

Lesson 4.1 – Interviewing Witnesses and Vulnerable Witnesses



The Lesson

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People are a valuable source of information during an inquiry because they may have directly perceived something with their senses – ‘I saw’, ‘I heard’, ‘I touched’, ‘I smelt’, ‘I tasted’. Interviewing is the process by which testimonial evidence is obtained. It is best practice that all available and relevant witnesses should be interviewed to obtain their testimonial evidence.

In almost every investigation the complainant/victim and the subject of the complaint will be key witnesses. In addition, investigators should speak to anyone with information relevant to the complainant’s or subject of complaint’s account. For example, if the complainant says s/he ran from the subject of complaint’s barracks, was this seen by anyone else? Or if the subject of complaint says s/he was with a driver on the day of the alleged abuse, can this be confirmed by the driver? The investigation may also have reason to interview persons who may not have necessarily observed circumstances that suggest possible misconduct, but who may possess evidence relevant to the matter that should be documented, such as individuals who can explain standard procedures that should have been followed or simply can provide background material useful to understanding the overall context of the allegation being investigated.

As part of the process of preparing the investigation plan, the NIO should identify relevant and available witnesses. The NIO should ask themselves ‘what people may have information or created documents or used things relating to the subject matter of the inquiry?’ If further

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witnesses become apparent during the investigation, NIO should also be prepared to revise their investigation plan accordingly.

Key Message: The most appropriate way to gather testimonial evidence from a witness is to conduct an interview, allowing the witness to describe their account of the events related to the allegation of misconduct in question. Take into consideration that such witnesses or victims may have been previously interviewed by other people, including UN staff, regarding this incident.



For an interactive start to this Lesson, ask the trainees if they have had experience in conducting interviews. Ask them to tell the group about their specific challenges associated with interviewing in sexual misconduct investigations.



Note to instructor – recommend that lesson 4.1 be presented by an instructor who has professional experience as an investigator and in interviewing witnesses and victims. The instructor should also encourage questions from the trainees and aim for an interactive discussion. All trainees should be encouraged to contribute to the group discussions and learning activities.

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Lesson 4.1 Content

- Principles of good practice in interviewing
- Principles of interviewing vulnerable witnesses
- Interviewing methodologies and procedures

This Lesson will cover the following areas:

- * Principles of good practice in interviewing.
- * Principles of interviewing vulnerable witnesses.
- * Interviewing methodologies and procedures.

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Lesson 4.1 Learning Outcomes

- List core principles and essential elements of interviewing
- Describe the special considerations for interviewing vulnerable witnesses
- Explain the PEACE model
- Explain the free recall model
- Explain the conversation management model
- List the ADVOKATE model

As is good training practice, let's review the learning outcomes.

At the end of the lesson the aim is for NIO to be able to assimilate the core principles and methodologies of interviewing. Please take a moment to read and understand the requirements:

- * List core principles and essential elements of interviewing.
- * Describe the special considerations for interviewing vulnerable witnesses.
- * Explain the PEACE model.
- * Explain the free recall model.
- * Explain the conversation management model.
- * List the ADVOKATE model.

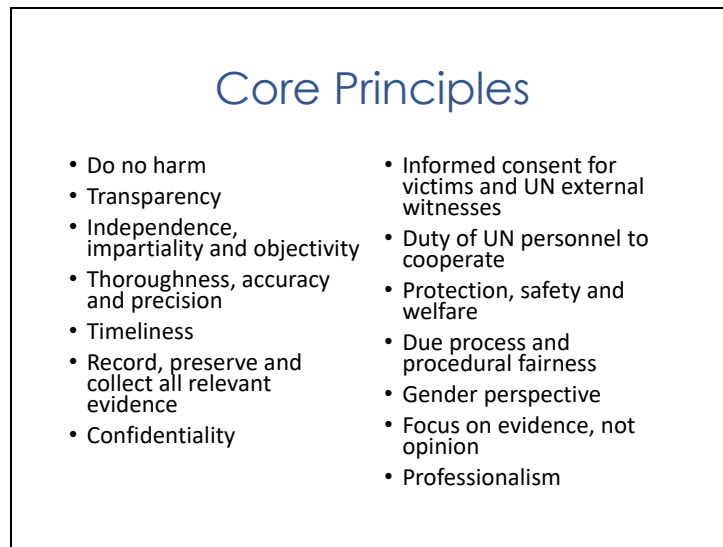
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Key Message: Investigating allegations of SEA is of particular difficulty. Often, constructing an accurate record of alleged SEA depends heavily on accounts of victims and witnesses since often little other evidence is available. Testimonial evidence obtained through interviewing is particularly important in SEA investigations, as SEA is often only reported after corroborating physical evidence of the exploitation or abuse has disappeared. If not conducted properly, interviewing witnesses and victims can compromise their confidentiality and welfare.

Moreover, talking about SEA is often extremely difficult for victims and witnesses. In this regard the composition of the investigation team is particularly important for obtaining testimonial evidence through interviewing. A well-composed team can positively influence the readiness of the victim or witness to share their experiences. Practice shows that victims and witnesses are more likely to open up to people of the same gender, age, and nationality. However, this preference may differ among individuals and cannot be assumed. Victims or witness may well have a preference on the gender of the investigator. This should be respected. This aids to a feeling of being in control and to the building of a trusting relationship with those that are present at the interview.

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The role of NIO is to gather all relevant evidence to enable an authority to determine objectively whether an allegation of misconduct is substantiated. Any investigation into misconduct, including the conduct of interviews, should be conducted with due regard to the core principles that were covered in detail in Module 3, Lesson 3.1. These key principles being:

- * Do no harm.
- * Transparency.
- * Independence, impartiality and objectivity.
- * Thoroughness, accuracy and precision.
- * Timeliness.
- * Record, preserve and collect all relevant evidence.
- * Confidentiality.
- * Informed consent for victims and UN external witnesses.
- * Duty of UN personnel to cooperate.
- * Protection, safety and welfare.
- * Due process and procedural fairness.
- * Gender perspective.
- * Focus on evidence, not opinion.
- * Professionalism.

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Interview Essentials

- Ethical conduct
- Investigating the allegations, not an individual
- Presumption of innocence
- The investigator is not the decision-maker
- The investigator does not make moral judgments relating to any aspects of the investigation
- An interview is not the same thing as an interrogation

In addition to the core principles, there are several essential elements that must be understood and implemented during interviewing:

- * NIO are expected to display ethical conduct. Ethical conduct represents values such as honesty, trustworthiness, integrity, and respect for the dignity of persons. This means principles of fairness, good faith and respect consistent with laws and regulations.
- * NIO investigate the allegations, not the individual.
- * The presumption of innocence is a key aspect of due process and must be maintained during investigations.
- * The NIO is not the decision-maker, they are the fact finder or investigator.
- * The NIO does not pass moral judgements, their role is to establish the facts of an incident and to report these to the appropriate authority for a decision. Likewise, they should not adopt a patronising attitude or act as if they know what a witness' needs are, or what they feel or need.
- * An interview is not the same thing as an interrogation.

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10 Principles of Interviewing

1. Interviewing witnesses is at the heart of any investigation
2. The aim of the interview is to discover the facts
3. Information must be complete, accurate and reliable
4. Keep an open mind throughout
5. Act fairly at all times
6. Do no (further) harm
7. Questioning is used to clarify or resolve inconsistencies in evidence
8. Some witnesses require special consideration
9. Care must be taken to identify subjects that require special consideration
10. Be sensitive to cultural background and religious beliefs

Conducting interviews is a core task of NIO investigations to gather testimonial evidence. Although there are several sources that provide information, including documentary, digital or physical evidence, interviewing human sources remains an important – if not the most important – tool when an investigator gathers evidence. Accordingly, how interviews are conducted has a profound impact on the outcome, fairness, efficiency and reliability of any investigation and its subsequent findings. NIO are bound to respect and protect the inherent dignity and physical and mental integrity of all persons during interviewing. Investigative interviewing has been found not only to prevent abusive practices, but also to improve the collection and reliability of evidence.

The aim of investigative interviewing is to obtain accurate and reliable accounts from victims, witnesses or subjects about matters under investigation. To be accurate, information should be as complete as possible without any omissions or distortion. To be reliable, the information must have been given truthfully and be able to withstand further scrutiny. Accurate and reliable accounts ensure that the investigation can be taken further by opening up other lines of enquiry and acting as a basis for questioning others.

Investigators must act fairly when questioning victims, witnesses or suspects. Acting fairly means that the investigator must not approach any interview with prejudice. The investigator should be prepared to use common sense and judgement rather than personal beliefs to assess the accuracy of what is being said. Accounts obtained should always be tested against what the investigator already knows or what can be reasonably established.

Investigators are free to ask a wide range of questions in an interview in order to obtain material which may assist an investigation and provide sufficient evidence or information. Investigators are not bound to accept the first answer given. Questioning is not unfair merely because it is persistent. An investigating officer has the duty to obtain accurate and reliable information. A complete and reliable account from witnesses, victims and subjects may not always be easy to obtain. There may be different reasons why an investigator needs to be persistent:

- * They may have a reasonable belief that the witness is not telling the truth

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- * They may believe further information could be provided.

It is acceptable for investigators to be persistent as long as the interviewing style is not unfair or oppressive. It is important to remember, however, that an interview is not the same thing as an interrogation. Additionally, people with clear or perceived vulnerabilities should be treated with particular care, and extra safeguards should be put in place.

The main purpose of obtaining information in an interview is to further the enquiry by establishing facts. This point highlights the importance of effective planning in line with the whole investigation. Investigators should think about what they want to achieve by interviewing the victim, witness or subject, and setting objectives that will corroborate or disprove information already known. Investigators should try to fill the gaps in the investigation by testing and corroborating the information by other means where possible.

