



Lesson 3.2 Incident Response and Investigation

Lesson 3.2 Content

- Reporting and investigation procedures
- Initial actions
- Investigation planning
- Conducting investigations

Lesson 3.2 Learning Outcomes

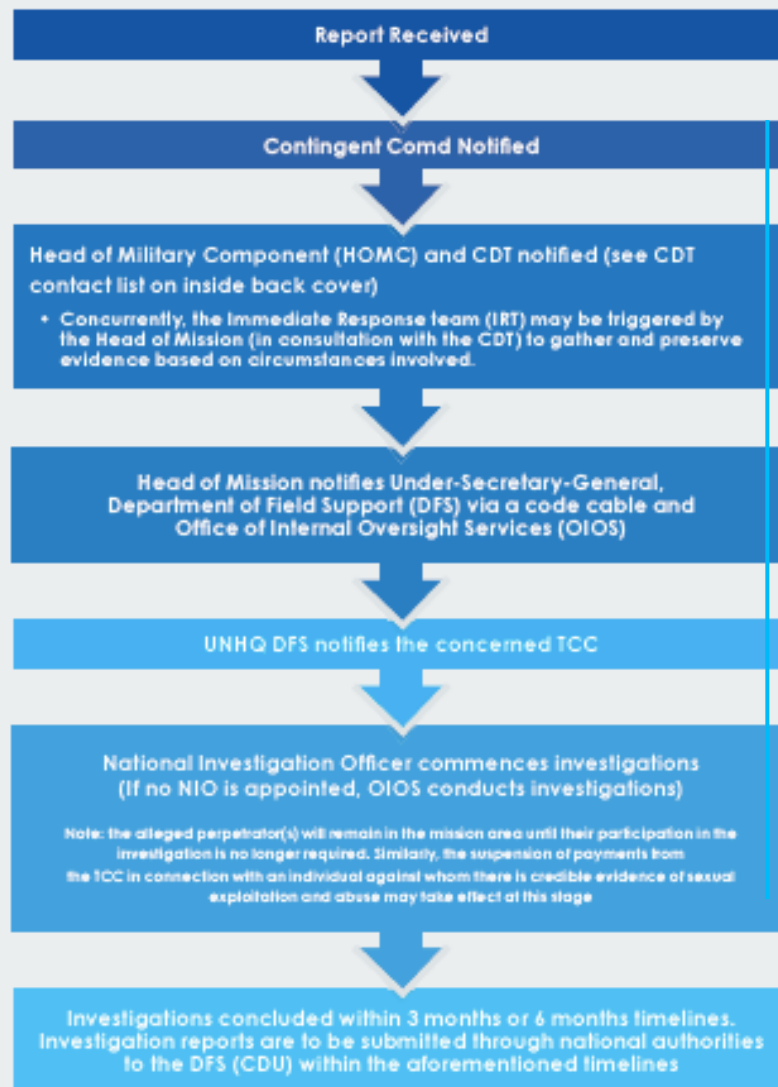
- Explain reporting and investigation procedures in the UN
- List the stages of an investigation
- Describe initial actions
- Describe investigation planning
- Describe how to conduct an investigation



Reporting and Investigation Procedures

Reporting and Investigation Procedures

The following procedure applies;



Fact Finding



WHO



WHAT



WHEN



WHERE

Stages of NIO Investigations

1. Initial actions for protection of individuals and information
2. Gather and study background material
3. Plan the investigation
4. Gather documentary information
5. Interview witnesses
6. Analyse the information
7. Write investigation report



Initial Actions

Initial Actions

- Review the situation
- Evaluate the scene
- Assist victims and witnesses
- Control and preserve the scene
- Take notes and report the incident

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Planning and Conducting the Investigation

Why Plan?

