***Training Materials on the International Protocol***

**PART V MODULE 11 – INTERVIEWING**

**Session objectives:**

By the end of the session, participants should be in a position to:

* Recognise the advantages and potential challenges of interviewing
* Identify helpful interview techniques and appropriate questions
* Explain how to create a supportive, comfortable and encouraging atmosphere

**Suggested duration of session:**  150 to 240 minutes

**Exercise:** Interview Planning (45-90 minutes)

**Relevant sections of International Protocol:**

Pages 160-185; Module 7 – Do No Harm; Module 8 – Safety and Security; Module 9 – Planning; Module 10 – Types of Evidence of Sexual Violence; Module 13 – Storing and Handling Information; Module 16 – Sexual Violence against Children; Module 17 – Sexual Violence against Men and Boys; Annex 1 – Evidence Workbook; Annex 7 –Interview Checklist; Annex 8 – Template for Personal Data to be Collected from Victims/Witnesses

This module builds on the principles in Modules 7-10 and provides more detail on key planning and ethical considerations for interviewing and dealing with CARSV victims and other witnesses. The trainer for this session must therefore have professional experience in conducting investigative interviews with victims and witnesses of sexual violence, particularly in a local context. They should ideally be a recognised and experienced trainer on interview techniques and have specific qualifications related to interview skills and training.

The trainer should make clear that the International Protocol is not an investigative interview handbook, and that the participants should ideally receive additional professional training or mentoring on specific interviewing techniques, but that there are certain basic principles which can be helpful when interacting with survivors, witnesses or others affected by sexual violence. The trainer should emphasise that interviews can be a distressing or re-traumatising experience for victims and witnesses as interviews force them to relive and remember very upsetting events, but that if handled correctly, interviews can also have the potential to empower and engage victims and witnesses and give them a sense of agency and control. The trainer should emphasise that an interview is not the same thing as an interrogation. The atmosphere the participants create as interviewers will be vital to the success or failure of the interview – they must create a rapport with the interviewee, establish trust and respect, provide a comfortable and secure environment and behave in a calm, patient and respectful way in order to give the interviewee the confidence and reassurance to speak about what happened to them. If the interviewee does not like or trust the interviewer, interpreter or other team members, they will not open up.

The first section of the module explains some of the advantages and potential drawbacks of interviewing as a means of obtaining information. The trainer should encourage participants to discuss their experiences with interviewing, the challenges they encountered and any approaches that they have found particularly successful. The next section of the module sets out a useful potential framework for the participants to use to plan and structure their interviews according to the PEACE model (slides 5-10). The trainer should ensure that they are familiar with the elements and stages of the PEACE framework and capable of answering any questions that the participants may have on the topic. The PEACE framework and interview checklist (Annex 7) can be used as a skeleton around which to build the details of a specific interview. The trainer should ensure that the participants understand the progression between the different phases of the interview – planning, engage and explain, account and clarification, closure and evaluation – and which actions or techniques are appropriate or necessary at each of the different phases.

The next section deals with interview settings (slides 11-13), and the trainer should ask the participants about their experiences in this regard. Some may only have interviewed in offices or clinics, some may have conducted interviews under trees in refugee camps or in dry river beds. The participants should understand that the perfect interview location will often not be available to them, and that they must prioritise the comfort, security and convenience of the interviewee when choosing the interview setting. The participants should consider not only the overall location (its neutrality; not linked to SGBV or torture to avoid stigmatisation; auditory and visual privacy; accessibility for interviewee; and transport options), but also the particular space in which the interview will take place (indoors or outdoors; seating arrangements; and cultural considerations).

Slides 14-16 deal with special considerations when working with and through interpreters. The trainer should refer participants to Module 9 (Planning) covering how to select interpreters and ensure that they have the appropriate skills and sensitivity to work with CARSV victims/witnesses. The trainer should reiterate the fact that the interpreter is the tool through which they communicate with victims/witnesses (not a participant in the conversation nor an active member of the team, rather a conduit for the work of the team) and that if the interpreter is unprofessional or insensitive, they themselves will look unprofessional or insensitive and the victim/witness will not open up.