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Vulnerable witnesses

- Children, the elderly, people with disabilities or serious illnesses, LGBT persons, and victims of SEA
- Balancing the need to elicit relevant information without causing (more) harm – do no (more) harm
- Remain impartial and empathetic
- Risk assessment of social, psychological, and security threats

NIO should be aware that they may need to employ certain specific measures while interviewing, particularly with vulnerable witnesses. Depending on the context and the culture, there can be multiple sources of vulnerability. Investigators should be aware of age, gender, sex race, ethnicity, disability, refugee, stateless or IDP status, and sexual orientation issues that may make a witness vulnerable.

Groups commonly identified as vulnerable witnesses include to children, the elderly, people with disabilities or serious illnesses, lesbian, gay, bisexual, and transgender (LGBT) persons, and victims of SEA. The primary consideration when interviewing vulnerable witnesses is how to elicit relevant information without causing (more) harm. As a rule, the most important guiding principle should be to do no harm. Investigative interviewing is a means to keep investigators' biases – and prejudices – in check. The role of the NIO is to gather facts and not to let personal opinions, beliefs, or attitudes cloud their judgement. Respecting the human dignity and rights of any witness by remaining impartial and empathetic is a hallmark of professionalism and a pathway to results.

Extra care should go into planning and conducting interviews with vulnerable witnesses so as to ensure that the necessary information is received during the interview whilst also ensuring full respect for the physical and psychological well-being, privacy and other rights of the vulnerable witnesses. A vulnerable witness should be interviewed in a place where they feel safe and that is confidential. NIO should conduct a risk assessment of the possible negative impacts for vulnerable witnesses who provide testimonial evidence, including social, psychological, and security threats.

It is well established that vulnerable witnesses will often not disclose fully what has happened to them until they feel they are in a place of safety. Once in a safe environment, it may still take time before victims begin to believe that they are secure and can disclose the extent of the exploitation or abuse they have suffered. A witness may not be able to provide a full account at the first meeting. This is not because they are purposefully withholding information but may be because of:

- * Fear of not being believed.

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- * Fear of what might happen next, including the withdrawal of a source of basic survival.
- * Trauma affecting recollection and memory.
- * Feelings of embarrassment or guilt.
- * Lack of vocabulary or language differences.
- * Lack of awareness that what they have experienced or witnessed is exploitative or abusive.
- * Fear of blame or rejection by close relatives and community.
- * Informal settlements reached by them with the alleged perpetrator, or by their families/communities. These can take place in the form of economic compensation paid or arranged marriage etc.

Due to their specific vulnerability, it is not recommended to interview children witnesses unless it is strictly necessary for the investigation. It may be possible to gain sufficient evidence from other sources such as corroborated witness testimony that means it is not necessary to interview children as part of the investigation. NIO should also consult Child Protection (CP) specialists within the UN Mission prior to undertaking an interview with a child.

Interviews with children should be conducted in a way that is sensitive to the developmental stage and capacities of the child. Investigators need to bear in mind that the developmental age of the child might be lower than the chronological age. This also applies to adults with learning difficulties or mental disabilities. It will necessitate consideration of, for example:

- * The pace at which the interview proceeds.
- * The appropriate length of the interview (shorter for younger children).
- * Appropriate terminology.
- * The need for breaks (toilet, refreshment).

As in the case of any witness, children should be informed of the investigation process and provided with clear information as to what to expect in the interview. In cases involving children, informed consent includes the informed consent of the child, according to their evolving capacities, and the child's parent, legal guardian or person acting as a guardian/carer, except when informing the parents or caregivers could put the child at risk (of retaliation, violence, abuse and/or neglect). Consent should be explained at the outset and obtained prior to, or in conjunction, with the provision of assistance to children. This should include the provision of psychosocial support.

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Victims of SEA

- Victim needs/victim-centred approach
- Do no (more) harm
- Seek informed consent
- Protection and confidentiality needs
- Integrate a gender perspective
- Seek assistance from UN mission specialists
 - Field Victims' Rights Advocates
 - Child Protection Specialists
 - Gender and Protection Advisors
 - Human Rights Officers

Interviews can be a distressing and re-traumatising experience for victims of SEA as they relive and remember very upsetting events, but that if handled correctly interviews can also have the potential to empower and engage victims and give them a sense of agency and control through the recording of their testimonial evidence. A victim needs/victim-centred approach to interviewing victims of SEA puts their rights, their experiences, and their needs at the forefront to make sure of an integrated response to victim assistance in line with the Secretary-General's strategy and the UN strategy on assistance and support to victims adopted by the UN General Assembly in 2007 (A/RES/62/214). Special care should be taken to reduce the risks of causing further harm or distress when interviewing any victims of SEA.

The victim's race, age, gender, caste, culture, sexual orientation and ethnicity should be given due consideration by the investigator. NIO should be aware of the role of unequal positions of power and cultural differences when conducting the interview. They should also take into consideration factors impeding open responses such as fear of reprisal, vulnerability, anxiety, intimidation, informal settlements or contravention of cultural norms. Interviews should be conducted in a safe and supportive environment.

The investigator must ensure that the witness fully understands the investigation process and is able, insofar as this is practical, to give informed consent. A key factor determining the witness's ability to talk freely is the sensitivity of the investigator/interpreter to the witness' particular experience. Witnesses who have been sexually exploited or abused are likely to have strong feelings. These might include guilt, shame, fear and perhaps anger if their source of income has been or may be interrupted. Investigators need to convey that such emotions are normal under the given circumstances. They also need to be sensitive to the pace at which the witness can proceed, and their need for breaks and so on.

NIO should not assume that it is always best for a woman to be interviewed by a woman. For example, a displaced woman may feel that women do not have much power and therefore a woman investigator would not be able to act to protect them. A young boy may not feel comfortable talking with a man as an investigator if he has suffered abuse at the hands of a man. He may have a difficult time trusting the investigator or feeling safe in their company.

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Some victims may have very strong views on the preferred gender of the investigator, and these should be accommodated wherever possible.

In addition to the above, it is important to recognise the vulnerability of:

- * Women and girls – Who are disproportionately targets of sexual violence in all contexts, including in the context of SEA.
- * Men and boys – There may be a reluctance to believe that men and boys can also be vulnerable to SEA and it may be a social taboo to admit that it exists.
- * Children, particularly very young children – There have been examples of babies being subject to SEA.
- * Disabled women and children – Myths and barriers may prevent the recognition or belief that anyone would do such things to disabled people, but where they are socially isolated, excluded from the community and dependent on others for their survival and protection they are particularly vulnerable.

Prior to an interview the NIO should:

- * Gather as much information as possible on the physical and psychological security of the victim, including the community structure of the victim and the family of the victim.
- * Take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of the victim.
- * Ensure that the victim has been medically treated and sought psychological and emotional support. If not, NIO should assist in identifying possible medical and psychosocial support options for the victim with their informed consent.
- * Victims should be asked for their preferences on the number, age and gender of investigator(s) and support staff (including interpreters) and the location of the interview.
- * Ensure that the interview takes place in a private and comfortable setting.
- * Establish whether the victim has already been interviewed by another organisation to avoid multiple accounts being given to different actors.
- * Be aware of the cultural and local norms regarding SEA and any stigma attached to it.
- * Familiarise yourself with the particular vocabulary or local figures of speech that the witness may use to describe sexual acts.
- * Depending on the local norms, practitioners should be aware that direct references to sex or SEA may be regarded as offensive. Use culturally appropriate language during interviews.

During the Interview:

- * Be aware of the impact that trauma caused by SEA may have on memory and recalling certain events.
- * Watch for signs of trauma, both verbal and non-verbal and respond appropriately in the course of the interview.
- * Pause or terminate the interview if at any time you feel the victim is suffering harm due to re-traumatisation.
- * Avoid asking for unnecessary details in order to reduce the risk of re-traumatisation.
- * Avoid asking questions that may directly or indirectly blame the victim or using offensive, rude, or shaming language.

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- * Do not press the victim for answers during the interview or ask questions aimed at provoking an emotional response or revealing something that they would rather keep private.
- * Limited the number of times a victim is required to repeat their account.
- * The interview should go at the pace of the victim.

Children, including adolescent girls and boys, are particularly vulnerable to SEA because of their age, gender, size and dependency on others. In responding to child victims, NIO shall adopt a child-sensitive approach that takes into account the vulnerabilities and capacities of the child, in a manner consistent with the Convention on the Rights of the Child: non-discrimination, best interests of the child, the right to life, survival and development, the evolving capacity of the child and their right to express one's views and have them considered.

In interviewing child victims of SEA is a high risk of re-traumatisation. Interviewing child victims of SEA should be avoided unless it is strictly and absolutely necessary for the investigation. All reasonable and necessary efforts to gain the required evidence from other sources should be exhausted prior to interviewing a child victim. NIO should also consult Child Protection (CP) specialists within the UN Mission prior to undertaking an interview with a child victim.

Further, when interviewing child victims and witnesses of SEA, practitioners should:

- * Use interpreters who have received special training.
- * Use age and developmentally appropriate language that the child understands.
- * Ask the child to share in as much detail what happened, using open ended questions and not questions which imply an answer (e.g., 'did he hurt you in your private parts?').
- * Create a child-friendly atmosphere which provides safe space for the child to talk (you may consider using drawing, mapping or dolls to assist the child in explaining what happened).
- * Pay attention to signs and clues of distress and protect the child from additional psychological harm.
- * Ensure your body language does not convey a sense of horror or shock.
- * Sit at the same height as the child, keep your eyes aligned with the child, do not bend over or look down at the child and avoid actions which may be intimidating.

A specific issue relating to child victims is whether or not to inform parents of the investigation. Good practice generally dictates that parents (or guardians/carers) should be informed as they are best placed to support and protect the child. However, there are circumstances where the decision not to inform parents might be best. This might include situations where:

- * The parent is suspected to be collusive.
- * This might subject the child to retaliation, including physical or emotional abuse, expulsion from home, or otherwise compromise the child's well-being.
- * The child does not want parental involvement and is competent to take that decision.
- * The child is unaccompanied/displaced and has no responsible adult around.
- * Evidence might be lost.

