The Smartphone as a Personal Archive : Investigating Chechnya's Anti-Gay Purge and its Impact on Future Archival Protocols

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In my first quarter at UCLA, I elected to take Professor Anne Gilliland's *Archives, Records, and Memory* as my first non-core class in the program. Throughout the course, we continually examined the historical and global role of archives as both community memory repositories, as well as records of power. Inspired by our discussions of contemporary archival and record-related issues, I wrote the following paper as a way to connect my interests in technology, privacy, and queer rights with archival practice.

We don't have any gays. If there are any, take them to Canada. Praise be to God. Take them far away from us. To purify our blood, if there are any here, take them.[1]

Introduction

In late 2016, a wave of arrests began to take place in the Russian Republic of Chechnya. Continuing into 2017, local military and police systematically captured men that were believed to be gay. Reports and first-hand accounts have alleged that these men have been abducted, arrested, tortured, imprisoned, and even beaten to death. At the center of each of these abhorrent crimes, there is a key tool that has given the state expansive access to their victims – the cell phone. Through the use of online message boards and gay dating apps like Grindr, police and military lure desired persons with the offer of a romantic or friendly interaction and abduct them. Once captured, detention center guards look through victims' phones – examining digital photographs, social media profiles, text histories, and emails to obtain information about the "accused" as well as other potential LGBTQ people.[2] In our increasingly digital world, cell phones – smartphones specifically – have become the keepers of our most "incriminating" records.

With this in mind, is there a way to protect that information from being used against us? And, specifically, can archival practice evolve to prevent or limit digital exposure during illegal state seizures? By examining these damaging technological conditions, I will use Chechnya's gay purge as a case study to demonstrate how

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[1] Brooke Sopelsa and the Associated Press, "'We Don't Have Any Gays': Chechen Leader's Remarks Concern White House," *NBC News*, Jul 19, 2017, https://www.nbcnews.com/feature/nbc-out/we-don-t-have-any-gays-chechen-leader-s-remarks-n784356.
[2] Masha Gessen, "The Gay Men Who Fled Chechnya's Purge," *The New Yorker*, Jul 3, 2017, https://www.newyorker.com/magazine/2017/07/03/the-gay-men-who-fled-chechnyas-purge.

smartphones are now repositories for personal archives and, further, advocate for practicing archivists to play an active role in securing their content.

The Purge

Over the last eighteen months or so, more than 100 men have become victims of Chechnya's recent efforts to "cleanse" their population of "subhuman" gay "devils." [3] Those imprisoned are tortured, through electrocution and other methods, until they inform on their community verbally as well as through the materials on their phones. Men have been picked up and imprisoned over and over again by the military, many for a week or weeks at a time. Some survive the camps only to disappear once returned to family custody, causing fear that widespread honor killings are also taking place with the unspoken encouragement of the state.[4] Dozens of victims have been forced to flee Chechnya for Moscow, most with the aid of Russia's LGBT Network. It appears that the Chechen government's goal is that of total eradication, which, when supported by the republic's intensely conservative Islamic culture, is very possible.[5] Their leader, Ramzan Kadyrov, has been quoted numerous times denying all

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[3] Ibid.

[4] Shaun Walker, "Victim of Chechnya's 'gay purge' calls on Russian to investigate," *The Guardian*, Oct 16, 2017, https://www.theguardian.com/world/2017/oct/16/victim-chechnya-anti-gay-purge-urges-russia-investigate-maxim-lapunov.