- Ensure confidentiality, accountability and transparency in the investigation
- Resources are used to best effect
- Additional resources can be made available if required
- Sources of information are not overlooked and opportunities for people to remove, destroy or alter information are minimised
- Avoid unnecessary risks
- Know what to do with the information gathered
- The investigation can continue as planned, in the event the primary investigator is unavailable

The Investigation Plan

- Road map for the investigation
- Objectives of the investigation
- Conduct to be investigated
- Scope of investigation
- Identify all possible avenues of inquiry
- Plan for the collection of information
- Identify and manage risks
- Identify available and/or required resources
- Outline work phases, timelines and milestones
- Integration of a gender perspective

Elements of a Plan

- Preliminary research and identification of allegations and objectives
- Potential misconduct and information required
- Potential subjects to be investigated
- Resources required
- Plan of investigative activities
- Review of the Plan

Planning SEA Investigations

- Integration of a gender perspective
 - Selection of the investigative team
 - Gender dynamics of the mission and host community
 - Gender-sensitive methodology
- Availability of support services
- Mitigating risk specific to SEA investigations

Needs of Victims, Witnesses, Children, and Family Members

- Being treated with dignity and respect
- Access to a safe, supportive, non-judgmental environment
- Access to appropriate information about possible actions to take and assistance services available (legal, medical, psycho-social)
- Confidentiality and informed consent

Substantive Questions for Investigations

- What substantive rules have allegedly been breached?
- What are the elements of each rule?
- What information/evidence is relevant to that breach?

Investigation Practices

- Activity recording
- Situation reporting
- File and information management
- Critical decisions
- Investigation closure

What Order to Interview Witnesses?

1. Complainant or original victim
2. Other potential victims
3. Witnesses with indirect knowledge of the misconduct
4. Witnesses with direct knowledge of the misconduct
5. Subject of the complaint



Protection

Identifying Risk

- Identifying risks means thinking broadly about what has happened and could happen to everyone involved in the investigation
- Particular risk areas relating to investigations involve decisions to:
 - Victims
 - Other witnesses
 - The subject of a complaint
 - The local community
 - Investigator
 - The parameters of the investigation
 - Evidence collection/presentation
 - Individuals or groups of individuals

Risk Assessment

- **Step One: list the threats:**
 - What are the threats?
 - Who or what is threatened? Are there particular groups at risk? (children, women, girls, people with disabilities, people of an ethnic/linguistic group, a group of workers, villagers of a specific neighbourhood)
 - Who or what has made the threat?
- **Step Two: Assess the risk:**
 - How likely is it that the threat will become a reality?
 - How severe would the impact be—on individuals, infrastructure, or the information?
- **Step Three: Mitigate or manage the risk:**
 - What measures can be put in place to reduce or counter those risks?

Risk Assessment

- Prioritise the risks – which are most urgent?
- Minimise risks – how to respond?
- Ongoing support to victims

Essential Elements to Conducting Investigations

- 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

Responsibilities of Investigators

- Developing a written plan of the investigation
- Conducting the investigation, including gathering information, reporting and making recommendations
- Assessing/reviewing and advising on matters pertaining to the needs of the victim and other witnesses
- Assessing/reviewing and advising on matters pertaining to the subject of the complaint
- Establishing a multi-disciplinary team

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Lesson Takeaway

- The responsibility for investigating an allegation of misconduct rests with the TCC
- The NIO is the core investigatory function for member states to respond to an allegation of misconduct, and in particular to allegations of SEA.
- Initial actions protect individuals and information
- Investigation Plans are crucial to successful investigations
- The planning and conduct of investigations is focused on the impartial collection and analysis of information and protection through the mantra of 'do no harm'



Questions?



TTX

Scenario

Stella, a farmer struggles to support her family. She sends Bella, her 10-year old daughter to sell bananas at the peacekeepers' camp. One day Stella finds Bella lying in bed, crying and looking sick. Suspecting malaria, Stella takes Bella to the hospital, where Bella complains of pain in her stomach and legs. During the medical examination it is discovered that Bella has a vaginal infection and there are signs of recent sexual intercourse. Bella then tells her mother that, a few days ago, she was selling bananas around the camp. There is a peacekeeper, Steve, who always buys bananas from her. Steve asked Bella to follow him to an abandoned house behind the camp, promising to give her some food. Once inside the house, Steve took off her clothes, "did things to her", gave her some bread and told her to go home. Bella also said that many of the girls selling around the camp go to the abandoned house with the peacekeepers. When rumors of the sex between the peacekeepers and the local girls start spreading in the community, the community demands that the peacekeepers leave the town. Bella's uncle, a local militia leader, demands the peacekeepers be handed over to him for questioning about their relationships with the local girls.

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