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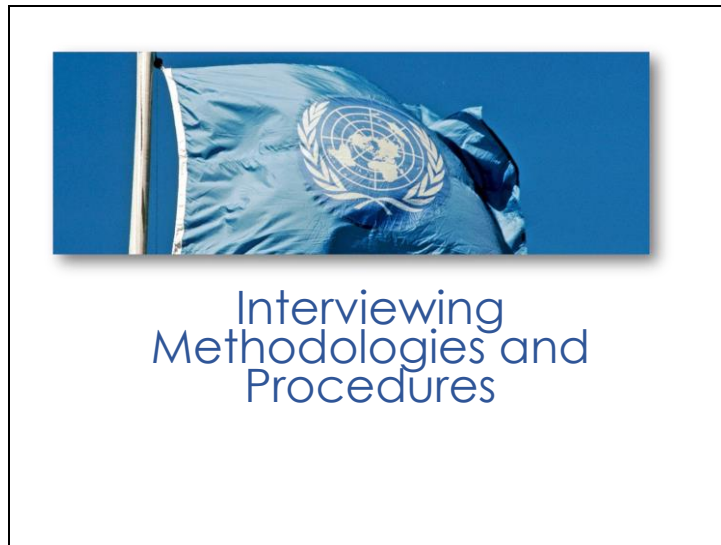
Good Practice

<p>Tips to express compassion:</p> <ul style="list-style-type: none">• Acknowledge gravity• Allow witness to vent• Demonstrate empathy• Allow witness to regain control• Make eye contact• Avoid physical touch	<p>Tips for sensitive communication:</p> <ul style="list-style-type: none">• Ask open-ended questions• Explain rationale behind questions• Use context-specific terminology for sensitive issues• Solicit the free account first, then ask more clarifying questions
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The skills needed to interview vulnerable witnesses are just as important as those needed to deal appropriately with subjects. Investigators must treat all witnesses with sensitivity, impartiality and respect for their culture and rights, while maintaining an investigative approach.

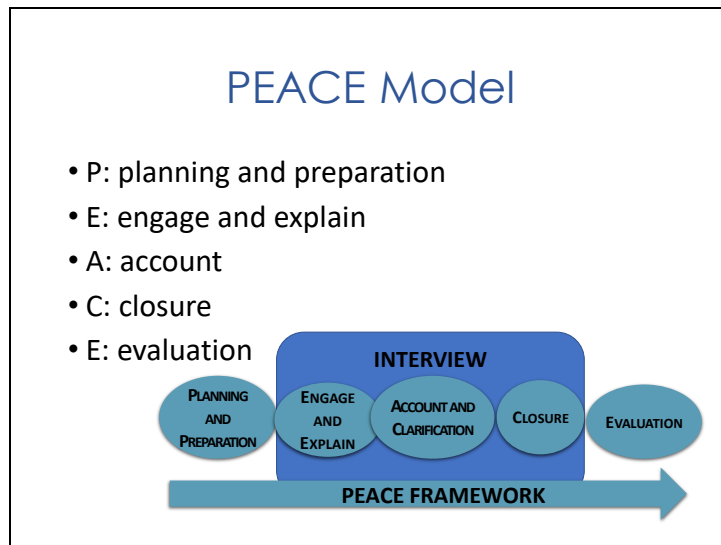
Investigators who interact with vulnerable witnesses, especially victims of SEA, need to understand the nuances and extraordinary emotional complexities involved. It is important to consider how a vulnerable witness interviews can be structured to obtain the best possible information. Vulnerable witnesses can behave in unexpected ways. Consequently, it is important that investigators do not rely solely on their behaviour as an indication of their reliability. Instead, investigators should consider whether their account fits with the other information or evidence gathered.

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UN policy mandates non-coercive interviewing, which will be discussed in the following slides on interviewing witnesses. NIOs and other UN investigators also set an important example for host nation authorities, especially if those authorities still rely on coercion or deception to extract confessions or conduct interrogations.

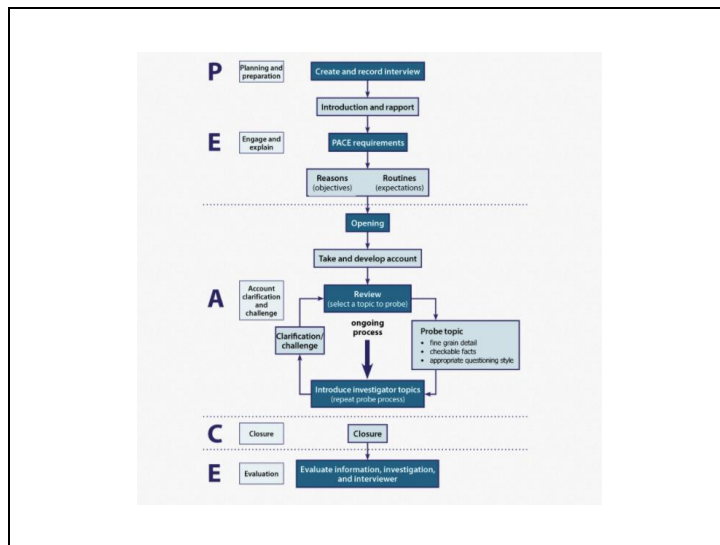
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Investigative interviewing originates from the PEACE model (planning and preparation, engage and explain, account, closure, evaluation) developed in the United Kingdom in response to a number of documented forced confessions and associated wrongful convictions in the 1980s and 1990s. The operating mandate of a field mission may require a different prioritisation of these stages, but it is important to at least take due consideration of each of the PEACE stages. It is moreover helpful to consider the PEACE process as a “circled” approach to:

- * Build rapport.
- * Discuss general topics.
- * Discuss painful/sensitive topics.
- * Return to general topics.
- * End in present/future on more positive note.

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The PEACE model progresses between different phases of an interview – planning, engage and explain, account and clarification, closure and evaluation. Working through this model:

Before the interview:

Step 1. Plan and prepare:

- * Case-related preparations.
- * Physical preparations.
- * Mental preparations.

During the interview:

Step 2. Introduce and build rapport:

- * Start audio or video recording.
- * Engage and explain.
- * Legal requirements.

Step 3. First free account

- * Introduction.
- * Active listening.

Step 4. Clarify and disclose

- * Theme structuring.
- * Questioning.
- * Strategic disclosure of evidence.

Step 5. Close the interview

- * Summarise.
- * The way forward.

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After the interview:

Step 6. Evaluate:

- * The information.
- * The investigation.
- * The interview(er).

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Step 1: Planning and Preparing

- Conduct a risk assessment
- Prepare an interview plan and questions
- Identify care and refer to appropriate care providers
- Familiarise oneself with the context and local customs
- Where needed, carefully select reliable interpreters
- Choose a safe, private and culturally appropriate and comfortable location
- Prepare documents, diagrams, photographs, and maps to show to the witness
- Determine a safe and confidential system for recording, transporting and storing information
- Bring drinking water for everyone, snacks if possible, and ensure that there is a bathroom available

Planning and preparation is one of the most important steps in interviewing. Without proper planning, interviews may fail before they even begin. Planning is a process of getting ready to interview physically, mentally, and strategically. Preparation covers what needs to be ready prior to the interview. Investigators can save time through proper planning. Solid preparations reduce the likelihood of having to re-interview victims, witnesses, and/or subjects.

This is one of the most important phases in effective interviewing. The success of the interview and, consequently, the investigation could depend on it. A planning session that takes account of all the available information and identifies the key issues and objectives is required, even where it is essential that an early interview takes place. Investigators should consider the following:

- * Create and record the interview plan.
- * Characteristics of the witness.
- * Practical arrangements.
- * Making a written interview plan.

Witnesses may have protection concerns in providing statements. NIO should ensure that key protection steps in relation to each witness are put in place. In particular:

- * Identify a secure location to interview witnesses.
- * Keep participants in the interview to a minimum, and make a cultural and gender-sensitive choice, including in the selection of an interpreter.
- * Conduct a risk assessment, with information provided by witnesses prior to the interview about any possible safety and security concerns.
- * Classify the witness as sensitive if they would be in jeopardy if his or her involvement in the investigative activities becomes known.
- * If the witness needs urgent medical or psychological assistance, arrange such assistance as a matter of urgency, with their consent, and prior to conducting the interview.
- * Consider measures (such as arranging psychosocial support) to address the possible traumatisation of the witness and potential secondary traumatisation that you, the NIO, may experience.

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- * Assign a pseudonym for the witness when storing the information provided and ensure that his/her personal identifying information is locked away in a secure location separate from their statement/summary.

An investigative interview takes place in the context of an investigation. Therefore, all case related preparations need to be considered in connection with the investigation as a whole. Case-related preparations are crucial to maximise the investigative and evidential value of the interview and thereby advance the investigation. How can the interview bring the investigation one step further? Hence, in an ongoing investigation, the investigator must have a good overview of the information and evidence obtained by reading the available case files. Next, knowledge gaps, meaning information that is lacking, should be identified. This is information that an investigator should anticipate the witness can provide during the interview, which will help to fill the ‘information gaps’.

How can the person you are about to interview provide you with information that can shed light on the case under investigation? What may have happened? Who was involved? Where, when, how, and why? What are the legal points to prove? How do you obtain information that meets established standards of proof? If evidence has already been collected in the case, what is the available evidence? What misconduct is alleged and does the evidence support the allegations?

The NIO must familiarise themselves with the information collected during other parts of the investigation and consider what information the witness can potentially provide, what facts they can speak to and how this might fit with the rest of the information collected, e.g. whether they are likely to have any (specific) knowledge of the issues relevant to the investigation, such as identifying what happened, identifying direct perpetrators or providing corroborative information.

