

Trauma-Informed Investigations Field Guide

**A publication of the United Nations
Investigative Team to Promote Accountability
for Crimes Committed by Da'esh (UNITAD)
and the Human Rights in Trauma
Mental Health Program at Stanford University**



United Nations

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Cover photo: Yezidi faith leaders and members of UNITAD forensic team release doves at the commencement of excavations of mass grave sites in Kojo village

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Foreword

Anyone who has worked with survivors and witnesses of mass-scale international crimes knows how profoundly the trauma of those crimes can impact how those experiences are retold. Indeed, the deep impact of trauma often constitutes a significant barrier that prevents survivors and witnesses sharing their experiences at all. The trauma existing at the time of interview is also frequently compounded by societal and cultural barriers and notions of stigma attaching to the victim or survivor, rather than the perpetrator. Despite these barriers, international justice has a critical role to play and must be conducted in a manner that puts the witness or survivor at the center of the process. It is my conviction that a trauma-informed approach to investigations is essential if we are to discharge our responsibility to those who engage with our Investigative Team, and relive often chilling, acutely painful and traumatic experiences. As is made clear in this Field Guide, individuals who have been impacted by trauma also give more complete, coherent and accurate accounts when they are interviewed in a safe space, when they are more comfortable, less distressed and are approached in professional manner than when they are not. The foundation of this Field Guide is built upon these twin but sometimes overlooked premises.

I write this foreword as His Holiness Pope Francis is in Iraq. In his Encyclical letter, “Fratelli Tutti, on Fraternity and Social Friendship,” Pope Francis underlines: “If a criminal has harmed me or a loved one, no one can forbid me from demanding justice and ensuring that this person – or anyone else – will not harm me, or others, again. This is entirely just; forgiveness does not forbid it but actually demands it.” Similarly, when I visited Grand Ayatolla Syed Sistani in Najaf he underlined the need “to take care of Christians and Yazidis”, whilst endorsing that victims and survivors, including victims of sexual and gender-based crimes from *all* communities be encouraged to come forward and give their accounts to the investigative team so that accountability may be realized. These demands for justice were the same ones that compelled the Security Council to unanimously pass Resolution 2379 in September 2017, establishing the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD).

It is incumbent upon UNITAD to adopt a trauma-informed approach to investigations. The Terms of Reference require no less. They stipulate, for example, that appropriate measures be taken to “ensure respect for the privacy, interests and personal circumstances of victims ... taking into account the nature of the crime, in particular where it involves sexual violence, gender

violence or violence against children”; that “procedures and methods of work for the protection of victims and witnesses” be adopted “so as to ensure that witnesses, victims and any other persons who cooperate with the Investigative Team can do so in safety and security”; and that UNITAD apply the “highest possible standards” in its collection of evidence “to ensure the broadest possible usability and admissibility” of the evidence collected in subsequent criminal proceedings.

The obligation is therefore clear. The challenge faced is to ensure that we implement this obligation in practice. “Putting victims and survivors at the center of investigations” must never be allowed to become a ritual incantation that is not implemented in practice. The simple truth is that whilst the effects of this trauma are often self-evident, all too often lawyers and investigators do not have the expertise necessary to understand this trauma, or to respond to it effectively. It was therefore a blessing that I met Dr. Daryn Reicherter and his wonderful team at Stanford University.

Dr. Daryn Reicherter is the Director of the Human Rights in Trauma Mental Health Program at Stanford. I first met him in 2017 when I was myself grappling with how to address this phenomenon while working with victims of historic rape, torture and other crimes in Sierra Leone. Dr. Reicherter, a pioneer in the study of trauma in survivors of mass human rights violations, brought his expertise on the psychological effects of trauma to bear on how such investigations should be conducted. He is a consummate professional and works all over the world with his team, often *pro bono*, to help the voices of victims be better heard and their welfare better protected. I cannot commend him and his team enough and they have my utmost respect and profound gratitude for all they do. This guide is a joint endeavour between UNITAD and the Human Rights in Trauma Mental Health Program at Stanford. Dr. Reicherter and his team have visited Iraq and maintained close links with UNITAD’s clinical psychologist and Witness Protection and Support Unit. He has provided invaluable practical guidance on matters ranging from how remote interviews could be most effectively conducted (an issue of even greater salience in our current COVID-19 affected world) to matters of how best to approach and engage witnesses that are particularly vulnerable.

Acknowledging and responding effectively to the potentially debilitating impact of trauma is vital to protect survivors from being needlessly re-traumatized by the re-telling of the most terrifying experiences of their lives, but also to ensure that those experiences are acknowledged appropriately, recorded fully and ultimately presented effectively in a court of law. This, in short, is why clinical psychologists are an integral part of the UNITAD team and its investigations:

meeting with witnesses to assess their vulnerability; training investigators in aspects relevant to the conduct of interviews; working with investigators during interviews as necessary; and identifying the need for and providing follow-up care after interviews have taken place. Indeed, the effects of trauma are so pervasive in the context of most international crimes – including those committed by Da'esh in Iraq – that it is scarcely possible to imagine effective interviews of survivors and witnesses without the involvement of the clinical psychologist and a multi-disciplinary approach, where the welfare of the witness is everyone's responsibility.

The discussion of how trauma can manifest itself is obviously relevant in the field and when interviewing or investigating. It is hoped that this Field Guide may be of interest or use not only to UNITAD staff, but to any investigator or person documenting violations of international criminal law or widespread human rights abuses. Indeed, it may be also relevant to those adjudicating crimes or parties in the courtroom to better inform us and dispel some notions as to how witnesses of truth – especially those that may be suffering from trauma – are “supposed” to react.

The last part of this Field Guide is on self-care and ways to avoid secondary trauma. This is a most important topic given the disturbing images and testimony that investigators, interpreters, analysts or lawyers see, hear or otherwise review. UNITAD has conducted workshops for its own staff and for non-governmental organizations involved in documentation with the aim of increasing awareness of the risks attendant to this type of work and to identify and teach coping mechanisms and self-awareness. It is hoped that this last part of the Field Guide will prove a valuable addition to this area of work.

We have made the decision to append to this Guide various of UNITAD's standard operating procedures. Transparency commends this approach in my view, whilst acknowledging that these are living documents and that they may be developed and amended. Indeed, UNITAD conducts regular reviews of its standard operating procedures to ensure that they remain as helpful and relevant as possible, consistent with the aim of ensuring investigations are conducted at all times in compliance with international standards and in a manner that ensures the best evidence is obtained and rendered admissible in court proceedings. UNITAD welcomes any input or comments as to any gaps identified by readers or users of this Guide, or suggestions as to how these standard operating procedures can be further improved. We would be grateful if any such comments be sent to fieldguideunitad@un.org.

Many are to be thanked for the meeting of minds that has produced this Field Guide, and for the implementation of a trauma-informed approach to UNITAD's

investigations more generally. Dr. Reicherter has given generously of his time and expertise, not only to this Field Guide but by his expert training to UNITAD staff. Other faculty at Stanford have worked tirelessly to bring this work to fruition, including the indefatigable Jessie Brunner of the Center for Human Rights and International Justice; Professor Ryan Matlow of the Department of Psychiatry and Behavioral Sciences; Professor Beth Van Schaack, Leah Kaplan Visiting Professor in Human Rights Law at Stanford Law School; Professor David Cohen of the Center for Human Rights and International Justice and Professor Lisa Brown, Director of the Trauma Program, Director of the Risk and Resilience Research Lab at Palo Alto University. Two student contributors in particular went above and beyond to ensure the success of this project: Tara Ohrtman of Stanford Law School and Shaune-Ru Wang of the Clinical Psychology PhD Program at Palo Alto University. Additional members of Stanford's Human Rights in Trauma Mental Health Lab made invaluable contributions, including Sarah Craggs and Pantea Javidan. This work would not be possible without the support of student Lab members including Leah Balter, Monique Candiff, Hagar Gal, Danielle Gonzalez, Michael Hamilton, Harika Kottakota, Alexi Isabella Magallanes, Nicole Newman, Sheila Mae Park, Jessica Rahter, Leila Wallach, Jeea Yang and Sophia Ann Zamoyski. Lastly, we benefited greatly from the copyediting skills of Max Kasun, Jodi Paik and Gabriel Termuehlen.

UNITAD has been blessed with wonderful professionals of the utmost integrity and ability. This work is the result of the combined effort of everyone in UNITAD, but particular mention must be made of a few. Dr. Nenna Ndukwe, UNITAD's Lead Clinical Psychologist, together with fellow UNITAD psychologists Sarah Alcalay, Elodie Hermant and Arianna Privitera, have contributed substantially to this work, and collaborated closely with UNITAD investigators in identifying and then developing best practices and making them a reality on the ground. Simo Vaatainen has brought a lifetime of experience to his role as UNITAD's Head of Witness Protection and Support Unit, with the responsibility for ensuring that psychosocial support is provided as part of a broader strategy of witness support and protection. Legal Director Sareta Ashraph and her colleagues in the Office of Field Investigations have brought their extensive experiences applying the trauma-informed approach to this Guide – a reflection of their profound commitment to bringing this Guide to life in their investigations. Legal Advisers Tom Lynch, Christopher Gosnell and Jonathan Agar have played an immense role in ensuring that this project came to fruition and in revising the text and liaising with the publishers. I am also grateful to Shyamala Alagendra, Gender and Child Rights Adviser with the Independent Investigative Mechanism for Myanmar for her input on relevant chapters. Finally, I extend my sincere thanks

to the Department for General Assembly and Conference Management, Content Services Unit for the typesetting, graphic design and publication and for getting this guide to print so quickly.

Survivors of international crimes have the right, and must be given the opportunity, to be heard. They are owed a duty to be treated compassionately, but also to have their statements taken professionally and diligently so that they contribute effectively to future proceedings where justice can be obtained. The victims of Da'esh's crimes in Iraq – indeed the victims and survivors of international crimes everywhere – deserve no less.

Karim A.A. KHAN, QC
The First Special Adviser
and Head of the United Nations Investigative Team
to Promote Accountability for Crimes Committed by Da'esh

Baghdad, Iraq
6 March 2021



Excavation of mass grave site in Kojo village

Preface

The main room at the Documentation Center of Cambodia is adorned with photographs of bullet-riddled skulls, mass grave sites and gory torture chambers. It is daunting to physically be in the facility surrounded by these images and artifacts of genocide. In documenting some of the most heinous crimes in the twentieth century, Documentation Center of Cambodia Director Youk Chhang has presented a no-apologies, painfully graphic depiction of the horrors of the Khmer Rouge. The Documentation Center of Cambodia exhumed mass graves, recorded the stories of mass killings and demonstrated the connection between the Khmer Rouge upper brass and the crimes committed in Kampuchea. But, when I met him in 2005, Mr. Chhang still had no lexicon to describe the suffering of the survivors. He wanted a metric for archiving the psychological scars because he understood this to be part of the story of Cambodia. I became a visiting scholar at the Sleuk Rith Institute to help the Documentation Center chronicle the depth to which the Khmer Rouge had damaged the psyche of the Khmer people. Our findings became part of the documentation and part of the Extraordinary Chambers in the Courts of Cambodia record.

In documenting human rights crimes, one element that has often eluded us is *not* the suffering of the survivors but how to *name or quantify* the suffering of the survivors. Investigators, prosecutors and documentarians of human rights violations are no strangers to the misery and suffering. But they may not be familiar with the thorough science that describes it. The suffering of survivors is not indescribable, and it is not abstract. It is well understood in the medical, psychological and social sciences. It may be uncomfortable to confront. But it is, after all, the spiritual destruction in the wake of human rights crimes that make human rights work so empathetic, so compelling and so provocative.

Trauma's effects on human psychology are particularly pertinent to investigative processes in the context of human rights atrocities for at least three major reasons:

1. The impact on human suffering is part of the documentation of the crime.
2. Understanding trauma psychology will inform best practices for uncovering information from traumatized witnesses and ensuring their safety in the process.
3. Awareness of the nature of vicarious trauma is essential for persons involved with transitional justice systems.

In the decades of our work with investigations and prosecutions of heinous crimes, the element that is consistent from one case to another is the human psychological reaction to trauma. This element is integral to the process.

Progress is made each time an investigative body or transitional justice process mandates that the human psychological element must be considered, must be assimilated or must be redressed. The zeitgeist now is trauma-informed methodology in transitional justice processes. The movement toward respecting the psychology of survivors began with projects like the Documentation Center of Cambodia and the Extraordinary Chambers in the Courts of Cambodia, and has expanded to become a keystone of the documentation and investigation of international human rights crimes. The purpose of applying accountability is not only about justice for the victims, but about vindication for the survivors.

When the Security Council adopted resolution 2379 (2017) and created the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), they included in its mandate the serious directive for trauma-informed approaches to investigation, treatment of witnesses and well-being for staff. In my consultation with UNITAD and travels to Iraq, it became abundantly clear that this prerogative would be fundamental to the mission.

When the staff of UNITAD began working on this volume with the Stanford Human Rights in Trauma Mental Health Program, we set out to create a standard for how to connect the science of psychiatry with the process of compassionate, culturally sensitive and trauma-informed investigation. Our intention was to use dignified and empathetic approaches to produce the most complete and accurate account of crimes committed by Da'esh in Iraq. To respect the survivors and empathize with them. To hold in highest regard the effects of on human psychology in the context of Da'esh crimes. To protect all involved from further psychological harm.

I have much gratitude for the UNITAD Special Adviser, Karim Khan, for understanding the importance of this effort and for recognizing its applications beyond UNITAD. And I have amazing gratitude for the collaborative nature of UNITAD's psychology team, witness protection unit, investigators and translators, and how they worked diligently to create this volume with Stanford's psychiatry faculty, law faculty, law students and undergraduates, collaborators from Palo Alto University, psychology graduate students and every contributing member of the Stanford Human Rights in Trauma Mental Health Program. The expertise of dozens of professionals was needed to create this volume.

For every exhumed skeleton, there is a still-beating but broken heart; and all of them, the dead and the living, deserve respect and justice. Trauma-informed approaches bring humanity back to the very situations where human dignity has been all but vanquished.

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Half Moon Bay, California

17 November 2020

Part 1

Introduction

This Field Guide is designed to help investigators understand and address the potential effects of trauma on witnesses who have endured widespread, sustained and extremely grave crimes directed against entire populations. The trauma-informed approach reflected in this Guide is meant to assist investigators to elicit from witnesses the most complete and coherent account of events possible, while at the same time safeguarding the well-being of interviewees and interviewers alike. Though written with the particular context of Iraq and the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) in mind, it is hoped that the broader insights in this Guide may assist investigators of international crimes in any context. More broadly, the insights arising from a trauma-informed approach to interviewing may provide a deeper understanding of the effects of trauma on testimony in the courtroom and how it should be evaluated.

This Guide is organized as follows: **Part 2** addresses the impact on human psychology of the widespread targeting that is characteristic of international crimes. **Part 3** explains the steps and techniques to be followed during a trauma-informed interview. **Part 4** explores the potential vulnerability of specific groups, and how trauma may manifest and be addressed amongst these groups. The vital role of the Witness Protection and Support Unit (WPSU) in general, and more specifically the psychosocial services offered by the WPSU, are discussed in **Parts 5 and 6** respectively. Finally, **Part 7** addresses the self-care practices for individuals working with traumatized populations, including resources for UNITAD staff.

UNITAD's standard operating procedures are referred to frequently throughout this Guide and are appended. These standard operating procedures, which prescribe specific procedures for dealing with witnesses, are both trauma-informed and based on international best practices.

In this Guide, **interviewer** and **investigator** are used interchangeably, as are in most cases the terms **interviewee**, **witness**, **survivor** and **victim**.



Special Adviser Karim Khan speaks with members of impacted communities at an internal displacement camp in northern Iraq

Part 2

Trauma psychology

Key points

- › Post-traumatic stress disorder (PTSD) is a chronic condition that can involve re-experiencing traumatic events in the form of flashbacks or nightmares, avoidance of people or circumstances associated with the traumatic event, and persistent hypervigilance and sensitivity to stimuli such as unexpected noises;
- › Trauma impacts on memory and on the ability to recall and describe traumatic events;
- › Investigators should be aware of the various typical manifestations of PTSD and be prepared for their emergence during an interview;
- › Questions and assessments of witnesses' answers should be informed by an understanding of these typical manifestations, and psychosocial support should be available, as necessary and appropriate, to interviewees during and after interviews.

2.1. Introduction

Understanding trauma psychology is essential to the ethical and effective investigation of international crimes. Such crimes typically involve prolonged or systematic violence against civilian populations, usually based on group identity, and a destruction of the existing societal order. Every person involved in the investigative process—from survivors to witnesses to investigators to local populations as a whole—may be affected by trauma. A victim- and witness-centered approach requires adapting investigative methods to this reality, in the interests of both the investigation and the witnesses. The conditions that safeguard the psychological well-being of witnesses are the same conditions that facilitate the most complete and coherent retelling of those experiences.

Knowledge of trauma psychology helps investigators recognize the broad and pervasive mental health impact of the crimes; facilitates a more effective investigation; and minimizes the potential impact of this trauma on interviewee and interviewer alike.

2.2. Trauma and its effect on human psychology

Trauma can be defined and manifest in different ways. It has been defined as “an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual’s functioning and mental, physical, social, emotional, or spiritual well-being”.¹ A trauma reaction is an emotional response to an event that impairs a person’s capacity to cope, and may strongly impact on their ability to recall and describe the traumatic experience.

Extreme trauma can result in a variety of outcomes, of which one of the most common is Post-traumatic Stress Disorder (PTSD). PTSD is one of the only diagnoses listed in the *American Psychiatric Association’s Diagnostic and Statistical Manual, Fifth edition* that can be causally traced back to an event or series of events. According to the *International Classification of Diseases, Eleventh edition* of the World Health Organization:

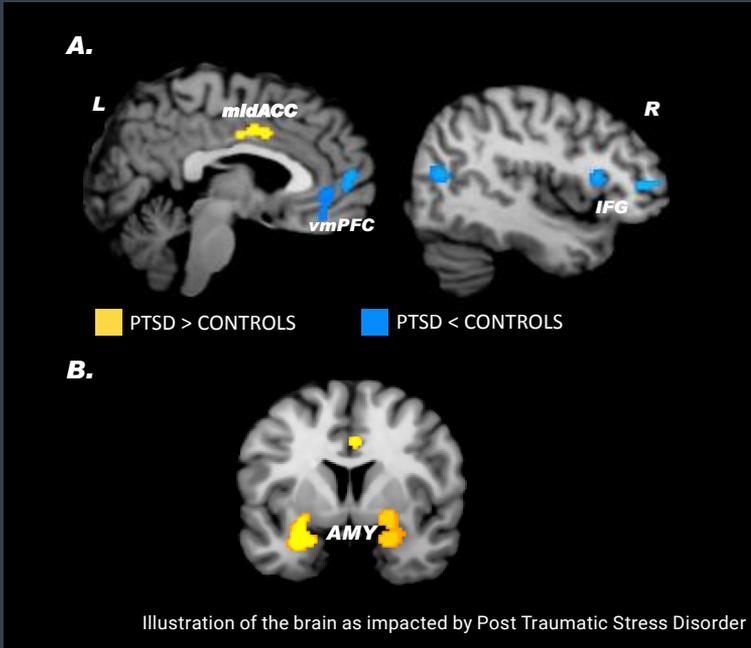
[PTSD] may develop following exposure to an extremely threatening or horrific event or series of events. It is characterized by all of the following:

- 1) re-experiencing the traumatic event or events in the present in the form of vivid intrusive memories, flashbacks, or nightmares. Re-experiencing may occur via one or multiple sensory modalities and is typically accompanied by strong or overwhelming emotions, particularly fear or horror, and strong physical sensations;
- 2) avoidance of thoughts and memories of the event or events, or avoidance of activities, situations, or people reminiscent of the event(s); and
- 3) persistent perceptions of heightened current threat, for example as indicated by hypervigilance or an enhanced startle reaction to stimuli such as unexpected noises. The symptoms persist for at least several weeks and cause significant impairment in personal, family, social, educational, occupational or other important areas of functioning.²

¹ Substance Abuse and Mental Health Services Administration, *SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach* (Rockville, MD, Substance Abuse and Mental Health Services Administration, 2014), p. 7.

