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

**PART IV MODULE 9 – PLANNING**

**Session objectives:**

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

* Recognise the strategic advantages of careful and dynamic planning
* Consider relevant factors to select the right interpreters and intermediaries and manage their activities
* Identify the best way to store, organise and analyse information

**Suggested duration of session:** 90 to 150 minutes

**Exercise:** Approaching Witnesses (30-45 minutes)

**Relevant sections of International Protocol:**

Pages 118-139; Module 2 – Understanding Sexual Violence; Module 7 – Do No Harm; Module 8 – Safety and Security; Module 10 – Types of Evidence of Sexual Violence; Module 13 – Storing and Handling Information; Module 14 – Analysing Evidence and Information; Annex 1 – Evidence Workbook; Annex 2 – Conducting Threat and Risk Assessments; Annex 5 – Organisational Security Good Practices Checklist

This module should be closely linked with Module 7 (Do No Harm), Module 8 (Safety and Security) and Module 10 (Types of Evidence of Sexual Violence), as these four modules cover important topics for the planning and preparation phase of any investigation or documentation. The trainer for these modules should therefore have experience in planning and managing an investigation or documentation process and interacting with witnesses. It should be reiterated to the participants that the issues covered in Modules 7-10 will need to be carefully considered *before* conducting any inquiries in the field.

The trainer should stress that planning is an important and distinct part of the overall documentation process. The trainer should encourage participants to consider whether any of the issues covered in Modules 7-10 have been problematic for them in their work, and whether applying any of the guidance contained in the Protocol would be helpful to them, particularly for those who are already investigating or documenting sexual violence without having engaged in a separate structured and well-thought through planning and preparation phase.

The first component of this module focusses on the importance of careful planning for the success of any investigation or documentation process. The trainer should encourage as much discussion as possible and encourage participants to share their experiences of planning obstacles, planning successes and the consequences of not having a proper plan in place. The trainer should also emphasise the most important questions for any planning exercise: *Why gather information/evidence? How to gather information/evidence? To what end? And, according to which framework?* Carefully considering all these questions and including the answers in a CARSV documentation plan will require an extensive amount of research, assessment and preparation from documenters. Another key task at the planning stage is to ensure that all the members of the team – including interpreters, investigators (including interviewers), analysts, support staff (including drivers) and intermediaries - are appropriately trained and vetted to form part of sexual violence documentation/ investigation teams and efforts.

After slide 8, the module is split into three parts: A) Preliminary Research and Risk Assessments (slides 9-15); B) Information Collection Strategy (slides 16-30); and C) Procedures (slides 31-32), which represent the three main elements of a CARSV documentation plan.

The research and risk assessments phase – covered in part A of the module - provides vital background context and an overview of available information in order for documenters to assess the crimes, threats to witnesses, staff and information, available support services and alleged perpetrators, and consider how to best mitigate risks. The trainer should refer participants to Module 7 (Do No Harm) for the threat and risk assessment methodology and to Module 8 (Safety and Security) for specific guidance on how to manage risks. The research phase will also enable the documenters to find out what other organisations might be dealing with sexual violence, to ensure that their work does not obstruct or unnecessarily duplicate the work of others, and where possible and advisable, to coordinate efforts with others. Basically, the participants should give careful thought to how to make their investigation or documentation as efficient and effective as possible, ensure risks are mitigated to an acceptable level, be clear about their accountability objective(s) and ensure that they have the appropriate staffing and financial resources to achieve their objective(s).

The information collection strategy – covered in part B – should address issues such as what information is needed to meet the evidentiary requirements of the crimes or violations being documented, the rules of evidence on corroboration and other evidentiary issues, and how to gather CARSV information – in particular how to identify and approach victims and witnesses, how to transport and store information and what systems to put in place to organise information in an effective manner. The trainer should encourage participants to develop their own evidence workbook listing the individual legal elements to prove for each alleged crime or violation and the type of information that could prove each element, using the template provided as an example in Annex 1.

