation, and in the long term, they provided a depository of legal aid designated to neutralize future threats, an alibi that will serve to exonerate political and military leaders in future courts now safeguarded in the UNSC archive.

Concluding his claims with the photographs—rather than with a proposal to bring the war to an end—the only closure he suggested on the meeting’s agenda on his behalf was the submission of the alleged incriminating visual evidence, meant to decide the battle on the international legal field thereafter. Even though the visual evidence that was used in this case is missing from the UNSC archive, there is proof establishing historically the use of this strategy. An example of the birth of a tactic that disguises the visual presentation in the very same terms of international laws in order to attain a military objective. In the “Inventory of the Archives of the Netherlands Permanent Representation to the United Nations in New York, 1946–1950,” the remaining photographs from the same year are both aerial and close-range shots, mainly showing a destroyed dike and flooding, indicating the Republican forces’ responsibility for the bombing in the area of Surabaya in East Java (Nationaal Archief). The photographs coincide with the Dutch allegations, brought before the UNSC against the Republican forces over the weaponization of water supply, warfare identified with “deprivation (too little water) and inundation (too much), oriented toward strategic and tactical ends” (Grech-Madin, 2021, p. 84).<sup>[ix]</sup> Studying the visual evidence in the Dutch archive, this article implies missing photographic evidence, given the time of the event described. In the found visual evidence we can identify the need to establish the presence of a powerful military force tasked with the destruction and obliteration of critical elements of human subsistence. In the photographs we see in detail the aftermath of this man-made devastation, but we also notice the importance of manually intervening with the visual content, highlighting specific points in the photographs, and attaching referenced explanations of what is actually portrayed. The legality of this case pivots on the massive damage already caused, necessitating the intervention of a militarized force to ward off further calamities caused by human intervention. This kind of evidence instrumentalization resonates with anthropologist Ann Laura Stoler’s (2002, p. 92) more general observations on the Dutch colonial archive’s “cultures of documentation.”<sup>[x]</sup> Where the “conditions in which events were investigated, recorded, and constituted as evidence” were “‘historiographic operations’ that set the terms for new repressions,

subsequent violences, and renewed commitment to retaliating against what were perceived as counterinsurgent acts” (Stoler, 2010, p. 187). Under the colonial laws, information was to be selectively stored and often outright fabricated: “[i]t was in factual stories that the colonial state affirmed its fictions to itself, in moralizing stories that it mapped the scope of its philanthropic missions” (Stoler, 2002, pp. 90, 97–98.). Studying photographs of atrocities taken by the Royal Netherlands East Indies Army already during the Atjeh War (1873–1908), Paul Bijl (2015, p. 44) identifies a persistent adherence to an imperialist framing “which was the only frame [the army] had at its disposal: it did not have language available to discuss the massacres in any other way.” In another arena of amateur photographs taken by Dutch soldiers serving in Indonesia during the very same period of the war for independence, historian Susie Protschky emphasizes that soldiers self-presented their military activity as a “humanitarian intervention” (Lydon, 2018, p. 41), demonstrating how “photographic humanitarian claims have been articulated by those on the wrong side of history” (Lydon, 2018, p. 41).

Shifting back to the legal arena of the UNSC and the attempt to incriminate the liberation struggle, it is Frédéric Mégret’s (2009, p. 265) warning of the danger that threatens those who find themselves on “the ‘wrong’ side of the laws of war” which gains additional relevance. In retrospect, in his visual appeal, Mr. Van Kleffens left the colonial mark on the first chapter of an unfolding international visual history in which grave conflicts were to be defined and contested in terms of their il/legitimation under international law. This moment represents a historic example whereby we come to see how the UNSC—an institution with the declared objective to secure international peace—subsequently heralds a first-of-its-kind platform in which alleged visual evidence of war crimes was to be displayed on the record. Specifically, visual evidence submitted by state members of the international system—originally declared as an incriminating exhibition of atrocities for the sake of peace and order—came to be instrumentalized to justify military agendas.





The dwellings can't stand the  
rising waters...



Images 2-4: The entire remaining photographs from 1947 in the "Archives of the Netherlands Permanent Representation to the United Nations in New York, 1946–1950." Credit: NL-HaNA, PV United Nations, 2.05.59.03, inv.nr. 3582.

### **Unmasking the Evidence of Inhumanity: The Portuguese Attempt to Frame the Angolan War of Independence**

Framing visual imagery as evidence for crimes recognized by international law as a means to justify subsequent military actions, may be complemented by a forceful blockade on extraction any other visual evidence from site. The power to control visibility when engaging in an armed conflict, observes visual culture theorist Nicholas Mirzoeff (2005, p. 77), renders it another resource of warfare: "The war image in particular comes guaranteed by the full faith and credit of the sanctioning government that allows it to be seen." When such visual policing ensures the selective display of incriminating photography, strategically the evidential imagery is presented not only to defend the accusers' warmongering, but also to conceal their crimes. Broadly speaking, the one-sided conviction in inhuman armed conduct by means of criminalizing

photography includes a denial of access to and the cover-up of the full picture, preventing any possibility of counter-visual evidence.