² World Health Organization, “Post traumatic stress disorder”, in *ICD-11 for Mortality and Morbidity Statistics*, website, September 2020.

PTSD is a chronic and debilitating mental health diagnosis that can be expected to be particularly prevalent where entire populations have been exposed to mass atrocities and face other risk factors. Nonetheless, as stressed earlier, this is merely one amongst a myriad of possible outcomes.



Extreme trauma is well known to cause alterations in brain structure and function and to damage interpersonal functions, communities and populations. Many of these effects transcend culture, language, age and gender in global samples. Individuals are not equally vulnerable to potentially traumatic events. Demographics, initial distress level, developmental stage, personality, intelligence, pre-traumatic coping abilities, cultural context, perceptions, neurobiology, protective supports and prior history of trauma exposure can all determine reactions to trauma. The “frequency, severity, and duration of the event/s experienced, the degree of physical violence and bodily violation involved, the extent of the terror and humiliation endured and whether the trauma was experienced alone or in the company of others” are also highly relevant. Environmental factors include “community attitudes and values,

cultural constructions of race and gender, political and economic factors attending victimization, and the quality, quantity, accessibility, and cultural relevance of the larger community’s survivor care and advocacy resources”.³

Being victimized by torture and rape have consistently been most highly correlated to the full diagnostic criteria of PTSD. Torture and rape – and other international crimes of similar gravity – typically occur on a massive scale when committed as international crimes. Trauma can alter the very sense of a survivor’s basic purpose, and this impact may be felt throughout a community affected by the widespread and systematic infliction of these crimes.

The negative impact on the mental health of survivors of crimes perpetrated by Da’esh

Far from hiding its crimes, Da’esh ostentatiously disseminated its brutality on social media sites such as YouTube, Instagram and Twitter, to both recruit and terrorize. The fear brought on by Da’esh’s violence, broadcast through social media, has been called **ISIS Anxiety**: a psychological effect inflicted on viewers far beyond the place where the violence occurred. Utilizing social media strategies and trauma psychology, Da’esh sought to manipulate the psychological state of the Iraqi people, as well as others exposed to their violence.

2.3. The effect of trauma on memory

While trauma does not necessarily or even generally impair a person’s ability to recall events, it can have a variety of effects. Some of these are detailed below:

Authority over memory vs. intrusive memories of trauma. “Authority over memory” refers to the capacity to recall a trauma experience as a cohesive narrative, with particular details put aside or remembered at will. “Intrusive memories” are those relived and re-experienced as if they are happening in the present.

³ Mary R. Harvey, “An ecological view of psychological trauma and trauma recovery”, *Journal of Traumatic Stress*, vol. 9, No. 1 (1996), pp. 3–23.

Loss of agency over memory of the traumatic event can manifest across a spectrum of presentations, from intrusive and distressing recollections of the traumatic event to a complete inability to recall any details of the event altogether. Those details that are remembered may focus on survival or the threat of harm, such as memories of a brandished weapon, rather than accompanying verbal statements or threats.

Trauma memories are encoded in autobiographical memory, which is separated from the overall memory network. Lack of sequence often occurs when attempting to recall and describe particular events. Questions such as “what else happened?” may be better received in this context than “what happened next?”, for example.

Memory and affect integration vs. dysregulation. “Affect” is the subjective positive-to-negative reactions or feelings in relation to, in this case, an event. Positive affects include joy, contentment or engagement; negative affects include fear, anxiety and anger. Affect may either be integrated with the recall of the event, so that there is a correspondence between the memory and the current emotional reaction; or it may become dysregulated or disconnected in some way.

An example of such disconnection is having no reaction in response to a horrible event. Conversely, dysregulation can manifest in the form of waves of anxiety, rage, fear or terror. This phenomenon is evident in the acute stress response known as the *fight-flight-freeze reaction*, whereby the recall of a traumatic event activates an acute stress response that is not turned off, keeping the body in a state of continuous stress response.

Investigators’ pre-conceived notions about what type of emotional response is to be “expected” from the interviewee, as a means of evaluating credibility, should be substantially qualified.

Affect tolerance and regulation vs. dysregulated affect. Affect tolerance is the ability to experience and manage positive or negative affect, whereas dysregulation refers to the inability to do so. Trauma may induce emotional reactions that inhibit the witness’s ability to emotionally adjust, thus affecting emotional awareness, emotional acceptance, emotional clarity, impulse control or even goal-directed behavior.

Heightened emotional response to environmental stimuli are characteristic of PTSD, acute stress disorder and complex PTSD, signaling that emotional regulation difficulties persist. Individuals experiencing these disorders may have intense emotional reactions to trauma-related cues and exhibit difficulty attending to, differentiating or understanding resulting feelings of fear.

Investigators must anticipate such reactions and be prepared to use some of the techniques and support mechanisms discussed later in this Guide to reassure the witness and to ensure that appropriate support is available.

Symptom mastery vs. uncontrolled symptoms. Symptoms of psychological disorders are broadly understood as the negative consequences of trauma and PTSD. Symptoms may include flashbacks and dissociation, such as complete detachment while describing a traumatic event. Interviewers should be aware of the possibility of uneven symptom mastery: some symptoms may be very well managed by a witness suffering from PTSD, but not others. Memory and affect dysregulation do not necessarily reflect a lack of reliability or deceptiveness on the part of the witness, but can be a normal reflection of the uneven control of symptoms.

Self-esteem vs. lost dignity. Self-esteem refers to regarding oneself as worthy of care (self-regard) and the behavioural expression of self-regard (self-care). Self-esteem is negatively impacted by feelings of shame and guilt, and shame and guilt are common post-trauma responses. Shame and guilt can trigger different maladaptive coping patterns, such as isolation, substance use, aggression and feelings of hopelessness and helplessness that can further spiral into depression or suicide.

Breaking of eye contact, lowering and turning away of the face, upper body slump and dilation of blood vessels of the face and neck may be physiological indications of shame and guilt. Investigators must be particularly observant of such reactions and must respond by seeking to fully engage with the witness during the interview. Extra time should be taken in applying the interview techniques discussed in the next section to maximize the witness's opportunity to engage in the interview at their own pace and to gradually engage more fully with the interviewer.

Self-cohesion vs. dissociation. Self-cohesion refers to an individual's experience of themselves in thoughts, feelings and behaviours. One has self-cohesion when their thoughts, feelings, and behavior are congruent, contributing to a stable sense of self. A survivor may experience dissociation or other deficits in self-cohesion, in which case an interviewee's thoughts, feelings and behaviours need to be taken as separate experiences. A person experiencing a deficit in self-cohesion might report personal experiences from the point of view of a third-party observer; report a calm mood while the interviewer observes emotional distress; or might exhibit inappropriate expressions of emotions such as laughing while talking about horrific personal details of their traumatic event. Additionally, when experiencing dissociation, a

person might experience no emotions while giving an account of their traumatic experience, or might switch personality traits.

Safe attachment vs. isolation. Safe attachment refers to the capacity to relate to others. Trust and feelings of interpersonal connectedness, i.e., the sense of belonging, are a part of creating a safe attachment. Trauma can negatively impact an individual's ability to create safe attachments, leading to attachment anxiety, a reduction in acknowledgement of negative emotions, decreased attempts to seek social support and an increased risk of depression. Establishing rapport during an interview may be a challenge, and will require the full personal engagement of the interviewer, and the unhurried application of the interview techniques described in part 3.

Meaning vs. despair. Trauma often generates existential concerns. Experiencing or witnessing life-threatening trauma may force witnesses to contemplate their own mortality and may be experienced as a physical and existential threat to psychological well-being. Difficulties in reconciling the disruption of trauma with a conception of the world as stable and safe can create severe anxiety and depression, leading to hopelessness and despair. Hopelessness and despair may present as suicidal ideation, suicidal intention, suicide attempts, inability to experience pleasure in normally enjoyable activities, learned helplessness, loss of motivation or drive, or fatigue.



A father walking with his son in the outskirts of Mosul

Part 3

The trauma-informed interview

Key points

- A trauma-informed approach is guided by the principle of **do no harm**, and should apply to all contacts with witnesses;
- In respect of any witnesses for whom there are indications of vulnerability, a clinical psychologist must conduct a vulnerability assessment before an interview to recommend any special support measures;
- Special measures may include allowing a friend, family member or support-person to be present during the interview to provide psychosocial support;
- A comfortable, safe and secure location and setting are vital;
- The interviewer should model a calm, professional and sympathetic demeanor at all times;
- Questioning must be conducted in a non-suggestive manner to avoid influencing a witness's memories and to reinforce the witness's autonomy and own recollection of events;
- The voluntariness of the interview, and the conditions for sharing it, must be emphasized before and after the interview, and the witness must be given a full and unhurried opportunity to review, amend and finally adopt any written statement;
- Interviewers should acknowledge and respond to any extreme manifestations of distress, and call upon the clinical psychologist in case of need;
- Immediate referral should be made to post-interview psychological support if warranted.

3.1. Introduction

Traumatization amongst witnesses or survivors of mass atrocity crimes is so endemic that any interactions with them should be trauma-informed. Witnesses or survivors may suffer powerful trauma reactions during, or in advance of, an

interview that interfere with their ability to recall and describe events coherently. Interviewing must be tailored to this possibility, in particular, by ensuring an appropriate psychosocial assessment and support; adopting appropriate techniques and sensitivity during the interview; and providing options for assessment and follow-up after the interview. These steps, moreover, must be undertaken in a culturally appropriate manner. These measures not only assist in protecting a witness from re-traumatization, but also create the conditions for obtaining the most complete and coherent account from the witness possible.

The core principle of the trauma-informed interview is **do no harm**. This principle does not mean avoiding speaking to any witness who may be distressed by retelling their experiences. Especially in the case of witnesses who may have information vital to a criminal investigation, this would do a disservice to victims. Rather, the **do no harm** principle requires investigators to evaluate a witness's psychosocial vulnerability; ensure that appropriate psychosocial support is available before, during and after the interview; adopt interview procedures and methods that minimize psychosocial risk and impact; and, if the psychological risk of proceeding with an interview is deemed unacceptable and mitigation measures inadequate, to take the decision not to proceed with the interview as a last resort.

The trauma-informed approach can be applied to through the widely-accepted model of investigative interviewing known as PEACE:

1. Planning and preparation (4.1)
2. Engage and explain (4.2 and 4.3)
3. Account and clarification (4.4)
4. Closure (4.5)
5. Evaluate (4.6)

3.2. Planning and preparation

3.2.1. Identifying appropriate interviewees

Good interviews begin with good investigations. A primary purpose of investigations is to identify individuals who have the most relevant information about a potential crime. Identifying those potential interviewees in a post-conflict environment, where targeted communities may feel isolated, distrustful of official authority and reluctant to come forward spontaneously, often requires building connections with community-based organizations and leaders, including religious, charitable or welfare organizations. These contacts can be

indispensable for investigators to be welcomed and known to the community which, in turn, facilitates contact with potential interviewees. Dialogue with local organizations also helps interviewers learn how to conduct investigations in a culturally sensitive manner.

Local organizations must not, however, be permitted to assume a role in the investigation itself or to exercise undue influence over the course of the investigation. They must not be able to control the choice of witnesses, or to play the role of *de facto* gatekeeper to witnesses. Furthermore, representatives of the organizations cannot be present during the interviews or otherwise be privy to communications with witnesses. Some witnesses may not have telephones or face other circumstances that may compel reliance on organizations. Nonetheless, investigators must be alert to the danger of their investigations being impugned by the role of intermediaries, as occurred in *The Prosecutor v. Thomas Lubanga Dyilo*.⁴ Investigators should take the time to explain this imperative to local organizations in a respectful manner so that they understand why there must be limits to their role in the investigation, and that these limits are for the integrity of the investigation as a whole.

Interviewee selection at the early stages of an investigation should be based on a review of available information to identify those interviewees most likely to be able to speak about the material facts of the crimes. As investigations mature, interviewee selection can become progressively more refined. An investigation plan will include the following steps as the basis for identifying candidates to be interviewed:

- (a) identify sources of potential information, including any open-source information such as that appearing on social media and in regular media, and non-public information that may be readily available, including from local or international nongovernmental organizations and governmental organizations that may be willing to share notes of conversations with witnesses;
- (b) collect and review all available information on the event and potential perpetrators;
- (c) establish a tentative chronology of events;
- (d) prioritize the gravest crimes;
- (e) identify gaps in existing information about the events or potential perpetrators;

⁴ *Lubanga Trial Judgment*, ICC-01/04-01/06-2842, paras. 478–484.

- (f) identify categories of potential witnesses, for example, survivors, bystanders, family members of victims, aid workers, smugglers, journalists and religious authorities;
- (g) identify the contact details of as many potential interviewees as possible.

The spectrum of potential witnesses should encompass all forms of criminality within the jurisdiction of the investigation. Some forms of criminality, including sexual and gender-based violence, have been historically under-charged, possibly because potential witnesses to these crimes were overlooked. Investigating potentially stigmatizing subjects such as sexual violence may require seeking out information that is not openly discussed or put forward by local organizations.

Witnesses sought out for interviews should reflect diversity in gender, religion, age and sexual orientation. There is no hierarchy of victims, yet conscious or unconscious biases may lead to certain forms of criminality or harm being overlooked or under-represented in the investigation. Modern technology may assist in facilitating direct contacts between witnesses and investigators, as through UNITAD's "Shuhud" application which allows witnesses to make contact confidentially and directly through a mobile telephone or computer. Needless to say, this application will only be as representative as those who use the technology itself.

3.2.2. Pre-interview steps: contacting, screening and vulnerability assessments

Initial contact

Interviewers should take into consideration the possibility that contact with a potential interviewee could pose a potential security or psychological risk for the interviewee. The circumstances in which a potential interviewee becomes known to investigators, and the extent of information known about a potential interviewee, can be important factors in determining how an initial contact can be safely made. In some situations, the initial communication can occur openly in front of others; on other occasions the contact must be made with the utmost discretion to avoid anyone else being able to observe the communication.

Screening

A screening is a preliminary discussion between the interviewer and a potential interviewee to confirm the interviewee's identity and learn whether they possess relevant information that justifies proceeding to a full interview. A screening is also an opportunity – without going deeply into the experiences suffered

by the interviewee – to establish whether the interviewee’s experiences, circumstances, characteristics or reactions suggest that they may be a vulnerable witness who should be assessed by a clinical psychologist before a full interview is undertaken. Indeed, a vulnerability assessment can be conducted even before a screening if there are already indications of such vulnerability.

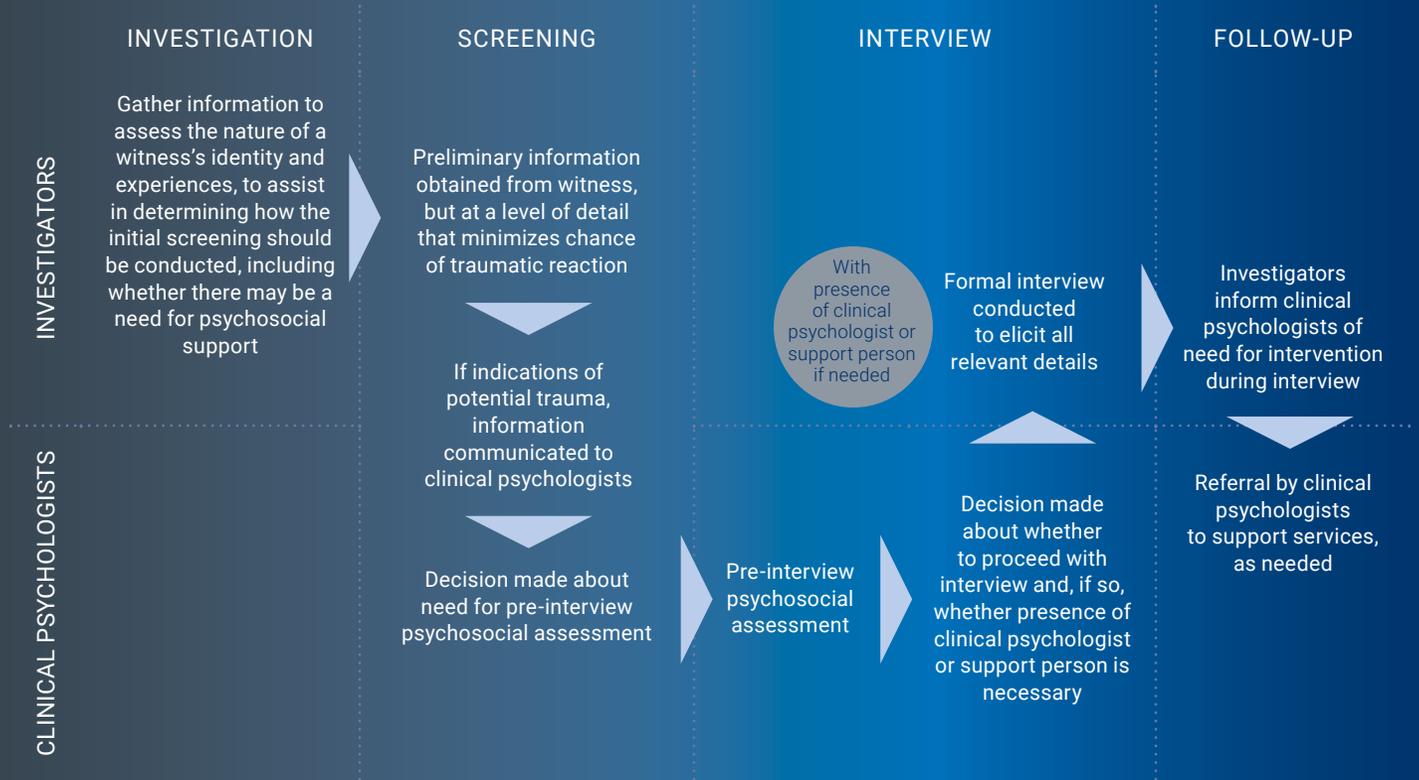
Vulnerability assessment

The goals of the vulnerability assessment are to assess whether the interview can be conducted in accordance with the do no harm principle; to evaluate the mental health status of the interviewee and identify any special protective measures that can be put in place during or after the interview; and to provide psychoeducation, i.e., explaining to the potential interviewee the normal psychological reactions that can be expected during the retelling of a highly traumatic event. The clinical psychologist makes a recommendation to the investigator as to whether the interview can proceed in accordance with the do no harm principle, and recommends any special measures (which may include the clinical psychologist being present during the interview to monitor the witness and provide support as needed).

Such a vulnerability assessment may occur immediately prior to the interview, under the same conditions of safety and security that apply to the interview itself, or it may be conducted at around the same time as the screening. With or without a screening, logistical arrangements should be made to facilitate the witness’s discrete and safe movement to the location where the interview will take place, to minimize the chances of anyone observing their engagement with the interviewing authority as a potential witness. Even without an advance vulnerability assessment, interviewees should be informed that they may be accompanied, if they choose, with a trusted person who can provide them with emotional support.

Informed consent is a key component of the pre-interview procedures. The witness must be informed of the nature of the interview process and advised that their participation – whether in a screening to obtain preliminary information or in an interview – is entirely a matter of their own free and voluntary choice. Witness autonomy must also be emphasized in respect of the logistical arrangements and scheduling of any interview, and the pre-interview psychosocial assessment.

Psychosocial support for witnesses in the interview process



3.2.3. Interview setting

Interview locations should minimize the possibility of the interviewee being identified as a witness in the investigation, thus potentially exposing them to threats, intimidation or other harm by perpetrators. This risk is dependent upon a myriad circumstances: interactions with interviewees in a secure camp surrounded only by similarly-placed victims, who have come forward openly (for example, at the end of a general outreach event) may pose little or no risk to their personal security, whereas such interactions might be extremely dangerous in a community of mixed survivors and perpetrators. If possible, any lengthy and repeated interactions with investigators that could indicate a person's status as a potential witness should be undertaken at some physical remove from their place of residence to provide an opportunity for anonymity.

