



IICI guidelines on remote interviewing¹

August 2021

A. Introduction

1. These guidelines focus on remote investigative interviews (“interviews”) that may form part of non-criminal and criminal investigations into international crimes or grave human rights violations (“investigations”).² “Remote” includes interviews conducted via online video-calls and audio-only phone calls. The guidelines mainly concern investigations that take place in resource-constrained, conflict-affected or similarly challenging contexts³ and where the interviewer(s) is not in the same location as the interviewee.
2. The Institute for International Criminal Investigations (IICI) has developed these guidelines in response to requests for its views to help responsible actors (a) to determine whether they should conduct remote investigative interviews and (b) if appropriate to attempt such interviews, to identify and overcome the unique challenges.
3. Generally, in-person interviews offer the best chances of conducting professional interviews, that is, interviews that are effective, ethical, safe and in the case of victims or survivors, survivor-centric. However, for various reasons remote interviews, while not ideal, may often be the only potential alternative. Factors such as insurmountable travel restrictions, serious and unavoidable security concerns, official refusals to access countries where investigations must take place, together with advances in technology have led some actors to use or consider using remote interviews.
4. Even if there is a seemingly good reason for wanting to consider remote interviews, associated risks may be too great to mitigate properly. Such risks include causing or exacerbating psychological harm to victim-witnesses and eye-witnesses of traumatic crimes or violations; exposing witnesses to unacceptable security risks; and conducting ineffective interviews, thus potentially compromising the quality or reliability of information or evidence (“evidence”), damaging the overall investigation, harming the rights of witnesses or wasting resources. *Such risks apply equally to criminal and non-criminal investigations, including human rights monitoring, reporting, fact-finding and documentation for advocacy purposes.*
5. Because of the risks and challenges of remote interviews, IICI strongly discourages remote interviews for some types of witnesses and situations, including:
 - (a) witnesses in unsafe locations, or who may face security risks if they assist on the investigation;
 - (b) witnesses who have particular privacy or confidentiality concerns;
 - (c) victim-witnesses of, eye-witnesses or other witnesses⁴ (witnesses) to traumatic crimes or violations;
 - (d) victims or witnesses with cognitive or other disabilities impairing their ability to participate and understand the process;
 - (e) suspect and insider witnesses;
 - (f) witnesses who are otherwise critically important to the investigation; and/or

1 These short practical guidelines form a companion piece to the Public Interest Advocacy Centre’s (PIAC) guide on “*Restricted access interviews: a guide to interviewing witnesses in remote human rights investigations*” (August 2021). The PIAC publication addresses additional issues, and discusses some topics raised in the IICI publication in more detail.

2 “Investigations” include human rights monitoring, reporting and documentation, including by international commissions of inquiry and fact-finding missions, UN bodies, other international governmental organisations, and national and international NGOs. In principle they also include any screening interviews prior to the main interview and any follow-up interviews after the main interview.

3 However, much of the guidelines will also apply to international crime or grave human rights violation investigations wholly taking place in a single country long at peace, with robust investigation policies and procedures and with few resource limitations.

4 Such as people who have overheard the anguish of family members or neighbours injured in attacks or fellow detainees being tortured.

- (g) situations where interviewers will or may have to rely on one or more people on the ground (ie, in the witness's location) to facilitate the remote interview,⁵ but the interviewers do not have detailed personal knowledge of the situation or of those facilitators on the ground.
6. With such witnesses and situations, remote interviews should be considered and conducted only where *all* these minimum preconditions can be met:⁶
- (a) it is explicitly necessary for pressing investigation purposes;
 - (b) it will be undertaken in line with sound policies and procedures which require and enable lawful, accountable and professional investigations;⁷
 - (c) it follows a continuously reviewed, comprehensive threat and risk assessment – including legal, physical and information security, and mental and physical health risks – which shows acceptable levels of risks and offers appropriate and realistic mitigation measures;
 - (d) it will entail a good-quality video-call;
 - (e) it will be conducted by a highly competent and experienced interviewer⁸ who has the authority, time, resources and support to properly plan, conduct and (directly or indirectly) follow up on the interview; and
 - (f) the interviewer will be assisted by reliable, properly assessed and vetted, and accountable on-the-ground support to facilitate the interview, including, as necessary, intermediaries, technology support, and psychological and other medical care services, before, during and after the interview. The interviewer will have to personally assess and brief some on-the-ground facilitators, including any intermediary who would contact the witness.

From the outset, the well-being and security of the potential interviewee, and the security of the evidence potentially obtained, are paramount. Control of the witness's environment and security are critical factors. Particularly with potentially traumatised witnesses, control of follow-up in relation to any psycho-social or other support services is as important. This requires appropriate policies and procedures, and careful planning and risk assessments. Remote interviews never should be done ad hoc, or opportunistically. Economies of time and money should not be determining factors.

7. The guidance about using good-quality video-calls for any type of remote interview is made for various reasons. For example, the health, security and/or evidential risks of audio-only or text-only interviews would be too great. In relation to victims of and witnesses to traumatic events, it is nearly if not wholly impossible to conduct a trauma-sensitive interview via an audio-only call or via text-only messages.