In the history of European colonialism, the notorious ability of the Portuguese to thwart the production and distribution of self-incriminating visual evidence of the grave war crimes they committed in the course of Angola's War of Independence is recognized as without parallel (Ramos, 2017b, p. 114). Measures to assert monopoly over visual evidence ranged from the prevention of image creation in the first place, enforcing a blanket media embargo that forbade the admission of journalists to the region, to the extent of the incarceration of a political leader, who was charged with possession of photographic proof and entailed the deliberate destruction of film rolls to ensure the pictures never leaked out of the country (Ramos, 2017b, p. 114). The armed anti-colonial struggle in Angola to free the country from Portugal's stranglehold imposed on southern West Africa for five hundred years, began in a more focused way in January 1961, after the Portuguese authorities brutally suppressed a mass protest against forced work conditions, resulting in the death of thousands (Meijer and Birmingham, 2004, p. 11; Ball, 2017, p. 16). On February 4, an attempt carried out by nationalist youths to release political prisoners from Launda jails failed, triggering further Portuguese retaliation that ultimately marked the onset of the Angolan War of Independence (Alves, 2017, p. 235).<sup>[xi]</sup> The spreading guerrilla resistance in the country was mainly led by three nationalist groups: MPLA, FNLA, and UNITA, whose actions were accompanied by diplomatic efforts for international support for the liberation drive (Meijer and Birmingham, 2004, p. 13; Ramos, 2017a, p. 254), and specifically in the halls of the UN (Santos, 2012), where a milestone General Assembly declaration for granting independence to colonial countries and Peoples had passed only a year before, was bolstered by a further resolution (no. 1541 (XV)) that enabled to classify all Portuguese colonies as non-self-governing, and consequently their formal delegitimization in the eyes of the UN Council (Santo, 2012, p. 250). Despite the intense violence and reported wide-scale killings, the art historian Afonso Ramos argues that at the time:

[I]f visual validation [was] needed for an event to be considered an atrocity, nothing took place in Angola other than the victims of anticolonial attacks revealed in millions of images captured by official order as the country was closed off to external eyes. By contrast, the un-imaged instances of retaliation, including decapitation rituals, napalm bombings, mass killings, forced disappearances and torture, held little to no currency. The former had eyewitnesses, the latter amounted to hearsay (Ramos, 2017b, p. 114).

Thus, while photography already marked the potential toward a more inclusive politics of representation (Benjamin, 1969, p. 23), the recently declared entitlement of the right to independence and self-determination bestowed upon the Angolans (McWhinney, 2008, p. 2) in visual terms were utterly erased.

This radical power asymmetry was replicated in a UNSC meeting held on June 7, 1961, convened against the backdrop of the escalating war and deteriorating situation (UNSC, 1961).<sup>[xiii]</sup> What was surprisingly almost symmetrical within this fundamentally imbalanced access to visual evidence, was each side's mutual accusations as regards to war crimes and human rights violations.



Accusations of crimes against humanity, genocide, aggression, victimizing women and children, sexual abuse, and assorted destruction, were not only historically put forward against imperial Portugal's gross crimes and atrocities committed routinely for half a millennium, but were also brazenly pointed back against the Angolans' national movements struggling for liberation, which—according to Portugal—represented no less than “a diabolical inversion of situations” (Garin in UNSC, 1961, p. 33; Frankel, 1961, p. 5). Speaking last after his colleagues, who unanimously condemned Portugal's crimes and their false justification, Mr. Garin, the Portuguese ambassador, sought to structure his legal arguments by denying the fact a war of independence had even taken place (UNSC, 1961). Instead—and to avoid any confusion—he repeatedly portrayed the national movements liberation efforts and their people in terms of “international terrorists,” “agents of disorder ... commanded from the outside” (Garin in UNSC, 1961, p. 25) by “Communists, extremists and anarchists,” who aim for “the prosecution of schemes of subversion” (Garin in UNSC, 1961, p. 24). By Garin's reckoning, due to the rebels' deliberate, indiscriminate, and criminal attacks on the defenseless population—“both white and colored” (Garin in UNSC, 1961, p. 25)—the Portuguese were in fact engaged in protecting not only the people of Angola and their property, but the entire “free world” (Garin in UNSC, 1961, p. 24).

The allegations of atrocity involved hideous details focused in a bid to criminalize the liberation struggle with as many possible charges recognized under international law. To show the “naked evidence,” Garin (UNSC, 1961, p. 25) presented the council with numerous “photographs illustrating this tale of human degradation. [A] demonstrat[ion of the] gruesome terrorism that no decent man can look at without a deep feeling of horror,” while making others available for their display at the end of the session. The assorted visual evidence provided to the UN Ambassador from the Portuguese Tourist Information Bureau includes close up and medium-shot photographs of mutilated bodies (mostly white), long and medium-shots of a burning village, photos of a hamlet and other dwellings (such as *senzalas* or slaves quarters) in ruins (the first is captioned to incriminate “UPA terrorists”—see Image 4), some photos of improvised obstacles meant to block vehicles transport lines (e.g., holes dug in the roads, tree-trunks placed as barriers, or partial damage caused to a ford supported by logs), close-ups of an urban coffee house (*tasca*) and a kids clothing boutique with punched holes in their glass facades, and another captioned image of wooden rifles described as “imported Czechoslovakian rifles taken from captured UPA terrorists leave little doubt as to the inspiration behind the Angolan ‘revolution’” (see Image 5). The photographs were meant to confirm the ambassador's argument that the government's efforts fell within the scope of a necessary “defensive action,” a “reestablishment of order by the Portuguese” (Garin in UNSC, 1961, p. 33), and other pretexts mentioned above to vindicate the colonialists' “lawful military operation.”