When covering the slides dealing with identifying victims and other witnesses (slides 18-20), the trainer should lead the discussion about how to recognise the concerns and potential risks which can discourage or prevent victims from speaking about their experiences. The trainer should highlight that often the main obstacles to victims coming forward are not internal (e.g. shame, doubt, avoidance) but come from external sources. Such contextual obstacles may include, in particular, security concerns, personal safety, fear of family or community’s reaction, and lack of trust in or corruption of police or judicial authorities.

Participants should discuss any relevant professional experiences they have, particularly examples where they could not have known beforehand that the person they were dealing with had been directly affected by sexual violence. The trainer may want to link back to Module 2 (Understanding Sexual Violence) to ensure that participants are conscious of and able to avoid common stereotypes and preconceptions about who can be a victim/survivor of sexual violence and what behaviour or emotional responses can be expected. The participants should understand two core messages: i) *everyone* they meet and interact with in the field is potentially a victim or witness of sexual violence, and ii) they may not always know in advance that the person they are speaking with has relevant information about sexual violence. They should expect to encounter victims and witnesses of sexual violence even while investigating or documenting other crimes, and should plan and prepare accordingly.

In order to identify and approach victims and witnesses, it is common to have to rely on intermediaries (slides 21-24). While intermediaries can be very effective community interlocutors, their use is not without risks and requires careful planning and management to be useful, ethical and in accordance with any applicable law. The trainer should ask participants to give examples of intermediaries that they have worked with in the past, and encourage them to think broadly about who might be considered an intermediary (i.e. local fixers, drivers, representatives). They should also discuss and give examples of the challenges and potential problems of working through a third party, from security concerns to diverging objectives. The trainer should emphasise that working with intermediaries may be unavoidable in some circumstances, but that it is the responsibility of the documentation team to make sure that anyone who is speaking or acting on their behalf does not behave in an unethical, illegal or inappropriate way. The Protocol provides some guidance on relevant factors when choosing an intermediary and highlights some common pitfalls to avoid. The trainer is encouraged to provide additional local examples where appropriate.

The trainer should also emphasise the importance of responsibly managing intermediaries and giving clear tasking instructions, particularly if the participants are likely to be using intermediaries to identify potential victims or witnesses. The trainer should explain that there is always a danger, which must be managed, that the intermediary could simply manufacture the information they want or could induce someone to give false testimony about it. Any tasking instructions to intermediaries must be clear, simple and precise, and should be phrased carefully to minimise the risk that the intermediary could improperly influence witness testimony.

For example, if the participants tell their intermediary that their documentation team is interested in speaking to people who were in Village X on a specific date, that instruction should be fine since it is clear enough for the intermediary to be able to pursue potential leads but does not lead or influence them on any specific details. If they tell the intermediary that they’re looking for people who were attacked by Commander X with a machete, it becomes easier for an intermediary to intentionally or unintentionally subvert the process, for example by coaching people to falsely say that they saw Commander X with a machete, or by asking questions in the process of securing victims/ witnesses in such a way that it gives unscrupulous people an opportunity to come forward and falsely claim that they saw Commander X with a machete.

Another important topic covered in this part of the module is how to select and work with interpreters (slides 25-27). Participants should be asked if they have any experience working with interpreters, and if so how professional or successful their experience was. The trainer should provide an example of the consequences of trying to communicate through an untrained, inexperienced or incompetent interpreter – this can be a personal anecdote or even a video clip (i.e. someone giving a long passionate speech in the dock which is just translated as “*he says he didn’t do it*”). The participants should understand that when they are working with an interpreter, the interpreter is the tool through which they communicate with an individual. If the interpreter is unprofessional, rude or insensitive, then no matter how careful your questions, the person you are speaking to may not trust or like you enough to answer them.