Any location chosen, especially given the risk of trauma reactions associated with the sustained engagement of a full interview, must be emotionally safe and reassuring to the witness. The interview must be able to take place in complete privacy. A place for the witness to take breaks and be supported if feeling distress, whether by a support person who may have accompanied the witness to the interview or by a clinical psychologist, is essential. The location should feel neutral to the witness, and not subject to control of anyone other than the interviewers. Although it may be possible to create these conditions within a displaced persons camp, or in a community in which the witness lives, a nearby town or city can generally offer a greater level of anonymity, privacy and autonomy.

In-person interviews should be conducted in a quiet, enclosed space with comfortable seats around a table for all participants. Refreshments, especially water and tea, and tissues should be available. Lunch should also be available at the location so that the witness need not venture out into an unfamiliar setting during an interview that may be distressing. A washroom should be nearby. Provision should also be made for the care of any children who may have traveled with the witness, as may be necessary in some circumstances.

The COVID-19 pandemic has compelled discussion of the extent to which criminal investigation interviews can and should be conducted remotely when in-person interviews are not feasible; and, if so, under what conditions. Even though the practice of psychotherapy has moved online to a significant extent, consideration must be given as to whether vulnerability assessments and, if need be, timely psychosocial support, can be provided in the context of a remote interview. Consideration must also be given as to whether a comprehensive and trauma-informed interview can be adequately conducted remotely given its expected importance or scope.

These issues are addressed in UNITAD’s Remote Witness Interviews Standard Operating Procedures⁵ and its Procedure for Providing Remote Psychosocial Assistance to Witnesses During the COVID-19 Pandemic.⁶ While in-person interviews are preferred, remote interviews are permitted subject to various considerations and procedures, including: the performance, if indicated, of a pre-interview psychosocial assessment; the availability of psychosocial services in the location where the witness is located, preferably those with whom UNITAD has referral arrangements; the fully informed consent of the interviewee to proceed with a remote interview; the witness’s indication, or other verification, that they can attend at a safe, quiet and private location; the ability to show documents through the communication platform; the possibility of the physical presence of a non-interviewing UNITAD staff member or other designated person with the interviewee during the interview; ongoing verification during the interview that communications are clearly understood and well translated; and availability of post-interview psychosocial support, including by referral if necessary to services arranged by UNITAD.

3.2.4. The interview team

Interviewer

The factors that may be relevant to choice of interviewer include: familiarity with the subject-matter; a level of experience suitable for the importance of the witness’s testimony; specialized training or expertise as needed, for example, for children or victims of sexual and gender-based violence; inter-gender dynamics, including requests by a witness as to the gender of interviewer; other characteristics of an interviewer that may be relevant in determining an interviewee’s willingness to be open and confide during the interview; and preferences of the potential interviewer, especially when the interviewer fears re-traumatization because of some specific feature of the likely content of the interview.

Interpreter

Interpreters are a vital component of any interview when the interviewer does not speak the interviewee’s language. They are the interviewer’s alter ego. Great care must therefore be taken to ensure that the interpreter can fluently speak

⁵ UNITAD, Remote Witness Interviews Standard Operating Procedures.

⁶ UNITAD, Procedure for Providing Remote Psychosocial Assistance to Witnesses During the COVID-19 Pandemic

the interviewee's language, including being able to convey idiomatic expressions that are frequently used to describe traumatic experiences. The interpreter must be able to convey the subtle vocabulary of emotion that will convey the interviewee's account, but also the interviewer's reactions. Indeed, it may also fall to the interpreter to translate for the psychosocial support clinician.

Interpreters should not have any prior association with the witness, nor have been directly involved in the specific events that are the subject of the interview. Any such connection could undermine the reliability of the interview and might cause the witness to be less candid in their account.

Preparation between the interpreter and the interviewer at the beginning of the interview, and during breaks, can be essential to the success and efficiency of an interview. Interpreters must be instructed to do their utmost to adhere to a verbatim translation of the words being spoken by interviewer and interviewee. Any language issues, such as an impossibility of rendering a verbatim translation or a misunderstanding of a word used by the interpreter, should be clarified between the interviewer and the interpreter, not between the interpreter and the witness. The interviewer should discuss, or preferably list for the interpreter, any difficult or important names, places or words that will be used during the interview. This list must not be visible to the witness at any time, who could thereby be influenced by a suggestion.⁷

3.2.5. The interview plan and materials

As much biographical information as possible should be obtained in advance of the interview, including gender, age, religious or ethnic background, political affiliation (if relevant), identity of family members and identity of any friends or associates who were present at the key events to be described by the witness. This information can assist in understanding the witness's relationships with others who may have already been interviewed.

Every effort should be made to obtain any prior statements of the witness before the start of the interview. These narratives can help the interviewer to orient the interview, but should not be used to lead the witness or suggest answers on important issues (unless the prior statement was taken by UNITAD itself). Only once the witness's account on a subject has been adduced in a non-suggestive manner during the interview should any clarifications in respect to prior statements be addressed.

⁷ Witness Interview Standard Operating Procedures, sect. IV.

Outlines should be prepared as a series of open questions or topics. Information once elicited can be used as the basis for further questions. This allows the interviewer to non-suggestively orient the witness toward gaps or discrepancies relative to other evidence that has been collected in the investigation so far. Some investigators prepare an outline using two columns: the left column lists topics or open questions in relation to topics, usually organized chronologically; the right column indicates the answers that may have been previously given by the witness or by other evidence, including specific documents that the interviewer may consider showing to the witness, if acceptably non-suggestive. Interviewers should think carefully, in preparing the outline, about what a witness may have realistically been able to see, hear or have heard about.

All preparations should be undertaken in advance of the interview in respect of special investigative measures such as, for example, photo identification boards to determine whether a witness can identify a person visually in a non-suggestive setting. Maps, photographs and other visual or documentary evidence should be at hand but, as always, not used in a way that leads the witness by giving them new information that they have not themselves volunteered.

3.3. Engage and explain

The initial moments of an interview are a precious opportunity to set its tone and to put the witness at ease. Even if a witness has previously told their story to a journalist or a nongovernmental organization, sitting down with an investigator to give a formal statement may cause considerable apprehension and stress.

An investigator should project a calm, professional demeanour in order to reassure the interviewee that they are in good hands, and that the process of accountability cannot move forward without their assistance. The greeting, as with the entire interview, should be informed by cultural sensitivity and awareness as to clothing, customary rituals, demeanour and the potential disturbance or distraction that could be caused by wearing religious jewellery or clothing. The room should be fully prepared for the arrival of the witness, including ensuring that laptops, writing pads and other necessary items are in place. Having refreshments available from the outset and asking whether a witness is comfortable or needs anything else are gestures of welcome that set the tone for the interview and building rapport.

In general, the only persons who should be present during an interview are the interviewee, interviewers and interpreter. If recommended on the basis of the vulnerability assessment, the interview can also be attended by someone to

provide psychological support, either a trusted friend or family member, or a psychologist from the interviewing authority.⁸ Parents or legal guardians also have the right to be present during the interview of their child or ward, respectively, but may be asked to leave for some or all of the interview if the interviewer believes this would facilitate the witness's candor. Parents and support persons should be advised that they should not interfere with the questioning by suggesting any answers to the witness, and that they should limit their interventions to providing emotional support.⁹

Introductions should be made at the outset. On the basis of these introductions, the interviewer should immediately check that the witness is comfortable with the quality of the interpretation. The witness should be told who is present; the mandate of the investigative entity; the purpose of the interview in general terms; that the interview is entirely voluntary and that the witness may take a break or leave at any time; and that the obligation is to tell the truth. Informed consent must be sought not only to proceed with the interview, but also for any further disclosure of the statement. Witnesses are permitted to defer giving this consent until a later time. Consent to share the statement, if obtained, should also re-obtained at the end of the interview, in light of its content. The Witness Statement Template annexed to UNITAD's Witness Interview Standard Operating Procedure sets out these provisions.¹⁰ The consent of a parent or legal guardian is also required in respect to an interviewee who is under 18 years of age.

Though international practice varies, UNITAD generally favors audio or video recording interviews, even of non-suspects. Such recording is considered particularly desirable where the evidence is expected to be of great probative value or importance, or there is reason to believe that the witness may not be available at a later date (for example, because of advanced age or serious illness or because the witness is living in unsettled circumstances and may not be able to be subsequently contacted). The informed consent for such recording must be separately obtained from the witness.

A written statement of an interview may be produced in addition to, or instead of, the audio or video recording. This written statement must be drafted by the investigators in the first person; use the witness's own words to the greatest extent possible, setting out all material facts and important details described albeit without purporting to be a verbatim account of every word spoken during

⁸ Witness Interview Standard Operating Procedures, sect. III, k–m.

⁹ Child Witness Interview Standard Operating Procedures, sect. IX, a, ii.

¹⁰ Witness Interview Standard Operating Procedures, sects. I, II(g), IX(a), annex, para. 7.

the interview; and be reviewed by the witness with a full opportunity to make corrections before being asked to sign. If the witness is literate, it is preferable to translate the statement into his or her own language; if not, the statement can be interpreted orally to the witness by a translator, who then makes any and all corrections to the text as indicated by the witness.

3.4. Account and clarification

3.4.1. Questions and answers

The purpose of an investigative interview is to elicit and record a structured account of a witness's memory of an event for use in subsequent criminal proceedings. The principle of do no harm is fully compatible with this objective.

The conditions that can facilitate the accurate retelling of an event are the same conditions that can preserve psychological well-being.

Interviews are conducted as a dialogue of questions and answers. The interviewee should be reassured from the beginning of the interview that they may not be able, nor are they expected, to be able answer all questions. Answers such as "I don't know" or "I can't remember" are not only acceptable but required if that is the state of the witness's knowledge or recollection. What matters is not whether the witness can offer a comprehensive description of an event, but that the interview reflects the witness's own best recollection of what they themselves observed or know.

Open-ended and non-suggestive questions are vital for ensuring that the account is a genuine reflection of the witness's own, unaided and uninfluenced recollection of the events. This requires not only refraining from asking leading questions ("Was the car red?"), but also being mindful of the suggestiveness of the question ("What colour was the car?"). The ideal question is: "Can you describe the car?" or "What else did you notice about the car?" However, the propriety of suggestiveness falls on a spectrum: rigorous non-suggestive questioning is most important in respect to highly important and sensitive questions (such as the identity or presence of a perpetrator), and less so in respect to less controversial facts (such as the location of two well-known streets in relation to one another).

Who?, what? when?, where?, why? and how? are questions that generally encourage a witness's free narrative, as do sentences beginning "Tell me...", "Explain to me ..." or "Describe to me ...". These questions also empower a witness by conveying that the interviewer is deferring to the witness, allowing them to express themselves as they choose and to find their own voice.

This does not mean, of course, that an interviewer is not allowed to orient or guide the interview. Indeed, orienting and guiding the interview is vital to ensuring that the account is as detailed as possible concerning the facts most crucial to the investigation. An element once introduced by a witness can be referred to and then followed up by the interviewer. Accordingly, an interview typically proceeds on the basis of open-ended narrative accounts by a witness, followed by clarifications that add detail to the initial overview. Non-suggestive questioning can telescope from general to more specific and back again as needed to explore the nature of the witness's recollections. Phrases such as "Please tell me more about ...", "What did you do?" and "What else were you able to see?" are ways of non-suggestively pursuing details about an event or people that the witness has already mentioned.

Accurate paraphrasing based on what has just been said may be used periodically to confirm the interviewer's understanding, especially in respect of chronology. Care should be taken not to allow para-phrasing to dominate the interviewee, or to change the content of what the witness has said. Especially in this context, the witness should be welcomed to correct the interviewer's understanding if it is incorrect.

Special care should be taken to formulate questions that are easy to understand. This good practice is even more important in respect of potentially traumatizing events. Compound or convoluted questions are hard to translate, can be hard to answer, decrease confidence in the interview process and increase stress. The process of clarification of the witness's own account through respectful and precise questioning can itself be empowering for the witness, build rapport between interviewer and interviewee and demonstrate respect for, and interest in, the witness's own account. Witnesses should not be interrupted if they are providing potentially exculpatory information; on the contrary, investigators have an ethical obligation to adduce this information.

Most interviews are best conducted on the basis of a chronological sequence of events, subject of course to the witness's own capacities to recall events sequentially. Contextual and introductory topics should be addressed first in an interview before those that are more distressing. This gives the interviewer, interpreter and interviewee the opportunity to become more familiar with one another and the question and answer format of the interview before embarking

on more difficult subjects. This can also facilitate addressing the most traumatizing events as efficiently as possible. The chronological approach should not be forced, however. For witnesses who have serious difficulties remembering the sequence of events, it may be better to ask “What else happened?” rather than “What happened next?” which can presuppose that the witness has a well-ordered, sequential memory of events.

Interviewers should be mindful of the non-verbal dimensions of their interaction with the interviewee, including the importance of:

- Maintaining good eye contact;
- Observing facial expressions;
- Listening for changes of tone;
- Leaning in slightly while listening, while maintaining a respectful distance;
- Being fully attentive when the interviewee is speaking;
- Choosing a proximity to the interviewee that is close enough to permit full engagement and attention during the interview while avoiding being too close to invade personal space;
- Noting facial expressions and other forms of nonverbal communication;
- Being comfortable with silence to ensure that the witness has room to spontaneously add information.

Clarifying the extent of the witness’s certainty about the sequence of events is important. The progression of events as recalled by the witness can help organize the interview and potentially reduce the witness’s anxiety by sign-posting changes of topic or events, as by indicating, for example that: “I’m finished with my questions on that topic, unless there is anything you would like to add?” This can also give the witness a convenient opportunity to have a break if they need one.

A calm, open, and sympathetic demeanor should be modeled by the interviewer throughout the interview, especially in the telling of the most horrible circumstances. The interviewer should also demonstrate concern for the witness’s well-being throughout by asking periodically whether they are tired or need a break; whether they are comfortable or need refreshments; and by watching for signs of fatigue in the interviewee or interpreter, and imposing breaks whenever such signs are observed. An important mark of respect is to set a schedule for the interview, including timed breaks and lunch, and then to try to adhere to that schedule – subject to additional breaks as needed. An interview conducted efficiently, effectively, professionally and with kindness are important safeguards of a witness’s physical and psychological well-being.

The possibility of witnesses being untruthful or unreliable should not be excluded by interviewers. Aside from seeking to adduce information, an investigative interview must also attempt to discern the witness's credibility. Obvious internal contradictions, implausibility, or contradictions with other evidence deemed reliable should be openly addressed. Such questions often clarify the witness's answers and credibility, and ensure that the witness is not taken by surprise when such questions are inevitably asked in court. All of this can be done respectfully, professionally and in an emotionally neutral way.

3.4.2. Identifying and responding to severe reactions to trauma during an interview

Interviewers should be careful not to play the role of clinical psychologist to the interviewee. Interviewers should not assume that a witness is suffering the effects of trauma, nor pathologize the witness's reactions by conceiving of them in terms of "diagnoses," "conditions," "pathologies," or "disorders".

By the same token, the interviewer should be vigilant for signs of distress and trauma reactions if they emerge during the interview. As described more fully in section 3.2, these may include **inward** responses, such as dissociation (spacing out), inability to pay attention, disorientation or unresponsiveness; or **outward** responses such as hyperventilation, extreme physical reactions (e.g. shaking), extreme emotional reactions, self-soothing behaviours or lack of impulse regulation. These responses may occur in any combination and in various degrees of intensity.

When there are signs of trauma-related distress, it is particularly important to:

- Model a calm demeanour;
- Validate the person's emotional response as perfectly normal;
- Acknowledge that there is nothing wrong with being overwhelmed by the retelling of the experience;
- Ask the witness whether they would like a break, or insist on a break;
- Consider shifting to a different topic;
- Accept the emotional and psychological reactions;
- Remind the witness of the value and importance of their participation in the interview.

Clinical psychologists should be informed as soon as practicable of any indications of severe emotional distress and given an opportunity to intervene as necessary. If a clinical psychologist is not available at the location of the interview, one should be on call for consultation about the witness's reactions

and recommendations for how to respond and whether to continue with the interview.

Re-traumatization is the exacerbation of trauma-related distress. If the signs of such distress manifest severely, then the interview should be immediately paused to give the witness the opportunity to meet with their support person or, if available, a clinical psychologist. The interviewer may also seek to consult with a clinical psychologist as to whether the interview should continue. Initial measures in response to extreme expressions of emotional distress can include: regaining the witness's attention; reminding them that they are in a safe and secure environment; asking them to state their name and identify where they are now; asking them to breathe deeply along with the interviewer; and asking them to describe five stable and non-distressing things in the room (e.g. their chair).¹¹

A severe potential reaction that may manifest during an interview are thoughts of self-harm and even suicidality. Persistent expressions of thoughts about death (suicidal ideation), expressed desire to harm oneself and/or reported or observed previous attempts at self-harm or suicide (e.g., scars, cuts) are indicators of risk. If such indications exist, interviewers should consult with the clinical psychologist supporting their mission.

3.5. Closure

Closing an interview in a way that is convenient to a witness should be carefully planned. Given the duration and complexity of many interviews – typically ranging from several hours to several days – presenting a finalized draft statement immediately upon completion of the interview is not always possible. Note-takers need time to set out the contents of the witness's statement in proper form before it is ready for the witness's review. Written translation of the statement, or oral interpretation of its content, adds additional time to the process. Interviewers should therefore incorporate this time into their interview plan and advise the witness as early as possible regarding the schedule for completing this process. Depending on the length of the statement and logistics, a witness could be asked to return in an hour, to stay overnight or to schedule a later date for the finalization of the statement.

¹¹ Relief Central, "Stabilization", in *Psychological First Aid (PFA)*, web page, 8 April 2020. Available at <https://relief.unboundmedicine.com/relief/view/PTSD-National-Center-for-PTSD/1230002/all/Stabilization>.

The process of allowing the witness to review their statement is of vital importance to ensuring not only the quality of the statement but also the witness's sense of agency and closure. The witness must fully understand that the statement is *their* statement, and that it must fully reflect what *they* say about the events and that *they* are absolutely free to make any corrections, additions or deletions as they see fit. It may be useful to underscore this point by making a computer and printer readily available for easily incorporation of corrections. Ample time must be given to the witness to calmly review the statement without feeling any pressure to merely rubber-stamp a document that may already appear authoritative. Placing any time pressure on a witness during this stage of the interview process is absolutely prohibited, and can be profoundly disempowering; conversely, the opportunity of a calm, full and careful review of the statement will remind the witness that *they* are at the centre of the interview, and that the role of the interview team is merely to facilitate the telling and recording of the witness's experiences.

When the witness has gone through the entire statement, they should *again* be asked whether they wish to make any corrections, deletions or additions, and whether it is fully accurate and true to the best of the witness's recollection. Only once the witness affirms the statement by signing it, or, if illiterate, by otherwise affirming its truth, the interview is formally at an end. At the time of signing, the scope of the witness's consent to share the statement should be revisited.

Gratitude should be expressed to the interviewee for their participation in the interview with particular emphasis on the importance of their participation for the purposes of the investigation and pursuit of justice. Explaining the next steps in the justice process may be helpful to validate the importance of the interview, but the interviewee's expectations should not be raised unrealistically. Candor about the obstacles to justice and the speed of the justice process should be balanced with underscoring the importance of collecting evidence as a prerequisite for accountability and justice.

If not previously established, the witness should be asked how they can be contacted for the foreseeable future, with particular emphasis on avoiding – if possible – reliance on any intermediate contact person unless strictly necessary and proposed by the witness. If the witness has used a cover story to explain their absence for the interview to other members of the community in which they live, this should also be clarified. Furthermore, the interviewee should be told how they can contact the interviewing authority. In the case of UNITAD, contact information of the WPSU must be made available, both for the purpose of psychosocial support and to report any potential threats or security issues.

Shifting to mundane and lighter topics at the end of an interview can help decompress the experience of the interview. Questions about plans for the day may assist in allowing an interviewee to recover a more peaceful state of mind. The immediate intervention of a clinical psychologist after the end of an interview can be helpful to evaluate the interviewee's state of mind and to provide information about resources and referral pathways that may be available.