Although some of the photos seem to correspond with forensic conventions of representation, the evidence mainly proves a one-sided presentation that nevertheless fails to incriminate beyond doubt the national movements in all the verbally specified crimes and violations. Indeed, in some cases the evidence sowed doubt, and in others bluntly contradicted the ambassador's prior declaration that the “[r]elations with our peoples overseas were always characterized by a sense of human equality” (Garin in UNSC, 1961, p. 28).<sup>[xiii]</sup> Part of the presentation meant to serve as incriminating visual evidence of war crimes and related allegations, is the singular photo of the

attire and mask purportedly used by the national movements, resonating one the ambassador declarations before his visual display that: “The terrorists have shown an unbelievable ferocity and savagery. ... attack[ing] under the influence of drugs. ... wear[ing] certain charms which they are told make them immune to bullets. Thus, they are no longer human beings” (Garin in UNSC, 1961, p. 25) (see Image 6). This particular image does not provide proof of war crimes or any other recognized infringement under international law, but rather exemplifies the use of a form of visual evidence that requires an interpretive explanation. Placing this image in sequence with other visuals to demonstrate legal claims, attests to the lingering colonial mindset.

Added to the documented “war crimes” is the evidence of inhumanity and the characters of the national movement freedom fighters attaching an additional statement meant to influence the UNSC’s decision. The ploy backfired because the presentation of an artisan mask as a marker of native “barbarity” revealed the sick underbelly of colonial decadence, whereby it felt qualified to interpret this image as justification for its repressive control over the native populations. The photo in question has no relevance to any violation of international law, and its use at the Council hearing lays bare the deeply rooted colonialist preconceptions regarding their subjects. Using this photo excavates a conclusion rooted in colonialism beyond the scope of international law, claiming inhumanity and not crime against humanity to justify the legitimacy of using military force.

The power of photography to exceed the function of mere proof, maintains legal scholar Katherine Biber (2007, p. 14), renders it: “[m]ore than an object, the photograph becomes a discourse, a belief-system, a code for evaluating and attributing conduct. ... The photograph becomes a taxonomy of knowledge and, by extension, a system of power.” With this in mind, we can grasp the way the incriminating display proffered by the Portuguese ended up functioning as a double-edged sword. Through this combined activity, covering counter-evidence from the battle zone and presenting selected visuals to fuel the armed struggle against international law’s violation, we see however, how in wartime evidence of atrocities may end up disguised behind a mask that is de facto presented instead.

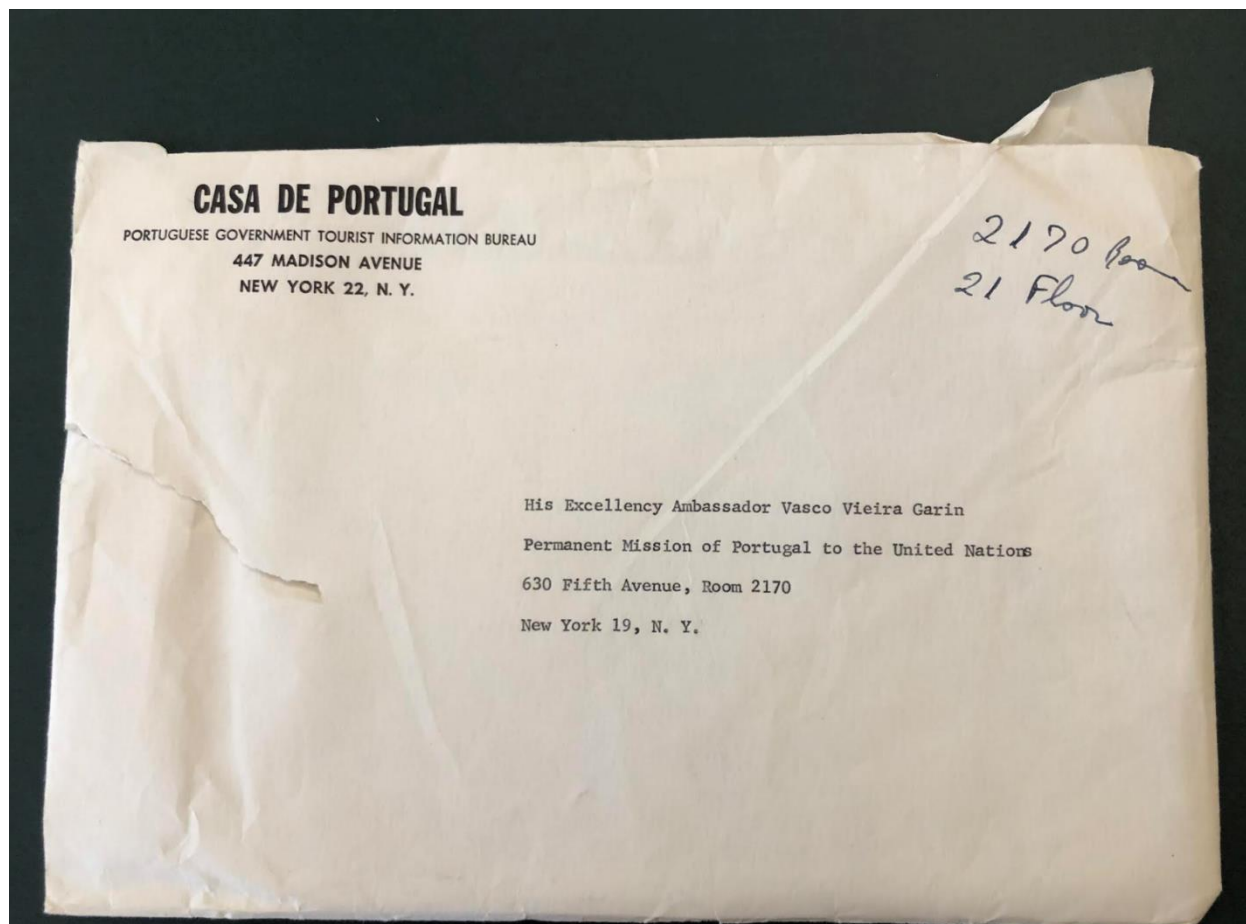


Image 5: Envelope that holds the photographs brought to the UNSC by the Permanent Mission of Portugal to the United Nations, sent by the Portuguese Tourism Information Bureau. Credit: Questões Portuguesas, Fotografias de Angola, 1956-1967. AHD-NME, D3M1P1Cx.3 ONU.