Audio-only interviews may be possible in highly exceptional circumstances in relation to some of the kinds of witnesses mentioned in paragraph 5, provided that the other paragraph 6 preconditions can be met, and that the well-being of the victim or witness will be paramount. Furthermore, the investigation policies and procedures, and the threat and risk assessment, investigation plan and interview plan for the victim or witness must all specifically, clearly and in sufficient detail cover audio-only calls. Such policies, procedures and plans must reflect the expert advice of suitably experienced experts; regarding victims of or witnesses to traumatic events, that would include suitably experienced trauma psychologists.

8. Most, if not all, remote interviews with witnesses or in situations not listed above should be approached with caution. They all should be subject to some of the mentioned preconditions, particularly those relating to policies/procedures, threat and risk assessments, and competent interviewers.

⁵ Such situations would include where witnesses listed in paragraph 5(a)-(e) are possibly to be interviewed.

⁶ Several of these are addressed in more detail further down.

⁷ All organisations with investigation mandates and functions, and freelance investigators, should have such frameworks and procedures, aligned with international law and standards. Regarding such organisations, those frameworks and procedures should also apply to non-employees who assist with investigations, including consultants and other third parties.

⁸ References to "interviewers" include investigation teams, and authorities, organisations or units of organisations with investigation mandates or functions, in addition to individual interviewers. Also included are UN and NGO investigators or documenters, investigative judges and prosecutors with investigation mandates or functions.

9. Remote interviews satisfying such criteria will require considerable skill, planning, time and other resources and will not be an easy or cheap substitute for most in-person interviews.
10. These guidelines are written for those who are familiar and experienced with investigations, in-person interviews, and related concepts and approaches. Such concepts and approaches include the kind of physical and information security challenges that often accompany such investigations; preparing threat and risk assessments; using intermediaries and the related risks; and the psychological and other health risks posed to vulnerable witnesses by trauma-insensitive interviews.
11. IICI unreservedly discourages remote interviews with children in the kinds of investigations and contexts covered by these guidelines. The guidelines do not address this topic and the highly exceptional circumstances in which remote interviewing of children might be considered.

Box 1: Remote investigative interviewing and children

The risks of causing or contributing to serious harm to the child and compromising evidence are extremely high. Circumstances allowing for such and other grave risks to be appropriately controlled or mitigated will be exceedingly rare. Furthermore, real expertise to conduct – in the kinds of investigations and contexts covered by these guidelines – child interviews which are professional, ethical, of real use to investigations, and not harmful, unfortunately still is very scarce. However, being unable to engage children directly does not mean that crimes and violations affecting them cannot and should not be otherwise properly investigated.

B. Responsibility, accountability & organisational culture

12. If remote interviews are determined to be an option, a minimum requirement is that interviewers or, if any, their management, must develop or have in place up-to-date remote interview policies and procedures. Interviewers and, if any, their management, must exercise the necessary responsibility and be accountable for the proper conduct of the *whole* remote interview process. As with in-person interview processes, there must be no responsibility and accountability gap. With heightened risks come heightened responsibility. Precisely because of their impersonal and remote nature, remote interviews can easily result in the abdication of or blindness to responsibility and risks.
13. Another important requirement is that organisations should create an atmosphere within which interviewers (including consultants contracted to conduct interviews) and managers can say no to conducting remote interviews unless the applicable requirements are met and the applicable procedures can be followed.

C. Law, standards, policies & procedures

14. One of the first assessments to undertake when considering the possibility of conducting remote interviews concerns the applicable law. Determine if there are general and interview-specific legal impediments to or requirements regarding remote interviews in the legal systems where such interviews might take place and where any evidence might eventually be used. Consider questions such as:
 - (a) Do applicable laws exclude evidence secured remotely, or stipulate that any witness statements be recorded and signed in a way that cannot be done remotely?
 - (b) Does the applicable law ban the use of certain programmes, applications, equipment or encrypted communication channels which investigators might wish to use?
 - (c) What are the implications of any uncertainty about the law concerning remote interviews?⁹

Remote interviews – and the investigations of which they form part – should be done in accordance with applicable laws, standards, policies and procedures. Unless embedded in such systems and processes, there is a high risk of remote interviews being done irresponsibly, unaccountably, ineffectively, harmfully and in flawed ways. “But there was no alternative” should never be given as reason enough for conducting remote interviews.

⁹ As an example, if a legal system does not address procedures and evidence regarding remote interviews, there is a risk that courts or other fora may reject testimonial evidence remotely secured. Depending on the circumstances and undertakings given to witnesses, any such rejection can have serious consequences for witnesses and the investigation.

15. Applicable legal requirements, and other applicable standards and best practices should be woven into investigation policies and procedures to be followed *before* conducting any remote interview. Such policies and procedures should be informed by, among other considerations, an analysis of factors which may result in certain individual witnesses or groups of witnesses being excluded or further marginalised. For example, in some contexts victims and witnesses with certain disabilities, of certain age groups, genders, and racial, ethnic, religious social, income, rural or educational backgrounds may generally have less access to technology that may be required for remote interviews, and it may be more difficult for witnesses in refugee or IDP camps to access private and secure spaces from which they can participate in remote interviews. Investigation policies and procedures must address such challenges.