3.6. Evaluation

Immediately following an interview, the interview team should discuss the interview and the statement, assessing its relevance and probative value for the overall investigation. This should include identifying what elements have been established by the information disclosed in the interview, what gaps remain, and whether any follow-up areas of investigative focus exist. Discussions should also be held with the WPSU clinical psychologist to alert them of any signs of trauma; to receive any relevant information from any post-interview psychosocial assessment; and to discuss any follow-ups or referrals for psychosocial support.

Special Adviser Karim A. A. Khan QC and UNITAD team join Nobel Prize laureate and survivor Nadia Murad Basee on a visit to her home in Kojo following the return of the remains and burial ceremony of 103 identified Yazidi remains from Kojo mass graves



Part 4

Trauma-informed interviewing techniques for specific circumstances and special populations

Key points

- ▶ The trauma-informed techniques discussed in section 3 should be tailored and applied with particular care in the case of victims of sexual and gender-based violence, and individuals belonging to vulnerable groups such as children, sexual minorities, and the elderly;
- ▶ Any preference expressed by the interviewee regarding the gender of the interviewer should be respected;
- ▶ Measures should be taken to put children at ease and questioning should be formulated in an age-appropriate manner;
- ▶ Interviews of children must be video or audio recorded, if at all possible, and subject to consent.

4.1. Introduction

Some circumstances of a crime, such as sexual and gender-based violence, or characteristics of the interviewee, such as being a child, give rise to special considerations in applying a trauma-informed approach to interviewing. While stereotypical views should be avoided, certain considerations are so common or characteristic that they should inform how interviews of sexual and gender-based violence survivors and children are conducted in order to safeguard their well-being and to ensure the effective taking of evidence. UNITAD addresses the specific concerns of sexual and gender-based violence survivors and children, respectively, through tailored standard operating procedures.¹² Careful consideration should be given to any other known circumstance that may also require special measures or accommodations to reassure the witness, facilitate their candor or that may call for specific questioning.

¹² UNITAD, Interviewing Victims and Witnesses of Sexual and Gender-Based Violence; UNITAD, Interviewing Child Victims and Witnesses.

4.2. Sexual and gender-based violence

Definition and special issues

There is no agreed universal definition of sexual violence, an umbrella term that covers a wide range of criminalised conduct. For the purposes of this Guide, sexual violence is defined as:

acts of a sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent.¹³

Forms of sexual violence include, but are not limited to, rape, attempted rape, forced prostitution, trafficking for the purpose of sexual exploitation, child pornography, child prostitution, sexual slavery, forced marriage, forced pregnancy, forced nudity, forced virginity testing and forced circumcision (at least in some circumstances). In addition to being criminalized in most national legal systems, “rape, sexual slavery, prostitution, enforced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity” are expressly criminalized as crimes against humanity. Various forms of sexual violence can also be acts of genocide, when committed with the requisite intent, and may also satisfy the requirements of one or more war crimes, including “outrages upon personal dignity”. Sexual violence is often committed as part of a pattern of violations against individuals and communities that includes both sexual and non-sexual crimes.

Sexual and gender-based violence crimes have tended, in practice, to be under-charged relative to other international crimes, despite their shocking ubiquity. Redressing this problem starts with investigations and interviews attuned to the enduring silence that these crimes can inflict.

A ready definition of the international crime of rape is: “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive”.¹⁴ Some definitions more specifically require that invasion be a “penetration, however slight, of any part of the body of the victim or of the

¹³ Office of the High Commissioner for Human Rights (OHCHR), *Systematizing Gender Integration for Commissions of Inquiry and Fact-Finding Missions: Internal Guidance Note* (Geneva, Switzerland, OHCHR, 2016).

¹⁴ *The Prosecutor v. Jean-Paul Akayesu* (ICTR-96-4-T), para. 598.

perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body”.¹⁵ The crime of sexual violence is much broader, encompassing also “acts of a sexual nature against one or more persons or caus[ing] such person or persons to engage in an act of a sexual nature”.¹⁶ The record of an interview must correspond to these requirements which, in the case of rape, does require some specificity as to the nature of the “invasion” and “penetration”.

Proof of a victim’s lack of consent is not required. Instead, the acts must have been “committed by force, or by threat of force or coercion, such as that caused by fear, duress, detention, psychological oppression or abuse of power, against [the victim] or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent”.¹⁷ These elements relate to objective conditions, not the lack of consent of the victim. Such matters as whether the perpetrator was armed or had their weapon at hand, or the infliction of force or threats of force against other victims, are highly relevant circumstances to explore with a witness. Once force, threats of force or threats of coercion have been established, questions about “unwillingness” or lack of consent are unnecessary, although it may be prudent to definitely exclude any possible argument based on consent through such questions as “How did you feel about him taking you there?” or “What did he say to you?” or “What did you say to him?”

All interviewers should be trained and prepared to address sexual and gender-based violence crimes, especially because delayed reporting of such crimes is not uncommon and can, therefore, arise in an interview without notice. Sexual and gender-based violence should be acknowledged, however, as a crime of extremely high gravity and complexity, requiring an interviewer of commensurate seniority and skills. In UNITAD’s case, specialists from the Gender and Children’s Unit may assist in the preparation of the interview plan, or participate in interviews that may involve substantial sexual and gender-based violence issues.

The effects of trauma may be particularly acute for sexual and gender-based violence victims. All the lessons of a trauma-informed interview discussed in section 3 apply with special force in this context. In particular, the usual practice of posing questions about a traumatic event only once, rather than revisiting it repeatedly, with one interview team during a single interview, is especially

¹⁵ International Criminal Court, *Elements of Crimes* (Ipskamp, Enschede, PrintPartners, 2011), art. 7(1)(g)-1(1).

¹⁶ *Ibid.*, art. 7(1)(g)-6(1).

¹⁷ *Ibid.*, art. 7(1)(g)-1(2).

important. Having a clinical psychologist nearby to intervene is extremely important in the context of interviews about sexual and gender-based violence.

4.3. Women and girls as survivors of sexual and gender-based violence

4.3.1. Background

Sexual and gender-based violence against women and girls in conflict is routinely deployed as a strategy of persecution and subjugation by one group against another. In this context, sexual and gender-based violence is converted from being profoundly anti-social and shameful conduct to an inevitable side-effect of war or, worse – as in the case of Da’esh – an approved instrument of persecuting, dispersing or destroying the group as such. Extreme deprivation and servitude become the generalized conditions for the commission of sexual and gender-based violence. Indeed, sexual and gender-based violence is often targeted against the most vulnerable members of society: in Iraq, girls under the age of 18 were disproportionately targeted for sexual and gender-based violence.

Fear of stigmatization can be a major impediment to victims coming forward to participate in interviews or, if they do, to acknowledge sexual and gender-based violence. Common negative consequences of being known to be a victim of sexual and gender-based violence include social exclusion, blame attribution and differential treatment, all of which are associated with greater severity of PTSD symptoms, especially where there is a general lack of specialized medical and psychosocial care. These consequences can be reinforced by negative self-perceptions including fear that idealizations of femininity are jeopardized; sexist cultural norms; fear of retaliation; and fear of rejection by partners or potential partners.

The frequency and commonality of self-blame for a crime the victim did not commit is an important aspect of sexual and gender-based violence that sets it apart from other forms of crime and victimization. Self-blame is known to interfere with recovery and tends to increase rates of depression, post-traumatic stress and even suicidal thoughts. Depression, anxiety, PTSD and dissociation, loss of perceived control, shame and increased sexual risk and vulnerability to future victimization are common findings regarding the consequences of sexual and gender-based violence. Sexual and gender-based violence can result in the erosion or destruction of protective factors embedded from social relationships of family and culture, and impaired psychosocial development and functioning of children born of rape or forced pregnancies.

Unsurprisingly given these circumstances, studies have found that sexual and gender-based violence is often undisclosed and/or unreported even decades after incidents.

4.3.2. Interview techniques

The approaches suggested in part 3 must be applied the greatest diligence in respect to sexual and gender-based violence survivors. Every effort should be made to ensure the availability of a WPSU clinical psychologist and/or of a support person nearby who knows of the witness's experiences. Even greater efforts must be made to build trust and rapport with the witness, to display a non-judgmental attitude and to express empathy and calm especially during the portions of the interview that are the most sensitive. For all the vulnerability that may be relived by telling of their experiences, survivors of sexual and gender-based violence have also reported positive reactions to interviews, which may include the satisfaction of speaking out, being heard, seeking justice, obtaining a remedy and assisting those who were also victimized. Sexual and gender-based violence victims deserve empathy and respect, not pity.

Members of the Yeidi community at a ceremony to mark the commencement of excavations at Kojo village



A variety of trauma-informed techniques should be applied with particular rigour in the case of sexual and gender-based violence interviewees:

- The witness's preference as to the gender of the interviewer should be honoured in respect to everyone in the room, including the interpreter;
- Preferably, only one investigator should conduct the entirety of the interview;
- Wherever possible, the most sensitive incidents should be discussed only once;
- The witness must be allowed to describe the scene in their own way, which may include discussing the objective indicators of force, of threats of force or of coercion – such as whether the perpetrator was armed, threats issued against the witness or others, or acts of violence of a non-sexual nature; these can be important elements of proof of rape and sexual violence;
- Evidence of crimes committed against others should be adduced from the witness, which may also be a way to prepare the witness to discuss their own victimization;
- The witness must be allowed, if they wish, to describe the most sensitive and painful acts using metaphors or idiomatic expressions; but at least once, the physical meaning of the term must be clarified, and the witness should be told that this is necessary to ensure that the events are properly documented in relation to the definition of the crimes;
- The investigator should empathize with the witness by acknowledging that discussion of these events may be difficult and painful, and reassure the witness that they can take a break at any time to re-group with their support person or the clinical psychologist;
- The investigator should express appreciation to the witness for having come forward and participated in the difficult process of describing their experiences.

4.4. Men and boys as survivors of sexual and gender-based violence

4.4.1. Background

Sexual violence against men and boys is widely underreported because of stigma in many parts of the world against homosexuality and stereotypical views about masculinity. Men and boys may fear public humiliation or social rejection if their survivor status becomes known and community members assume that they identify as homosexual, or if they are viewed as weak or effeminate by

virtue of having been raped. Investigators also may be blocked from conducting such interviews by community leaders who believe they are trying to promote homosexuality.

Especially in patriarchal cultures, sexual violence against males is an assault on the survivors' self-perceptions of masculinity, sexuality, procreative capability and gender identity. Alongside physical injuries, social stigma and lack of legal redress, male survivors frequently experience psychological distress, depression, loss of self-esteem and self-image, anxiety, shame, flashbacks and nightmares, sleep and eating disorders, increased substance abuse, suicidal tendencies and difficulty with intimate relationships. The lack of recognition within many communities that sexual violence against men and boys even exists may foster additional feelings of marginalization and isolation, on top of the existing fear of stigma and abandonment by their families.

Men and boys experiencing some of these traumas may also become physically unable to work. This can further destabilize a survivor's sense of identity as a provider for his family.

As mentioned, male survivors of sexual violence may come from cultures in which discussing their abuse would lead to their ostracization and stigmatization. Such survivors therefore may have heightened concerns about privacy and confidentiality. Because their societies may not acknowledge that male-on-male sexual violence is even possible, survivors may be even more hesitant to speak directly about their experiences. Interviewers should listen for the use of euphemisms that may indicate sexual violence, even if the interviewee chooses not to state the fact directly.

4.4.2. Interview techniques

Many of the techniques described in 4.3.1 in respect of female sexual and gender-based violence victims apply equally to male survivors of sexual violence. Male survivors of sexual and gender-based violence may adopt closed-off body language, minimize eye contact, avoid sitting, complain of lower back pain or express strong homophobia. Interviewers should be prepared to spend extra time developing rapport and trust, and maintain a calm and reassuring demeanor, without any expression of surprise, even if an act of sexual and gender-based violence is described by the witness without any prior indication of such an incident. Clinical psychologists available should be consulted immediately, but advance consent should be sought from the witness before the clinical psychologist raises the issue in a post-interview assessment. Male sexual and gender-based violence victims may have had no prior access to psychosocial support.



Children walking to school
in Al-Sahaji on the outskirts of Mosul

4.5. Children

4.5.1. Children as survivors

Background

Crimes against children can be under-represented in criminal proceedings in two distinct ways: by failing to bring criminal charges that are child-specific, such as conscripting child soldiers; and by failing to capture the special harms suffered by children because of their particular vulnerability, and the formative moment in their lives when they are impacted by the crimes. In fact, the young age at which these crimes occur have an even greater chance of causing trans-generational harm to the offspring of those children whose development was damaged by crimes. Furthermore, crimes such as the destruction of schools, though subsumed within a broader category of crimes targeting civilian objects in general, is disproportionately damaging and harmful to children.

All of these dimensions of harm to children should be reflected in criminal investigations and, ultimately, the charges brought against an accused. Yet interviewing children can be challenging precisely because childhood trauma can have particularly pervasive effects on attention, memory and self-regulation. Child trauma exposure is associated with skill deficits in the areas of emotion identification (e.g. awareness of internal affective states), emotion expression (e.g. communication) and emotion regulation. Children may

exhibit emotional and psychological distancing (numbing), which can present difficulties for the interview process. However, it is important not to challenge or eliminate this behaviour because it is an adaptive and protective response to ongoing trauma. Instead, follow the lead of the child with the interview, to go where the child is willing to go.

Trauma exposure and traumatic stress is associated with developmental regression. Child witnesses may exhibit capacities that are behind their stated or apparent age. In addition, the elicitation of trauma-related content inherent in interviews may cause momentary regression, which can be related to post-traumatic stress symptoms, such as flashbacks or dissociation.

For those who may have been kidnapped, indoctrinated or otherwise used by Da'esh, sometimes for years and from a young age, the psychological impact can be profound and can be exacerbated by fear or actual threats of retaliation for desertion; problems reintegrating with their peer group; trauma; social stigma (sometimes extended to family members); disillusionment with low-wage civilian work; and proximity to continuing violence. Boys in particular may have trouble disengaging from violent ideology, even once returned to their families. Such children will have been particularly vulnerable to sexual and gender-based violence, sometimes inflicted repeatedly and over long periods.

Interview techniques

Over the last several decades, psychologists and police in many countries have refined their practices for interviewing children. UNITAD's Interviewing Child Victims and Witnesses Standard Operating Procedures adopts these widely accepted practices.¹⁸

A child is anyone under 18 years of age. In case of doubt as to a witness's age or status as an adult or a child, the witness should be treated as a child. A child witness should be assessed by a WPSU psychologist before a decision is taken to proceed with an interview, to ensure that adequate support or mitigation measures can be put in place or to recommend against the interview altogether if it would be unnecessarily detrimental. A WPSU psychologist should also remain on stand-by throughout the interview.

The consent of both the child and the parent or legal guardian must be obtained to conduct the interview. In the absence of any available parent or guardian, consideration should be given to alternative measures to safeguard the interests of the child.

¹⁸ UNITAD, Interviewing Child Victims and Witnesses, Standard Operating Procedures, 29 April 2020.

The parent or child can withhold consent to share the interview, although this substantially reduces the usefulness of the interview as part of the accountability process. A parent or child may be particularly cautious about giving such consent if the child is a former child soldier. UNITAD's policy, in accordance with international practice such as Article 26 of the International Criminal Court Statute, is not to share any information that may be self-incriminating of the child with any prosecuting authority without an undertaking that it will not be used to prosecute the child.¹⁹ Alternatively, the parent or child may withhold consent for sharing of the interview until a later time.

The parent or guardian has the right to remain present during the interview, and this is generally considered preferable for the child's welfare, especially if the child is very young. However, if the interviewer believes that the witness might speak more freely in the absence of the parent or guardian, a request can be made that they leave the room – which they have the right to refuse. Although parents can play a role during the interview by comforting or encouraging their child, they must be told not to intervene by providing answers or asking questions to the child.

UNITAD's Interviewing Child Victims and Witnesses Standard Operating Procedures, in line with what is now widely viewed as best practice, requires interviews with children to be video or audio recorded whenever possible.²⁰ Children have been found to be exceptionally open to the influence suggestive questioning, and a verbatim record of the interview is an important safeguard to ensure that this has not been the case. The consent for such recording must be separately sought and obtained from the child and parent or guardian.

The following steps and techniques are important features of an interview of a child:

- Administer an age-appropriate truth and lies competency test to ensure that the witness comprehends the difference between telling the truth and telling a lie;
- Underscore, even more than in an interview of an adult, that an interview is not a test, and that it is alright for the child to answer "I don't know", "I don't remember", or to say "I made a mistake" and correct a previous

¹⁹ Ibid., para. II.e. ("In general, UNITAD will not seek the prosecution of children. UNITAD will also not share incriminatory information with any domestic authorities, except under condition that proceedings will not be taken against the child").

²⁰ Interviewing Child Victims and Witnesses Standard Operating Procedures, s. II.i.

statement and to ask “I don’t understand the question” if something is unclear;

- › Offer to take any breaks as the child or parent may wish;
- › Consult with the interpreter concerning the use of plain language suitable for the child’s age, and adopt a corresponding demeanour and dress;
- › Spend time exploring the child’s favourite activities or activities of their current day as a way of learning about them;
- › For children of a particularly young age, sitting in a more informal posture, such as on the ground, creates a less intimidating and formal setting;
- › Normalizing any potential distress that children may be feeling (e.g., “It is okay to be nervous”, “It is okay to cry”).

Unlike interviews of adults, a written statement will not usually be taken in parallel with the video or audio recording. Extra care should therefore be taken at the end of the interview to re-confirm whether the child has been telling the truth or whether there is anything that they wish to correct or add. Any consents given at the beginning of the interview should be carefully re-confirmed at the end of the interview.

A post-interview assessment by a WPSU clinical psychologist is advisable. The interviewer should convey any indications of particular traumatic reactions, especially any indications of suicide risk or self-harm.

4.5.2. Children accompanying parents to interviews

Children should not be present during interviews of a parent, except for infants who are so young that they cannot understand its content. The exposure of a young child to the potentially detailed recounting of horrific events inflicted against a parental figure could have lasting and negative effects.

Indeed, UNITAD interviewees have not generally arrived for interviews with children, nor otherwise sought to keep their children present during an interview. Nonetheless, UNITAD ensures that there is a waiting area normally utilized for family members who accompany witnesses, which includes a child-friendly space as necessary.

4.6. Older adults

4.6.1. Background

While age-related physical changes can increase physical vulnerability, age-based stereotypes should be avoided. Experience of interviews in Iraq does suggest that most older adults are affected by at least one chronic health condition such as arthritis, chronic obstructive pulmonary disease, diabetes or osteoporosis. Exposure to traumatic events represents a unique stressor in respect of these conditions.

An older adult's response to traumatic stress depends on their culture, personality, pre-existing physical and mental health, social support, availability of resources and hidden stressors, including unresolved past traumatic experiences. Many people experience multiple traumatic events in a lifetime; if unresolved, past traumatic experiences may compound or worsen current events, resulting in a strong response, especially for those who may also be suffering dementia or delirium.

Older adults' reactions to traumatic events include psychological, physical, cognitive and behavioural changes. Older adults are more likely to express distress through physical complaints, depression and anxiety. During the investigative process, older adults may take more time to collect their thoughts before answering questions, and they may also have strong responses to a traumatic event, possibly due to the cumulative effect of past traumatic stress.

Those with delirium and dementia may present with similar unique challenges. Both delirium and dementia present with similar symptoms, such as disorientation, fading in and out of consciousness and appearing confused. Yet delirium is a sudden change in mental functioning, whereas dementia is progressive loss of intellectual functions.

It is very important to remember that sources of resilience and risk factors will vary within the population of older adults, depending on health and functional ability.

4.6.2. Interview process

Older adults may require additional time for problem solving and demonstrate slower word retrieval and processing speed. A series of questions can be asked at the outset of the interview to assess a witness's orientation to time, place, person and event to detect the presence of impairment and need for additional evaluation. If a person is struggling or confused about how to answer basic orientation questions, they may have more serious issues that should be evaluated before proceeding to an interview.

In some instances, the interview may have to be modified to accommodate health and mental health issues. For example, older adults with impaired hearing may benefit from encouragement to use their hearing aids or, if available, use of a portable amplifying device. Speaking clearly while facing the person will also aid in reading lips and detecting facial expressions. Not all older adults may admit to needing hearing aids or reading glasses as assistive devices.