"WE WILL KILL THEIR WIVES AND CHILDREN..." A village, formerly occupied by loyal Angolese tribesmen, shown gutted after an attack by UPA terrorists. UPA leader, Holden Roberto threatened these and other tactics to any who sided with the native Angolans.



"UPA-LUMUMBA..." Imported Czechoslovakian rifles, taken from captured UPA terrorists, leave little doubt as to the inspiration behind the so-called Angolan "revolution."



MARKS OF THE TERRORISTS...the cap, and armband of the communist-inspired UPA terrorists taken from prisoners in the San Paulo prison in Luanda, Angola. Together with secret charms and razor-sharp catana knives, the whole operation is designed to strike terror in the hearts of white and loyal black alike.

Images 6-8: Photographs sent to the UNSC for the use of Ambassador Garin, supplied by the Portuguese Tourism Information Bureau. Credit: Questões Portuguesas, Fotografias de Angola, 1956-1967. AHD-NME, D3M1P1Cx.3 ONU.

## Concluding Remarks

This article takes a close look at an often-used strategy that co-opts photographs of atrocities and other imagery to incriminate a declared rival in war crimes and other international law infringements so as to advance legal justifications for military campaigns at the UNSC. Combing through the timeline of the use of visual incriminating evidence in the history of the Council, this analysis starts with the American superpower professing to possess such a visual indictment of Bashar al-Hassad (and his allies) in order to justify US intervention in the civil crisis under way in Syria. Winding backwards to early occurrences of this method, and by examining the evidence revealed in this article, we come to notice the murky undercurrent of self-appointed colonialist legal entitlement, culture, and perception in the ways the incriminating evidence is presented and asked to be viewed by the Council. By reconstruing the evidence in this way, the *modus operandi* reveals itself to be an imperial tool at the service of colonial powers that exploit such photographic imagery to criminalize subordinated indigenous peoples in their struggle for independence, applying laws of war terminology within the forming international legal forum to enhance and justify continued imperialist control. As photographic documentation of grave atrocities assumed the status of evidence in the international courts after World War II, cynical reasoning was applied to harness their gruesome effect and justify further colonial oppression, the scheme being to copy-and-paste the imperial visual archive into the constitutive international repository for war abuses. The historic cases under discussion took place in times when the old colonial order was increasingly discredited within the legal political *lingua franca*, while in parallel, accusations of international war crimes began to acquire viability. Viewed from a critical distance, we can identify the motives behind these presentations to underscore the dubious pattern established within dominating justificatory schemes found in the rhetorical toolkit of imperialist enterprise.

The visual evidence tailored to foment real-time support for military operations can potentially serve as an extenuating alibi for future legal procedures at international level. Critically, the accuser may find ways to monopolize visual evidence at a wider level by covertly blocking any counter-visual testimony from the sites of conflict.

Even though such oblique strategies can often be detected and exposed, this backroom tactic seems to have been adopted not only to confirm a legal base for imperial military power projected beyond state borders, but has continued to emerge among diverse disputes in which states have contributed and developed an aggressive visual legacy under the apparent tutelage of the UNSC and its expanding archive of visual records that claim to mirror inhuman crimes and deprivation of human rights. An alarming instance is the furious visual battle around the Syrian civil war, in which a range of tools and circumstances were initiated by governments so as to ensure their control over the visual evidence presented at the UNSC and achieve legal justification for the use of military force—such expedients were exercised not only by the American and Russian superpowers, but also on numerous occasions by the Syrian ambassador to incriminate the opposition forces (Amir, 2022).



Image 9: Former Permanent Representative of the Syrian Arab Republic to the United Nations Bashar Jaafari presents a photograph described as that of a victim in the bombing of a school in Aleppo, Syria, during the 7817<sup>th</sup> UNSC Meeting, 21 November, 2016 . Credit: UN DGC, AV Library.

As the deployment of incriminating photographs becomes strategic in reference to international law, this article is part of a wider effort to address the evolving types of such visual exploitation at the UNSC and beyond that the cases discussed here bear the hallmark of this strategy. Aspiring to serve in a broader context, my research tackles what I propose to call “Visual Lawfare,” namely the weaponization of visual documentation used to provide evidence in order to either prove due compliance or to expose violations of international laws of warfare aimed at facilitating military objective (Amir, 2022). While visual lawfare’s manifestations may vary, becoming more sophisticated with time and technological developments, by investigating earlier attempts to weaponize photographic visual evidence at the UNSC, the present article seeks to highlight the dangers of losing sight of the roots of the argument in question. Today the ever-growing dependence on visual evidence has escalated in influence over humanity throughout all media, a shift defined as a “pictorial turn” (Mitchell, 1992). While some categories of human interests started developing and using their own contextual language strategies and definitions in order to increase the effectiveness of understanding images as weapons of wars in a broader sense—from their operative role in facilitating military attacks and overseeing campaigns, to the planned use of their symbolic power to influence perceptions and behaviors in line with warfare’s strategic ends (Virilio, 1989, p. 1; see also Farocki, 2004; Mirzoeff, 2005; Mitchell, 2011)—regarding the UNSC we find a lack of such a “language” in the context of international law and violent conflict.

This state of affairs leads us in the meanwhile to use the perspectives borrowed from different categories as we try to compensate for the variances and elicit the interpretation required here.



