



Lesson 4.1 Interviewing Witnesses and Vulnerable Witnesses

Lesson 4.1 Content

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

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



Principles of Good Practice

Core Principles

- 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

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

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

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

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

Good Practice

Tips to express compassion:

- Acknowledge gravity
- Allow witness to vent
- Demonstrate empathy
- Allow witness to regain control
- Make eye contact
- Avoid physical touch

Tips for sensitive communication:

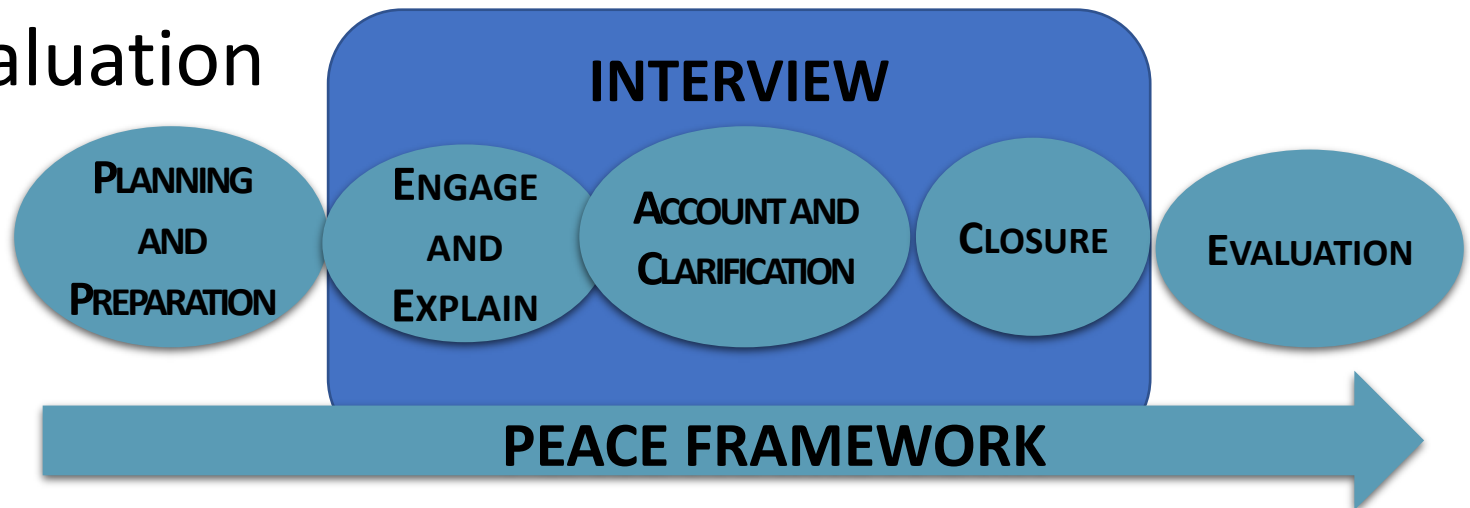
- Ask open-ended questions
- Explain rationale behind questions
- Use context-specific terminology for sensitive issues
- Solicit the free account first, then ask more clarifying questions