Some older adults may sign documents without being able to adequately see them or fully understand their content. The older a person is, the more likely they are to have low literacy. Some older adults are ashamed that they are poor readers or unable to read and may not readily disclose their difficulties. When possible, standard print materials should be available in alternative formats such as large print.

4.7. Sexual minorities

4.7.1. Background

Sexual and gender minorities (e.g., lesbian, gay, bisexual, transgender, queer, intersex, asexual and other sexual and gender minorities; LGBTQIA+) in Iraq outside the male-female heterosexual binary struggle with stigma, social isolation and ostracization, as well as sexual and gender-based violence. The situation has been particularly exacerbated since the rise of fundamentalist militias in the region. Long-term social isolation, ostracization and sexual and gender-based violence increases the risk of psychological and potentially comorbid disorders such as Major Depressive Disorder, Generalised Anxiety Disorder or PTSD. Such disorders can make traumatic situations difficult to recall. Memory impairment combined with the stress of the interview situation may result in contradictory statements and confusion. The difficulty can be exacerbated by heightened suspicion, lack of trust and fearfulness of interviewers.

4.7.2. Interview process

Interviewers must, as always, exhibit openness and acceptance, and avoid implicitly or inadvertently pathologizing sexual orientation. Life-long experience of stigma and oppression will make most members of sexual minorities likely to be particularly attuned to signs of potential discrimination.

The interviewer should adopt affirmative practices when interviewing members of sexual minorities, including support of the professed identity, admiration for

challenges faced in a heteronormative society and culture, and empathy. The challenges arising from any particular sexual orientation should not, however, be pathologized nor should assumptions be made about the existence of traumatization.

4.8. Forced marriage, sexual enslavement and slavery

4.8.1. Background

Forced marriage, sexual enslavement and slavery by Da'esh was widespread and is, therefore, a subject of particular investigative focus by UNITAD. In the Yazidi experience, concerning which there is the greatest empirical evidence and study, enslavement was heavily gendered. Women and girls typically faced sexual enslavement, whereas kidnapped boys were sent to training camps.

Sexual enslavement has long-term health and mental health consequences. Yazidi women survivors have reported feelings of guilt, insomnia, stress, severe flashbacks, depression, anxiety, dissociation and somatic symptom disorder. Most mental illnesses are associated with increased risk of medical conditions. Systematic rape and pregnancies are a source of stigmatization, often resulting in shame and trauma. The Yazidi community rejects children from rape, forcing survivors to choose between their children and their community. As a result, mothers are reluctant to obtain children's birth certificates, for fear of exposing their children's background. Mothers and children are thus at the fringes of society, with little access to health, education and other benefits.

For fear of stigmatization, survivors of forced marriage and slavery may be reluctant to disclose information. They may continue to suffer from psychological and physiological consequences, remaining vulnerable to stress. Internalization of attitudes concerning violation of honor is not uncommon; the subsequent feelings of shame may make ensuring confidentiality essential.

4.8.2. Interview process

See sections 4.3.2 and 4.4.2.

Part 5

Witness Protection and Support Unit

Key points

- ▶ The Witness Protection and Support Unit (WPSU) assists and supports witnesses during the investigative process.
- ▶ Applies the approved mitigation measures aimed at reducing risks to witnesses interacting with the investigative team in a systematic manner.
- ▶ Provides appropriate support measures and advice to create a controlled and emotionally safe environment so that the interviews avoid resulting in further harm to the witnesses.
- ▶ Clinical psychologists conduct vulnerability assessments and offer advice on the appropriate conditions of interview of children and adults.

5.1. UNITAD's Witness Protection and Support Unit

This section describes the work of UNITAD's Witness Protection and Support Unit (WPSU), which may serve as a model for this function. As is already apparent from part 3 and 4, the WPSU plays an integral part of the interview process, revolving around three main functions:

- (a) providing expert advice and practical support to interviewers;
- (b) assisting witnesses by providing support, including psychosocial support, at all stages of the interview process, including anticipatory guidance prior to interviews, debriefing immediately after interviews and referral to psychosocial service providers as necessary; and
- (c) strengthening capacity-building efforts by supporting psychosocial service provider networks.

Within these functions, the tasks most relevant to ensuring a trauma-informed approach to interviews are:

- ▶ Performing psychological assessments prior to interviews with witnesses, which can include preparing witnesses for interviews through psychoeducation;
- ▶ Intervening during or after interviews to provide psychosocial assessment and support;

- Developing a referral network for longer term psychosocial care;
- Promoting and developing a staff care plan to address the risk of secondary trauma.

5.2. UNITAD Mandate on Witness Protection

The WPSU is built on the experience and developing practice of international courts and tribunals. UNITAD has sought to refine and adapt this practice to the particular needs of Iraq, in accordance with its mandate to apply United Nations policies and best practice in its work. This practice has progressed towards a holistic understanding of the need to ensure the well-being of witnesses in all their contacts with the court, which goes far beyond protection in the physical sense. UNITAD has also been guided by the extensive United Nations and international statutory framework, which includes, for example, the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.

5.3. Survivor-centred investigations

UNITAD follows a survivor-centred approach to its investigative activities. This requires an understanding of the needs and vulnerabilities of witnesses and how best to address vulnerabilities during investigative interviews. To obtain the fullest possible account of the events the witness has experienced, the investigator must consider the individual circumstances of the witness, including the presence of trauma, and adjust the interview setting and process accordingly. Pre-interview assessments are conducted by UNITAD clinical psychologists in coordination with investigators.

5.4. WPSU attention to trauma, psychology and practical assistance

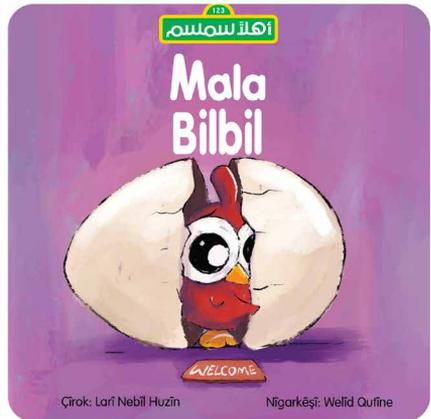
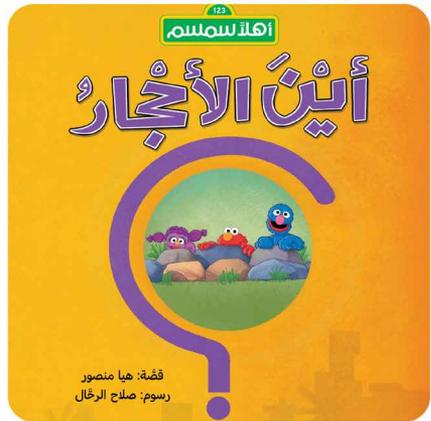
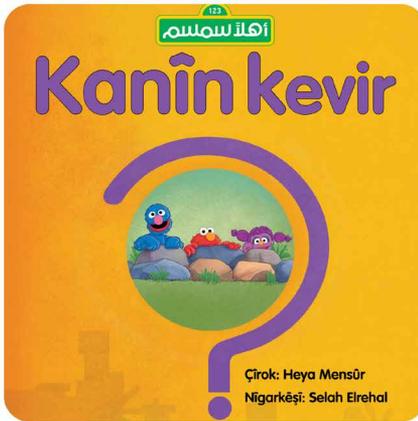
Witnesses who provide evidence in relation to highly traumatic incidents often experience symptoms as a result of reliving such incidents. Mental health issues are stigmatized in many parts of Iraq; witnesses may construe perfectly normal reactions to trauma as shameful, scary and beyond explanation; and may have difficulties coping with such reactions. Psychoeducation can prepare witnesses for the reactions that they may experience while being interviewed, redefining unsettling reactions as normal responses to deeply abnormal experiences.

Psychoeducation is aimed at providing witnesses with a rational explanation for their reactions and with the coping tools needed to address such reactions.

5.5. Vulnerability assessment and support protocol for facilitating the testimony of witnesses

UNITAD's standard operating procedures define **vulnerable witnesses** as "those who have experienced a psychologically traumatic event and are at increased risk to a) suffer psychological harm during the process of testifying, and/or b) experience psychosocial or physical difficulties, which affect their ability to testify".

Sesame Workshop child-friendly resource: psychoeducational storybooks addressing the theme of managing emotions (Arabic and Kurmanji)



Before the witness interview: A UNITAD psychologist provides the witness with a description of the purpose of the assessment, discusses the limits of confidentiality, states that the investigative team and relevant personnel in the WPSU will have access to the assessment and obtains the witness's verbal consent to do the assessment. The purpose of the assessment is to evaluate the witness's current mental health state and determine what special measures may be required. For example, a witness with a history of trauma may need psychoeducation on trauma, or may benefit from having special supports or safety plans in place to facilitate the interview process.

If the witness needs an interpreter, the UNITAD psychologist will meet with the interpreter beforehand to explain the assessment. After the assessment, the psychologist will debrief with the investigators and discuss any necessary special measures. If the witness requires additional psychiatric evaluation, the Stanford University Consulting Psychiatrist can conduct another assessment.

During the witness interview: If needed, the UNITAD psychologist may be present during the witness interview to safeguard the witness when there are signs of distress.

After the witness interview: The UNITAD psychologist will meet with the witness, monitor the witness's physical and emotional state and provide assistance if needed. The psychologist and the lead investigator will follow up with the witness within one week of the interview.

5.6. Protection measures

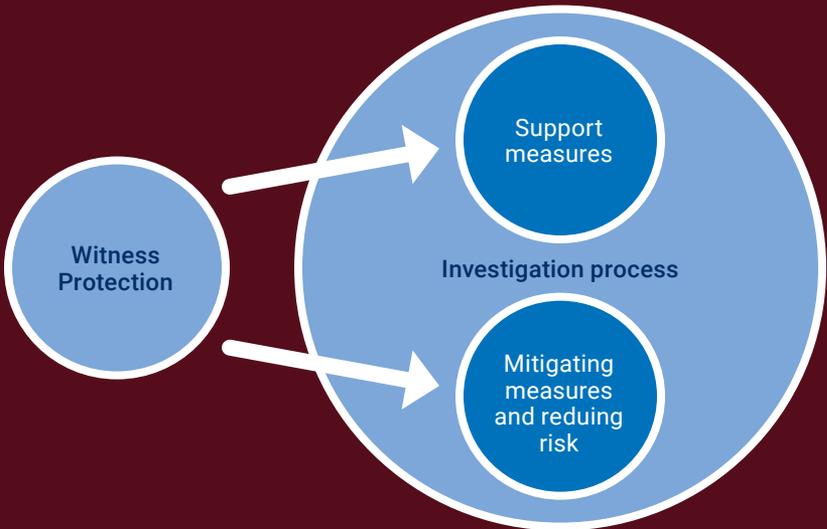
UNITAD's overall approach to protection is detailed in the Witness Protection Strategy. The strategy details practices aimed at mitigating risks to witnesses interacting with the investigative team, addressing both threats and the operational environment. Importantly, the strategy establishes the Witness Protection Threat and Risk Assessment Committee, comprising members from relevant entities within the investigative team. The Witness Protection Threat and Risk Assessment Committee produces a quarterly baseline witness threat and risk assessment and a subsequent list of mitigation measures designed to address identified threats. The application of the mitigation measures is compulsory.

The investigative team itself has limited means to implement physical protection measures. Its main strategy for protecting witnesses is to keep its contacts with witnesses as confidential as possible. UNITAD will work with any national authorities at an appropriate time should any interviewees suffer

harassment, threats, acts of intimidation, ill-treatment or reprisals as a result of their contact with UNITAD.

Witnesses who appear in court may also benefit from measures that limit or conceal their identity to the public. UNITAD will work with Iraqi courts, based on the experience of international courts, to develop a suite of measures that may include concealing the witness's face or voice during their testimony; allowing non-disclosure of a witness's name and identity; and timing disclosure of a witness's name to the accused so that there is a limited (but still sufficient) time between disclosure and testimony in court. Protective measures should be proportional to risk, which should be evaluated by a standardized threat and risk assessment. All protective measures, both procedural and non-procedural, should be applied in a coherent and complementary manner throughout the proceedings. Vulnerable witnesses must be identified as early as possible in order to take proactive steps to create a safe environment in which they are able to provide the fullest account of evidence. Protective measures must conform to national criminal procedure rules, which may at times contradict international best practices.

Witness protection support to investigations





Camp residents play dominoes at an internal displacement camp in northern Iraq

Part 6

Psychological assessment and care

Key points

- › Clinical psychologists conduct specialist assessments of vulnerable witnesses prior to interview to gain an understanding of the psychosocial needs of the witness including the presence of trauma;
- › Psychoeducation is provided to prepare witnesses for any emotional and adverse reactions that may arise as a result of recollecting traumatic events during the interview;
- › Recommendations are made to the investigative team on the basis of the vulnerability assessment;
- › Post-interview care is assured through a network of local mental health and medical service providers for witnesses requiring specialist intervention;
- › Clinical psychologists share their expertise in the development of best practices for working with survivors of severe traumatic events through training and consultation;
- › Mental health data gathered through the work of the clinical psychologists can be useful for compilation of expert reports on the psychological impact of international crimes on survivors and their communities.

6.1. Introduction

Psychosocial assessment and support are a key element of the do no harm principle, and clinical psychologists play an indispensable role in UNITAD's process of interviewing witnesses. Their main functions are to identify vulnerabilities of witnesses; intervene as needed during interviews; and provide follow-up referrals. Notably, UNITAD has partnered with the Human Rights in Trauma Mental Health Program at Stanford University (see <https://humanrights.stanford.edu/programs/human-rights-trauma-mental-health>) in developing an overall mental health strategy for investigations.

6.2. Psychological vulnerability

A witness is **vulnerable** when they have experienced a psychologically traumatic event and are at increased risk of psychological harm arising from the process of recounting their experience, or will suffer significant psychosocial or physical difficulties in doing so. A witness's vulnerability can arise from factors related to:

- ▶ the person, such as age (children or adults), personality, disability (including cognitive impairments), mental illness or psychosocial problems (such as trauma-related problems and/or lack of social support);
- ▶ the nature of the crime (e.g., victims of sexual or gender-based violence, children that are victims of violence and victims of torture or other crimes involving extreme violence); or,
- ▶ current circumstances, such as the impact of war, conflict/political unrest, significantly increased stress or anxiety due to relocation/resettlement or fear of retaliation, adaptation difficulties related to cultural differences or other factors.

Any indication of vulnerability is to be reported by investigators to the WPSU at the earliest opportunity so that timely psychological assessments can be conducted. Within the assessments, these three categories are taken into consideration, along with any others as may appear relevant, in assessing whether a witness has the capacity to participate in the investigative interview, and under what conditions. Intersectionality refers to the complex, cumulative ways in which multiple vulnerabilities overlap and impact individuals, groups and societies.

6.3. Psychological assessments and preparation

Vulnerability assessments are routinely conducted by the WPSU psychologist, who screens witnesses for mental health symptoms including those consistent with PTSD. Vulnerability assessments are conducted to provide the investigative team with recommendations as to whether the witness is able to go through the interview process and, if so, to address their psychological needs. The psychologist carefully assesses coping strategies, availability of social support and the presence of clinical risk factors such as acute distress or physical or psychological harm. Caution is taken to avoid overemphasizing the psychopathology of trauma, especially given that trauma represents just one of myriad possible outcomes for survivors of adverse events. Rather, effort is made to present a balanced clinical picture of the witness's psychosocial situation,

including the witness's ability to proceed with the investigative interview. The psychologist seeks to create a balanced clinical picture, based on protective factors as well as risks, of the witness's psychosocial situation and ability to proceed with the investigative interview.

For witnesses with a history of trauma, preparation includes the provision of psychoeducation. Psychoeducation involves describing to the witness the normal psychological reactions that can be expected during and after the investigative interview, and brief strategies to manage the impact of such reactions. This serves the dual function of normalizing (i.e., destigmatizing) witnesses' posttraumatic stress reactions while also helping to prepare witnesses to manage their psychological distress. Additionally, WPSU psychologists may utilize their expertise to monitor the well-being of witnesses during interviews. Following assessment, a detailed written psychological report containing outcomes and recommendations is provided to the lead investigator and kept in the witness file.

6.4. Referrals and resources for UNITAD witnesses

WPSU conducts a post-interview assessment of witnesses, if necessary, to gauge the impact of the interview and the need for any follow-up. While WPSU cannot itself undertake psychosocial care, it has established a network of organizations providing psychosocial support services to whom survivors can be referred. Additional resources for which referrals can be made include a handful of survivor networks attached to nongovernmental organizations that aim to empower, advocate and support survivors through various modalities. Any such referrals are made strictly on the basis of consent and confidentiality. WPSU also consults with the Human Rights in Trauma Mental Health Program to receive specialized advice when needed.

6.5. Capacity building

The WPSU plays an active role in strengthening engagement with Iraqi authorities and providing technical assistance to organizations delivering healthcare services to witnesses. WPSU partners with nongovernmental organizations that can strengthen the capacity of specialist and non-specialist national staff. The WPSU also pursues the delivery of psychosocial capacity building training programmes for practitioners and survivors. The Nongovernmental Organizations Coordination Committee of Iraq has played an important role in facilitating the WPSU's work.

6.6. Collection and use of psychological outcomes for the investigation

UNITAD collaborates with the Human Rights in Trauma Mental Health Program in anonymized collection of mental health information from witness interviews. Independent expert reports will be provided as needed to clarify the magnitude of the toll on mental health caused by Da'esh in Iraq.

Witness trauma outcome data from UNITAD will be maintained by the WPSU. This information will remain part of a witness file and may be helpful in regard to recommendations about appropriate protections for traumatized witnesses. The cumulative data will be analysed by the Human Rights in Trauma Mental Health Program. Statistical reports may be useful in reporting to the Security Council, advising other United Nations investigations, and as evidence in future legal actions resulting from the investigation. The Human Rights in Trauma Mental Health Program will use the data from UNITAD as well as a comprehensive analysis of the scientific literature on trauma mental health outcomes in Da'esh survivors. The report will be available for UNITAD and any legal processes that evolve from the investigation.

National practitioners engaged in a psychosocial capacity-building workshop: Working with vulnerable witnesses



Part 7

Vicarious trauma and self-care

Key points

- › Vicarious trauma refers to a cumulative long-lasting condition that arises when hearing about or being exposed to someone else's traumatic experiences, often resulting in changes to the affected individual's identity, world-view, psychological needs, beliefs and experiences of self, others and the world;
- › Has been identified as a major occupational hazard for those working closely with trauma survivors;
- › Investigators and their colleagues involved in documentation, analysis and interviewing of witnesses who have survived extremely traumatic events are at risk for vicarious trauma;
- › Investigative organizations have a responsibility for safeguarding staff welfare through organizational policies and procedures, staff mental health training, psychoeducational resources, and providing access to counselling and referral systems.

7.1. Occupational hazards: burnout, compassion fatigue, secondary traumatic stress and vicarious trauma

Exposure to the narratives of those who have experienced severe traumatic events and other direct or indirect engagement with traumatic material can lead to psychological harm. Developing methods of self-assessment and self-awareness is key when attempting to discern between manageable stress and unmanageable stress or trauma symptoms. UNITAD has sought to address these issues openly and directly through its Staff Care Action Plan, entitled "Staff care when investigating international crimes: Raising the bar".²¹ Recognizing and distinguishing different reactions to the stresses

²¹ UNITAD, Staff care when investigating international crimes: Raising the bar

of investigating the most disturbing and difficult events can be important to managing that stress and taking appropriate steps to avoid harm.

Burnout, unlike vicarious trauma, secondary traumatic stress and compassion fatigue, is not related to trauma exposure, as such. The term is generally understood as referring to a cluster of features including primarily:

(i) overwhelming exhaustion; (ii) feeling of cynicism and detachment from the job; and (iii) a sense of ineffectiveness and lack of accomplishment.

Job burnout is a psychological syndrome that involves a prolonged response to chronic occupational stress. Its hallmarks are decreased productivity and/or quality of work; feeling disengaged; increased irritability; and feeling more cynical and/or complaining more than usual.