[5] According to Masha Gessen's 2017 *New Yorker* profile on the purge, "Kadyrov relies on a crude homespun version of Islam. Behavior including drinking (which is technically legal), drug use (which is not), women dressing immodestly, women smoking, contact of any sort between unmarried women and men, and open sexual expression is policed by law enforcement and by extended families. Islam has served as Chechnya's cultural glue for the past two decades… The pro-Moscow government that was finally installed in the aughts has harnessed much of the religious rhetoric to fortify its own power, while also persecuting anyone who identifies with strands of Islam that it deems radical. While many Chechens have only the most superficial familiarity with the Quran, their daily lives have been profoundly transformed: virtually all women now cover themselves, drinking has been severely restricted, and any hint of sexual expression has been banished."

accusations of the torture or suppression, likewise, members of the military recently

toured an alleged detention center with Vice News to prove to the US and Europe that

such "indiscretions" were not taking place. Even Chechnya's Human Rights

Coordinator was interviewed saying that there was no need for state sanctioned

eradication because any gay Chechen, aware of the republic's zero tolerance for

"sexual perversion," would leave of their own accord.[6]

Most gay men in Chechnya live double lives, often engaging in sexual activity

with other men only when they are outside of the republic.[7] Few dare to pursue

relationships with other Chechen men in Chechnya. Many have wives and children,

engaging in whatever means necessary to either suppress or hide their sexuality.[8]

Some are even married to lesbians, often thought of as a loophole through which both

parties have protection from state and familial anti-gay violence. The mere defense of

existence for *any* oppressed community living amidst extreme opposition like this is a

powerful political act. Considering the overwhelmingly anti-gay environment in which

LGBTQ Chechens are living, it is all the more traumatic that the state is utilizing

intimate personal archives as evidence against their creators and co-creators. Texts are

sent, photographs are taken, and memories are preserved and accessible through our

smartphones as a way to assert that *we are here[9]* – allowing users to create an

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[6] Hind Hasson, "Inside the Chechen prison where gay men say they were tortured," *VICE* News, Jun 20, 2017, https://news.vice.com/story/chechnya-prison-gay-men-tortured.
[7] Gessen.
[8] Ibid.
[9] "We are here" is a general reference to the representational politics of queer visibility, common throughout early historical narratives of queer placemaking in cities like New York and San Francisco as well as the AIDS documentary *We Were Here* (2011). Even more recently, the phrase has been taken up within archival literature by Michelle Caswell in her extensive research and writing on community archives.

expressive archive about themselves and their chosen families. In this vein, archivist Laura Millar argues, "the 'who, what, where, when and why' that contextualize documents gives them greater meaning and allows them to serve as evidence."[10] Millar continues, asserting that "authenticity is demonstrated if it is possible to prove that the person who *appears* to have created, sent or received a piece of evidence actually *did* create, send or receive that piece of evidence."[11]

In Chechnya, the men in question are who the state purports them to be. The who, what, where, when, and why evident in their personal archives turns that "authenticity" into proof of their sexuality and thereby proof, in the eyes of the government and most of Chechen culture, that they shouldn't exist. Unlike a lot of archival literature investigating the role of digital records in criminal cases or human rights violations, the digital records in question for these persecuted individuals are not evidence in support of an *actual* crime. Instead, they are personal records or documents created, sometimes unintentionally, in support of and shaped by their owner's identity. At the height of the purge in spring 2017, many of those aware of the threat were forced to delete content that could out them, destroying the digital version of a life they may desire but feel they can never have. Even the presence of a phone number of another accused gay person has been considered enough evidence for the police and military. One of the men profiled in Masha Gessen's *New Yorker* article recounts removing his cell phone's SIM card prior to arrest and placing it in a different

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[10] Laura A. Millar, *Archives: Principles and Practices* (Chicago: Neal-Schuman Publishers, Inc., 2010), 7.
[11] Millar, 15.

device so his phone would be unable to provide additional incriminating information.[12]

The purge in Chechnya is not the first or only circumstance wherein the authority in power deems one group of people undesirable and uses whatever violent means necessary to oppress or destroy them. Additionally, this instance is not the first or only example of a government using whatever documents they can acquire, whether created through government channels or living in personal repositories, as support in their efforts. The difference between this event and prior events is that the threat of being informed on through our own personal technology, the devices we carry everywhere, is real. Though there are numerous situations in which nothing will protect any victim from violence at the hands of a nation's military or police, I want to question and assert the role that archivists, archival protocols, and archival ethics can play in mitigating future harm caused by smartphones and the records they contain.