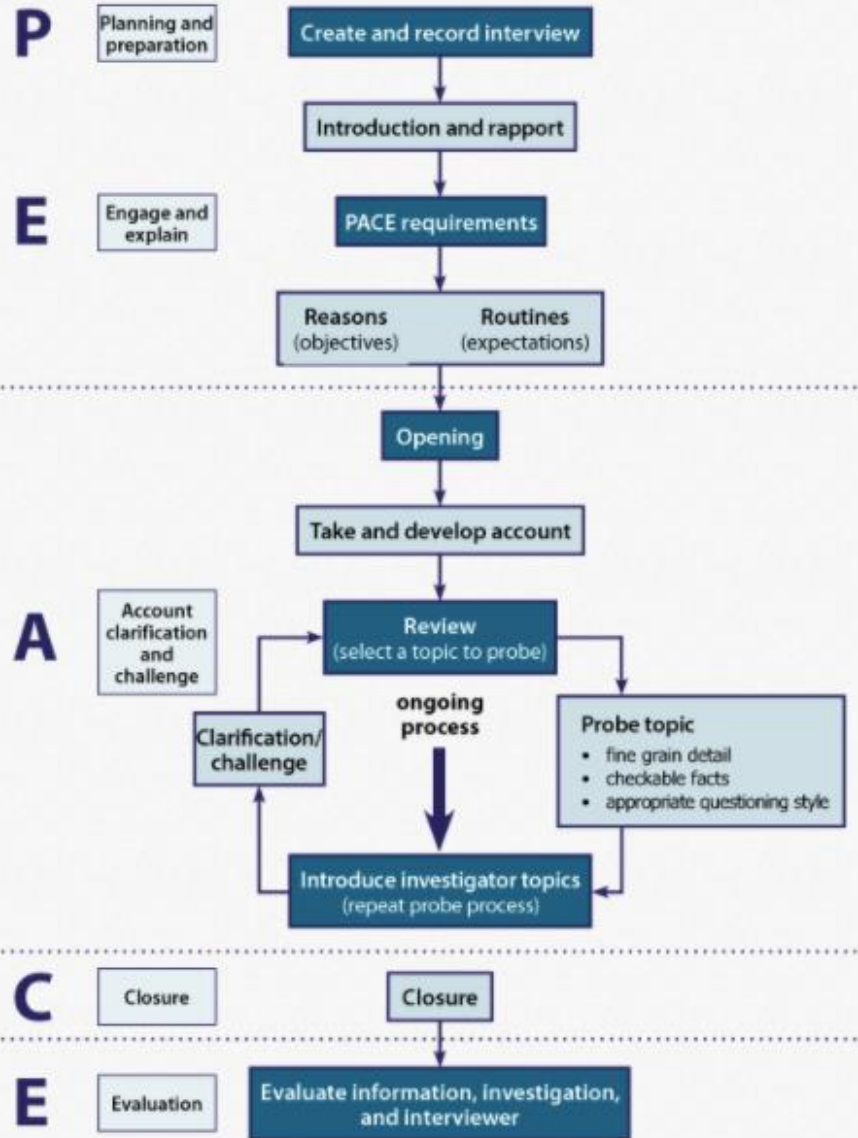


Interviewing Methodologies and Procedures

PEACE Model

- P: planning and preparation
- E: engage and explain
- A: account
- C: closure
- E: evaluation





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

Interview settings

Safety/comfort
of location for
witness

Privacy – can you
be heard or
seen?

Is it culturally/
religiously
appropriate?

Timing/ease of
access/ distance
for witness

Cost & provision
of transport for
witness

Safety for
witness when
arriving/ leaving

Other individuals
in interview
location

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?

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.

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

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

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

FREE RECALL MODEL

ACCOUNT

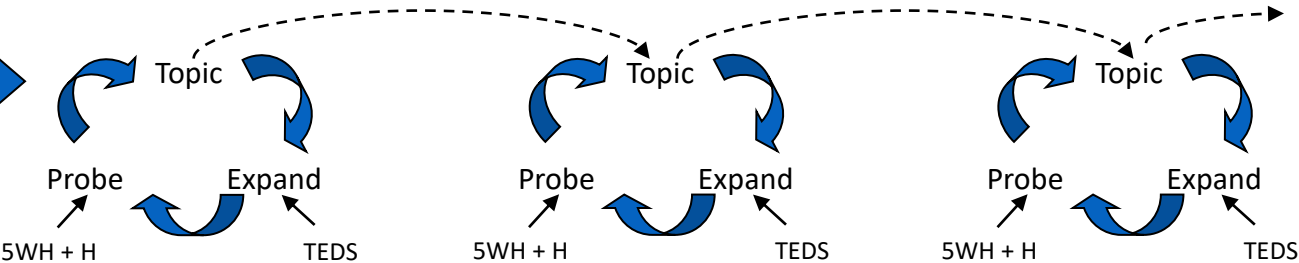
Set the scene & initiate free report



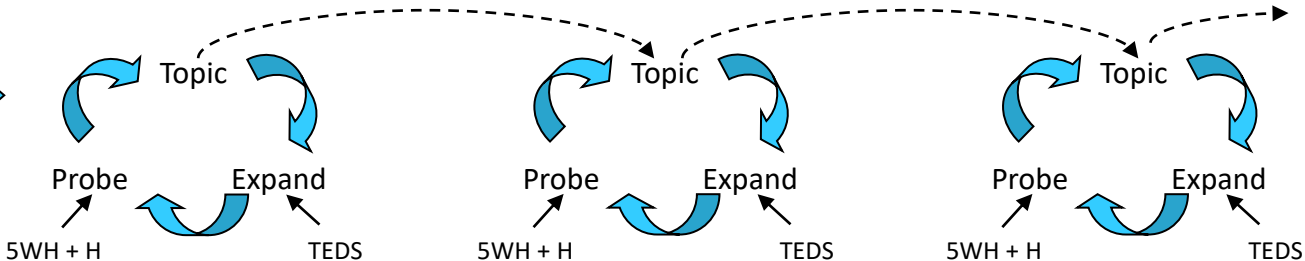
Sketch plan / another free report?