The (draft) Global Code of Conduct for Investigating and Documenting Conflict-Related Sexual Violence (“Murad Code”, www.muradcode.com) is an example of the kinds of minimum standards – non-negotiable red lines applying regardless of circumstances – to be considered when determining whether to conduct remote interviews with victims of conflict-related sexual violence. Will the contemplated remote interview comply with the Murad Code?

D. Welfare of staff, consultants, partners & others

16. Policies and procedures must cover the welfare of those who are directly and indirectly involved in the planning, conduct and follow-up of remote interviews, including investigators and interpreters. This also applies to consultants, intermediaries and other non-employees.
17. Working on international crimes and serious human rights violations can cause secondary traumatisation among headquarters- and field-based interviewers, interpreters and others involved in such investigations. Organisational policies and procedures must address this risk. They should expressly deal with the heightened risks around secondary traumatisation when doing such work from home or otherwise away from a supporting team or office environment. If such risks cannot be appropriately mitigated, policies should bar remote interviews.

E. Competence, preparation & continuous learning

18. Only highly trained, competent and experienced interviewers must conduct remote interviews. This especially concerns interviews with victims and other witnesses who may have been traumatised or who may be exposed to security risks. It requires special knowledge, awareness and skill to conduct trauma-sensitive in-person interviews. A remote interview presents even more formidable hurdles, and thus requires even greater alertness and skill.
19. As with in-person interviews, remote interviews should be followed by a lesson-learned review. Such lessons should also be shared among colleagues and more widely. They should also be integrated in policies and procedures.

F. Necessary for pressing investigation purposes

20. Critically consider whether a remote interview is truly necessary and whether it is not possible to later do an in-person interview instead. It is not about whether a remote interview would be easier, faster, cheaper or more convenient. Senior management and policy-makers can also be approached to discuss making changes to mandates, instructions, investigation plans and deadlines in order to accommodate later in-person interviews.

In most instances, saying no to remote interviews need not and should not mean the end of investigations. For example, there are often alternative sources of information. Furthermore, the real advantages of delaying until in-person interviews can be undertaken would often outweigh the risks associated with remote interviews. Arguments based on urgency and necessity are questionable where the prospects of justice in the near-term are poor, or in relation to human rights fact-finding, monitoring, reporting and advocacy, unless the interview would add something of real importance to what is already publicly known.

G. Planning the interview

21. Proper planning is the bedrock of any professional interview and includes preparing an interview plan.

Box 2: Examples of components of an interview plan

Any interview plan would usually include components such as the following, some of which may require more attention and planning with remote compared to in-person interviews:

- security (of everyone involved, the venue, the evidence, the technology, the related infrastructure, etc, and preparation of interview-specific emergency response plan)
- mapping, vetting and engagement of support on the ground, including intermediaries, psychological support, and other referral pathways, information communication technology support (availability, suitability for specific witness and interview, costs, protocols, exact roles, supervision)
- profile of witness (including resilience, any risk of (re-)traumatisation, any disabilities, any interests that might conflict with investigation's goals), readiness of witness, and possibility that witness may want to be accompanied by a support person
- contacting the witness
- technology and electricity (equipment, software, infrastructure, set-up, ease of use, reliability, back-ups, costs, generator, (re-)charging)
- interpretation and translation needs, including vetting, contracting and briefing of interpreters and translators
- health regulations (eg, regarding covid-19)
- emergency response plans; trauma-sensitive closure of interview (eg, grounding techniques for (re)traumatised witnesses); and other response plans in case interview is or needs to be interrupted (eg, signs of (re-)traumatisation, sudden concern about interview being overheard, security, bad/dropped connection)
- venue
- travel to and from venue by interviewee
- how to confirm identity of witness
- how to take and confirm written statement or otherwise document or record interview (informed consent, legal considerations, formats, practicalities, including regarding any data transfer and storage)
- potential duration of the interview
- costs (including agreed expenses of witness), and how to reimburse witness
- post-interview assistance and follow-up.

22. Planning a remote interview may require more time, and more (or at least different) resources and resourcefulness than in-person interviews. This may be so especially in relation to, for example: assessing whether the information could be obtained later or from a different¹⁰ source; researching the potential resilience, vulnerability and reliability of the witness; identifying and implementing the necessary harm-avoidance and mitigation measures; and thinking through every step of the process to ensure that it would properly facilitate the effective participation of a witness and the eliciting and documentation of quality evidence.

¹⁰ This could be a less exposed or less vulnerable, and/or non-testimonial source.