Ways to avoid burnout may include:

- ▶ Identifying the causes of burnout (personal or professional). This might be a specific relationship that has become tense, feeling dissatisfied with a specific project or even personal developments that make it difficult to sustain usual work habits;
- ▶ Setting clear boundaries around professional expectations. This could mean:
 - ▶ Setting more strict working hours or times/days that are “off limits”;
 - ▶ Taking regular breaks throughout the day or at key times;
 - ▶ Stepping away from devices for certain periods;
- ▶ Adding more variety to the workday in terms of what to work on, when and with whom.

Vicarious trauma occurs when hearing about someone else’s traumatic experiences, in itself, constitutes a traumatic event for the hearer. Vicarious trauma specifically describes a cumulative, long-lasting condition that can impact a professional’s personal beliefs and worldview. The construct of vicarious traumatization was first described as a pervasive effect on the identity, world-view, psychological needs, beliefs and experiences of self, others and the world, and has only recently been identified as an occupational hazard. This is distinct from secondary traumatic stress (defined below) in that it entails less of a focus on overt PTSD symptoms, with greater emphasis on subtle and long-lasting changes in thought processes, with particular impact one’s perception of trust and safety.

Secondary traumatic stress is a traumatic reaction arising from hearing about someone else’s traumatic experience. The symptoms in proximate professionals are similar to those experienced by the traumatized survivors themselves, and may include unwanted recollections, dreams or

reexperiencing of the traumatic event associated with the survivors; efforts to avoid reminders of survivors' trauma, such as numbing thoughts and feelings (i.e., shutting off feelings), avoiding certain activities/situations and detachment or estrangement from others; and persistent arousal resulting in sleep disturbances, irritability or outbursts of anger, difficulty concentrating, hypervigilance and exaggerated startle response.

Compassion fatigue is a deep emotional exhaustion resulting from caring for people in distress which typically arises after repeated exposure to traumatic material or stories. Compassion fatigue might result in feelings of intense tension or preoccupation with the suffering of those being helped (i.e., survivors). The resulting exhaustion can diminish empathy for witnesses, clients, peers and even loved ones. People who are naturally empathetic are at higher risk for developing compassion fatigue because they tend to align with traumatic situations and stories more deeply.

The best antidote for compassion fatigue is the development of resiliency, symptom management techniques and compassion satisfaction. Proactive self-assessment of work-related stress and trauma is key, while engaging in self-care and building resiliency. Resilience can be encouraged by focusing on the satisfaction derived from providing competent care.

7.2. Risk factors for vicarious trauma

Risk factors for these various forms of vicarious traumatization can come from multiple sources, both on an individual and organizational level. While individual vulnerabilities such as personal trauma history may increase risk, characteristics of the organization and its ability to properly support and address employees' needs can often be a game changer in preventing or mitigating the effects. UNITAD's focus on implementing trauma-informed strategies is designed to help identify risk factors and proactively design prevention interventions and risk management in terms of the type of available support mechanisms and harm minimization/mitigation strategies.

7.2.1. Individual factors that influence risk for vicarious reactions to trauma

The challenges of working with people struggling to come to terms with their own trauma should not be underestimated. These challenges may be compounded by the unique experience and internal stressors of the investigator. The sometimes implicit, unspoken beliefs and/or assumptions that

each interviewer has about themselves have the potential to foster resilience or compound existing stressors.

Factors for investigators to be aware of when evaluating their general state with regard to the potential for secondary trauma include:

- Personal trauma history or experiences similar or linked to the traumatic material exposed to at work
- A tendency to feel and/or offer empathy without limits
- Lack of ability to draw boundaries between the self and interlocutors or more generally between professional and personal life
- A tendency to set unrealistic expectations for oneself or hold heroic aspirations
- Insufficient resources, whether tangible (such as access to health foods or exercise) or more intangible (an existing self-care regimen, patience, etc.)

These tendencies and background are important to identify in the development of any personalized self-care plan.

7.2.2. Organizational/environmental factors that influence risk for vicarious trauma

Structural or organizational culture can influence one's ability to avoid or build resilience to the effects of vicarious trauma. Common institutional pitfalls include:

- Excessive exposure to traumatic material/stories and prolonged traumatic workload
- Dysfunctional or poor leadership or general lack of support
- Toxic team culture or tense interpersonal dynamics
- Lack of encouragement, support and recognition in the workplace
- Role ambiguity

Seeking help from a peer, manager or other mentor within the organization can be important pathways to overcoming these problems if they arise.

7.3. Methods for early detection of vicarious trauma

It is important that investigators know how to spot the signs of vicarious trauma in themselves and colleagues, which include:

- Difficulty managing emotions
- Difficulty accepting or feeling okay about oneself
- Difficulty making good decisions
- Problems managing the boundaries between oneself and others (e.g., taking on too much responsibility, having difficulty leaving work at the end of the day, trying to step in and control other's lives)
- Problems in relationships
- Physical problems such as aches and pains, illnesses, accidents
- Difficulty feeling connected to what's going on around and within oneself
- Loss of meaning and hope
- Changes in general worldview and/or sense of self-efficacy

7.4. How to self-assess vicarious trauma

Regularly assessing emotional reactions and monitoring well-being can help investigators to discern between manageable stress and unmanageable symptoms of stress or trauma symptoms.

If investigators find themselves experiencing symptoms indicating vicarious trauma and related conditions, it is important to recognize that this is not a reflection on their professional abilities but a normal response to the challenging nature of the work. Investigators should engage in this self-reflection and observation with an openness and awareness that the difficulties above are expected and anticipated reactions to the type of work they are engaged, i.e., that the presence of such difficulties is not a sign of personal weakness or deficit (indeed, they are often a sign of caring and engagement).

The section below outlines the self-care measures that investigators can implement to address vicarious trauma. It looks at how they can develop a plan that suits them according to their needs, experiences, interests, resources, culture and values.

7.5. Self-care for the prevention of vicarious trauma

Self-care is a broad concept that might include physical health, hygiene, nutrition, lifestyle and leisure, environmental factors and socioeconomic factors. Furthermore, the use of “self” does not necessarily mean that all the resources to support care must come from within; one’s community or support network is often an integral piece of the self-care plan.

The World Health Organization defines **self-care** as “the ability of individuals, families and communities to promote and maintain health, prevent disease and to cope with illness and disability with or without the support of a healthcare provider”.

Given that it is normal to experience secondary trauma, it is helpful to prepare as much as possible to prevent or manage the experience in order to feel supported, safe and healthy. Some general strategies include:

- Learning more about what secondary trauma is and how it manifests;
- Familiarizing oneself with the content of the information one will be exposed to by speaking to colleagues and reviewing contextualized information from local or international nongovernmental organizations, human rights organizations, human rights reports or other articles or books;
- Making a plan based on the content of the information one will be exposed to and one’s personal coping strategies;
- Ensuring sufficient sleep, maintaining healthy eating habits, getting exercise or securing access to the internet to stay connected to one’s support network;
- Identifying which aspects of the work might be the most intense or traumatic and scheduling days before and after to prepare and recover;
- Journaling in advance of intense or traumatic moments as a habit and a tool to use while in the field;
- Making time to talk about one’s feelings with colleagues, mentors, friends or others in one’s support network, or holding regular debriefing meetings with teammates, if relevant;
- Reminding oneself that it is healthy and important to take breaks, avoiding judgment when one feels overwhelmed or stressed and resisting the urge to pretend that everything is okay;
- Endeavoring to be aware of changes in social behaviour, particularly isolation;
- Finding ways to show gratitude in daily life as opposed to feeling guilty for potentially having a better quality of life than others.

7.6. Coping strategies

Adaptive coping strategies are those that help to reduce anxiety, lessen distressing reactions and improve the situation.

Social support plays an important role as a protective factor against anxiety, distress, vicarious trauma and other psychological issues. It is key that investigators and other staff members in field missions seek social support, for example by maintaining contact with loved ones, engaging in activities with friends and colleagues and participating in support groups.

Activities that keep an individual present in the here and now can help with decompression and stress response. Mindfulness is one such activity. Jon Kabat-Zinn, founder of the Mindfulness-Based Stress Reduction programme, describes **mindfulness** as a “lens, taking the scattered and reactive energies of your mind and focusing them into a coherent source of energy for living, for problem solving, and for healing”.²²

A self-care plan should include reflection on one’s personal situation, family and community and professional circumstances. Existing self-care practices are worth identifying, as well as maladaptive coping strategies, such as withdrawal or risky behaviour.

7.7. Vicarious resilience

Vicarious resilience is a process by which an interviewee’s trauma and reaction to trauma become a source of inspiration or growth for the investigator. An interviewee can be an inspiring example of the human capacity to heal. Vicarious resilience can be reinforced when an investigator shares the story of an interviewee’s success with co-workers or loved ones. Compassion satisfaction occurs when individuals interacting with traumatized populations have a sense that they are helping others in need, contributing to fairness and justice, appropriately applying their professional skills and training and contributing to survivor recovery and flourishing.

²² Jon Kabat-Zinn, *Full Catastrophe Living: Using the Wisdom of Your Body and Mind to Face Stress, Pain, and Illness* (New York, Bantam Books, 2013), p. lx.



7.8. Mental health and well-being support for UNITAD staff

For professionals working with traumatized populations in challenging environments, promoting positive well-being is paramount to safeguarding mental health and reducing occupational risks. Access to relevant well-being resources have proven useful for understanding the availability and visibility of various types of support. Such resources can often take the form of materials, tools, contacts or reference points for information or services.

All staff and first reporting officers (managers) should read and familiarize themselves with the UNITAD Staff Care Action Plan guidance document “Staff care when investigating international crimes: Raising the bar”. This has been specifically designed for UNITAD given the specificities of the mandate and priorities that need to be given to safeguarding staff investigating Da’esh crimes.

The United Nations Workplace Mental Health Strategy compliments the UNITAD Staff Care Action Plan and should be consulted to understand how the United Nations is addressing staff care through a five-year workplace mental health strategy. This strategy aims to:

1. Create a workplace that enhances mental and physical health and well-being;
2. Develop, deliver and evaluate high-quality psychosocial services everywhere that United Nations staff work;
3. Welcome and support staff who live with mental health challenges;
4. Ensure sustainable funding for mental health and well-being services.

It also aims to strengthen individual knowledge, skills and behaviour in:

- Taking care of others – colleagues, family and friends;
- Taking care of one’s own mental health;
- Taking care of the people who look after the health of others;
- Seeking help earlier, to obtain access to a range of evidence-based psychosocial support and interventions.

The United Nations Workplace Mental Health and Well-being Strategy is led by a global governance body, the Implementation Board.²³ The Implementation Board has representatives from United Nations System Organizations and key bodies such as Staff Federations and Representative Organizations, Medical Directors and Staff Counsellor Organizations. Achieving the goals of the strategy will require a sustained, collective effort over the coming five years. All have a role to play in ensuring a healthy workforce for a better world.

7.8.1. Where to go for support

There are currently 131 Staff counsellors employed in the United Nations agencies, funds and programmes. They deliver psychosocial and mental health services to staff and run psychosocial promotion and prevention programmes within the organisations they are working for. Staff/Stress Counsellors are distributed across 45 countries and in 58 different duty stations.

The United Nations Medical Services and Office of the Ombudsman and Mediation Services also provide key elements of overall services to staff seeking advice, resolution of workplace difficulties, treatment and support for mental health concerns.²⁴ United Nations Medical Services has a key role in the medical, physical and psychological care of personnel in return to work programmes for those experiencing mental health problems.

To find help or talk to someone, please check the United Nations System Counsellors List.²⁵

²³ https://hr.un.org/sites/hr.un.org/files/board_members_MHS_1.pdf.

²⁴ <https://hr.un.org/page/medical-services-around-globe>; www.un.org/en/ombudsman.

²⁵ https://hr.un.org/sites/hr.un.org/files/UN%20System%20Staff%20Counsellor%20list_0.pdf

7.8.2. Resources

- United Nations Workplace Mental Health and Well-Being Strategy²⁶
- Summary document of the United Nations Workplace Mental Health and Well-Being Strategy²⁷
- Staff Well-Being Survey Data Report²⁸
- “One-Thing” Mental Health and Well-Being Poster²⁹
- Mental Health in the United Nations Sustainable Development Goals³⁰
- Mental Health and Development, Department of Economic and Social Affairs Division for Inclusive Social Development³¹
- Building Back Better: Sustainable mental health care after emergencies (World Health Organization)³²
- Policy options on mental health: WHO-Gulbenkian Mental Health Platform collaboration³³
- The Professional Quality of Life scale, Version 5³⁴

²⁶ Available in English at https://hr.un.org/sites/hr.un.org/files/Mental%20Health%20Well%20Being%20Strategy_FINAL_2018_ENGLISH_0.pdf; Available in French at https://hr.un.org/sites/hr.un.org/files/Mental%20Health%20Well%20Being%20Strategy_FINAL_2018_FRENCH_0.pdf

²⁷ https://hr.un.org/sites/hr.un.org/files/Mental%20Health%20and%20Wellbeing%20Strategy-Summary%20document_0.pdf

²⁸ Available in English at https://hr.un.org/sites/hr.un.org/files/Staff%20well-being%20survey%20data%20report_FINAL_2018_ENGLISH_0.pdf; Available in French at https://hr.un.org/sites/hr.un.org/files/Staff%20well-being%20Survey%20Data%20Report_FINAL_2018_FRENCH_0.pdf

²⁹ https://hr.un.org/sites/hr.un.org/files/onething_mentalhealth_0.pdf; https://hr.un.org/sites/hr.un.org/files/Mental%20Health%20posters_0.pdf

³⁰ https://www.who.int/mental_health/SDGs/en.

³¹ www.un.org/development/desa/disabilities/issues/mental-health-and-development.html.

³² www.who.int/mental_health/emergencies/building_back_better/en.

³³ www.who.int/mental_health/evidence/policy_options_gulbenkian_paper/en.

³⁴ https://proqol.org/ProQol_Test.html.

Appendix A

Glossary of terms and acronyms

Da'esh: al-Dawla al-Islamia fil Iraq wa al-Sham. The Arabic acronym for ISIS/ISIL

ISIL: Islamic State of Iraq and the Levant

PTSD: Post-traumatic Stress Disorder

SOP: Standard Operating Procedures

UNITAD: United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL

WPSU: Witness Protection and Support Unit

Appendix B

Witness interviews

standard operating procedures

Contents

- I. Introduction
- II. Interview introduction and statement of purpose
- III. General guidelines and procedures
- IV. Interpreters
- V. Hearsay
- VI. Record keeping
- VII. Exhibits
- VIII. Signing/execution of witness statement
- IX. Recording of a non-suspect witness interview
- X. Post-statement duties
- XI. Exceptions to the Protocol

Annex: Witness Statement Template

I. Introduction

Pursuant to paragraph 5 of Security Council resolution 2379 (2017), UNITAD shall collect, preserve, and store evidence pertaining to acts that may amount to war crimes, crimes against humanity and genocide committed by ISIL (Da'esh/) in Iraq. The Terms of Reference of UNITAD (S/2018/218), attached to a letter submitted to the Security Council by the Secretary-General on 9 February 2017, provides further that:

- ▶ The Special Adviser shall develop, adopt and periodically review and update a strategy for the conduct of investigations, determine the work plan of the Investigative Team and put in place procedures relating to the conduct of its work (Terms of Reference, paragraph 12).
- ▶ The Investigative Team shall seek to obtain from witnesses and other sources their informed consent for the Investigative Team to share evidence with Iraqi and other domestic investigative, prosecutorial and judicial authorities, and with any other competent authorities as determined in agreement with the Government of Iraq. The consent, or lack thereof, must be duly recorded by the Investigative Team (Terms of Reference, paragraph 20).

This SOP constitutes the procedures for interviewing non-suspect witnesses. Separate SOPs will be issued to cover, among other matters, suspect interviews, interviewing minors, and interviewing SGBV victims. In order to ensure a standard of quality and uniformity in interviewing witnesses, UNITAD investigators/interviewers should comply with the following procedures.

II. Interview introduction and statement of purpose

At the beginning of every interview the witness should be told the following:

- (a) Explain who you are – your name and your designation.
- (b) Explain (i) that the witness interview will be audio-recorded/video recorded, as applicable, (ii) the purpose of such recording, emphasizing (iii) that the recording will be securely kept, and no unauthorized access will be allowed.
- (c) Explain that UNITAD is conducting the interview as part of its efforts to discharge its mandate to promote accountability for the crimes committed by Da'esh/ISIL.
- (d) Explain in general terms the mandate of UNITAD and the extent of our powers and authority.
- (e) Explain in general terms our procedures for maintaining the confidentiality of information provided to UNITAD, as well as the security of witnesses including the protective measures we can and cannot offer.
- (f) Clarify, if necessary, the difference between the work of UNITAD and the work of other investigations, including those conducted by the Government of Iraq, that the witness may have been a part of.
- (g) Explain that by participating in the investigation the witness may be called to testify, and that his/her identity may be disclosed with his/her consent to appropriate persons involved in future legal processes, including investigators, prosecutors, judges, accused persons and their defense counsels; explain the reasons why such disclosure may occur.
- (h) Explain protective measures that may be available and applicable including the use of pseudonyms, redactions, and other measures.

III. General guidelines and procedures

- (a) All statements from non-suspect witnesses should be completed in the prescribed form, the Witness Statement Template (Template), annexed to this SOP. However, the interview of a non-suspect witness may be recorded, in accordance with the provisions of Section IX of this SOP, below.

- (b) The first section of the Template comprises eight paragraphs which address essential procedural aspects of each witness interview, covering the points in Section II of this SOP, above. The interviewer should address each matter addressed in those paragraphs, essentially in the language provided in the Template and ensure the witness fully understands the contents of those paragraphs. The text provided in the Template provides guidance only, to ensure that these procedural points are fully addressed. The interviewer should adjust the provided text to accurately reflect the witness's evidence and understanding.
- (c) The interviewer must explain to the witness that he/she is under a duty to speak the truth and would be potentially liable to criminal prosecution if he/she willfully provides false information to UNITAD during a screening or a statement.
- (d) All statements should be narrated in the first person.
- (e) All statements should, to the extent possible and logical, be in chronological order.
- (f) All paragraphs in the statement must be numbered.
- (g) All interviews and screenings should be conducted by two staff members (Investigators, Legal Officers, Analysts, and Forensics officers in exceptional cases when warranted), unless shortage of resources or time dictate that a pressing interview or a screening needs to be done by one such staff member (usually accompanied by an interpreter).
- (h) A copy/photo of the witness's identification document(s), preferably ones with photos of the witness, should be obtained by the interviewer.
- (i) Should alternative names be attributed to any person, including the witness, inquiries should be made of the witness as to how and why that person acquired such a name. Many Da'esh/ISIL members, for example, have acquired new names and captives were given "Islamic names".
- (j) The names and identification of people and places, as well as indications of dates and their significance, should be stated in the body of the witness statement. As with persons, locations may have multiple names known to a witness. Particularly for witnesses and victims who were forcibly trafficked and transferred between several facilities, towns, and even across borders (i.e. sexual slaves, forced recruits), it is important to ensure a comprehensive approach to relevant facts (i.e., identity of perpetrators, describing exploitation sites, routes and means of travel, slave traders and owners, organizational structures, forms of financial exchange).
- (k) Generally, no persons other than UNITAD staff members should be present during the interview. However, if it should be deemed necessary by the

vulnerability assessment conducted by the interviewer in accordance with Section III of this SOP, paragraphs (o) and (p) below, another person may be present in the room. This is particularly the case regarding certain vulnerable witnesses where a psychologist or support person from the Witness Protection and Support Unit (WPSU) may be present during the interview. The psychologist or support person who attends the interview must be advised that his/her role is solely to provide support to the witness and he/she must not interfere in the interview process.