Identify and expand witness topics



Identify and expand investigatively important topics



Summary & written statement

CONVERSATION MANAGEMENT MODEL

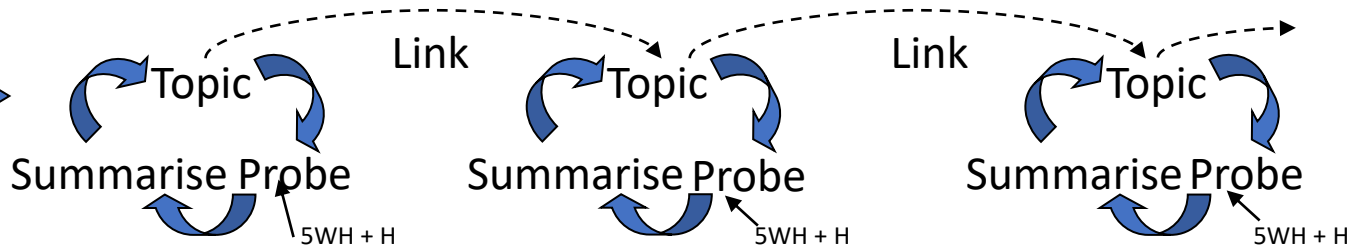
ACCOUNT

Initiate free report

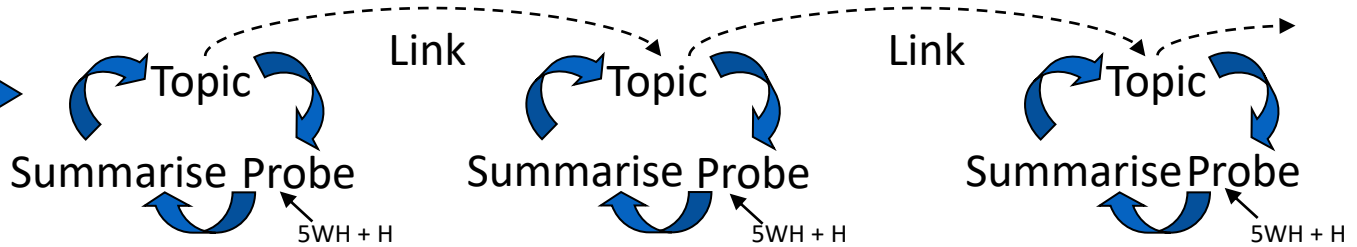
Using TEDS & summarise



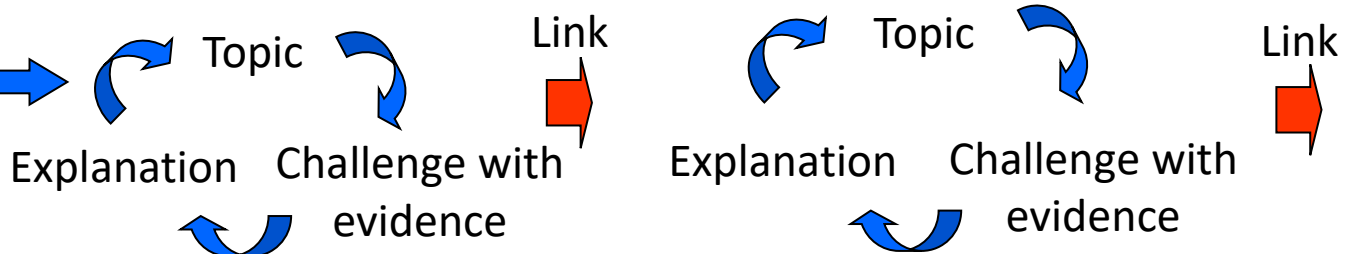
Identify and expand witness topics



Identify and expand investigatively important topics



Challenge



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

**What can you
remember
about that
day?**



**Were you
attacked on
Tuesday 31
May?**



Types of Questions

- To begin the account, use questions which allow for a full range of open responses from the witness – TEDS PIE questions

Tell me...