Box 3: Examples of planning challenges for remote interviews

Especially if interviewers do not have personal knowledge of the situation on the ground it can be challenging to:

- contact witnesses safely and securely
- ensure they can safely travel to and from the interview venue without compromising their desired privacy
- ensure the venue meets the necessary security, privacy, confidentiality and comfort requirements
- ensure the interviewee is familiar and comfortable with the technology to be used
- ensure the necessary technology at the interview location (of the interviewee, interviewer and any interpreter) is appropriate, ready and secure
- be certain that whoever needs to be on the ground at the time of the interview (such as an interpreter, intermediary, psycho-social or technology-support person) is properly vetted, briefed, ready, and someone who the witness and interviewer can work with¹¹ and rely on (instantly, if necessary)
- determine whether any psycho-social support might be required and putting it in place if needed.

23. To help address challenges such as those mentioned above, a network of reliable, properly assessed and vetted, accountable and available support personnel should be established on the ground. They would be the eyes and ears of the remote interviewer and would be responsible for making unforeseen judgment calls on their behalf.
24. Where an interview might last some time, the interviewee might become fatigued, possibly more quickly than with in-person interviews.¹² Such interviews might have to be peppered with more breaks - which will add to the duration of the overall process.

H. Security

25. Safety and security are paramount. Security considerations include those concerning the witness, intermediaries, any other on-the-ground support, investigators and interpreters. It also includes technology, and data capture, transfer, storage and deletion, with the online (cloud) storage of any sensitive evidence likely to pose unmanageable risks. A thorough threat and risk assessment, including mitigation measures, will cover all such risks. It must precede any contact with the witness, regardless of whether they are in seemingly insecure or secure countries. Depending on the specifics of the investigation and the planned remote interview, security risks concerning the technology to be used could be very high. Mitigating those risks might be difficult, expensive and time-consuming.

Professional security advice will be required for some aspects. As security threats evolve, sometimes rapidly, security will be a constant concern and will require continuous monitoring. Security advice must be sought from those who are familiar with the specific country and location, and the specific information communication technology to be used.

I. Comprehensive, individualised threat & risk assessment

26. Regularly reviewed threat and risk assessments of physical and information security, mental and physical health, legal and other risks must form part of investigation procedures. Such assessments include general, investigation-, individual- and interview-specific considerations.¹³ Full assessments are required even if witnesses reached out to investigators, are keen to help, indicate they have no or insignificant security or other concerns, or prefer a remote interview for security or other reasons,¹⁴ or where investigators think that a remote interview would be safer than an in-person one. Some categories or types of witnesses are more suitable for remote interviews than others. For example, expert witnesses living in a safe environment are often interviewed remotely. Ultimately, for every interview there must be an individual assessment of whether a remote

11. For example, a witness may wish to work only with an interpreter of a specific gender, age range or religious background.

12. Anecdotally, video-calls can be more tiring for everyone involved, possibly due in part to the more impersonal nature of such calls. See also <https://www.medicalnewstoday.com/articles/video-call-fatigue> and <https://www.psychiatrytimes.com/view/psychological-exploration-zoom-fatigue>.

13. If witnesses reached out to investigators to signal their wish to give evidence, the assessment must include whether that unsolicited contact was done securely.

14. For reasons that could include them feeling more at ease "on their own" and in control of "their space" (if, eg, the interview is conducted while the interviewee is at their place of residence ("home")). A full assessment will give due consideration to the views and wishes of witnesses, respecting their agency to the extent allowed for in applicable policies and procedures.

interview involving a particular witness is suitable or advisable. As noted earlier, built into the assessment framework – and organisational culture – must be a willingness to forego or postpone contact and/or interviews if the assessment requires it.

27. The security risk assessment will differ from interview to interview but it should not differ from interviewer to interviewer. It should at least cover risks associated with:
- (a) potential risks to interviewee, interviewer, colleagues, any interpreter and on-the-ground support personnel, including an assessment of how their particular gender, age, ethnic or religious background and similar considerations may have a bearing on their security;
 - (b) contacting any intermediaries, other on-the-ground support and the interviewee;¹⁵
 - (c) travel to and from the interview venue at the interviewee's end;
 - (d) privacy and security at the interview venue at all ends in relation to everyone involved, all technology to be used, the whole network system, and internet or other call connections;¹⁶
 - (e) sharing information with the witness, including of support services;
 - (f) the evidence obtained; and
 - (g) data transfer and/or storage.

Box 4: Examples of potentially novel or different risks in conducting remote interviews

In addition to the health, security, legal and other risks highlighted elsewhere, including in paragraph 15, and which must be thoroughly risk assessed prior to any remote interview, the following are examples of potentially novel or different risks with remote interviews:

- Not being on the ground will require an additional focus around assessing physical security threats to witnesses. In the case of insecure environments and/or high-value witnesses, the task will be impossible or at best very challenging if the interviewer does not already have a trusted support network there.
- Circumstances depending, the risks related to identifying, vetting and overseeing intermediaries that the interviewer has never personally met, will be acute, particularly if interviewers have no trusted contacts on the ground who can assist with such assessments. Not having such support will in some instances necessarily mean that remote interviews arranged with the assistance of intermediaries would be too risky to attempt.
- Taking the steps reasonably necessary to check that, at the witness's end, the technology being used¹⁷ is secure, and that the interview is not being recorded without authorisation,¹⁸ will be trickier, more time-consuming and riskier (if at all possible) than if the investigation team could check this themselves.
- In-person interviews in a person's home can entail greater risks regarding breaches of security and privacy (including the risk of being overheard by co-inhabitants who might not know of the crimes, and related stigmatisation risks). It can also entail greater risks for the psychological well-being of witnesses. (For example, if the home is a safe and positive haven, having an interview about a traumatic event while there could open the door to negative associations at or in relation to the home, for interviewees and interviewers. However, risk assessments may show that for some witnesses a home-based interview can be a safer and more positive experience than one in an unfamiliar location.)
- Being certain that the privacy of a victim is not compromised (for example, through family members, intermediaries or strangers overhearing the interview at the end of the witness), and being able to notice other security and well-being risks to the witness and how to instantly respond properly to them, are more of a challenge or can even be impossible, depending on the circumstances.

15 Including via emails, SMS, other text messages; regarding security of phones, computers and communication platforms or channels; on potential traces on computers or phones of calls or other messages; and regarding risks around buying of data or call credit by interviewees or those buying the data or credit on their behalf eg, if buying a large amount of credit might draw unwanted attention).

16 How secure is the internet connection of the venue, if that is to be used, and if insecure, how secure is the mobile call connection/network if it is to be used?

17 Such as software; networks; laptop, desktop computer or other device; data cables; landline or mobile phone; Wi-Fi router; and third-party service provider of phone or internet connection.

18 Through, for example, malicious software, hidden cameras or bugs.

28. The ability of nefarious actors to penetrate security systems of information communication technology are rapidly evolving. What is safe today, may be unsafe tomorrow – and that it has become unsafe might only come to light much later. This underscores the potential need for ongoing expert security monitoring and advice.
29. A remote interview which might take much longer than an in-person one¹⁹ could constitute too much of a security and/or health risk for the witness and be a reason for deciding against a remote interview.
30. As noted earlier, legal and related risks also need to be assessed. The rejection of evidence by commissions of inquiry, truth commissions, panels of experts, judges or cautious prosecutors, or the challenging of evidence by defence counsel or implicated states, can cause various problems. For example, it can exacerbate the psychological harm experienced by victims of traumatic crimes. Such risks should form part of a threat and risk assessment. If an assessment is made to proceed with a remote interview any such risks should be properly explained to witnesses so that they can decide whether they still want to proceed.

J. Intermediaries & other on-the-ground support

31. On-the-ground support will be required to help ensure that the whole interview process is professionally planned and conducted. Depending on the specifics, such support can include:
 - intermediaries
 - interpreters²⁰
 - technology support
 - psychological, other medical and legal support
 - organisations or people at whose premises the interviews at the end of the interviewees would take place.
32. The interviewer retains ultimate responsibility and accountability for the entire interview process, regardless of which on-the-ground support is being relied upon. The interviewer needs to ensure that the on-the-ground supporters are:
 - (a) competent and, as necessary, fully briefed (including, in relation to intermediaries, on how to approach victims and witnesses of traumatic events and respond to signs of potential retraumatisation in a trauma-sensitive way);
 - (b) familiar with the local situation and relevant political, security and other developments and dynamics; and
 - (c) free of actual or perceived conflicting interests in the investigation and interview.
33. In relation to intermediaries, the need to rely on and involve them and risks of doing so may be greatly amplified with remote interviews. Organisations who may have to rely on intermediaries must have well-prepared and detailed policies and guidelines on their use, including in relation to any remote interviews.

Box 5: Examples of roles of various local support persons and organisations in remote interviews

Investigators often rely on assistance from people on the ground for in-person interviews. Such roles can include making first contact with or responding to initial contact by witnesses, assisting with travel and other arrangements, helping to arrange reimbursement for agreed expenses and helping to identify potential interpreters. Assistance with remote interviews will entail varying functions and responsibilities of different people covering aspects such as:

- ensuring that the interview room is secure, private, and properly set up,²¹ that the technology works and if it develops a problem during the interview, that it is quickly fixed
- showing the interviewee how the technology works and what to do if problems develop, and generally putting the interviewee at ease especially if they are unfamiliar with or dislike using such technology
- helping determine whether there is someone else in the vicinity of the interviewee who might have a negative impact on the witness,²² and if and how they interact with the interviewer

19 Perhaps because of fatigue looking at a screen, or poor-quality call connections.

20 Interpreters can also be working from the same place as the interviewer or from a location separate from the interviewer and witness.

21 Including camera angle, availability of water, and lay-out of room.

22 Such as someone overhearing or eavesdropping on the interview, or threatening the witness to give false or incomplete evidence. With some interviews it may be necessary for the interviewer to be given a 360 degree live view of the interview space at the start of the interview.