Personal Archives: Creation & Destruction

In order to do so, it is necessary to establish smartphones as repositories for our personal archives. Richard Cox's 2008 book, *Personal Archives and a New Archival Calling: Readings, Reflections and Ruminations,* argues the relevance of the personal archive, calling it "a kind of autobiographical assemblage"[13] whose content "gives us meaning beyond the superficial material stuff we acquire."[14] Our personal archives reflect our lived experiences, built through a combination of intentional and unintentional materials ranging from receipts to family photographs to letters to

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[12] Masha Gessen, "The Gay Men Who Fled Chechnya's Purge," *The New Yorker*, Jul 3, 2017, https://www.newyorker.com/magazine/2017/07/03/the-gay-men-who-fled-chechnyas-purge.
[13] Richard J. Cox, *Personal Archives and a New Archival Calling: Readings, Reflections and Ruminations* (Duluth: Litwin Books, 2008), 162.
[14] Cox, 186.

notebooks. Personal archives can be created in conjunction with and in opposition to government records, sometimes simultaneously telling the same story as well as alternative narratives. They give their owner the ability to share and preserve a part of themself that may be overlooked by or even kept secret from dominant society. Sue McKemmish identifies personal "recordkeeping as a kind of witnessing."[15] "It is a way of evidencing and memorializing our lives – our existence, our activities and experiences, our relationships with others, our identity, our 'place' in the world."[16] McKemmish continues to identify outward and inward files, personal records created for personal reflective purposes and personal records created with the aid of or in order to express something to outside parties.

The records we create, keep, collect, store, and share are part of identity formation in action. A personal archive is a symbol of self-preservation. McKemmish's groundbreaking "Evidence of *me*" also addresses the importance of the personal archive to people other than the creator, including archivists, for personal archives can be emblematic in revealing things about a specific communities and cultural moments. "Archivists, in particular collecting archivists, are in part in the business of ensuring that a personal archive considered to be of value to society at large is incorporated into the collective archives of the society, and thus constitutes an accessible part of that society's memory, its experiential knowledge and cultural identity – evidence of *us*."[17]

For gay men in conservative Chechnya, the unintentional personal archive serves

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[15] Sue McKemmish, "Evidence of *me*," *The Australian Library Journal* 45, no. 3, (Aug 1996): 175, accessed September 24, 2017, doi: 10.1080/00049670.1996.10755757.
[16] McKemmish, 175.
[17] McKemmish, 175.

as evidence of that community's existence. Though much of the destruction of those records is at the discretion of their creator, it is motivated by the threat of violence against them at the hands of their government and their families. In addressing the destruction of libraries and archives during the 1990s conflicts in Bosnia-Herzegovina, McKemmish notes that the destruction of cultural identity records "destroy the memory – the evidence that those peoples ever lived in that place – and (as a result) those peoples, those cultures *never existed at all*."[18] Archival violence reproduces aspects of the initial trauma that drives their destruction. To fully eliminate a group of people after genocide, ethnic cleansing, or systematic murder, governments turn to archives as a way to destroy records, evidence of existence, and a community's cultural memory.

From Cell Phone to Smartphone: Our "New" Archives

In the past, personal archives were comprised of only physical ephemera which gave way to, as Cox notes, collections made of physical documents and digital ones. Contemporary digital-centric cultures are beginning to push beyond that. Outside of cultures whose knowledge systems are heavily oral or performative, digitally mediated societies are moving closer to a realm wherein most documents are created online or through our network-connected phones. Cell phones, specifically smartphones, are where we collect a great deal of our personal information. With immense storage capabilities, smartphones are slowly replacing home filing cabinets and under-the-bed-shoeboxes. Now more than ever, receipts are digital (text, email), photographs are digital (taken with our smartphones), letters are emails, phone records

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[18] McKemmish,183.