- (l) Some witnesses will not be able to travel alone, due to cultural customs, and will come with an accompanying person. That accompanying person should not be in the interview room. The accompanying person must be informed that he/she is obliged to keep confidential the fact of the witness's interactions with UNITAD.
- (m) A witness may also show up with a child, if he/she was unable to arrange for someone to look after the child, for example. Other than infants, the child should not be in the interview room, and arrangements should be made for the child to wait in a suitable location during the process of the interview.
- (n) In case of a witness who is a minor (below the age of 18), consent should be obtained from a parent or guardian, who should be present on the premises in accordance with Iraqi criminal procedures law. Further guidance will be set out in a forthcoming SOP on interviewing minors.
- (o) Interviewers must adopt a victim-centered approach and be conscious of the potential implications of their questions on the witness's mental health and psychological state and where needed request a WPSU psychologist's assessment prior to the interview. If reasons emerge during an interview justifying referral to the WPSU psychologist, the interview should be paused for this purpose.
- (p) The WPSU psychologist shall conduct a vulnerability assessment in relation to a potential vulnerable witness for the purpose of a screening or an interview. The purpose of the assessment is to identify measures to be taken during the interview/screening to protect the psychological wellbeing, dignity and privacy of the witness and to assist the interviewer to create conditions which allow the witness to provide information to the fullest possible extent regardless of the nature of the crime and the trauma suffered (For further guidance, refer to the Witness Protection Strategy; implementing SOPs are forthcoming).
- (q) The interviewer should implement the recommended measures proposed by the psychologist during the process of the interview/screening. In the case of a difference of opinion with the psychologist about these

measures, the matter must be escalated by the interviewer to the level of the Chief of Investigations, through the Head of the Field Investigation Unit.

- (r) Witness payments should cover only those costs foreseen in the SOP on Witness Expenses (for example, a daily allowance to replace loss of income and incidentals, food, transport and accommodation) and a Record of Reimbursement should be completed by a UNITAD staff member other than the lead interviewer. Where possible, WPSU shall be responsible for all financial disbursements. In exceptional cases where the attendance of a witness causes him/her a financial loss beyond the prescribed rate for the daily allowance, a higher daily allowance may be paid with the approval of the Chief of Investigations. There shall be a written record of such approval detailing the reasons for the granting of any higher allowance. This should be annexed to Record of Reimbursement Form.

IV. Interpreters

- (a) Remember, at all times, it is the interviewer, not the interpreter, who is conducting the interview. The interviewer must always maintain control over the interview process.
- (b) Remind the interpreter ahead of time that the interpretation must be verbatim, not paraphrasing. Encourage the interpreter to take as much time as he/she needs to do the interpretation correctly. (Inform a supervisor if you feel a particular interpreter seems to be unable to meet the needs and demands of UNITAD's interview procedures).
- (c) In order to ensure the orderly conduct of the interview such that only what was asked by the interviewer and answered by the witness is interpreted, the witness must be instructed to speak only when the interpreter has finished the interpretation.
- (d) Limit the amount of off-the-record conversation that goes on between the interpreter and the witness. Anything that is said between them, even off the record, must be shared with the interviewer. During any breaks in the interview process, neither the witness, nor the interpreter or any member of the interview team should discuss any matters material to the interview.
- (e) During the interview all questions should be directed to the witness by the interviewer(s).
- (f) Request the interpreter to inform the interviewer if the interpreter detects any activity that may impact on the integrity of the statement or the safety of those present, as well as any indication that the witness does not understand a particular question or accent/dialect.

- (g) If the interpreter is uncertain about a response, he/she should inform the interviewer immediately and the interviewer should rephrase the questions or otherwise clarify the confusion. The interpreter should not attempt, on his/her own, to rephrase or explain the questions asked.
- (h) Avoid using colloquialisms or slang that may not translate well or which could be misunderstood.
- (i) All questions must be phrased in understandable language.
- (j) Compound questions must be avoided.
- (k) Avoid asking leading questions.

V. Hearsay

- (a) Since hearsay evidence may be relevant, and may be admissible in judicial proceedings depending on the jurisdiction, it may be included in the statement.
- (b) Where hearsay is included in the statement, it should be clearly identified as such.
- (c) The statement should clearly explain the source (author or originator) of the hearsay evidence referred to by the witness.

VI. Record keeping

Members of the witness interview team who receive from witnesses any material of an evidentiary nature, shall record such receipt in the statement's annexes list.

VII. Exhibits

- (a) Provide material for witnesses to draw sketches and/or write names of person(s) and places or make any other notes relevant to the interview. All such notes made by the witness shall be referenced in the body of statement and the witness must sign and date all such notes.
- (b) Any evidence that may be relevant which is provided by the witness to the interviewer should be fully described and identified in the body of the witness statement.
- (c) The interviewer should normally be the sole person responsible for the seizure, identification and continuity of all exhibits, including any photo arrays.

- (d) The manner of collection, identification and storage of exhibits should be in accordance with exhibit collection and storage procedures, in particular the Evidence Pre-Registration Form.
- (e) Photographs of injuries and scars related to the crimes under investigation should be taken by the interviewer. Such photographs should be treated as exhibits and subject to normal evidence handling procedures.

VIII. Signing of the witness statement

- (a) The statement should be signed and dated as and where provided on the prescribed form.
- (b) The witness, the interviewer and the interpreter should initial each page of the statement in the lower right-hand portion of each page.
- (c) Upon signing the statement in the above manner, the interviewer is solely responsible for the seizure, safekeeping and securing of the original statement.
- (d) The duration of the interview sessions shall be stated where provided on the prescribed form.

IX. Recording of a non-suspect witness interview

- (a) In certain circumstances, the interviewing team may audio or video record a non-suspect witness interview. Any such recording must be made with the informed consent of the witness, and that consent must be reflected at the outset of the recording (Suspect interviews must be audio or video recorded, unless there is an express, informed waiver of such recording. Suspect interviews are addressed in a separate, forthcoming SOP).
- (b) A non-suspect witness interview may be recorded where circumstances of the witness or the nature of the evidence is such that a recording of the interview would enhance the capture and preservation of evidence. The factors to be considered may include: the vulnerability of the witness, whether the evidence details the structure, operation and function of Da'esh/ISIL, and whether the evidence details the acts and conduct of a notorious suspect or a suspect who may be among those who bear the greatest responsibility for crimes within UNITAD's jurisdiction. An additional factor in favour of recording an interview may be the presence of indications that the evidence would not be available at a later date.
- (c) A signed statement may be prepared and submitted for signature even if the interview is audio or video recorded. The fact that the interview was

audio or video recorded shall be included in the body of the statement. The Head of the Field Investigation Unit will determine when a full transcript is necessary. Such transcripts will not be necessary in all cases where the interview was recorded. This decision may be revisited once case dossiers are prepared for transmission to any domestic authority.

- (d) As is apparent from the above, the decision to audio or video-record a non-suspect witness interview should be made by the Head of the Field Investigation Unit. Further guidance may be sought from the Chief of Investigations, as necessary.

X. Post-statement duties

- (a) The interviewer should, as soon as practicable, submit the signed witness statement to the Evidence Unit, along with other exhibits and all original documents.
- (b) The interviewer should forthwith advise the Head of the relevant Field Investigation Unit and/or the Chief of Investigations and the Witness Protection Officer of any immediate concerns for the safety and well-being of the witness interviewed or that of any other person, including any member of UNITAD. The Witness Protection Officer is responsible to follow-up on the incident report.
- (c) The person submitting the statement to the Evidence Unit is responsible for requesting forensic or technical tests or other examinations from the Forensic Sciences Unit on exhibits obtained during the statement/ screening as required. Any forensic or technical test or examination sought must be authorized by the Head of the Field Investigation Unit concerned. It may often be prudent to discuss with the Head of Forensic Sciences Unit the likely utility of any tests sought before proceeding.

XI. Exceptions to the Protocol

If, at any time, there is a need to vary from any of the above-established protocols, such variance must be approved by the Chief of Investigations, after consultation with the Head of the relevant Field Investigation Unit.

Annex. Witness Statement Template

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: First and middle names:
Other names used: Gender:
Father's name: Mother's Name:
Date of Birth: Place of birth:
Nationality: Passport/ID number:
Ethnicity: Religion:
Occupation:

Language(s) spoken by the witness:
Language(s) written by the witness:
Language(s) used in the interview:

Place of interview:
Date(s) and time(s) of interview session(s):
Names and titles of all persons present:

Names/signature(s):

WITNESS STATEMENT

Procedure

1. (*Name – LEAD INTERVIEWER*) and (*name*) introduced themselves to me and informed me that they are respectively a (*title*) and a (*title*) with the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh / Islamic State in the Republic of Iraq and the Levant (ISIL) (UNITAD). (*Name – INTERPRETER*) was introduced to me as an interpreter working with UNITAD and the interpreter's role in the interview was also explained to me. (*Add anyone else's name and role if applicable including the psychologist or a support person*).
2. (*Name – LEAD INTERVIEWER*) explained UNITAD's mandate and I was advised that the crimes UNITAD is investigating may amount to War Crimes, Crimes against Humanity and Genocide committed in the Republic of Iraq. I was advised that UNITAD is also supporting domestic and international criminal investigations and judicial proceedings to hold ISIL members and leaders accountable for their crimes in fair and independent trials.
3. I agreed that the interview would be conducted in the (*xxxxxx*) language. I fully understand and speak the (*xxxxxx*) language. I was informed that there will be scheduled time breaks and that I may request to take a break at any time during the course of the interview or to end the interview. I have been advised that this is a voluntary process and I am not obliged to participate in the interview process. I have been advised that I am not obliged to answer any questions I do not wish to answer.
4. I understand that I have been asked to participate in this interview because I may have information which is relevant to the investigations being conducted by UNITAD pursuant to its mandate.
5. I understand that I am required to provide information that is truthful and that I may be liable to criminal prosecution if I knowingly provide false information. I agreed to tell the truth and that my answers to their questions are as complete as possible and reflect the best of my knowledge and recollection.
6. The interview process was explained to me, and I was asked to be as accurate as possible in my account. I was advised that I should state when I do not know the answer or do not understand the question. They asked me to distinguish between what I have experienced or seen myself and what I have heard or learned about from someone else or through any other source.
7. I am advised that that any information that I provide, including my identity, may be disclosed to the parties of investigative and judicial proceedings in

the Republic of Iraq as well as other states, but only with my consent. I was informed that such disclosure may be made, in particular, to Investigators, Prosecutors, Judges, accused persons and their Legal Counsel and that I may be called to testify in one of these courts. I do (*or do not*) consent that my identity and the information I provide be disclosed as such. (*State here if the witness ends up objecting to their identity/information being disclosed in Iraq or to other states, or whether the witness wishes to defer a decision at this juncture*).

8. I was advised of the reasons and importance of keeping my contacts with UNITAD investigative staff confidential, which I fully understand and agree to. The security implications and the nature of protective measures that could be put in place during the investigation and court procedure was explained to me. Having understood all of the above issues, I confirmed my willingness to answer the questions of UNITAD investigative staff.
9. I was informed that at the conclusion of the interview, I would be asked to sign or place my thumbprint on a written statement after having had the opportunity to review, make any corrections and add any additional information to such statement.

Background

- 10.
- 11.

Events

- 12.
- 13.

Annexes

14. Annex 1
15. Annex 2

Closing procedure

16. I have nothing to add to my statement or anything to clarify at this time. I am available (*am not willing*) to be contacted in the future for further questions and clarifications.
17. I have no complaints about the way I was treated during this interview.

WITNESS ACKNOWLEDGMENT

This statement has been read over to me in the (xxxxx) language and it is true to the best of my knowledge and recollection. I have given this statement voluntarily out of my own free will without any form of coercion, duress, threat, promise or inducement to influence my account. I am aware that it may be used in criminal investigations and court proceedings in the Republic of Iraq or in other states and that I may be called to give evidence in a public hearing if required. I agree (*or do not agree*) to attend if required and to testify as to what I have stated in my statement.

Signed: _____

Dated: _____

INTERPRETER CERTIFICATION

1. I, (*name*), certify that:
2. I am duly qualified to interpret from the *English* language into the (xxxxx) language and from the (xxxxx) language into the *English* language.
3. I have been informed by (*name*), that *he/she* speaks and understands the (xxxxx) language.
4. I have orally translated the above statement from the English language to the (xxxxx) language in the presence of (*name*) who appeared to have heard and understood my translation of this statement.
5. (*Name*) has acknowledged that the facts and matters set out in *his/her* statement, as translated by me, are true to the best of *his/her* knowledge and recollection and has accordingly signed *his/her* signature where indicated.
6. In carrying out my duties, I have interpreted to the best of my ability and knowledge, and given a faithful rendering of the original communications made, without deliberate addition or omission. I shall exercise the utmost discretion with regard to my involvement in the work of UNITAD and hold in strict confidence all information known to me by reason of my activities on behalf of UNITAD. I shall not use such information for private gain, or to favour or prejudice any third party. I understand that these duties will extend after I am no longer working for UNITAD. I understand that wilfully divulging confidential information to persons who are not authorized to receive it may amount to misconduct and subsequent termination of services, and/or criminal prosecution.

Signed: _____

Dated: _____

Appendix C

Interviewing child victims and witnesses standard operating procedures

Contents

- I. Introduction
- II. General principles
- III. The interview team
- IV. Create a child-friendly environment
- V. Interview setting
- VI. Appropriate language
- VII. Building rapport and confidence
- VIII. Pre-interview procedure
- IX. The interview process
- X. Concluding the interview
- XI. After the interview

I. Introduction

Pursuant to paragraph 5 of Security Council resolution 2379 (2017), UNITAD shall collect, preserve, and store evidence pertaining to acts that may amount to war crimes, crimes against humanity and genocide committed by ISIL (Da'esh/) in Iraq. The Terms of Reference of UNITAD (S/2018/118), attached to a letter submitted to the Security Council by the Secretary-General on 9 February 2017, provides further that:

- ▶ The Special Adviser shall develop, adopt and periodically review and update a strategy for the conduct of investigations, determine the work plan of the Investigative Team and put in place procedures relating to the conduct of its work (Terms of Reference, paragraph 12).
- ▶ The Investigative Team shall seek to obtain from witnesses and other sources their informed consent for the Investigative Team to share evidence with Iraqi and other domestic investigative, prosecutorial and judicial authorities, and with any other competent authorities as determined in agreement with the Government of Iraq. The consent, or lack thereof, must be duly recorded by the Investigative Team (Terms of Reference, paragraph 20).

This SOP covers the procedures for interviewing child victims and child witnesses of ISIL/Da'esh crimes. They are issued to supplement and to complement other SOPs which have been issued, in particular, the SOP on Witness Interviews (v2), issued on 17 September 2019, as well as the SOP on Vulnerability Assessment and Support Protocol for Facilitating the Interview of Witnesses. The general principles and guidelines in those SOPs apply equally when interviewing child victims and witnesses, except that this SOP will govern the interviewing of child victims and witnesses where there is any inconsistency.

In order to ensure a standard of quality and uniformity in interviewing witnesses, UNITAD investigators/interviewers should comply with the following procedures.

II. General principles

- (a) A child is any person up to the age of 18 years of age. For the purpose of an interview, investigators/interviewers will consider young persons whose ages are unknown to be “children”, unless there is a reasonable basis to believe otherwise.
- (b) The additional safeguards and interview practices under this SOP may also be applied with respect to an adult interviewee between 18 to 21 years of age on advice from a Witness Protection and Support Unit psychologist.
- (c) In carrying out investigations, teams are very likely to identify victims and witnesses who may be children or minors. It is therefore necessary to have some understanding of the general considerations to be noted when dealing with child victims and witnesses in order to be able to obtain as much relevant information from them which help the investigations, while respecting international standards and norms for protecting children.
- (d) Investigators/interviewers will consider the best interests, rights and wellbeing of the child when undertaking interviews. Investigators/interviewers will strive to ensure their activity does no harm to the children with whom they interact.
- (e) In general, UNITAD will not seek the prosecution of children. UNITAD will also not share incriminatory information with any domestic authorities, except under condition that proceedings will not be taken against the child.
- (f) Investigators/interviewers should familiarize themselves with Iraqi child protection laws and international standards, as set forth in the 1989 Convention on the Rights of the Child and many other international instruments, and bear in mind that children are vulnerable and are entitled to special care and protection, and that their interests, rights and personal circumstances should be given due consideration.

- (g) The best interest of the child is always the primary consideration. Investigators/interviewers will adopt a child-sensitive approach and take into account the individual vulnerabilities and capabilities of each child. This approach is based on respect for children's rights and is guided by the general principles of the 1989 Convention on the Rights of the Child: non-discrimination; the best interests of the child; the right to life, survival and development; and the right to express one's views and have them considered.
- (h) When a decision is made to interview a child victim/witness, and before the interview, investigators/interviewers should request an assessment of the child's well-being by a Witness Protection and Support Unit psychologist, in order to determine whether to proceed with the interview. Where the psychologist or other mental health professional determines that the child's condition is very fragile or that the interview would be unnecessarily detrimental to the child's welfare, the interview must be cancelled or postponed until there have been mitigating measures put in place to help the child.
- (i) Interviews of child victims/witnesses should be audio and video recorded whenever possible.
- (j) The investigator/interviewer should prepare the interview in a manner that maximizes the possibility that the child is interviewed only once. If another investigator/interviewer wishes to interview the same child victim/witness a second time, that investigator/interviewer should view the audio-video record of the first interview and any other relevant material in order to determine that his/her interview is necessary.
- (k) The investigator/interviewer should inquire with the parent/responsible person (trusted adult) if the child victim/witness has made any prior statements or been interviewed before. If the child victim/witness has been interviewed before, it is important to make reasonable efforts to obtain that statement.

III. The interview team

- (a) When conducting an interview with a child victim/witness, preferably only one person should be asking questions at any one time. A child victim/witness can find getting to know even one interviewer stressful, so the more interviewers the child victim/witness has to get to know the more stressful the situation can become.
- (b) The first/lead interviewer will be the person who is best suited to interview the child. Take into consideration sex, age, rapport, ability and

experience of the interviewers. The second interviewer will support the first/lead interviewer; the first/lead interviewer will rely on the second interviewer to ensure that all critical points have been established in all areas of the interview. The roles are dependent on each other and interactive; the roles of the interviewers can be interchanged at any time.

- (c) In circumstances where, at the stage of planning the interview, it is considered more conducive to the interests of the child and to the effective conduct of the interview that both interviewers take a more active role, this should be planned and arranged in advance.
- (d) The preference of the child victim/witness and his parent or guardian as to the gender of the first and second investigator/interviewer and interpreter should be taken into account to the extent possible.
- (e) The child's consent to be interviewed by that investigator/interviewer should be obtained and recorded.
- (f) Interviewees over the age of 18 do not require the use of specially trained or experienced investigators/interviewers, unless special circumstances exist.

IV. Create a child-friendly environment

The investigator/interviewer should find a safe space inside the interview facility to interview the child. The best interview environment is one that is uncluttered, comfortable, warm and friendly. If the child feels threatened or anxious, any reduction in formality may alleviate this. A child-friendly atmosphere can include child-friendly toys and materials or a space to sit comfortably on the floor.

V. Interview setting

- (a) The interview space should be in a quiet location where there is little background noise, and the child victim/witness is afforded adequate privacy and comfort when interviewed.
- (b) The interview space should be well-lit, as children may fear or be intimidated by dark or oppressive spaces.
- (c) Place the recording equipment in a position close to the child victim/witness without it being a distraction.

VI. Appropriate language

- (a) The investigator/interviewer should make every effort to communicate appropriately with the child victim/witness; information must be presented to the child victim/witness in a way and through language that the child understands and uses based on his/her age and developmental stage.
- (b) Children may use their own terminology when telling their story, which the investigator/interviewer may not be familiar with. The investigator/interviewer must ask the child victim/witness to explain such words or phrases, or what he/she means.

VII. Building rapport and confidence

- (a) The investigator/interviewer should introduce himself/herself to the child victim/witness in a friendly and appropriate manner. The investigator/interviewer will dedicate time and effort towards establishing a relationship of trust and respect with the child victim/witness, to the extent possible, in order to develop rapport.
- (b) The investigator/interviewer will reassure the child victim/witness, particularly one believed to have been involved in crimes while a child, that it is not the intention of UNITAD to seek his or her prosecution for any such matters. In general, UNITAD will not share incriminatory information with any domestic authorities, except under condition that proceedings will not be taken against the child.
- (c) Unless unavoidable, there should not be a change in the investigator/interviewer who has been assigned to interview the child victim/witness and who has interacted with the child victim/witness from the beginning. Where there will be a change, the investigator/interviewer who was first assigned should, unless this is not possible, personally introduce the new interviewer to the child victim/witness and explain briefly the need for the change.
- (d) A psychologist or mental health professional should remain on standby during the interview process to ensure that the child victim/witness is at ease and to intervene if necessary, for the welfare of the child.