- assisting with any pre-interview assessment of the readiness and well-being of victim-witnesses
- assessing and arranging for interpretation and support services (such as psycho-social or security support)
- being at hand to provide the assistance that might be necessary if the interview triggers a traumatised victim or witness, if the call is interrupted, if the interviewee suddenly decides to terminate the remote interview early, and after the interview (leaving venue, etc)
- arranging payments for agreed expenses.²³

K. Venue

34. The choice of venue for a remote interview can be the difference between a professional interview and a harmful, abandoned or ineffective one.
35. As with in-person interviews, important considerations include:
 - (a) security, including of the location itself, the route to and from the location, and the technology to be used;
 - (b) appropriateness of interview location, including in relation to privacy of access and intrusiveness of any security checks at entrance to venue;
 - (c) ability to travel,²⁴ distance to travel, means of transport;
 - (d) convenience in terms of child-care, other work or family requirements, or being disability-friendly;
 - (e) privacy (interruption; overhearing, especially if headphones cannot be used and if the use of speakerphone cannot be avoided) and sound-proofing;
 - (f) any quarantine or health restrictions;
 - (g) potentially distracting or disruptive activities during or planned for the relevant period at the venue;²⁵
 - (h) comfort and appropriateness for the witness of the interview space or room;
 - (i) set-up and lay-out of the interview room;²⁶
 - (j) required technology ready and functioning, including grid and/or generator electricity supply, and the necessary mobile or landline call or internet connection quality, and online sharing of things like documents; and
 - (k) set-up of camera,²⁷ microphone and other equipment, including the optimal arrangement for interpretation. When the interviewer is not present in person, some of these factors will have to be initially assessed and addressed by trusted on-the-ground support after consultation with the witness.

Assessments including of lay-out, accessibility and technology at the locations to be used by the interviewer, interpreter and interviewee should be conducted and tested prior to the interview. A factor to consider is that some people, even if familiar with the technology used, talk more loudly when using it than with normal in-person conversations. People using headphones usually also talk more loudly, increasing the risk of being overheard.

23 For witnesses who might do interviews using their own or other devices for which they must receive or buy call or data credit (for the call, downloading required applications, etc), an important consideration in some contexts would be how to ensure that they securely, in an unobtrusive way, acquire or receive that data or call credit. Money transfers from abroad might in some instances be prohibited by law, or might simply be too unsafe or impractical.

24 This will differ depending on the mobility of interviewee, including any physical disabilities and any travel restrictions in place.

25 This could include children present or arriving back from school; a partner or parent working from home; lunch-time breaks with additional movements and noise outside the room/venue; construction or maintenance work; seminars or high-profile visits which might involve additional or unusual noise, security or number of people; and scheduled power outages.

26 For example, some people may not want their backs to a door or a window.

27 The camera needs to be set up to maximise the ability of the interviewer to observe the witness as fully as possible. For example, sunlight coming through the window behind the witness might prevent the interviewer from having a clear view of the witness.

36. An interview might last hours or days, and the comfort of the witness is crucial. This might simply be a matter of room temperature and lighting, and regular breaks. It might involve not having war images or other inappropriate images on the wall of the interview room, or any information on the wall that might identify the location if the interview is video-recorded and security is an issue. It would mean thinking about if the venue for the interview might look similar to where the crime was committed against the witness. It will involve ensuring access to/from the room for any support people that might have to be called upon to assist without them compromising privacy and confidentiality.
37. A hotel room may be an option, but depending on the context, hotel and witness, it can be a very risky and inappropriate choice.²⁸
38. To the intermediary, technology-support person, remote or on-the-ground interpreter and (remote) interviewer, the set-up, technology and other features of the venue may all seem perfectly reasonable, clear and simple. They may not be to the interviewee, so sufficient time must be factored in for showing the interviewee how things work. This could take time, but it is important to ensure that the interviewee understands the process and is at ease with it; this might ultimately make the difference between having a good or aborted interview.
39. Where an organisation has a field office at which the interviewee can participate in the interview, aspects of the planning and implementation process can be easier and quicker. However, this would not necessarily be the case; threat and risk assessments and other checks must still be run.
40. Regarding interviews in the witness's home, ensuring a secure and suitable communication channel might be difficult or impossible depending on the circumstances. For example, for some witnesses, buying or installing the necessary hardware or software might be too expensive, or having the necessary applications on the smartphone or other device might draw too much attention from others. This touches on the serious risk of excluding or marginalising victims and other witnesses who might already be excluded or marginalised.

L. Technology and related infrastructure, and audio- or video-recording of remote interviews²⁹

41. The technology to be used must be readily available, suitable for the purpose and circumstances, reliable, affordable, secure, and simple enough to use to facilitate a smooth and uninterrupted interview. There must be a plan in place for how to address technical problems. Ideally, a technology-support person should be nearby (at all ends) in case immediate assistance is required.
42. The more features or functionalities that are required from the technology,³⁰ the trickier, longer and more expensive planning and conducting remote interviews will be.
43. The bandwidth required for the applications to be used on internet-based calls is an important consideration. Some applications require far more than others and this can result in call-quality issues.
44. Pre-interview test runs should be conducted to ensure that all equipment,³¹ related infrastructure and software are available, ready, and working to the required standard. Pre-interview tests should serve as opportunity for the interviewer, interpreter (if any), and on-the-ground support to master the technology and processes, and to learn how to practically show the interviewee how to use the technology and what to do in the likely event that calls are interrupted or fail or some other technical issue develops.
45. The quality of technology, room set-up and camera angles are very important. Any pre-interview tests should involve tests undertaken from or in the same room (with the likely set-up of the interview), location and at the same time of day as the planned remote interview. Testing should include camera angles, microphone placement and sensitivity, and internet reliability.
46. As necessary, the tests should also include provision for secure sharing and storage of drawings, maps, articles, other documents or other physical evidence.