Upon learning about an incident, an NIO may begin to form hypotheses about what may have happened. Be aware that in this phase, investigators are particularly vulnerable to forming opinions that will later be very difficult to let go of. People tend to get stuck on their initial hypothesis, even when they receive information that indicates that it is incorrect. It is not unlikely that one can ignore, or fail to recognise, such contradictory information, even when it is based on solid evidence.

The phenomenon described above is part of what psychologists refer to as cognitive biases. Terms from more everyday language such as tunnel vision and self-fulfilling prophecy refer to somewhat similar phenomena. What influences investigators at this stage is a mixture of at least three such biases:

- * The primacy effect: That the information acquired early in a process is likely to carry more weight than information acquired later.
- * Belief persistence: That a belief or opinion, once it has been formed, is very resistant to change, even in the face of compelling evidence that it is wrong.
- * Confirmation bias: The tendency to seek evidence that confirms your initial hypothesis, ignore contradictory information, and interpret ambiguous information as supportive of your opinion.

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Physical preparations are vital. NIO need to decide where and when the interview should take place. The timing, environment, and details will always affect the result. Try to ensure conditions that prevent disturbances, enhance good communications, and allow for mental concentration and the necessary documentation. The safety and confidentiality of the witness is a key consideration. The NIO also has an obligation to ensure that all interviews are conducted in an appropriate environment, at a reasonable time, and for a reasonable duration with breaks as needed.

It is recommended that all interviews, no matter the length or importance, at a minimum are audio recorded. For this to run smoothly, some preparation is required. This requires insuring a good recording environment (not too much background noise), the necessary power supply, and sufficient data storage. You also have to decide whether a report should be written during or after the interview. Are the seating arrangements comfortable? Are pen and paper present so that the witness can draw and explain? How many of these details you will be able to attend to varies depending on timing, resources, and the nature of the case; however, no interview will be better than its preparations. By showing respect to the need for physical preparations, one shows respect for the situation and the person being interviewed.

Mental preparations entail getting psychologically ready to conduct an interview. A good investigator should never rush into an interview without at least quick mental preparation on how to meet and greet the witness, how to handle the situation professionally, and how to best execute the interview plan. Investigators have to be flexible, as unexpected situations may arise during the interview. Investigators will have to rethink and sometimes act quickly when they receive unexpected information. It is difficult to act properly in such scenarios without planning.

Professional investigators must be prepared to address the behaviours of the witness constructively, even when frustrated or challenged. Investigators should focus on maintaining rapport and promoting an environment conducive to achieving their aim of obtaining relevant, accurate, and reliable information. They should be aware of their own emotions and feelings and how they contain and control these in a way that does not impede the progress of the interview.

NIO in the field frequently experience serious obstacles to implementing practicalities and safeguards optimally. The key is to find a location where the witness will feel safe and where the interview will not be interrupted. It is important to develop a plan and routine that meet the minimum requirements of the safeguards and the interview situation. Recording devices are portable, and appropriate seating can be improvised.

Proper planning and preparation for an interview with a witness is of paramount importance and will benefit the quality of the account taken. NIO should:

- * Consider that a witness may need some time to accustom to the situation of the interview and feels comfortable enough to express him or herself.
- * Try to schedule enough time for an interview.
- * Anticipate potential issues that may arise during the interview and how to respond. For example, a victim/witness may become distressed, and they may have concerns about

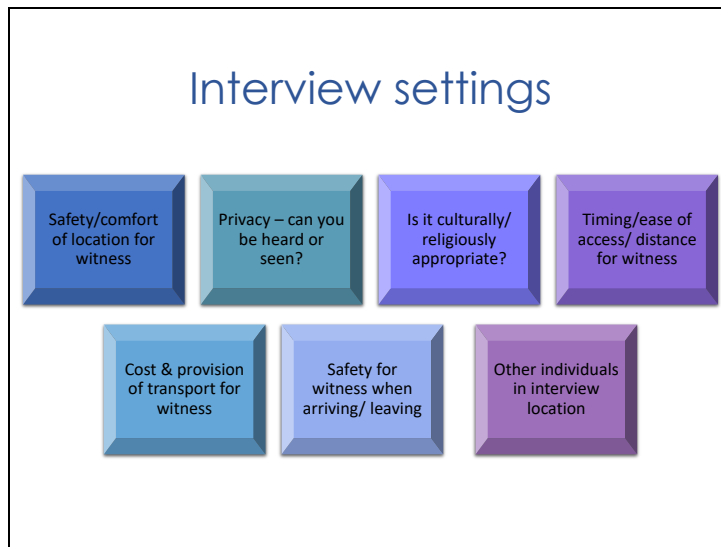
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security and confidentiality. Create a safe and supportive environment in which witnesses feel comfortable.

- * It is crucial to prepare a safe, secure, and sufficiently private location for the interview, to allow a victim/witness to speak openly, without fear of being overheard by third parties. Providing a safe location minimises the risk that the identity is revealed of those that share information and contributes to the building of a trusting relationship between investigator and witness.
- * Be aware that for security reasons, the witness' own house will often not be a suitable location for the interview.

Where should witnesses be interviewed? The location of the interview will depend on the available facilities and how, in the circumstances, it can best ensure that the witness remains confidential. It is generally better to conduct interviews in person. If this is not possible investigators may arrange an interview by telephone, video-conference or e-mail exchange. They should make sure to include a note in the record on how the interview was conducted and why.

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This section deals with interview settings and the trainer should ask the trainees about their experiences in this regard? Some may only have interviewed in offices or interview rooms, some may have conducted interviews under trees in camps or in dry river beds.

Key Message: The NIO must understand that the perfect interview location will not always be available to them, and that they must prioritise the comfort, security and convenience of the witness when choosing the interview setting. The NIO should consider not only the overall location (its neutrality; security; auditory and visual privacy; accessibility for witness; and transport options), but also the particular space in which the interview will take place (indoors or outdoors; seating arrangements; and cultural considerations).

The NIO must consider the time and location of the interview, the gender of the investigator, the language of the interview (and interpretation requirements), and the appropriateness of support persons. For interviews with children guardians are mandatory.

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Planning and Preparation Checklist

- Who needs to be interviewed and in what order?
- How will this interview contribute to the investigation?
- How does it relate to known or unknown information in the case (i.e. what other investigative actions should be prioritised)?
- What is known about the witness?
- Why is information from this particular person important?
- Which safeguards apply?
- Is there urgent additional information that needs to be obtained?
- Is the witness physically and psychologically fit for the interview?
- Are the practical preparations for the interview in order (including venue, logistics, functioning equipment, exhibits, potential physical evidence, seating and interpreter)?
- Am I mentally prepared and motivated for this interview?

Planning and preparation gives the investigator the opportunity to:

- * Review the investigation.
- * Establish what material is already available.
- * Decide on what the aims and objectives of the interview are.
- * Every interview must be prepared with the needs of the investigation in mind. How the material is obtained during interview helps to establish the accuracy of the matter under investigation and should be considered carefully.

The following questions may be helpful at this stage:

- * Who needs to be interviewed and in what order?
- * Why is a particular witness viewpoint so important?
- * What information should now be obtained?
- * Should the witness be interviewed immediately, or would it be more useful to wait until more information has been obtained about the circumstances of the offence from other sources?

Individual characteristics should be taken into account when planning and preparing for an interview. Although not an exhaustive list, these may include:

- * Age – knowing the witness's age helps to determine the best time to undertake the interview and whether an appropriate adult/interview supporter is required.
- * Cultural, educational and linguistic background – this can affect the way a person prefers to be addressed, the language that needs to be used and the register. It and may also indicate the need for an interpreter.
- * Religion or belief –investigators may need to take prayer requirements into account.
- * Domestic circumstances – this can help to identify other people who may be useful to the investigation, e.g. family, associates or neighbours.
- * Physical and mental health – knowledge of an existing medical condition and ensuring that appropriate facilities are used disability.
- * Previous contact with authorities and the UN.

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- * Sex and gender – it is important to consider the sex (female, male, intersex) and the gender (socially constructed identities, attributes and roles of persons in relation to their sex and the social and cultural meanings attached to biological differences based on sex) of the witness, particularly in relation to SEA investigations.

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Interview Plan

- Identify all the evidence (what are the grounds for suspicion?)
- Identify all possible explanations for the evidence (alternative hypotheses)
- How can I obtain information from the interview without giving away the evidence?
- Which topics must be ‘funnelled down’ in order to search for information that might support alternative stories or interpretations of the available evidence?
- Identify all topics and organise them into a natural order.

The interview plan summarises the aim(s) of an interview and provides framework for questioning. It can increase the confidence of the investigator and provide the flexibility to conduct a professional and effective interview. A written interview plan should be used for key witnesses. It should include:

- * All the evidence (what are the grounds for suspicion?).
- * All possible explanations for the evidence (alternative hypotheses).
- * A plan for obtaining information from the interview without giving away the evidence.
- * Topics that must be ‘funnelled down’ in order to search for information that might support alternative stories or interpretations of the available evidence.
- * Topics are organised into a natural order.

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Step 2: Engage and Explain

- Create an empathetic and respectful relationship from the outset
- Inform the witness and ensure that they understand the purpose of the interview, the legal requirements, and their legal rights
- Provide information about audio/video recording
- Explain the reasons and background, as well as the formalities and procedures for the interview, such as the following:
 - That what the witness has to say is important, so they need to report everything they can and try their best not to leave anything out
 - Not to leave out any information, even if they believe it has no relevance to the matter being investigated
 - That they need to concentrate because striving to retrieve memories can be hard work
 - That they should feel free to speak up if they do not understand, do not know have an answer, feel misunderstood or are asked leading or inappropriate questions
- Provide a roadmap for the interview, which means giving a basic explanation of the topics the interview will cover (refer to the interview plan)
- Make sure that the witness has understood the above and how it applies to the situation at hand

The first step to encouraging conversation is to engage the witness. Establishing good rapport with the witness is key to ensuring productive interviews. The aim is to form a professional and constructive relationship between the investigator and the person being interviewed.