The trainer should emphasise certain core principles for professional interpreters doing this work. Interpreters must: use direct speech only (i.e. “*How old are you*?” not “*She wants to know how old you are*”); recognise and flag (if the investigator is not aware or does not recognise them) euphemisms and linguistic/cultural signals around sexual violence that will need clarification (i.e. “*they hurt me*” or “*he disrespected me*” to describe rape or sexual assault) – but not freely translate into different words other than those used by the interviewee; and understand that they must clarify any expression that they don’t fully recognise, whether it is said by the interviewee or a member of the documentation team, rather than changing the meaning to what they think the person meant or omitting it as irrelevant. The trainer can explain that 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 to fit the closest possible translation. The crucially important thing is that the *meaning* of what the interviewee or interviewer said is maintained and not changed or altered by the interpreter. If the interpreter is unsure about what the interviewee or interviewer meant, that should be clarified.

Slides 17-19 deal with key points to cover during the “Engage and Explain” and “Closure” phases. Participants should be referred to Annex 7 (Interview Checklist) which provides further details about the minimum actions and essential behaviours to adopt during an interview.

The next section deals with types of questions and potential subjects for questioning (slides 20-26). The trainer should be familiar with productive question styles – open questions, TED questions (tell me, explain to me, describe for me) and use of WH questions (what, when, where, who, how and how do you know/what lead you to that conclusion) – and less helpful styles to be avoided such as leading or opinion/statement questions, multiple questions or forced-choice questions. The trainer should flag that many other guidelines also contain “why” questions as part of the WH mnemonic, but that the Protocol advises against their use. “Why” questions can easily invite an opinion response rather than a fact-based response and they can also be stigmatising or blaming (e.g. “*Why didn’t you escape*?”). The trainer should be able to provide multiple examples of each type of question and provide more detail on the circumstances under which they would or would not be appropriate to use. The trainer should also ask or help participants to reformulate inappropriate questions and - provided there is sufficient time - this could be turned into a small exercise within the module as appropriate.

Generally speaking, participants should aim to use only open-ended questions inviting a narrative answer. Closed questions should generally be avoided as they do not encourage the interviewee to open up and provide a full account, and they are often leading. Closed questions can exceptionally be appropriate at a later stage in the interview for clarifying specific details or when dealing with an evasive or uncooperative witness. They should be used as a last resort where (i) you really need a definitive yes or no answer to something specific, (ii) all other relevant information has been given freely by the witness, (iii) and all other open ways of asking for this information have not given you an answer (bearing in mind that the answer could be “*I do not know*” or “*I do not remember*”). The trainer should also encourage the participants to think very carefully about how to phrase questions when dealing with children, since they can often be very suggestible, interpret things literally or try to provide an answer which they think will mollify or please an adult. If the trainer or any of the participants have specific experience with interviewing children, they should share those experiences and any advice or lessons learned with the rest of the group. Specific guidance about interviewing child victims/witnesses of CARSV is provided in Module 16 (Sexual Violence against Children). In addition, Module 17 (Sexual Violence against Men and Boys) covers additional considerations when dealing with male victims. Participants should be discouraged from interviewing children unless they have the necessary knowledge and expertise.

Make sure that the participants remember the importance of asking questions about all the elements of sexual violence as an international crime or violation – specific, common and linkage – and not just the specific act(s) of sexual violence, as well as questions about the harm caused to the victim/witness, his/her family and community (impact evidence, and other evidence that may be relevant for reparations). The trainer may want to refer to guidance or certain slides of the legal modules (Modules 3-6). The trainer should also highlight the detailed examples of such questions provided in the International Protocol. It is important for the participants to understand the difference between the language of specific legal elements which must be proven (i.e. penetration, however slight) and the best way to phrase a question in order to elicit information that could satisfy that element, rather than a conclusion or assertion from the interviewee (i.e. *“What did they do to that part of your body?”* rather than *“Were you forcibly penetrated?”*). They must also remember to avoid leading or influencing the witness with their questions (“*Was it the same commander you saw earlier?”)* or making any assumptions themselves about what the answers should or are likely to be.