are accessible without having to contact your service provider, texts are replacing phone calls; our records aren't paper, they're bits and bytes and variations of code. We make records, receive records, and store records on our smartphones. Though this phenomenon has been evolving for decades, Cox argued in 2008 that "still there is no consideration of the impact of the cell phone on personal (or organizational) recordkeeping."[19]

If we carry our phones with us everywhere and they act as our intermediary with the world around us, why are they and their recordkeeping implications not at the forefront of archival conversations? Beyond possessing our photographs and our texts, phones are gradually becoming repositories for all of our financial information – you can access your bank statements and information, store your credit cards, as well as connect to other digital payment apps. Both Ancestry.com and 23andme have digital apps and communicate with their users via email. This makes the entirety of a family's known genealogical history and demographic breakdowns accessible with the click of a button. Users are marketed the services through the belief that it is easier than searching for it through libraries and archives on your own. No paper necessary! The content of our records and our personal archives is not changing but, rather, the tools through which we create, store, and share them are. Proponents of these changes argue that our digital era allows for greater access and ease of use, which is entirely true. However, with this shift, there are other implications regarding how, by whom, and for what reasons these smartphone-based personal archives can be used – without our consent – by various people, corporations, and governments.

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[19] Cox, 177.

Archival Intervention & Potential Archival Practices

As I've demonstrated through the work of archivists Sue McKemmish and Richard J. Cox, personal archives play a critical role in the stories told throughout our institutional and community collections. Personal archives pull from the evidence of *us*, creating cultural narratives that are often, though not always, more multi-faceted. The personal archives people keep during times of trauma or conflict can have an immense impact on community or national memory, access to reparations, and legal pursuits of justice. With that in mind, it is crucial for archivists to consider the impact of smartphones on all facets of individual records management. The specific technological and security risks associated with smartphones need to be addressed in a more holistic way by archival theory and practice. For the men in Chechnya, I wonder if there are any archival protocols that could have helped prevent the abuse of their records.

The Electronic Frontier Foundation, a nonprofit advocacy group, has created multiple guides related to digital privacy – Digital Privacy at the US Border, Know Your Rights, and an interactive Surveillance Self-Defense guide. Each of these tools guides the user through multiple scenarios wherein the police or government may try to unlawfully access their digital records. The archival field is absolutely moving in a direction where issues like this are of greater interest, so I believe that it is possible, as archivists, to both create and share resources that can protect communities from unwarranted record seizure. If there were readily accessible archival protocols in place

for the Chechen victims, maybe some men wouldn't have been incriminated or harmed to the degree that they were. What if part of an ethical archival practice encourages community members to know how to hide or secure their SIM cards? Archivists could also advocate or help develop software that blocks outside user access to things other than a dial tone if a certain button is pressed or key-code is entered. Since personal records play a key role in building our cultural memory institutions, archivists need to consider how those records are kept secure prior to accession and find ways to ensure that the owners of said records aren't harmed because of they exist.

There are numerous ways in which the work of practicing archivists can have ramifications in protecting human rights and attempting to find closure for violations. WITNESS, for example, is an international nonprofit that trains and supports people using video in their fight for human rights. Their information heavy website features online-accessible and downloadable resource guides on things like how to navigate digital data in doing human rights research, how to receive informed consent from the people you videotape, how to livestream protests, as well as tools to verify your own digital security. There are nearly 70 guides, representing 24 languages. One of their most recently released resources is an "Activist's Guide to Archiving Video," wherein users are provided with a breakdown of the archival steps in creating, transferring, acquiring, organizing, storing, cataloging, preserving, and sharing their video.