The purpose of the engage stage is for the investigator to introduce themselves and to tell the witness why they are being interviewed. The engage stage is also important for gaining the witness' trust and enabling the witness to feel like they can give a full and frank account. To establish rapport, the investigator should:

- * Introduce themselves and anyone else present at the interview.
- * Explain the roles of everyone at the interview.
- * Clarify the purpose of the interview, without giving details of the allegations.
- * Clarify investigation processes and the possible consequences of the investigation.
- * Explain the obligation of confidentiality for both investigators and the witness.
- * Clarify the ground rules and ask the witness if they would like to add any other.
- * Ensure the witness knows her/his rights and obligations. This includes receiving informed consent from non-UN witnesses and advising UN witnesses of their duty to cooperate and their right to remain silent only on the grounds of self-incrimination.
- * Offer the witness refreshments and inform them that they are entitled to reasonable breaks and refreshments during the interview.
- * Make small talk on neutral subjects such as the journey to the interview location, the weather on the day of the interview, how long the witness has lived/worked in the area, etc.
- * Explain the need for taking notes and for recording the interview.

The interview would usually start with the investigator introducing themselves:

- * My name is/you may call me ...
- * How would you like to be addressed?
- * I am ... (i.e. NIO and role in the investigation).

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NIO must be aware that being interviewed can make people nervous, and conversation that calms the witness may be needed. The investigator should engage the witness in a calm and respectful way. The goal is to create a conversation that demonstrates mutual respect and stimulates memory and communication – this should be sustained throughout the interview.

NIO should seek to reduce anxiety by explaining what will happen during the interview. Explaining fulfils further aims. By communicating the practical steps of the interview and opening up for questions, the investigator creates a shared understanding of the proceedings and purpose of the interview. This in turn contributes to building rapport. Second, it provides the investigator with an opportunity to inform the witness of their rights. The NIO should be aware of the legal requirements applicable in a given interviewing situation and ensure that witnesses are informed and understand their rights. Non-UN witnesses must have their right to informed consent respected, protected and fulfilled. UN personnel have a duty to cooperate with an NIO investigation, but they do have the right to remain silent in situations where they believe they may incriminate themselves. NIO should emphasise that all that is expected from the witness is that they tell the truth. They should explain that they are not there to seek particular information or to coach them.

Explaining typically also includes information about how the investigator plans to conduct the interview, for example:

- * I will start by asking you some questions about ...
- * I want you to provide me with a detailed and accurate account, therefore, I will try not to interrupt.
- * We have at least ... hour/s at our disposal.
- * Do you have any questions before we start?

It is useful to explain to the witness that although the intent of the interview is to establish certain facts and issues, it is the witness's opportunity to explain their involvement or non-involvement in the incident under investigation. Investigators should encourage the witness to voice anything which they feel is relevant, explaining that as much detail as possible is required. The witness should be reassured that they will not be interrupted. It may be appropriate to ask the witness to fully consider any question they are being asked before they answer.

Audio or video recording provides a safeguard against abuse and misconduct, improves evidence gathering, protects NIO against false accusations, and is beneficial for training and evaluation. Recording the interview has many advantages, including the following:

- * It allows the investigator to focus on the interview rather than typing all the information manually or taking notes (reduces cognitive overload).
- * Recording enables the investigator to actively listen and improves communication with the witness. Consequently, the witness can provide their account without constant interruptions.
- * Recordings preserve the most important evidence – testimonial evidence – in its original form.
- * Recordings produce a full and valid representation of the information provided and how the interview was conducted (they secure evidence and minimise miscarriages of justice).

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- * Recordings can protect investigators against false accusations of abuse, coercion, or manipulation or of failing to follow procedural rules.
- * Recordings can help in organising and thereby analysing the information provided.
- * Recordings are great tools for evaluation of and feedback on interviews, and for training and research, leading to more professional investigations.

When recording the interview, the practitioner should:

- * Ensure that details of the witness' account are recorded properly, including locations, dates and times.
- * Consider asking the witness to sketch any locations onto a separate piece of paper which should be handled as physical evidence.
- * If the witness provides any documentary, physical or digital evidence, ensure that it is identified and described by the witness during the interview.
- * If the witness nods or shakes their head the investigator should state that they have done so.

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Step 3: Account

- Create an empathetic and respectful relationship from the outset
- Introduce and explain the form and purpose of the free and uninterrupted account
- Hand over the initiative ('give the floor') to the witness
- Employ active listening while the witness presents the free and uninterrupted account
- Organise and break down the received and relevant information into topics for further clarification in the next phase

Having initiated rapport building, received informed consent from non-UN witnesses or advised UN witnesses of their duty to cooperate and their right to remain silent only on the grounds of self-incrimination, explained the ground rules for the interview and clarified any possible questions or safety concerns by the witness, the investigator should now allow the witness to present their uninterrupted (free) account of the case (or event) under investigation. It is essential that the witness is provided with the opportunity to present 'their story' before more detailed questions are asked. During this step, the investigator should first explain what they would like a free account of ('the case'), should provide its time and place parameters, and should encourage the witness to 'tell everything and include all details'. Following this the investigator should employ active listening to obtain the witness' uninterrupted account.

The purpose of the free account stage is to obtain an uninterrupted account of events from the witness. To stimulate free narrative, the investigator should:

- * Ask very open questions e.g. "Can you tell me about your duties?" or "Can you tell me in your own words what happened on...?"
- * Use neutral prompts that relate to the witness' account (without referring to other witness' testimony) e.g. "And then what happened?"
- * Repeat key phrases.
- * Ask for further clarification as appropriate.
- * Adopt an "active and neutral listener" posture – without showing signs of agreeing or disagreeing with what is being said.

The investigator should not interrupt or clarify ambiguities at the free account stage. If unsure of something, the investigator should make a note to return to it in the clarification phase. Using this approach helps to build rapport and prevents the investigator from contaminating the account being given.

Listening is not a passive activity. It is a vital skill that allows the investigator to actively process the information that is being provided by the witness. It entails noting gaps and inconsistencies

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in the witness's account and identifying the topics raised by the witness as they arise and when summarising. Non-verbal communication can be applied to communicate to the witness that you are listening actively to their account, and prompts may be necessary, for example nodding while saying, 'Carry on', 'I understand', 'You were saying ...?' and so on.

The investigator should take care not to inadvertently lead a witness by using verbal or visual cues or feedback, including sounds and gestures, that could be interpreted as agreeing or disagreeing with what the witness is saying. For example, saying 'Right' might appear to indicate approval, and 'Really?' might suggest doubt. Although it is likely that the investigator will be taking some notes during the interview, they should be careful not to let this get in the way of active listening. The use of electronic recording reduces the need to take detailed notes.

Sometimes during interviews communication stops and silence ensues. For the investigator, these moments of silence may seem longer than they really are, and investigators may experience the silence as awkward. A common impulse is to ask more questions, but this is usually not the correct approach. Witnesses may be hesitant for several reasons. They may be thinking and trying to recall details that might be important for the investigation. They may struggle emotionally prior to revealing unpleasant, embarrassing, and perhaps incriminating information and may need time to compose themselves and to find the right words. Investigators should not stare when witnesses are thinking and retrieving details from their memory, as this can be disruptive.

In such situations, silence represents something positive and should not be broken by the investigator. Allow the witness to think and concentrate. Hence, active listening and the use of silence are vital tools to encourage the witness to expand on what has been said and to add extra detail or a further account of the events. If there are doubts about the truthfulness or the accuracy of the free narrative the investigator should not interrupt. The witness should be permitted to state their version of events.

If an SEA victim has alleged in their free account that they have been the victim of repeated abuse but have not described specific incidents in any or sufficient detail, specific questions can be employed to try to clarify the point. In considering how best to assist them to be more specific, the investigator should bear in mind the difficulties victims might have in isolating events in time, especially when the multiple events follow a similar pattern. A good strategy in isolating such specific events is to enquire about whether there were any incidents which were particularly memorable or exceptional.

The investigator should not draw negative inferences from incomplete and inaccurate accounts, even when they appear to be untruthful. Subjects may withhold information or lie for other reasons than guilt when being interviewed. Equally, victims and witnesses may withhold information for various reasons not related to the case. The objective during the interview is not to judge, normalise, or conclude, but simply to gather relevant, accurate, and reliable information about the matter under investigation. Details from the statement will provide information that can be checked later and that may strengthen or weaken the hypothesis the investigator needs to investigate and, as such, reduce doubt about matters under investigation.

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The process of gathering information through interviews and the use of free accounts and open-ended questions are metaphorically comparable to fetching water from different interconnected sources in the mountains and bringing it down to a well. You should consider your investigative topics as tiny ponds that have to be emptied in order to discover if they do or do not hold information with relevance for the investigation.

Asking closed questions that lead to short answers is like going up to the mountains and returning with one bucket of water at a time. Instead, by using open-ended questions, you can connect a hose between the water source (the witness's memory) and 'the well' (your file where you stockpile information) and ensure a continuous flow of water. This flow of water is like the information flowing from a free and uninterrupted account. Your task is to make sure that the information keeps flowing. When it starts to flow, you employ active listening to ensure that you get a continuous flow, until the topic is exhausted.

Ask the witness to chronologically explain the details of the relevant events he/she has witnessed. Depending on what the witness knows, this may include:

- * The events they have witnessed relevant to the investigation
- * Whom they saw, where and when they saw them and what happened.
- * Identification of the perpetrators and/or a full description of their physical characteristics (including their clothing, vehicles, etc.)
- * Words spoken by the subject and by other people relevant to the investigation
- * Anything else of relevance that might assist in determining the credibility of the account

Active listening assists the investigator to establish and maintain a rapport. This then enables them to:

- * Identify topics during the interview and manage the conversation.
- * Communicate interest to the witness in their account.
- * Identify important evidential information.