Slides 27-32 deal with interviewing techniques, and each slide addresses a specific aspect of the interview process, from choosing questions to interviewer demeanour, preparing for common emotional responses and avoiding damaging or patronising stereotypes. The trainer should deal with each issue carefully, allow plenty of time for questions and reinforce links to related issues in other modules such as the Do No Harm principle, confidentiality and informed consent, working with interpreters and key planning topics.

The trainer should also specifically highlight the issue of the gender composition of the interview team, as this will require careful consideration at both the planning and interview stages. Some of the participants may believe that female victims of CARSV will only be comfortable speaking to female interviewers, or that male victims will only open up to a male interview team. The trainer should emphasise that this is not always the case, and that an interviewer who is competent, professional, kind and non-judgemental may be able to establish a better rapport with a survivor than someone who is just the same gender as them. If possible, the interviewee should always be given a choice about whether they would prefer to be interviewed by a male or female interviewer or interpreter. Although limited staff or resource considerations may mean that this is not always a possibility, it is an important issue to consider at the planning phase when identifying the most suitable approach for that victim/witness and when putting together the most appropriate interview team.

The final section relates to recording and storing interview information (slides 33-36), and should be linked to the principles contained in Module 13 (Storing and Handling Information). The trainer should underscore the point that the participants must consider their responsibility and capacity to securely store information *before* deciding to proceed with the interview, at the planning and preparation phase. The trainer should also make clear that asking to record personal data or the contents of an interview might be a stressful or upsetting experience for the interviewee, particularly if they have had a bad experience under interrogation before. If the interviewee becomes anxious or distressed about recording information at the engage and explain phase, it may be better to move on with the interview, continue to build rapport and trust with the interviewee, and return to the issue again at the closure phase. The participants should be conscious that, like many other aspects of interviewing, obtaining informed consent for the recording or storage of personal information is a sensitive issue and will depend on the degree of trust and confidence they can inspire in the interviewee. Participants should also consider how they will record the information obtained by the victim/witness (first person/third person). The Protocol supports common guidance to record information in the first person, but only for actors acting with an official mandate. Practitioners without an official mandate should carefully consider how to avoid creating an authoritative record of events which could potentially conflict with official statements taken by duly mandated actors at a later stage, or be used to challenge a victim/witness credibility. They may want to consider recording information as interview notes taken in the third person instead and avoid getting the notes signed by the victim/witness or avoid using audio or video-recording.

Aside from whether a particular legal system may legally require that interviews be audio or video-recorded, many professional interviewers strongly advise against the use of audio or video-recording, as most interviewees usually feel uncomfortable being recorded. This is an important aspect which the trainer may need to discuss with participants. An element of this issue is whether documenters have the capacity/ resources to acquire and maintain recording equipment, transcribe and check recordings, and securely travel with and store them over time.

**Exercise instructions**

For the ‘Interview Planning’ exercise, the trainer can use either the suggested scenarios from the Protocol or the same scenario they used for the ‘Approaching Witnesses’ exercise in Module 9 (Planning). The scenarios from the Protocol are only intended as examples; the trainer should consider using victim/witness statements from local newspaper or NGO reports.

The participants should be split into working groups and should be asked to prepare a detailed interview plan for that victim or witness. They should use the PEACE model as a framework and plan for what actions or techniques would be required at each of the different phases of the interview. They should consider the specific individual needs and context of that interviewee, possible coordination and referral issues and the most appropriate composition and profile of the interview team. The trainer should remind them that, if possible, the interviewee should be given a choice about the gender of their interviewer and interpreter (which may have resource or staffing implications) but that they may not automatically prefer/be more comfortable with someone of the same gender.

The participants should also consider practical and logistical arrangements, including transport to and from the interview location (for the interview team and interviewee), timing and likely duration of the interview, contingencies in case the interviewee is hungry/tired/unwell, and whether multiple interviews may be necessary. The groups should then present their completed interview plan to the rest of the group and deal with questions and feedback from the trainer.