HOW TO USE THIS GUIDE

This Guide is organized into 8 sections focused on stages in a video **archiving workflow**:

Stages in a video archiving workflow.
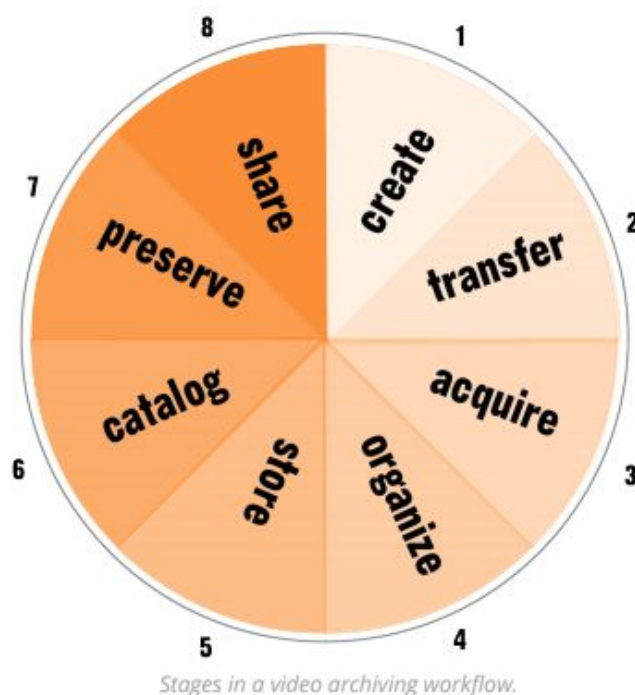
From "Activist's Guide to Archiving Video," WITNESS[20]

Though not a cyclical life cycle model, the above user-friendly diagram represents the archival elements identified by WITNESS as necessary in working with human rights video. As the document was designed under the direction of the organization's senior archivist, it touches upon multiple elements of critical archival interest and ethical archival practice for dealing with digital information – highlighting the importance of detailed metadata and controlled vocabularies, ensuring authenticity, the use of checksums to show that files have been unaltered, maintaining an unbroken chain of custody, geographical separation of digital backups, and keeping

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[20] "Activist's Guide to Archiving Video," *Witness*, Last modified 2013, https://library.witness.org/product/activists-guide-to-archiving-video/

your files in their original order. The guide also reminds users that "archiving is not a one time action"[21] and provides detailed directions to support users in donating sensitive collections to outside archives or repositories. WITNESS's emphasis on protecting sensitive information and encrypting data resonates particularly strongly with the Chechen case study. Their guide is geared toward activists and individuals – not professional archivists – which demonstrates the diverse impact that archival tools and ethical protocols can have. However, the guide does not address the specific issue of securing records contained within your smartphone nor does it fully expand upon what happens after you share a file.

There are multiple archival life cycle models for digital stewardship that advocate for a comprehensive downstream approach to digital materials from conceptualization to disposal or appraisal and reappraisal to migration, etc.[22] The Digital Curation Centre's innovative archival continuum takes into account "full lifecycle actions" like description and representation information, preservation planning, community watch and participation, as well as curate and preserve. DCC further elevates their model through the inclusion of sequential actions, each of which are accompanied by downloadable checklists to help guide users in through their processes. Despite providing an innovative, continual model for archival practice, this specific model and, actually, none of the current professionally endorsed models include mention of the importance of security or privacy. Whether that be because it is

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[21] "Activist's Guide to Archiving Video," *Witness*, Last modified 2013, https://archiving.witness.org/archive-guide/.
[22] Bill LeFurgy, "Life Cycle Models for Digital Stewardship, *"The Signal* (Library of Congress Blog), Feb 21, 2012, https://blogs.loc.gov/thesignal/2012/02/life-cycle-models-for-digital-stewardship.