If the investigator follows these steps the chances of obtaining a detailed and accurate account increases significantly.

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Step 3: Clarification

- Revise your interview plan so that new topics which might have arisen during the first free account are also included in a natural order
- Inform the witness that you at this stage will invite them to expand on topics with potential relevance to the matter under investigation
- Tell the witness that you will start this phase with open-ended questions in the same way as in the first free account, but now with specific questions, and then perhaps follow up with more detailed questions before you summarise and move to the next topic
- Now introduce the first topic and start the funnelling; use active listening, and remind the witness of the importance of details. During this step, you should cross-check the information provided in the interview with your available evidence
- After all the topics have been funnelled down, all inconsistencies of importance should be disclosed one by one, with a clear invitation to explain how these inconsistencies might have arisen

Having actively listened to the first, free account, the investigator should now expand on and clarify all of the relevant matters in the case, one issue at a time. A topic can be defined as a section of a full story broken down into defined, specific parts that directly or indirectly might be relevant to the investigation. An essential part of the clarification stage is how and when investigators disclose evidence during interviews.

In the clarification phase, the investigator clarifies the information the witness has already given and to help the witness give relevant information they was unable or unwilling to give during the free narrative. Types of questions are:

- * Open-ended questions (e.g. “Tell me more about...”).
- * Specific questions (e.g. “What happened after you went back to...?”).
- * Closed questions (e.g. “What was he wearing when...?”).
- * Investigators should avoid asking leading questions (e.g. “Was he wearing a red shirt?”) as these may distort the witness’ testimony.

Remember:

- * Be courteous, objective and professional.
- * Ask direct and simple questions.
- * Regularly confirm information provided by the witness.
- * Ask the witness to clarify ambiguous terms or information.
- * Conduct the interview at the pace of the witness.
- * Give the witness time to think and to answer questions without interruption.
- * Record the time the interview begins and ends, any breaks in the interview and any absences of participants from the interview room.
- * Don’t use vague language, jargon, acronyms or euphemisms.
- * Don’t use long, leading or compound questions.
- * Don’t give feedback on the witness’ testimony, even unintentionally through face expressions and voice inflexions.
- * Don’t make moral or legal judgements.

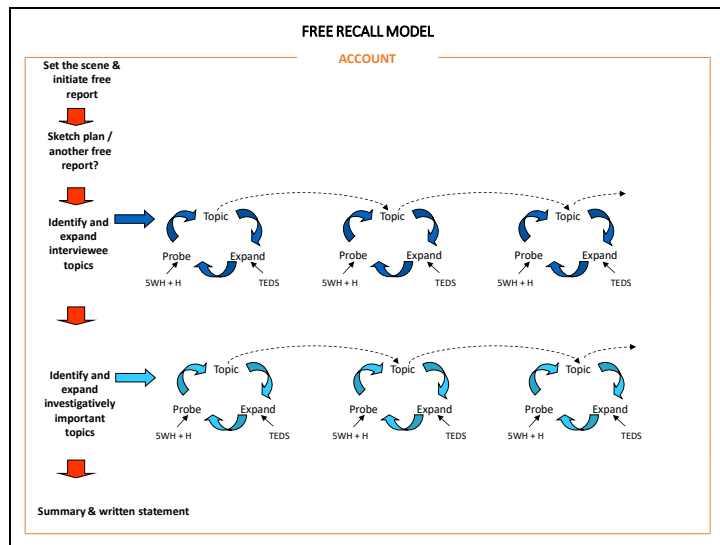
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Discrepancies between the witness's story and other evidence in the case will have to be identified and thoroughly explored. Explore gaps and inconsistencies, but do not assume that they must be eradicated – they are sometimes indications of reliability and credibility, and not the converse. If there are inconsistencies, take the witness back through their story step - by-step. Ask them to clarify or explain why they believe events unfolded in the manner in which they describe and try asking your questions in a different way. If you still cannot reconcile an inconsistency, note it and move on. The NIO job is merely to identify the discrepancy, pursue it, and document it for the investigation.

Many investigators find it helps them to write down the questions beforehand – particularly questions that are difficult to word, or risk giving away information traceable to other witnesses. Investigators might want to brainstorm potential lines of questioning beforehand, to be prepared for various different responses – but this should not close the investigator off to unexpected lines of enquiry.

At first glance, the investigative interviewing model may look like a process that flows in a straight line and that investigators rigidly work their way through the steps, one by one. This is not necessarily the case. A witness may have mentioned a particular car in their first, free recall of the event. Knowing that this car may be an important evidential topic, the investigator will take note of it and continue with active listening to allow the witness to recall the sequence of events. Entering the next phase of the interview (clarification and disclosure), the investigator should invite the witness to provide a new free account, this time about the specific topic: 'Please tell me, in detail, everything you can remember about the car.' The same questioning techniques, including active listening, will apply.

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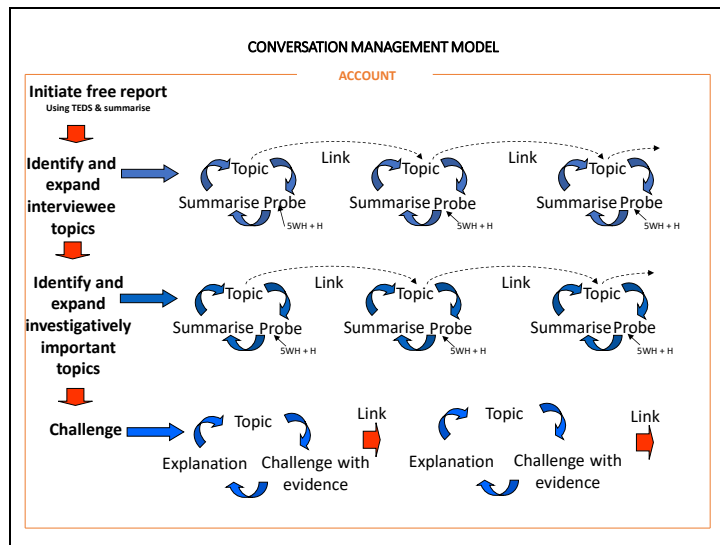


Free recall is the main technique for interviewing co-operative witnesses in the majority of situations. This is a system which can be used in interviews to encourage witnesses to put themselves back into the situation they were in when they witnessed the incident.

A free recall interview includes:

- * Asking the witness to provide an account of the relevant event(s) in their own words.
- * Adopting a posture of active listening, allowing the witness to pause, and using minimal prompts that do not go beyond the witness's account.
- * Reflecting back what the witness has said, as appropriate.
- * Avoiding interrupting.
- * Identifying manageable topics or episodes in the witness's account to be expanded on and clarified.
- * Systematically probing each topic or episode, beginning with open questions using words such as tell me, explain, describe, before moving on to closed-specific questions (e.g. what, where, when, how and why).
- * Avoiding topic-hopping (rapidly moving from one topic to another and back again).
- * Avoiding multiple questions.
- * Using forced-choice and leading questions only if it is essential to do so.
- * Systematically probing any information important to the investigation that the witness has not adequately covered.

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The other major interviewing technique used in investigative interviewing is ‘conversation management’. This was developed specifically for use on unwilling witness, that is witnesses who remain silent, who give ‘no comment’ responses, who are non-cooperative, hostile, lying, evasive, etc. In these interviews the investigator has to take control much earlier in the interview and manage it differently from interviews with willing subjects.

It would be simple to assume that it is appropriate to do a free recall interview with victims and witnesses, and a conversation management interview with subjects – the underlying assumption being that witnesses are willing to provide information and subjects are unwilling. Experienced investigators know that this is not necessarily the case.

The main difference between free recall and conversation management is the extent of control needed to be exerted by the investigator, and that it includes a challenge stage where the investigator uses evidence or inconsistencies to challenge the witness’s version of events. As with free recall, a PEACE framework is used, but the investigator has to be more acutely aware of the verbal and non-verbal behaviours between themselves and the witness, and possible third parties. During the account stage of the interview, the investigator must be able to manage varying levels of witness resistance.

Conversation management is founded on three core elements in order to build a working relationship with any witness. The three elements of conversation management are reciprocity, response, and a managed conversation sequence. These allow the investigator to maintain control over the interview while generating high quantities of relevant information.

Reciprocity requires self-disclosure and the building of trust and respect on the part of the investigator in order to build the bridge necessary for the open dialogue between investigator and witness.

Response is an acronym for:

- * Respect.
- * Empathy.

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- * Supportiveness.
- * Positiveness.
- * Openness.
- * Non-judgmental attitude.
- * Straightforward talk.
- * Equals talking ‘across’ to each other.

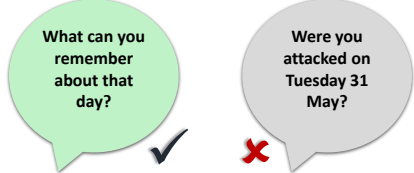
The managed conversation sequence uses the GEMAC acronym:

- * Greet the witness.
- * Explain the interview process fully.
- * Mutual Activity during which the topic or topics of the interview are explored in greater and greater detail, starting with a full account then probing with questions.
- * Closure of the interview, which should aim to reinforce the relationship that has been developed and also explain any next steps.