Likewise, if the participants do not properly brief the interpreter on what is needed and expected from them – particularly to ensure that the interpreter is capable of sensitively dealing with sexual violence – then there is a greater likelihood of losing control of their means of communication. Some of the participants may never have worked with an interpreter before, so it is important for them to understand what is good and bad professional practice. Additional guidance on how to work with interpreters is dealt with in Module 11 (Interviewing).

The final topic to be addressed in the information collection strategy is how to manage information (slides 28-30). It is designed to get participants to think carefully in advance about the volume of information their investigation or documentation process might collect, about any legal requirements that attach to that information (i.e. protection of personal data, necessary authority to collect evidence, requirements for admissibility in court), about how to physically store and manage that information, and about how to sort, organise and analyse the information once it has been collected.

Electronic databases are a good way of doing this, but may not be available to everyone engaged in this kind of work. Participants should be asked what information management systems they use or have experience with. The answers might range from a filing cabinet or a simple Microsoft Excel sheet to advanced evidence management software, but the participants should be encouraged to think creatively about this. They may not have a dedicated electronic evidence database, but do they have access to Microsoft Excel or any other spreadsheet software? If so, they can use that as a system to electronically record and monitor certain categories of information and to ensure their records are standardised and searchable. If they do not have the capacity to physically store any information or electronically organise it, should they make a strategic decision *not* to pursue certain lines of inquiry? If they can store the information right now but are not sure what the results of their investigation or documentation mission will ultimately be used for (advocacy, prosecution, international accountability mechanisms), will they be able to continue to store the information until it is eventually used or only for a limited period of time? If their investigation or documentation mission is a success and they uncover huge amounts of information, how will they classify and sort that information so that it does not become unmanageable or overwhelming? The important thing is to think about and prepare for these issues in advance, rather than when they are already on their way to the field, or home with a box full of potential evidence.

Finally, the last part of the module – part C - and an element of a CARSV documentation plan deals with relevant procedures and policies to put in place (slides 31-32), from codes of conduct, standard operating procedures to self-care procedures. The trainer should ask participants what kind of procedures and policies are in place in their respective organisations and encourage them to critically assess whether they are appropriately equipped to deal with the specific challenges of CARSV documentation. Key principles to cover in codes of conduct and that are particularly important when working with CARSV victims and witnesses include: complying with the Do No Harm principle; following a survivor-centred approach; prioritising the safety and well-being of the victim over the evidence; and treating all victims - regardless of their sex, gender, sexual orientation, age, ethnicity or any other relevant factor - with dignity and respect.

**Exercise instructions**

For the ‘Approaching Witnesses’ exercise, depending on the number of participants and the time available for this module, the trainer should split the participants into working groups (at least three). The trainer should try to make sure that any participants with field or investigation expertise are spread out throughout the groups to help guide their fellow participants. The specific scenarios from the Protocol highlighted in the slide are just intended as examples – the trainer should research and select scenarios that are relevant to and represent the local context (i.e. from newspaper stories or NGO reports), and make sure to include a mixture of male and female victims/witnesses among the examples. Whichever factual scenarios are chosen, they should be assigned to each of the groups to read and discuss. They should focus on three main issues: i) how they would go about identifying and approaching that victim or witness; ii) what additional information they would need for their planning and risk assessment; and iii) what form any contact should take (i.e. directly or through an intermediary, by phone or in person).

The trainer should make sure that enough time is scheduled to allow the groups to discuss all three of these issues, and that there is enough space in the training area for them to split up and work comfortably within the groups. Each group should be given paper or a whiteboard to make notes of their discussions and conclusions. When the discussion time is finished (at least 20 minutes is recommended) the trainer should re-assemble all the participants into one large group and ask representatives from each of the groups to report back on their findings. The different examples selected should help the participants to understand the range of circumstances that can affect survivors or witnesses, the different concerns which might be relevant when choosing the most suitable approach to any individual survivor or witness, and the importance of selecting the most appropriate method to contact or interact with a victim or witness without intimidating or endangering them.