Notably, the principle of admissibility of evidence applied by the UNSC is not explicitly cited among the council's Rules of Procedure (United Nations, 1983): this lax approach has turned the council into a promiscuous platform where visual evidence is frequently misused and abused. This escalation calls for well-defined tools to reduce the gulf between the visual imagery presented as evidence of breach of international law, and the degree and quality of proof such visuals actually possess: we need to examine the legal and extralegal apparatus and conventions of the visuals justifying warfare, and match this with codes that adequately define incrimination. This would also entail evaluating Tagg's (2009, p. xxvi) claim that:

not that law and photography are duly exposed as the docile instruments of an exterior power but, on the contrary, that, in the performative force that animates these spectacles, the language of law and the language of photography are violently instated and, in the same instant, instrumentalized, cut to size and imposed as a uniform code, a universal contractual language, a means of communication that expels the remainder, yet whose mastery is always ruled out of court.

"Photography," as Azoulay (2021, p. 81) reminds us, "is an apparatus of power that cannot be reduced to any of its components: a camera, a photographer, a photographed environment, object, person, or spectator." As the world earnestly strives to maintain peace and uphold justice through established international law, my contribution addresses the need for a rigorous assessment of the true evidentiary value of visual artifacts presented as qualifying proof of events that influence legal decisions regarding current and future armed conflicts and humanitarian intervention. Moreover, under the circumstances, the UNSC is becoming the preserver of this dreadful visual history, a law-bound guardian of evidence of atrocity and of the imagery that claims to expose it.

While human history is fraught with international conflicts, we come to acknowledge the necessity of a rethink if not a comprehensive reform in authorizing the use of visual data as a determining factor in qualifying or disqualifying certain acts of warfare. Indeed, the strategy hereby outlined has deep and sordid roots. While their removal now would neither eliminate nor fully compensate for past colonial and other, more recent injustices, as we have seen, what is urgent is the very act of their identification and close examination to prevent their roots from any further growth and diffusion. The UNSC provides a rare forum in which powerful state members assy to contain their antagonism and engage in civilized dialogue. However, it has also become a showroom in which gruesome images are regularly weaponized against the institution's own mandate and objectives, with the intention of legitimating acts of belligerence. For this reason, it is imperative we neutralize this form of instrumentalism, and the sooner we do so, the better. Today more than ever, given the rise of increasingly sophisticated political disinformation campaigns and the burgeoning information wars—half-truths and fictions promoted by representatives of the law (McIntyre, 2018, pp. 18, 24)—the responsibility of the UNSC is to improve its visual gatekeeping and prevent confusion caused by unchecked visual displays. Considering that the technology of disinformation is ever evolving, the UNSC should develop tools and practices to prevent the misleading use of visual evidence presented as a way to secure the approval of lethal force. Announcing and publicly displaying the UNSC's abilities to be alerted, aware and ready to address possible

manipulation via visual content, supports the goal to promote the rule of law by setting the standard as an international authority overseeing international disputes. Given the unstoppable advances of technology, the UNSC must uphold its own strengths and leadership by refining independent tools and mechanisms that remain unaffected by interested parties. The present research offers a possible path to be taken to guarantee the UNSC's pledge to secure sustainable peace, accountability, and justice around the planet.

## References

- Alves, T. (2017) "Reporting 4 February 1961 in Angola: The Beginning of the End of the Portuguese Empire", in Garcia, J.L. Kaul, C., Subtil, F, and Santos, A. (Eds.), *Media and the Portuguese Empire*, Palgrave Macmillan, Cham, Switzerland, pp. 235-251.
- Amir, M. (2022), "Visual Lawfare: Evidentiary imagery at the service of military objectives", *Journal of Visual Culture*, Vol. 21 No. 2.
- Anghie, A. (2005), *Imperialism, Sovereignty and the Making of International Law*, Cambridge University Press, Cambridge, UK and New York, NY.
- Azoulay, A.A. (2019), *Potential History: Unlearning Imperialism*, Verso Books, London, UK and Brooklyn, NY.
- Azoulay, A.A. (2021), *The Civil Contract of Photography*, Mazali, R. and Danieli, R. (Trans.), Zone Books, Brooklyn, NY.
- Ball, J.R. (2017), "The History of Angola", in *Oxford Research Encyclopedia of African History*. Available at: [https://scholar.dickinson.edu/faculty\\_publications/799/](https://scholar.dickinson.edu/faculty_publications/799/) (accessed 25 March 2022).
- Barkawi, T. (2016), "Decolonising war", *European Journal of International Security*, Vol. 1 No. 2, pp. 199-214.
- Bell, A. (2018), "Crime Scene Photography in English, 1895-1960", *Journal of British Studies*, Vol. 57 No. 1, pp. 53-78.
- Benjamin, W. (1969), *Illuminations: Essays and Reflections*, Arendt, H. (Ed.), Zohn, H. (Trans.), Schocken Books, New York, NY.
- Biber, K. (2007), *Captive Images: Race, Crime, Photography*, Routledge-Cavendish, London, UK.
- Bijl, P. (2015), *Emerging Memory: Photographs of Colonial Atrocity in Dutch Cultural Remembrance*, Amsterdam University Press, Amsterdam, The Netherlands.