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Types of questions

- Aim to only use open-ended questions - they encourage the witness to open up and to obtain a free recall
- Leading, multiple, closed or forced-choice questions should be avoided as they usually suggest the information to be provided by the witness



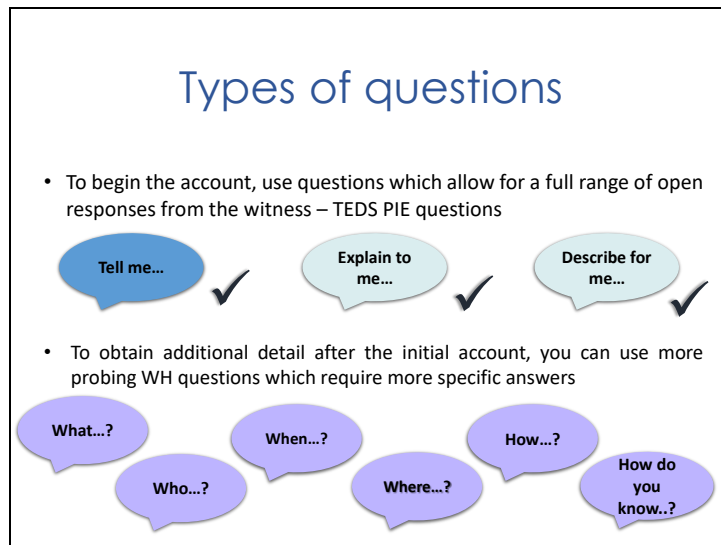
As an investigator, you should not bombard the witness with questions. This does not mean that no questions should be asked, but what the investigator asks the witness and in what order are very important. Questions should be designed to obtain as much information as possible from the witness and not to express a personal opinion or judgement. The use of open-ended questions at the beginning of each new topic is advised.

An open-ended question is sometimes defined as a question that cannot be answered with a more or less static 'yes' or 'no' response, but open-ended questions are in fact not questions at all. Instead, they are similar to instructions or invitations and should frame and open up new and focused memory recall on a specific topic. Let a witness lead you through their story and ask open-ended questions that allow witnesses to provide their testimony freely, without being led. For example:

- * What? (e.g., What happened? What is the source?).
- * Who? (e.g., Who was involved? Who did what?).
- * How? (e.g., How did that happen? How does the person know that?).
- * Where? (e.g., Where did this take place? Where is this information from?).
- * When? (e.g., When did this happen? When was this information obtained?).
- * Why? (e.g., Why does the person believe that?).

Avoid asking 'leading' questions. A leading question is a question that suggests an answer – "Were you then punched by that man?". Ask the witness to elaborate or encourage them to tell you what happened – "What happened next?", "Where did that happen" or "What did you do after?" Ask the witness to identify all persons and events with care, including identifying physical characteristics, appearance and role of any person described.

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NIO should be familiar with productive question styles – open questions, TEDS PIE questions (tell me, explain to me, describe for me, show me, precisely, in detail and exactly) and use of WH questions (what, when, where, who, how and how do you know/what lead you to that conclusion). Using this approach helps build rapport and prevents the investigator from contaminating the account being given.

For example:

- * Can you tell me precisely what happened?
- * Can you tell me what you were feeling when this happened?
- * I know this may not be easy, please take your time.
- * Can you tell me what else was going on before, during and after the acts you have described?
- * Can you describe those you say were carrying out the acts you have told me about?

Open-ended questions such as those using the TED'S PIE approach make use of encouragement and/or invitations to obtain a framed but still relatively free account. Hence, when more details or more fine-grained information is needed about a certain topic, the investigator should encourage the witness to provide more information first through free accounts then through framed open-ended questions, and eventually through probing questions such as 'what', 'why', 'when', 'who', 'where', and 'how' questions.

This hierarchy of gathering information should funnel down towards potentially relevant information on each topic. A funnelling interview approach will stimulate detailed accounts and consequently reduce the number of questions that need to be asked. This is beneficial because each time a question is asked, the investigator runs the risk of leading the victim, witness, or subject and contaminating the evidential value of their account. The interview should also include questions about stigma, risk of retaliation or other ongoing risks for harm.

At the end of each topic, NIO can ask appropriate closed questions to prevent misunderstandings or to summarise before moving on. It is useful to summarise what the

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witness has said before moving on to the next topic. This demonstrates active listening and hence stimulates communication. It may help the witness to remember more and it prevents misunderstandings by providing the witness with an opportunity to agree with the summary or to amend it as appropriate.

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Step 4: Closure

- Ensure that there is a mutual understanding of the witness's account by reviewing and summarising
- Verify that all aspects have been sufficiently covered by checking that the witness has given all the information they are able and willing to provide
- Make sure the reported information and the procedures are correctly understood and verified in writing by the witness
- Secure the integrity and dignity of the interview, and keep channels open for future communication

Interview closure should be planned and structured so that the interview does not end abruptly. Where there is more than one investigator, the lead investigator should check that the other investigators have no further questions before closing the interview. The investigator should accurately summarise what the witness has said, taking account of any clarification that the witness wishes to make. If the witness provides more relevant information after the summary, the investigator should clarify and confirm the new information and then re-summarise this to the witness.

Finally, the witness should be asked if they have any questions or statements concerning the interview, or the investigation in general. This has little or no real effect if the communication has been coercive. However, if the interview has been conducted as per the PEACE model, this question may add to the perception of having been treated fairly. This should also be done in a professional, planned and structured way. Any questions the witness asks should be dealt with.

To fully close out an interview the investigator must also finalise a witness statement. The statement should accurately represent what the witness said during the interview. This can be done either immediately after the interview or later if the statement will be prepared based on digital recordings of the interview. However, finalisation of witness statements should be done with as little delay as possible. During this process, the investigator should encourage and document any clarification or alteration that the witness wishes to make. This is done to make sure there are no misunderstandings and that no information that the witness believes is important has been left out. If the witness has no comments or alterations this should also be clearly documented before it is signed by both the investigator and the witness.

As the interview comes to an end, the NIO should explain what will happen next by giving the witness appropriate information about the next stages of the process. Again, it should be stressed that the investigator makes sure that the witness has been treated with respect and empathy. No matter how cooperative the witness was during the interview he or she should be thanked for their participation and given a proper and professional farewell greeting.

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The following provides a checklist for the investigator when closing out an interview:

- * Check with the co-investigators if there are outstanding matters.
- * Confirm that you have covered all relevant details.
- * Summarise the information using the witness's own words.
- * Allow the witness the opportunity to add any additional facts or comments.
- * Allow the witness to ask questions.
- * Reconfirm the informed consent of the witness and remind them that they can change their mind and withdraw consent if they wish.
- * Offer to refer the witness to any medical or psychosocial care providers or protection services that may be available.
- * Remind the witness how to make contact with the investigator.
- * Note the time on the record of interview.
- * Thank the witness for their time.

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Step 5: Evaluation

- Were the aims and objectives of the interview met?
- Is the information obtained relevant, accurate and reliable?
- Determine the probative value of the testimonial evidence
- How does this new information impact the investigation?
- Reflecting on your own performance

This step concludes the interview model. This is where the investigator evaluates the information obtained, its relevance to the investigation, the performance of the investigator and the interview itself. Specifically, the investigator needs to evaluate what has been said with a view to:

- * Examine whether the aims and objectives for the interview have been met.
- * Determining if the information obtained is relevant, accurate and reliable.
- * Determine the probative value of the testimonial evidence.
- * Determine how new information impacts the investigation.
- * Reflecting on their own performance.

NIO should consider whether they met the objectives set for the interview during the planning phase. They must also consider what actions are now necessary to move the investigation forward in the light of the witness' account, their responses to questioning, and the information already in possession of the investigation. NIO may need to make further inquiries to test the veracity of statements made, test defences offered (for example a potential alibi), or locate and secure evidence, including other potential witnesses. NIO may need to consider the value of a follow-up interview and how they can best prepare for this. You should consider whether the interview suggests pursuing other forms of evidence (documentary, electronic, physical or forensic evidence).

Investigative interviewing recognises that interviewing is a highly complex and practical exercise, requiring a variety of skills, but first and foremost communication skills. In order to continually reflect upon and improve their interviewing skills investigators need to evaluate the effectiveness of each and every interview undertaken.

The same reflections and eagerness for continuous development should also be made to all stages and aspects of the interviewing process. For instance, did the investigations team prepare well enough? Did the technical solutions work? Was the free account stage effective? What can be learnt from the interview? This includes both considering parts of the interview

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which did not go well and would benefit from attention and taking pride in what worked well and should be perfected for use in future interviews.

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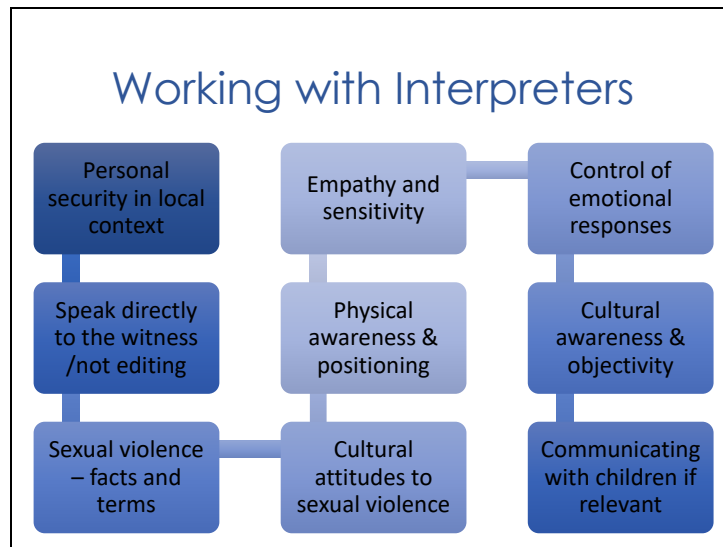
ADVOKATE Model		
A	Amount of time observed	How long did the witness have the person in view?
D	Distance	What was the distance from the witness to the event?
V	Visibility	What was visibility like at the time? (Including time of day, lighting, weather).
O	Observation impeded?	Were there any obstructions to the witness' view?
K	Known? Seen before?	Had the witness seen the person before? If so, when and where?
A	Any reason to remember?	Did the witness have a special reason to remember the person? e.g., distinctive mark or behaviour or the nature of the event.
T	Time lapse	How long has elapsed since witnessing the person/event?
E	Error or material discrepancy	Any discrepancies between first and subsequent accounts given by the witness?