implied or was forgotten, it's hard to imagine a digital archival future without a strong

emphasis on keeping your data secure at every step of the lifecycle process.
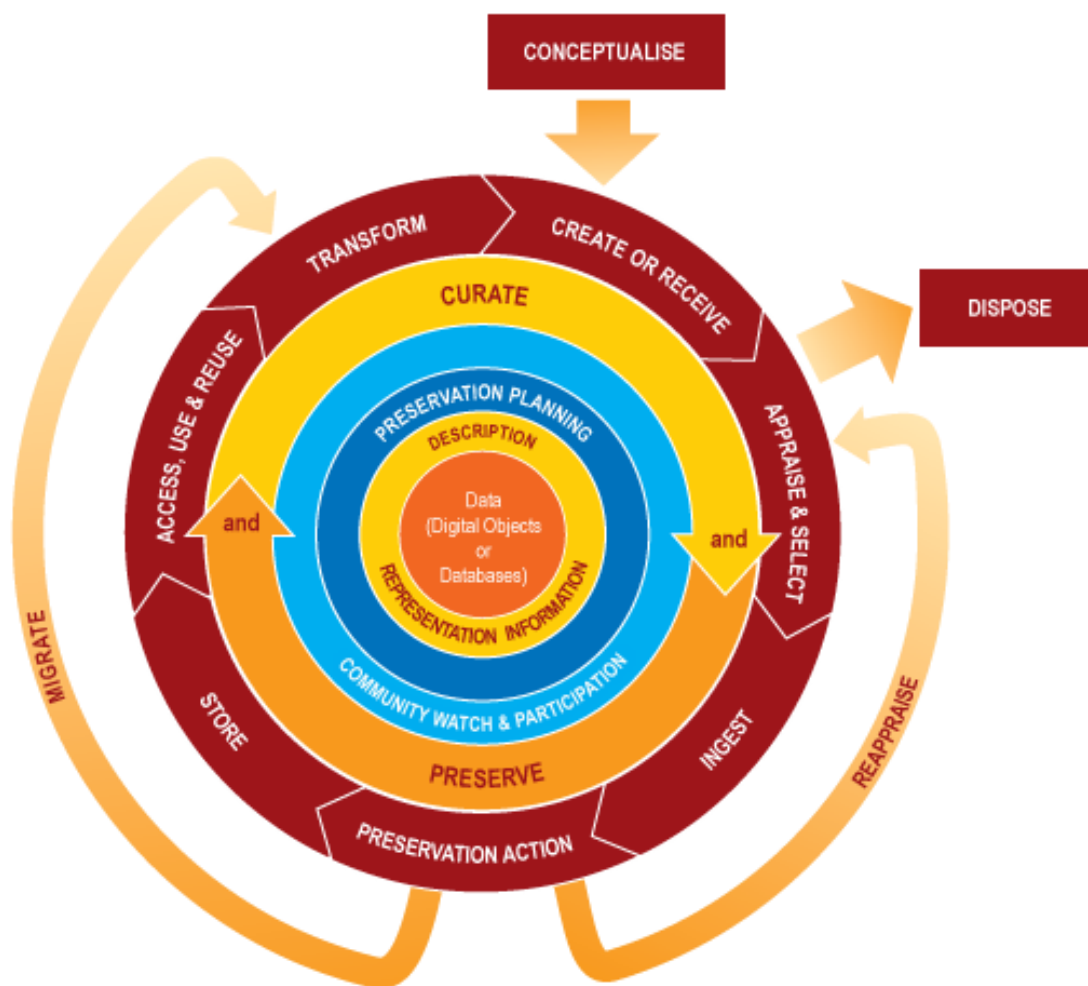
Digital Curation Centre's Curation Lifecycle Model.[23]

At this time, DCC's above model appears to be the most comprehensive in

regard to digital holdings. In considering security issues, I believe any archival lifecycle

model should also feature an additional protocol – Privacy Verification and Security

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[23] "DCC Curation Lifecycle Model," *Digital Curation Centre*, Accessed Dec 14 2017, http://www.dcc.ac.uk/resources/curation-lifecycle-model.

Assessment. Theoretically, this should be part of every step of an archival protocol, including during conceptualization and disposal. However, an adequate model for most archival uses would place a full, circular arm around everything underneath "conceptualise" and "dispose." This would encompass migration and reappraisal as well as all actions underneath. Whether one is a professional archivist managing the records of a small town or an individual managing their own personal archives, verifying the privacy of your machines, hard-drives, and smartphones is – and will continue to be – a key element in preserving and protecting your materials.