- Birmingham, D. (1999), *Portugal and Africa*, Palgrave, Hampshire, UK and New York, NY.
- Bleiker, R. (2001), "The Aesthetic Turn in International Political Theory", *Millennium: Journal of International Studies*, Vol. 20 No. 3, pp. 509-533.
- Bridges, F. (1947), "Indonesian Dilemma", *Current History*, Vol. 13 No. 73, pp. 157-161.
- Carter, E.F. (1948), "The Nurnberg Trials: A Turning Point in the Enforcement of International Law", *Nebraska Law Review*, Vol. 28, pp. 370-386.
- Carter, R.G.S. (2010), "Ocular Proof: Photographs as Legal Evidence", *Archivaria*, Vol. 69, pp. 23-47.
- Charlesworth, H. (2021), "The travels of human rights: The UNESCO human rights exhibition 1950-1953", in Chalmers, S. and Pahuja, S. (Eds.), *The Routledge Handbook of International Law and the Humanities*, Routledge, Abingdon, UK and New York, NY, 173-190.
- Cochran, S.T. (2016), *War Termination as a Civil-Military Bargain: Soldiers, Statesmen, and the Politics of Protracted Armed Conflict*, Palgrave Macmillan, Hampshire, UK and New York, NY.
- Collins, K. (2013), "Living skeletons; *Carte-de-visite* propaganda in the American civil war", *History of Photography*, Vol. 12 No. 2, pp. 103-120.
- Delage, C (2014), *Caught on Camera: Film in the Courtroom from the Nuremburg Trials to the Trials of the Khmer Rouge*, Schoolcraft R. and Kelly, M.B (Eds. and Trans.), University of Pennsylvania Press, Philadelphia, PA.
- Dittrich, V.E., von Lingen, K., Osten, P., and Makraiová, J. (Eds.) (2020), *The Tokyo Tribunal: Perspectives on Law, History and Memory* Vol. 3, Torkel Opsahl Academic Epublisher, Brussels, Belgium.
- Douglas, L. (1995), "Film as Witness: Screening *Nazi Concentration Camps* Before the Nuremberg Tribunal", *The Yale Law Journal*, Vol. 105 No. 2, pp. 449-481.
- Duffy, A. (2018), "Bearing Witness to Atrocity Crimes: Photography and International Law", *Human Rights Quarterly*, Vol 40 No. 4, pp. 776-814.
- Fehrenbach, H. and Rodogno, D. (Eds.) (2015), *Humanitarian Photography: A History*, Cambridge University Press, Cambridge, UK.
- Farocki, H. (2004), "Phantom Images", Poole, B. (Trans.), *Public*, Vol. 29, pp. 13-22.

Frankel, M. (1961), "Lies' Condemned by Lisbon at U.N.: Delegate Rejects Charges of Angola Repression", *The New York Times*, 8 June, p. 5.

Glick, R.D. (1995), "Lip Service to the Laws of War: Humanitarian Law and United Nations Armed Forces", *Michigan Journal of International Law*, Vol. 17 No. 1, pp. 53-107.

Grech-Madin, C. (2021), "Water and Warfare: The Evolution and Operation of the Water Taboo", *International Security*, Vol. 45 No. 4, pp. 84-125.

Hess, G.R. (1987), *The United States' Emergence as a Southeast Asian Power, 1940-1950*, Columbia University Press, New York, NY.

Hochschild, A. (1999), *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa*. Reprint, Pan Books, London, UK, 2012.

Kennedy, L. and Patrick, C. (Eds.) (2014), *The Violence of the Image: Photography and International Conflict*, Routledge, Abingdon, UK and New York, NY.

Koskenniemi, M. (2011), *The Politics of International Law*, Hart Publishing, Oxford, UK and Portland, OR.

Krishnan, S. (2017), "The Alleged Use of Chemical Weapons Against the Syrian People: Does It Justify Forceful Intervention?", *Jadavpur Journal of International Relations*, Vol. 21 No. 2, pp. 138-159.

Kube, C., Johnson, A., Jackson, H., and Smith, A. (2017), "U.S. Launches Missiles at Syrian Base Over Chemical Weapons Attack", *ABC News*, 7 April [online]. Available at: <https://www.nbcnews.com/news/us-news/u-s-launches-missiles-syrian-base-after-chemical-weapons-attack-n743636> (accessed: 14 March 2022).

Linfield, S. (2010), *The Cruel Radiance: Photography and Political Violence*, University of Chicago Press, Chicago, IL.

Lydon, J. (2018), *Visualising Human Rights*, UWA Publishing, Crawley, Western Australia.

Machiavelli, N (2006) *The Art of War*, Neville, H. (Trans.), Dover Publications, Inc., Mineola, NY.

MacQueen, N. (2006), *Peacekeeping and the International System*, Routledge, Abingdon, UK and New York, NY.

Marien, M.W. (2006) *Photography: A Cultural History*, 2<sup>nd</sup> Edn., Laurence King Publishing, London, UK.

McIntyre, L. (2018) *Post-Truth*, Boston, MIT Press, Cambridge, MA.