28 In some countries, for example, a woman going to a hotel room on her own where the staff or others might know she is to be met by someone else (male or female), would raise unnecessary attention and might also discomfort the witness.

29 International and hybrid criminal courts and some national courts already provide for vulnerable and other witnesses to provide their testimony via video-link from a remote room or a remote location. Their experience could hold very useful lessons for remote interviews. Another useful and evolving technology – used by a growing number of courts and other systems – for remote interviews, and especially for interviews in the context of criminal investigations, is real-time transcription of voice to text.

30 For example, if the video-call needs to include interpretation by an interpreter based at a third location or if there is a requirement to share electronic copies of drawings, photos, medical records, or other physical evidence and have them authenticated in a way which complies with chain-of-custody requirements.

31 Including camera, microphone, cables, Wi-Fi router or ethernet connection.

47. Security and other circumstances permitting, such pre-interview tests can also involve the witness.
48. In general, remote interviews for criminal accountability purposes may require more advanced and complicated communications technology. This will be so especially where legal or other considerations demand the preparation of full, written and personally signed witness statements.
49. Some criminal and non-criminal jurisdictions might also require an audio- or a video-recorded interview. If an interview must be audio- or video-recorded, a crucial question is whether the technology used would enable a proper, clear and secure recording, including of any interpretation. Also consider how to securely store the recording offline in an appropriate and durable format and ensuring that multiple recordings are not made of the same interview.

Any investigative interview, a remote one included, is a process. It forms part of a larger whole. It is about much more than the time spent directly engaging with a witness. What precedes the interview, what goes on around the interviewee where the camera lens and microphone do not reach during the interview, and what happens or needs to happen after the interview, are all integral parts of an interview.

M. Interpretation & translation

50. Guidelines for identifying, hiring, briefing and managing interpreters and translators, whether working from headquarters, in the field or remotely from a third location, must also address and apply to remote interviews.
51. The technology to be used, including any online-meeting application, must accommodate the interpreter's function and be familiar to the interpreter. With any video-calls, the technology must enable the interviewer to have a full, clear and uninterrupted view of and audio-feed from the interviewee.³² The interviewer must assess the suitability of the technology and the interpreter's familiarity with it in advance of the remote interview.
52. The dynamics of how interpretation is going to work must be considered in advance and in detail. Will the interpreter be present with the interviewer, with the interviewee or in a third location? If in separate locations, how will the interviewer and interpreter communicate easily, quickly and privately with one another? How would untranslated materials be shown to and discussed with the interviewee? The whole process must be discussed and tested with the interpreter.

N. The remote interview

53. Remote interviewers have less control over the process than with in-person interviews. For example, establishing rapport with a witness is critically important, and it normally would be easier to establish rapport in an in-person interview.
54. Even if not a requirement, it might be advisable for interviewers to keep a written record of the time and duration of all calls, and the reasons for any interruptions.
55. The all-important introductory phase of the interview will include properly addressing informed consent,³³ familiarising the witness with procedures and the technology to be used, explaining and showing what delays, silences or pauses, screen/image freezes, to expect, and agreeing on how any connection or other interruptions and technology failures would be handled,³⁴ together with assessing the witness's comfort with this all.

Current experience suggests that remote interviews using technology that is unfamiliar to the witness generally take longer than in-person interviews with the same witness would have taken.

32 For example, settings which enlarge the camera view of the person talking and minimise the view of those who listen, should be disabled. Settings which might result in the audio-feed of the interviewee being muted when the interpreter or interviewer speaks should also be disabled. Such steps can help the interviewer and interpreter to better follow the conversation and non-verbal communication cues, and support efforts to build and maintain rapport with the witness.

33 This is important even where the witness made initial contact with investigators. Witnesses may be keen to assist, but that does not mean that they know and understand the process and risks.

34 As an example, if a video-call is unsustainable, would the remote interview continue only with audio? Would a call over the internet ever switch to a mobile or landline phone call – when, why, how? What are the implications for planning the interview?

56. As with any investigative interview, there will need to be a process for recording or documenting it. The decision on how to record the remote interview would be influenced by considerations such as:
- applicable law, rules, policies and procedures
 - the wishes (consent) of the witness
 - any need to share the evidence with others (including, if applicable, as part of a process of discovery) and related format requirements
 - practicality and technical factors (including relating to long-term and secure storage of written notes, summaries or statements or of audio-visual recordings)
 - having a comprehensive and accurate record of evidence
 - the potential benefits and considerable risks and drawbacks of having a video- or audio-recording of the remote interview.
57. The recording procedure to be used needs to be fully explained to the interviewee.