Explain to me...



Describe for me...



- To obtain additional detail after the initial account, you can use more probing WH questions which require more specific answers

What...?

Who...?

When...?

Where...?

How...?

How do you know..?

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

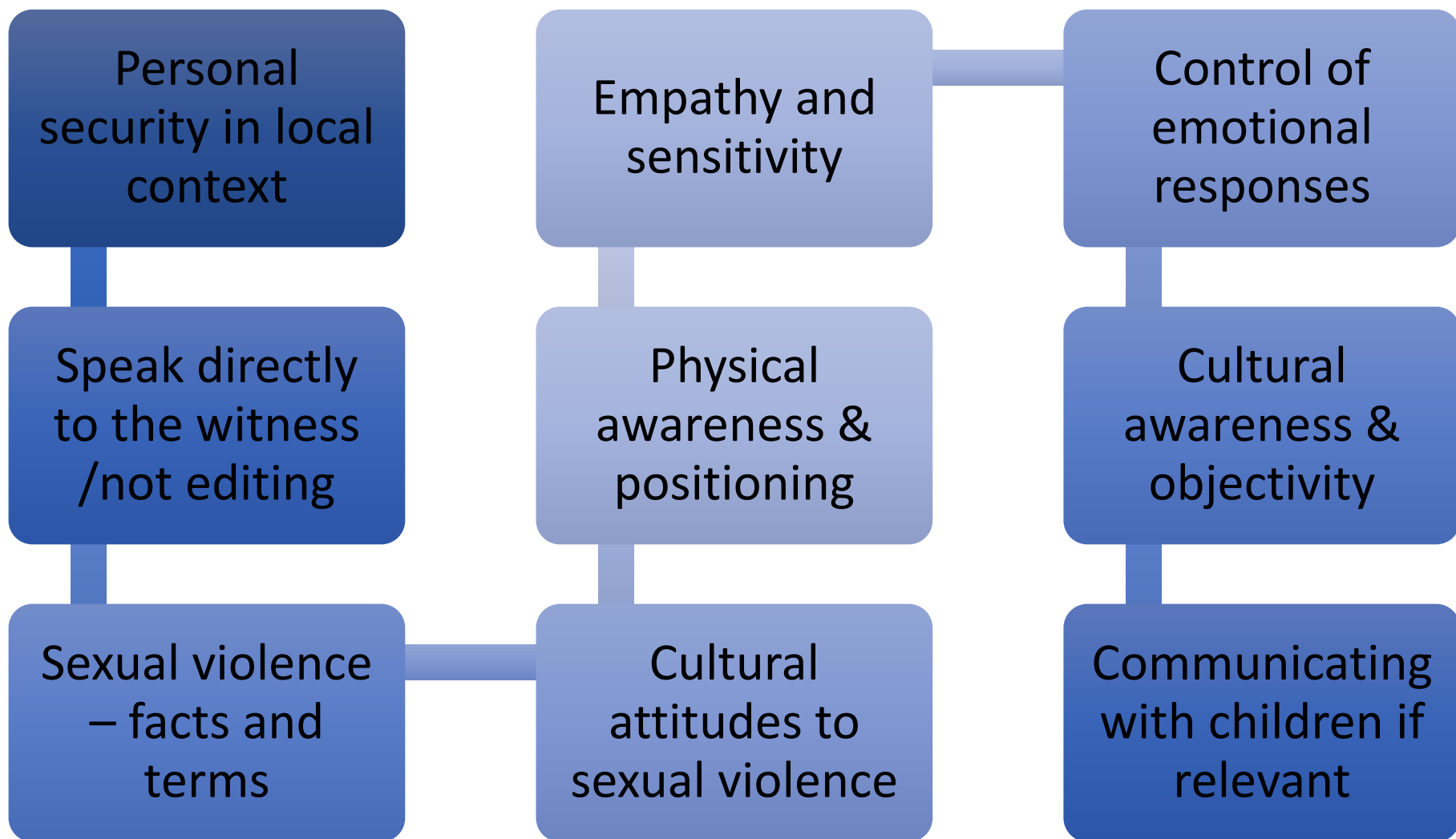
Step 5: Evaluation

- 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

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?

Working with Interpreters



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



Questions?



TTX

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".

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