- McWhinney, E. (2008), Declaration on the Granting of Independence to Colonial Countries and Peoples. Available at: [https://legal.un.org/avl/pdf/ha/dicc/dicc\\_e.pdf](https://legal.un.org/avl/pdf/ha/dicc/dicc_e.pdf) (accessed 25 March 2022).
- Mégret, F. (2009), "From 'savages' to 'unlawful combatants': a postcolonial look at international humanitarian law's 'other'", in Orford, A. (Ed.), *International Law and its Others*, Cambridge University Press, Cambridge, UK, pp. 265-317.
- Meijer, G. and Birmingham, D. (2004), "Angola from past to present", in Meijer, G. (Ed.), *Accord Issue 15: From military peace to social justice? The Angolan peace process*, Conciliation Resources, London, UK, pp. 10-15.
- Milton, S (1999), "Photography as evidence of the Holocaust", *History of Photography*, Vol. 23 No. 4, pp. 303-312.
- Mirzoeff, N. (2005), *Watching Babylon: The War in Iraq and Global Visual Culture*, Routledge, New York, NY and Abingdon, UK.
- Mitchell, W.J.T. (1992), "The Pictorial Turn", *Artforum*, Vol. 30 No. 7, pp. 89-94.
- Mitchell, W.J.T. (2011), *Cloning War: The War of Images, 9/11 to the Present*, University of Chicago Press, Chicago, IL.
- Mnookin, J.L (1998), "The Image of Truth: Photographic Evidence and the Power of Analogy", *Yale Journal of Law and Humanities*, Vol. 10 No. 1, pp. 1-74.
- Mutua, M. (2002), *Human Rights: A Political and Cultural Critique*, University of Pennsylvania Press, Philadelphia, PA.
- Muzzall, E., Perlman, B., Rubenstein, L.S., and Haar, R.J. (2021), "Overview of attacks against civilian infrastructure during the Syrian civil war, 2012-2018", *BMJ Global Health*, Vol. 6 No. 10, pp. 1-13.
- National Archives, The Hague, Ministry of Foreign Affairs: Permanent Representation to the United Nations in New York, access number 2.05.59.03, inventory number 3582.
- Öztop, F.A. and Efeçil, E. (2021), "Analysis of Intervention of External States into the Intra-State Conflicts: The Syrian Civil War as a Case Study", in Erendor, M.E. (Ed.), *The Role of Intelligence and State Policies in International Security*, Cambridge Scholars Publishing, Newcastle-upon-Tyne, UK.
- Questões Portuguesas, Fotografias de Angola, 1956-1967. AHD-MNE, D3M1P1Cx.3 ONU.

- Radio Nacional de Angola [RNA] (2022), “MPLA Defende Empenho na Implementação das Políticas que Visam Melhorar as Condições Sociais e Qualidade de Vida dos Antigos Combatentes e Veteranos da Pátria” (in Portuguese), 4 February. Available at: <https://rna.ao/rna.ao/2022/02/04/mpla-defende-empenho-na-implementacao-das-politicas-que-visam-melhorar-as-condicoes-sociais-e-qualidade-de-vida-dos-antigos-combatentes-e-veteranos-da-patria/> (accessed 26 March 2022).
- Ramos, A. (2017a), “Photography and Propaganda in the Fall of Portuguese Empire: Volkmar Wentzel’s Assignments for *National Geographic Magazine*”, in Garcia, J.L. Kaul, C., Subtil, F, and Santos, A. (Eds.), *Media and the Portuguese Empire*, Palgrave Macmillan, Cham, Switzerland, pp. 253-274.
- Ramos, A. (2017b), “‘Rarely penetrated by camera or film’: NBC’s Angola: *Journey to a War* (1961)”, in Picarra, M.D.C. and Castro, T. (Eds.), *(Re)imagining African Independence: Film, Visual Arts and the Fall of the Portuguese Empire*, Peter Lang Ltd., Pieterlen and Bern, Switzerland, pp. 111-130.
- Sander, A. (1978), “From the Nature & Growth of Photography: Lecture 5: Photography as a Universal Language”, Halley A. (Trans.), *The Massachusetts Review*, Vol. 19 No. 4, pp. 674-679.
- Santos, A.A.E. (2012), “The Role of the Decolonization Committee of the United Nations Organization in the Struggle Against Portuguese Colonialism in Africa: 1961-1974”, *The Journal of Pan African Studies*, Vol. 4 No.10, pp. 248-260.
- Sayapin, S. (2014), *The Crime of Aggression in International Criminal Law: Historical Development, Comparative Analysis and Present State*, T.M.C Asser Press, The Hague, The Netherlands.
- Scholtz, L. (2018), “The Dutch Strategic and Operational Approach in the Indonesian War of Independence, 1945-1949”, *Scientia Militaria: South African Journal of Military Studies*, Vol. 49 No.2, pp. 1-27.
- Schrijver, N.J. (2000), “Some Aspects of UN Involvement with Indonesia, West Iran and East Timor”, *International Law FORUM du droit international*, Vol. 2 No. 1, pp. 26-31.
- Sekula, A. (1986), “The Body and the Archive”, *October*, Vol. 39, pp. 3-64.
- Sliwinski, S. (2006), “Camera War, Again”, *Journal of Visual Culture*, Vol. 5 No. 1, pp. 89-93.
- Sliwinski, S. (2009), “The Aesthetics of Human Rights”, *Culture, Theory and Critique*, Vol. 50 No. 1, pp. 23-39.

- Solis, G.D. (2016), *The Law of Armed Conflict: International Humanitarian Law in War*, 2<sup>nd</sup> Edn., Cambridge University Press, Cambridge, UK.
- Spivak, G.C. (2003), "Can the Subaltern Speak?", *Die Philosophin*, Vol. 14 No. 27, pp.42-58.
- Stoler, A.L. (2002), "Colonial Archives and the Arts of Governance: On the Content in the Form", in Hamilton, C., Harris, V., Taylor, J., Pickover, M., Reid, G., and Saleh, R. (Eds.), *Refiguring the Archive*, Kluwer Academic Publishers, Cape Town, South Africa and Dordrecht, The Netherlands, pp. 83-102.
- Stoler, A.L. (2010), *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*, Princeton University Press, Princeton, NJ and Oxfordshire, UK.
- Tagg, J. (2009), *The Disciplinary Frame: Photographic Truths and the Capture of Meaning*, University of Minnesota Press, Minneapolis, MN.
- Tan K.H. and Perudin, A. (2019), "The 'Geographical' Factor in the Syrian Civil War: A Corpus-Based Thematic Analysis", *SAGE Open*, Vol. 9 No. 2, pp. 1-15.
- Tomuschat, C. (2006), "The Legacy of Nuremberg", *Journal of International Criminal Justice*, Vol. 4 No. 4, pp. 830-844.
- UN Web TV (2016), *The situation in the Middle East - Security Council, 7817<sup>th</sup> meeting*. [video]. Available at: <https://media.un.org/en/asset/k1v/k1vswmhlo> (accessed 29 March 2022).
- UN Web TV (2017), *The situation in the Middle East - Security Council, 7915<sup>th</sup> meeting*. [video]. Available at: <https://media.un.org/en/asset/k1f/k1f6lubdin> (accessed 14 March 2022).
- United Nations, (1957), "Report of the 1956 Special Committee on the Question of Defining Aggression, 8 October—9 November 1956", *General Assembly Official Records: Twelfth Session, Supplement No. 16 (A/3574)*. Available at: <https://digitallibrary.un.org/record/713061?ln=en> (accessed 29 March 2022).
- United Nations (1983), *Provisional Rules of Procedure of the Security Council*. Available at: <https://undocs.org/en/S/96/Rev.7> (accessed 29 March 2022).
- United Nations, "Global Issues: International Law and Justice". Available at: <https://www.un.org/en/global-issues/international-law-and-justice> (accessed 21 March 2022).
- United Nations, "History of the United Nations". Available at: <https://www.un.org/en/about-us/history-of-the-un> (accessed 21 March 2022).