A new archival future – wherein security measures like encryption are taken during every step of assessment, preservation, and use – promises to result in better tools and systems for professional archivists and individual personal archivists. Though under that assumption, how do archivists, human rights organizations, and privacy advocates create better protocols that utilize all of these diverse concepts to better protect smartphones that carry "incriminating" personal records? Without deeper research done on the implications of unsecure personal devices and state-interception of those devices, it will be impossible for archivists and other advocates to make informed decisions for how to proceed.

Conclusion

The scope of this paper is intentionally narrow. There are several additional concerns I have related to archival interaction with smartphones – including the question of what makes a digital record valid to how to preserve them to what other security issues should be of concern to archivists and archival protocols. Other research

can and does more adequately investigate the validity of born-digital, especially

born-smartphone, documents and records. There are serious archival implications to

digitally motivated societal changes in terms of how we store and manage our digital

information. How will archives be impacted if, in 50 years, all records are from

smartphones? Will the shape of our archives evolve? Will future archivists interact with

their collections through phones and tablets? Asserting the smartphone as a new

repository for our personal archives can be seen as an introductory step in looking at

the future of archives and digital records.

Additionally, privacy concerns surrounding our personal archives are perpetually

growing as society pushes towards a world wherein all new records are digital and

transitory. As I've examined in relation to the gay purge in Chechnya, there are serious

security issues when the current gatekeepers of our personal archives – our

smartphones – fall into the wrong hands. The core of this concern extends to rising

problems like digital preemption, military-developed IMSI catchers (Stingray)[24], as well

as biometric (facial recognition, thumbprints) cell phone verification for access.

State utilization of these tools can have widespread damaging effects. In 2011,

legal scholar Danny Rosenthal introduced the issue of digital preemption, "a law

enforcement model in which a government or private party programs a digital device

(like a cell phone) or application (like an Internet browser) to eliminate opportunities to

use that device or application to break the law or engage in other conduct deemed

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[24] "ACLU Stingray Tracking Devices: Who's Got Them?," *ACLU*, Last modified 2017, https://www.aclu.org/issues/privacy-technology/surveillance-technologies/stingray-tracking-devices-whos-got-them.

undesirable."[25] Political and technological climates that allow for systems of digital preemption raises serious questions about the futures of government control over digital access to archives, smartphone applications, and our personal social media. In light of Chechnya's fervent intent to eradicate all LGBTQ persons and memories of their existence, how will their campaign and those of similar authoritarian or religiously conservative regimes expand under a digital preemption model? If a government like Chechnya can already systematically entrap and torture individuals through their physical devices and the personal records they encompass, then there are further concerns surrounding a future wherein the state possesses total control over how we obtain, preserve, and control our personal archives.

With an understanding of the ethical and legal implications of our personal records, archivists have the power to lead the practical and ethical charge for all information professionals in navigating these new territories. Further archival research should be done to expand upon the impact of smartphones on the future of personal archiving as well as how the field will maintain the privacy of sensitive records, both before and after accession.

The 2016 to 2017 anti-gay purge in Chechnya is an illustrative example of how modern personal recordkeeping practices are being manipulated by abusive state powers. The Chechen government's intense campaign against gay citizens was unintentionally bolstered through accessible records found on victim's phones. By asserting that smartphones are now repositories for our personal archives and

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[25] Danny Rosenthal, "Assessing Digital Preemption (And The Future of Law Enforcement?)," *New Criminal Law Review* 14, no. 4, (2011): 576. doi: 10.1525/nclr.2011.14.1.576

examining the security measures that could be taken to protect them, I've demonstrated the role that archival theory, practice, and ethics should play in future cases such as this. These are not just issues for lawyers or information technologists, securing the privacy of our digital devices and personal archives must fall under the jurisdiction of archivists, too.

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