ADVOKATE is a set of criteria designed to aid the determining if the information obtained from an eyewitness is relevant, accurate and reliable. It also aids in determining the probative value of the testimonial evidence.

- * A: Amount of time under observation.
- * D: Distance from the eyewitness to the person or incident.
- * V: Visibility – including time of day, street lighting etc.
- * O: Obstructions – Was there anything obstructing the view?
- * K: Known or seen before – Did the witness know, or had they seen the person before?
- * A: Any reason to remember – Was there something specific that made the person or incident memorable?
- * T: Time lapse – How long since witnessing the person/event?
- * E: Errors or material discrepancies.

Not all of these points will be applicable to every eyewitness, however the NIO should consider each point in their determination of the relevance, accuracy and reliability of eyewitness testimonial evidence.

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Key Message: An interpreter can be the key person through which NIO might need to communicate with witnesses. An interpreter is not a participant in the interview, nor an active member of the team, but rather a conduit for the work of the team. An unprofessional or insensitive interpreter will reflect poorly on the investigator and the investigation, making both look unprofessional or insensitive. This will directly impact the willingness of victims witnesses to assist the investigation.

Witnesses should always be interviewed in the language of their choice, and thus it may prove necessary to rely on the services of an interpreter. In these circumstances, the success of an evidence-gathering exercise depends heavily on the interpreter’s ability to facilitate communication. A lack of cultural sensitivity on the part of the interpreters may prove detrimental to any effort in building rapport. Interpreters should therefore be chosen carefully and may require additional training in this respect. Interpreters should be appropriately trained in interpretation and working with victims and witnesses of SEA or SGBV and children.

Interpreters must abide by the same principles as the investigators, and meet high standards of integrity, professionalism and neutrality. Victims and witnesses must feel comfortable with them. Interpreters need to be competent, discreet, independent and appropriate. In addition, the interpreter must understand the nuances of the witness’ language, including local slang and veiled allusions to sex. Moreover, interpreters must maintain confidentiality and should be instructed to interpret what witnesses say without comment or inference. Their body language should be aligned with the investigators, and their role must be clarified prior to the interview.

Although people often instruct interpreters to translate “word for word”, the differences between languages can make this impossible. If there is no direct equivalent of a word or phrase in the language they are translating to, the interpreter may have to change the exact words used by the witness or investigator to fit the closest possible translation. The crucially important thing is that the meaning of what the witness or investigator said is maintained and not changed or altered by the interpreter. If the interpreter is unsure about what the witness or investigator meant, they must take steps to clarify this.

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If the questions are unclear or if the witness does not understand them, the investigator should ask the interpreter to let the investigator know, so that questions can be rephrased. The investigator should speak in concise sentences, which are easy to understand and translate. The interpreter should relay questions or statements one at a time so as to make sure that the witness understands them. The investigator should look at and speak directly to the witness, rather than to the interpreter.

Interpreters should:

- * Provide interpretation during any interaction with members of the community, including during interviews.
- * Provide the right linguistic and cultural interpretations of key words, behaviours and expressions without changing or influencing the information as provided by the victim or witness.
- * Be comfortable working in the region and relevant security context, and with the specific witnesses.
- * Understand the local context yet be objective (as much as possible).
- * Have experience with and be sensitive to how communication may be affected by the misconduct that has taken place.
- * Be comfortable with the detailed subject matter of the misconduct at hand and their terminology, including words and euphemisms that those in the affected area use to describe sexual abuse and sexual exploitation.
- * Use clear simple language and make sure to clarify any unfamiliar terms. Investigators have a key role in using language that is adapted to the witness's understanding, which the interpreter should translate.
- * Show empathy, be sensitive to the individual needs and capabilities of vulnerable people.
- * Be aware of the impact that their presence may have on a victim or witness and be careful not to intimidate or threaten.
- * Speak directly to the witness.
- * Work according to the ethical principle of do no harm.
- * Fully understand the concept of informed consent.
- * Abide by the principle of confidentiality.

An interpreter should not:

- * Intimidate or threaten a witness.
- * Show pity, shock or judgment.
- * Use their own words during any interview, for instance by exchanging any words in relation to the information that is provided to or by the witness or explaining anything, unless explicitly instructed to do so.
- * Change anyone's words – euphemisms should not be changed, the possible meaning should be explained and clarifying questions should be asked.
- * Omit anything said even if it may seem unimportant.
- * Make suggestions about how to conduct the interview.
- * Be a family member of the witness.

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In selecting an interpreter NIO should try to find trained and independent interpreters. Only use an interpreter from the same community as the witnesses or victims as a last resort. If using an interpreter from the same community issues of confidentiality and protection must be carefully considered. The NIO should also give consideration to the challenges that victims may face vis a vis the use of an interpreter, particularly if they associate an interpreter's nationality, race, accent, obvious faith or religion etc. with that of the alleged perpetrator and thus feel uneasy or threatened.

The NIO must assess and vet any potential interpreters for criminal records, impartiality, trustworthiness, capacity for the role, affiliations and ability to work with vulnerable people. An interpreter's sex, gender, age, identity and ethnic, cultural and political affiliations may impact their utility to an investigation, but NIO must also be careful not to perpetuate stereotypes or persecutory ideologies when considering these factors.

NIO must also be aware of possible protection issues for interpreters. When using local interpreters it is not necessary for the witness to be informed of their full name, their first name or a pseudonym will suffice. For instance, interpreters may be from a different ethnic or linguistic group, or caste, than the witness, and be perceived as rival, untrustworthy, or opponents. Likewise, local interpreters may face retaliatory acts in instances where witnesses take issue with an aspect of their involvement in the investigation.

Interpreters are part of the investigation team, and have a key role to enable communication, through linguistic and cultural interpretation of witnesses and investigators. As part of the investigation team, interpreters should be briefed on the goal of the interview and relevant aspects that will enable their own planning (including psychological, if needed) and a better performance. These include technical aspects (expected timing and duration, location (unless protection concerns advise against it), language in which the interview will be conducted), basic information about the nature of the allegation (topic they will interpret) and the witness. Where possible, they should also receive a list of questions planned in order for them to anticipate any linguistic or cultural issues that may require reformulation.

Interpreters should have briefings and debriefings with investigators prior to and after interviews, in order to inform them about relevant cultural issues. As part of the investigation team and sole team members capable of understanding the original messages provided by witnesses, interpreters should be involved in the interview debriefing where they interpreted in order to clarify any aspects. Their interpretation of the body language, words and nuances of the witness's performance may be very useful to assess the credibility of the witness.

Lastly, when interviews are planned for longer than one-hour investigators should consider bringing two interpreters who can take 30-minute turns.

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Lesson Takeaway

- Core principles and essential elements of interviewing
- Special considerations for interviewing vulnerable witnesses – do no (more) harm
- PEACE model
- Free recall model
- Conversation management model
- ADVOKATE model

NIO should be aware of the following:


- * Core principles and essential elements of interviewing.
- * Special considerations for interviewing vulnerable witnesses – do no (more) harm.
- * PEACE model.
- * Free recall model.
- * Conversation management model.
- * ADVOKATE model.





Questions?

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 **Purpose:** The following TTX is a learning activity designed to enable NIO trainees to consider an SEA scenario and work through various commonly encountered issues in SEA investigations. TTX are built into the end of all Lessons in Modules 3 and 4 to consolidate and reinforce NIO learning through explanation, demonstration, imitation and practice.

 **Definition:** TTXs are set in an informal setting designed for trainees to discuss the principles and concepts of undertaking NIO investigations in a UN mission, using hypothetical but realistic scenarios. Importantly, this TTX helps trainees to better understand the challenges they will encounter as an NIO. The effectiveness of this TTX will be derived from the enthusiastic and active involvement of trainees.

 **Methodology:** NIO trainees are encouraged to discuss issues in depth, using a problem-solving methodology. NIO instructors are encouraged to act as a guide and oversee knowledge sharing, encouraging contributions from all trainees to generate solutions.




Divide the trainees up into groups of 2-3 individuals for the TTX.

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Scenario

Sophie is a high school student. Peacekeepers come to her school every day to collect drinking water from the local water-pump. She meets Private (Pte.) Peter and they soon start having a consensual sexual relationship, resulting in Sophie's pregnancy. When Sophie tells Pte. Peter that she is pregnant, he gives her money to get an abortion, saying that he will be in big trouble if his commander found out about the relationship. When Sophie's attempt to abort fails, Pte. Peter insists on meeting her parents to discuss the possibility of marriage. When Pte. Peter meets Sophie's parents, he learns that Sophie had lied to him by saying she was 18 years old, when in fact, she is only 16 years old. When Sophie's parents threaten to report the relationship to the United Nations, Pte. Peter asks his Platoon Commander, Lieutenant Phillon, to negotiate a settlement with Sophie's parents on his behalf. When investigators want to speak to Sophie's father, he refuses, saying that "the matter has been settled".

 Allow the trainees 5 minutes to read the scenario and record the salient facts of the case in their notebook. This has the dual purpose of training the NIO to become competent in notetaking and identifying key facts under simulated pressure.

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Discussion Points

- As your contingents NIO you have been assigned to investigate this incident
- Based on the information in the scenario:
 - Identify the SEA related misconduct
 - Identify the key elements to address during your investigation
 - Identify the lines of enquiry and sources of evidence
 - Identify specific challenges you may encounter during your investigation
 - Identify any other forms of possible misconduct



Allow trainees 10-15 minutes to discuss the following questions in their small groups of 2-3. Once trainees have had the opportunity to discuss these issues in their small groups the instructor should aim to facilitate a class discussion on the questions raised for between 15-20 minutes.



Instructors should circulate themselves around the classroom during the small group discussions. Instructors should also establish the following code of conduct for group discussions:

- * Be good listeners, do not interrupt others.
- * Be enthusiastic and actively involved.
- * Maintain mutual respect.
- * Apply your knowledge as an investigator to the issues raised.