United Nations, "Crimes Against Humanity". Available at: <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml> (accessed 23 March 2022).

United Nations, "War Crimes". Available at: <https://www.un.org/en/genocideprevention/war-crimes.shtml> (accessed 21 March 2022).

United Nations Department of Economic and Social Affairs, "Sustainable Development Goal 16 (SDG16)". Available at: <https://sdgs.un.org/goals/goal16> (accessed 21 May 2022).

United Nations Security Council (1947a), The Indonesia Question, Resolution 27, 1 August. Available at: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/042/23/PDF/NR004223.pdf?OpenElement> (accessed 29 March 2022).

United Nations Security Council (1947b), Documentary Material on the Indonesian Question Submitted by the Representative of The Netherlands to the United Nations, 1 October. Available at: <https://digitallibrary.un.org/record/467510?ln=en> (accessed 29 March 2022).

United Nations Security Council (1947c), 207<sup>th</sup> Meeting Record, 3 October. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL4/707/49/PDF/NL470749.pdf?OpenElement> (accessed 29 March 2022).

United Nations Security Council (1961), 952<sup>nd</sup> Meeting Record, 7 June. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N62/291/69/PDF/N6229169.pdf?OpenElement> (accessed 25 March 2022).

United Nations Security Council (2017), 7915<sup>th</sup> Meeting Record, 5 April. Available at: [https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_pv\\_7915.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_7915.pdf) (accessed 14 March 2022).

United Nations Security Council. Available at: <https://www.un.org/securitycouncil/> (accessed 21 March 2022).

United Nations Security Council, "What is the Security Council?" Available at: <https://www.un.org/securitycouncil/content/what-security-council> (accessed: 14 March 2022).

Van Der Eng, P. (1988), "Marshall Aid as a Catalyst in the Decolonization of Indonesia, 1947-49", *Journal of Southeast Asian Studies*, Vol. 19 No. 2, pp. 335-352.



Van Schaack, B. (2016), "Mapping war crimes in Syria", *International Law Study*, Vol. 282 No. 92, pp. 282-339.

Virilio, P. (1989) *War and Cinema: The Logistics of Perception*, Camiller, P. (Trans.), Verso Books, London, UK and New York, NY.

Wheeler, D.L. and Opello, W.C. Jr. (2010), *Historical Dictionary of Portugal*, Scarecrow Press, Landham, MD and Plymouth, UK.

Zelizer, B. (1998), *Remembering to Forget: Holocaust Memory through the Camera's Eye*, University of Chicago Press, Chicago, IL.

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<sup>ii</sup> Mnookin's text refers specifically to the United States. For the use of photographic evidence outside the US, see for example Carter, 2010.

<sup>iii</sup> On the impact of words in trials, see Mnookin, 1998, pp. 55–57. On the significant role the interpretative framing of the image played also within international law context, see for example the discussion on the crucial role of film captions in the Nuremberg trials in Douglas, 1995, pp. 473–474.

<sup>iv</sup> See for example: Tomuschat, 2006; Dittrich et al., 2020.

<sup>v</sup> While Douglas focused on film, other scholars pointed to the significant impact of photography (see for example Milton, 1999).

<sup>vi</sup> On the vocabulary of "Small War," see Barkawi, 2016.

<sup>vii</sup> See for example: Spivak, 2003; Anghie, 2005, pp. 8–9; Mégret, 2009; Mutua, 2002, p. 31.

<sup>viii</sup> Though there was much international scrutiny following the first "police action," Dutch military presence in Indonesia only grew during this period (Cochran, 2016, pp. 99–100).

<sup>ix</sup> On the Dutch allegation, see UNSC, 1947b, p. 16.

<sup>x</sup> Her research focuses on roughly the 1830s to 1930s.

<sup>xi</sup> Angola refers to the war as the *Luta Armada de Libertação Nacional*, or Armed Struggle for National Liberation (RNA, 2022).

<sup>xii</sup> At the time of the meeting, Portugal was still preventing the UN inquiry sub-committee from entrance to the region (Ramos, 2017a, p. 255).

<sup>xiii</sup> The photographs attest to the unequal forms of armament, showing how the rebels fight with stones and wooden weapons to hinder the fully armed Portuguese troops commanding the roads in motorized vehicles, while compelling the indigenous military forces to clear the way for passage. Photographs intended to reveal property damage instead show only white people, either owners or customers sitting in cafés, along with other clues of occupation hegemony that postcolonial critique has exposed in full.