Box 6: The importance of non-verbal communication cues & related barriers presented by remote interviews

During the remote interview, the risk of being unable to properly sense non-verbal communication cues is high, even with good-quality video-calls. Much of human communication is non-verbal. Good investigators rely significantly on non-verbal communication cues when interacting with witnesses, for signs of nervousness, irritation (foot tapping, eyes flitting, etc) or disassociation, of comfort with the process, and of reliability and credibility of evidence. Interviewers consciously and unconsciously use such cues to:

- focus their questioning
- decide if and when to ask difficult or probing questions, and when to stop or move to another topic
- test whether a witness might be lying
- determine pace, pauses and breaks, and decide if and when to stop the interview
- watch for signs of retraumatisation, restimulation and disassociation (see paragraph 7, on video-call interviews).

Conducting a remote interview will limit – in some instances, severely so – the interviewer’s ability to pick up and react to these signs. This can be detrimental to the witness, the interview and the investigation. Extra awareness of these risks and a conscious effort to counter these shortcomings will be necessary. Interpreted remote interviews will present extra related challenges, as suggested earlier.

58. Policies and procedures developed for remote interviews, as well as any applicable law, should help determine, for example, how an interview summary, witness statement or transcript will be reviewed, adopted and signed. This can present significant problems, especially if an original, signed witness statement or transcript is required.
59. IICI’s general guidance is that the interviewer retains control of all interview product, including recordings, electronic files, statements, witness summaries, etc. Possession should not be transferred to the witness unless there are compelling reasons to do so and well-considered procedures are in place.³⁵

O. After the interview

60. As with in-person interviews, a practical and lasting way of interviewers and witnesses to contact one another after the interview will have to be identified and agreed prior to or during the interview.
61. Any follow-up communication with the witness after the remote interview – by the interviewer, colleagues or on-the-ground support – must be conducted in accordance with applicable policies and procedures and with undertakings given to the witness.³⁶ Considerations and challenges (for example, regarding security of communications) which applied prior to and during the interview may also apply in relation to post-interview contact.

³⁵ The risks of sharing an interview record with witnesses include that they could share it with other potential witnesses whose later accounts could be coloured by those materials, and the risk that in any later proceeding prosecutors, defence counsel, judges or assessors of fact might perceive the witness as not providing evidence from memory but from a memorised document.

³⁶ Reasons to contact witnesses later can include to check that they have received the medical or other support agreed with them during the interview, to give an update on the process (such as the reporting of a commission of inquiry or an NGO advocacy publication, a court process or a reparations order) and to request or confirm consent to testify in justice proceedings. Witnesses may need to contact investigators for various reasons, including about security threats.

P. Conclusion

62. Remote interviews are not always ineffective. Neither is evidence secured through remote interviews necessarily false, untrustworthy or otherwise problematic. In principle, testimonial evidence, properly and remotely secured, can be as reliable, credible and valuable as evidence secured through good in-person interviews. Remote interviews can also, in principle, assist to improve access to justice and redress, including for oft-marginalised victims such as survivors of SGBV crimes and violations.
63. However, in general, and especially in relation to witnesses and situations mentioned in paragraph 5, remote interviews involve different and in some cases greater risks than with in-person interviews, and managing them may be trickier than with in-person interviews. Additionally, states, suspects and organisations implicated in wrongdoing are likely to challenge the use of remote interviews and bring a magnifying glass to every aspect of remote interview processes – and to any evidence secured through them. Consequently, good remote interviews will require considerably more skill, planning, time and other resources than in-person interviews. Remote interviews which meet the criteria set out in these guidelines will be the exception rather than the rule.

Methodology & acknowledgements

These guidelines have been developed with the help of experts with investigative experience in national police forces, international and hybrid criminal tribunals/courts, and international human rights documentation. They include experts from the fields of law, psychology and psychiatry, and experts on the interviewing of children. IICI is grateful to them for the various ways in which they have helped to develop these guidelines. Unless an affiliation is mentioned, they have done so in their personal capacities. The experts and other reviewers do not necessarily agree with every aspect of the guidelines. The experts who can be publicly identified are: Ingrid Elliott; Erin Gallagher; Penny Hart; Linda Liebenberg; John Tobin; Ljiljana Todorovic-Sudetic; Philip Trewitt (IICI's Executive Director); and Jonna Turunen.

The guidelines were researched and drafted by John Ralston (member, IICI Board of Directors) and Gabriël Oosthuizen (Programme Director, IICI). Daniela Gavshon (Program Director, Truth and Accountability) and Emily Rice (Project Officer, Truth and Accountability) of Public Interest Advocacy Centre (PIAC) have assisted with the review of the IICI guidelines and to make these guidelines and the PIAC publication "*Restricted access interviews: a guide to interviewing witnesses in remote human rights investigation*" (August 2021) companion documents.

IICI welcomes feedback on these guidelines through info@iici.global.