VIII. Pre-interview procedure

- (a) As a preliminary step, the first/lead interviewer should explore the competency of the child victim/witness to understand the importance of telling the truth during the interview.
- (b) It is inadvisable to ask children to provide general definitions of what is the truth or a lie. Rather, they should be asked to judge from examples. The first/lead interviewer should use examples suitable to the child's age, experience and understanding. It is important that the examples chosen are lies, not merely incorrect statements: lies must include the intent to deceive another person. The examples used will be dependent on the different ages of children. If a child shows a proper appreciation of the difference between truth and lies, the first/lead interviewer should conclude by emphasising the importance of being truthful and as accurate as possible in everything they say in the interview.
- (c) Administer a Truth and Lies Competency Test.

Determine whether the child knows what it is to tell the truth or tell a lie. Use simple examples and scenarios. Establish a position where the child can agree to tell the truth if their level of understanding has been found to be sufficient.
- (d) The first/lead interviewer should obtain the consent of the child victim/witness and his/her trusted adult, in accordance with the following:
 - i. Obtain permission to proceed with the interview from the child victim/witness and their trusted adult and record this in writing. If the person who brought the child victim/witness is not a parent, reasonable efforts should be made to contact a parent and obtain the parent's consent before proceeding with the interview.
 - ii. Where a child victim/witness does not appear to have a parent, or the parent present is considered unfit or unsuitable, the first/lead interviewer will consider appropriate options to safeguard the interests of the child victim/witness.
 - iii. The first/lead interviewer should explain to the child victim/witness and the trusted adult the following aspects of the interview:
 1. It is the child's free choice to be interviewed.
 2. The manner in which the interview will be conducted and recorded.
 3. In the event other forms of documentation of the recording are used in the interview, that specific permission from the child victim/witness and trusted adult will be sought.

4. The ways in which the information the child victim/witness provides may be shared.
 5. UNITAD will not share the information the child victim/witness provides with the Iraqi authorities, or any other national authorities which are involved in the investigation and/or prosecution of Da'esh members, unless the child victim/witness and his/her trusted adult provides express consent for such disclosure.
 6. The child victim/witness may be called to testify in proceedings before a court of law, but that protective measures for his/her comfort, safety and security can be implemented.
- iv. The first/lead interviewer should explain to the child victim/witness what his/her rights are during the interview session. This helps the child victim/witness know what to expect and what he/she can control. Children have the right to make mistakes and should be allowed to change their minds. Remind the child victim/witness that there are no right or wrong answers. The first/lead interviewer should assure the child victim/witness that the investigator/interviewer is interested in the child victim's/witness' experiences.
 - v. The first/lead interviewer should discuss the duration of the interview, making it clear that the child victim/witness can take breaks or end the interview at any time.
 - vi. The first/lead interviewer should explain to the child victim/witness the instructions as detailed in the SOP on interviewing witnesses (regarding telling the truth, what to do if they do not understand or do not know the answer to a question, and other elements of the interview process).
 - vii. The first/lead interviewer should explain to the child victim/witness the purpose of the interview. It is important to explain to the child victim/witness why he/she is being interviewed, the importance of his/her evidence and what will be asked to him/her.

IX. The interview process

The first/lead interviewer should begin the interview, in accordance with the following guidance:

- (a) Record all relevant personal data of the child victim/witness (name, date of birth, gender, ethnicity/nationality/religion, if relevant contact details, etc. – see witness statement template).
- (b) As a general rule, a child victim/witness should have a trusted adult (preferably parent/responsible person) with him/her during an interview, especially if he/she is very young. If, during the interview, it becomes

necessary to talk to the child victim/witness and trusted adult separately, the first/lead interviewer should respectfully ask the trusted adult to temporarily leave the interview room.

- (c) Some children will hesitate to speak in front of their trusted adult, particularly in a context where children have been abducted by Da'esh/ISIL and transformed into child soldiers who may have been forced to commit acts of violence, or where they have suffered other types of abuse. In such cases, the first/lead interviewer should consider talking to the child victim/witness alone and ensure the consent of the trusted adult to talk to the child victim/witness in the absence of the trusted adult.
- (d) The first/lead or second interviewer should avoid making any promises to the child victim/witness.
- (e) Any disclosure of ongoing risk of harm by the child victim/witness during the interview should be referred to the Head of the Victim and Witness Protection Unit for further assessment.
- (f) The first/lead interviewer should not force or pressure the child victim/witness to talk.
- (g) The first/lead interviewer should conduct the interview slowly and not ask for too much information too quickly. At all times, the child victim/witness should set the pace of the interview, not the first/lead interviewer. If the child victim/witness requests for a welfare break, the interview should be paused to facilitate that. A UNITAD staff member not participating in the interview should be available to look after the child victim/witness and trusted adult during the break. The pace and style of the interview should accommodate the human capacity to react in different ways to recounting incidents and events.
- (h) The first/lead interviewer should obtain a full and uninterrupted first account using open-ended questions, allowing the child victim/witness to tell the story in his/her own words. The first/lead interviewer should also make use of the child's specific words. He/she should bear in mind that children may not give their account of events chronologically, and the first/lead and second interviewer may have to re-arrange their account later in a chronological order.
- (i) The first/lead interviewer should avoid using leading questions. The first/lead interviewer should use as many open-ended questions as possible and avoid multiple-choice or yes/no questions, which can be confusing and lead the child victim/witness to give inaccurate responses.
- (j) It is important for the first/lead interviewer to pay attention to both his/her non-verbal communication and body language, as well as that of the child

victim/witness. The first/lead investigator/interviewer should respond appropriately if the child victim/witness begins to show signs of distress.

- (k) The first/lead interviewer should clarify the account chronologically, dividing it into topics and repeating back the child's own words, to obtain additional details about all the elements of the alleged crimes, covering the and of the crimes and pay particular attention to language used and explain difficult concepts when interviewing children.
- (l) At the conclusion of an interview with a child victim/witness, he/she should be asked if he/she has told the truth during the interview.

X. Concluding the interview

- (a) At the conclusion of the interview, the first/lead investigator/interviewer should:
 - i. Ask the child victim/witness and the trusted adult if they have any complaints or concerns about the way the interview process has been conducted.
 - ii. Discuss and address any questions or concerns (such as safety and logistics or other practical issues).
 - iii. Discuss the child victim/witness's needs with his/her trusted adult and explain referral options available.
 - iv. Establish current and long-term contact details, agree to make contact again, if appropriate, and identify the preferred method of being contacted.
 - v. Ascertain alternative means of contact (for example, through family and friends) who may be in a position to help locate the interviewee, if necessary.
 - vi. Agree on a means for the child victim/witness and his/her trusted adult to contact you in the future if necessary.
- (b) The first/lead interviewer should end the interview on neutral/positive topics and, with the support of the psychologist, assess the child victim/witness's emotional state and find out what kind of support (such as family, friends) he/she will have immediately after the interview.
- (c) The first/lead interviewer should explain the next steps to the child victim/witness's trusted adult and discuss post-interview checks and follow-ups, ideally within a few days after the interview and at regular intervals after that (where necessary).
- (d) The first/lead interviewer must remember to thank the child victim/witness for talking to him/her and use culturally appropriate gestures (for

example, shaking hands) when departing. She/he should also reassure the child victim/witness once more that he/she is not responsible for what has happened to him/her.

- (e) The interview should end with the first/lead interviewer talking to the child for a couple of minutes about a neutral topic. For example . Following which, the first/lead interviewer may conclude the recording, stating "It's [specify time] and this interview is now complete".

XI. After the Interview

- (a) Immediately after the end of the interview, the investigators/interviewers (both first/lead and second investigators/interviewers) should conduct a thorough evaluation of the interview, assessing its impact and significance for the investigation, including identifying what elements have been established or satisfied by the information from the interview, what gaps remain and any follow- up areas of investigative focus.
- (b) Even under tight time constraints, the investigators/interviewers should not delay such an evaluation or leave it until the end of the mission, as this is likely to lead to both unnecessary interviews and risk gaps in the information gathering process.
- (c) c. Following the interview, the interview team shall prepare a synopsis of the interview that accurately reflects all information received. No signed statement from the child victim/witness is required.

Appendix D

Interviewing victims and witnesses of sexual and gender-based violence standard operating procedures

Contents

- I. Introduction
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- V. Use of appropriate language
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- VIII. Pre-interview procedure
- IX. The interview process
- X. Concluding the interview
- XI. After the interview

I. Introduction

Pursuant to paragraph 5 of Security Council resolution 2379 (2017), UNITAD shall collect, preserve, and store evidence pertaining to acts that may amount to war crimes, crimes against humanity and genocide committed by ISIL (Da'esh/) in Iraq. The Terms of Reference of UNITAD (S/2018/118), attached to a letter submitted to the Security Council by the Secretary-General on 9 February 2017, provides further that:

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- ▶ The Investigative Team shall seek to obtain from witnesses and other sources their informed consent for the Investigative Team to share evidence with Iraqi and other domestic investigative, prosecutorial and judicial authorities, and with any other competent authorities as determined in agreement with the Government of Iraq. The consent, or lack thereof, must be duly recorded by the Investigative Team (Terms of Reference, paragraph 20).

This SOP covers the procedures for interviewing victims and non-suspect witnesses of sexual and gender-based sexual violence (SGBV) crimes. This SOP is issued to supplement and to complement other SOPs which have been issued, in particular, the SOP on Witness Interviews (v2), issued on 17 September 2019, as well as the SOP on Vulnerability Assessment and Support Protocol for Facilitating the Interview of Witnesses. The general principles and guidelines in those SOPs apply equally when interviewing SGBV victims and witnesses, except that this SOP will govern the interviewing process of victims and non-suspect witnesses of SGBV in the case of any inconsistency.

To ensure a standard of quality and uniformity in interviewing SGBV victims and witnesses, UNITAD investigators/interviewers should comply with the following procedures.

II. General principles

- (a) Sexual and gender-based violence (SGBV) crimes are difficult to investigate, due to several factors including socio-cultural and religious norms. In addition to the trauma resulting from the general violence inflicted on the population by ISIL/Da'esh, victims of SGBV may face additional trauma associated with the violations of their physical and emotional integrity and the resultant familial or societal recrimination they may face. They may be reluctant to openly talk about their experience as it may be too brutal to recount. It is therefore imperative that investigators who interview such victims/witnesses be appropriately guided in their approach to such victims/witnesses.
- (b) The aim of an SGBV investigation is to ensure that, as best as possible, the necessary evidence is obtained and correctly documented to ensure successful prosecution of SGBV crimes. This requires the investigator/interviewer, while giving due regard to the sensitivities outlined above, to ensure that the right questions are asked in order to elicit the elements of the various possible crimes being investigated.
- (c) Where appropriate, investigators/interviewers may need to elicit both evidence/information showing individual acts of SGBV, as well as the potential widespread nature of SGBV crimes. Investigators/interviewers should not forget that interviewees may have evidence of other crimes that do not relate to SGBV and should therefore also ask questions about other crimes.
- (d) The investigator/interviewer should ensure that any interpreter involved understands that clarity and precision is critical in the interpretation of what an interviewee says. The interpreter must be told to interpret faithfully and

precisely what the witness says. The investigator/interviewer must ask that any euphemism used by the witness should be explained by the witness.

- (e) The victim/witness should be asked about SGBV crimes committed against others which they are aware of.
- (f) Interviewees should be encouraged to provide information relevant to establishing the identity of any direct perpetrators of SGBV crimes and other crimes that may amount to war crimes, crimes against humanity or genocide. Information should also be sought, where applicable, relevant to issues of command and/or superior responsibility, with respect to both superiors and subordinates.
- (g) Efforts should be made to keep to a minimum, the number of times a victim of SGBV is asked to recount his/her experience outside of the formal interview.
- (h) To the extent possible, all questions relating to a particular incident should be asked during the course of one interview to avoid making the victim/witness revisit the narrative of the incident repeatedly, which could add to his/her trauma.

III. The interview team

- (a) When conducting an interview, preferably only one investigator/interviewer should be asking questions. The first/lead interviewer will be the person who is best suited to interview the witness. The gender, age, rapport, ability and experience of the first/lead investigators/interviewers should be taken into consideration.
- (b) The second investigator/interviewer will support the first/lead investigator/interviewer; the first/lead investigator/interviewer will rely on the second investigator/interviewer to ensure that all critical points have been established in all areas of the interview. Interview roles are dependent on each other, and interactive; the roles of the investigators/interviewers can be interchanged at any time.
- (c) Prior to the interview, the victim/witness should be given the choice as to whether he/she wished to be interviewed by a male or female interviewer/investigator. This choice should be taken into account to the extent possible and recorded.
- (d) In the event of second or subsequent interviews, unless unavoidable, there should not be a change in the investigator/interviewer who has interviewed the witness from the beginning. Where there will be a change, the investigator/interviewer who was first assigned should, where possible, personally introduce the new investigator/interviewer to the witness and explain the need for the change.

IV. Conducive interview environment

- (a) The investigator/interviewer should find a suitably private and secure space to conduct the interview.
- (b) The interview space should be a quiet, suitably lit location where there is little background noise and the interviewee is afforded adequate privacy and comfort when interviewed.
- (c) The investigator/interviewer should place any recording equipment in a position close to the witness without it being a distraction.

V. Use of appropriate language

- (a) The investigator/interviewer should make every effort to communicate appropriately with the interviewee; information must be presented in a way and through language that the interviewee understands.
- (b) Interviewees may use their own terminology when telling their story, which the investigator/interviewer may not be familiar with. The investigator/interviewer must ask a witness to explain such words or phrases, or what he/she means.

VI. Building rapport and confidence

- (a) The investigator/interviewer should introduce himself/herself to the witness in a professional and appropriate manner. The investigator/interviewer will dedicate time and effort towards establishing a relationship of trust and respect with the interviewee, to the extent possible.
- (b) A psychologist or mental health professional should remain on standby during the interview process to ensure the continued wellbeing of the witness and to intervene if necessary.

VII. Comportment of the investigator/interviewer

- (a) The investigator/interviewer should, at all times:
 - i. Ensure that an SGBV victim/witness is afforded adequate privacy and comfort when interviewed.
 - ii. Be aware of his/her demeanor, making efforts, for example, to remain polite, respectful, patient and attentive; look straight at, and speak directly to, the victim/witness; be aware of one's pitch/tone and that of the interpreter; and sit at or below the eye-level of the interviewee.

- iii. The interview process should seek to empower the interviewee, and an environment should be created so that the interviewee perceives a level of control over the proceedings. Opportunities should be given to the interviewee to agree/disagree, answer/not answer, request a break, ask questions and have information repeated, and receive sufficient information to make informed decisions.
 - iv. Show empathy and respect, not pity.
 - v. Avoid making promises of any kind.
 - vi. Remain flexible throughout the process and respond to the needs of the interviewee.
 - vii. Never assume anything about the victim's/witness' feelings or thoughts, about the facts, about his/her preferences, or about how trauma has impacted him/her.
- (b) There is no "one way" that an interviewee will behave. Victims and witnesses will behave and react in distinct and varied ways when telling or retelling their story. For example, he/she may become alternatively distressed, upset, or withdrawn; angry, defensive or dismissive; or calm, poised, or clear.
- (c) The investigator/interviewer should not make any assumptions about an interviewee. Investigators/interviewers should not assume that an interviewee will be ashamed or afraid to talk; will be fragile, traumatized, or wary of someone of the same sex as the perpetrator; or, will be more upset about the sexual violence he/she experienced or observed, as opposed to other aspects of his/her experiences.
- (d) The investigator/interviewer should not assume that an interviewee has been physically harmed.

VIII. Pre-interview procedure

- (a) Prior to the interview, the investigator/interviewer should familiarize him/herself with the various forms of SGBV crimes recognized by the international law and where necessary, seek advice from the SGBCCU on the elements of such offences, as well as investigative strategies, international guidelines and policies in investigating SGBV crimes.
- (b) The identification of further potential witnesses and potential perpetrators should be included as one objective of the interview process.
- (c) Before a decision is taken to interview a victim of SGBV crimes, the investigator/interviewer should consult the Witness Protection and

Support Unit to determine whether an assessment under the SOP for Psychosocial Assessment and Support is necessary, and what measures are required for the interview to proceed.

- (d) The investigator/interviewer should explain what psychosocial and other support and referrals may be available to the victim/witness.
- (e) Prior to the start of an interview on SGBV crimes, the investigator/interviewer should ensure that the victim/witness understands that he/she is being interviewed about his/her knowledge and or experience of SGBV crimes, over and above any other crimes he/she is aware of or has been subjected to, and obtain his/her consent before starting the interview.

IX. The interview process

The investigator/interviewer should begin the interview, in accordance with the following guidance:

- (a) Record all relevant personal data of the interviewee (name, date of birth, gender, ethnicity/nationality/religion, ID/passport number, names and details of relevant family members, contact details, profession, educational background, and languages spoken – see witness statement template).
- (b) The investigator/interviewer should allow the victim/witness to tell his/her story without interruption and then ask questions to clarify. In so doing, the investigator/interviewer should start with broader and less sensitive issues before moving on to more sensitive subjects.
- (c) Where necessary, the investigator/interviewer should seek to clarify the victim's/witness' account using the latter's own words.
- (d) The investigator/interviewer should use as many open-ended questions as possible and avoid multiple-choice or yes/no questions, which can be confusing and lead the interviewee to give inaccurate responses.
- (e) The investigator/interviewer should clarify the account chronologically, dividing it into topics and repeating back the interviewee's own words. Obtain additional details about all the elements of the alleged crimes, covering the "who", "what", "where", "when" and "how" of the crimes. The investigator/interviewer should pay attention to precise language used, particularly with respect to sensitive subjects.
- (f) The investigator/interviewer should use specific language in relation to the SGBV offence(s).
- (g) The investigator/interviewer should ensure that any written statements are narrated in the first person.

- (h) It is important for the investigator/interviewer and interpreter to pay attention to both his/her non-verbal communication and body language, as well as that of the witness. The investigator/interviewer should respond appropriately if a witness begins to show signs of distress.
- (i) The investigator/interviewer should ensure additional information or evidence available to the victim/witness, in particular pictures, video images or communications concerning the incident(s), is requested, in accordance with applicable guidelines from the Forensic Sciences Unit.
- (j) The investigator/interviewer should probe for the existence of contact with the victim/witness by the alleged perpetrator, whether effected directly or through a third party.
- (k) Where appropriate, a witness may be asked to draw maps, plans or sketches to better explain her/his evidence. Such maps, drawings or sketch should be signed and annexed to his/her statement.
- (l) The victim/witness should be asked about any other person who may have been an eye-witness to, or who has knowledge of, the incident(s) that he/she is describing to the investigator/interviewer, whether they relate to SGBV or other crimes.
- (m) All persons present during the interview should be identified on the audio and video recording. If any person enters or leaves the room, that person is to be identified by name and the reason for his/her presence/absence explained and recorded. In this context, UNITAD participants are to identify themselves in line with security recommendations from the associated mission plan.

X. Concluding the Interview

At the conclusion of the interview, the investigator/interviewer should:

- (a) Discuss and address any questions and concerns (e.g. safety, practical issues).
- (b) Establish current and long-term contact details; agree to make contact again, as appropriate; and identify the preferred method of being contacted.
- (c) Ascertain alternative means of contact (for example, through family and friends) who may be in a position to help locate the interviewee, if necessary.
- (d) Agree a means for the victim/witness to contact the investigator/interviewer in the future, if necessary.

- (e) The investigator/interviewer should thank the victim/witness for the interview and use culturally appropriate gestures (for example, shaking hands) when departing.

XI. After the interview

- (a) Immediately after the end of the interview, the interview team should conduct a thorough evaluation of the interview, assessing its impact and significance for the investigation, including identifying what elements have been established by the information from the interview, what gaps remain and any follow-up areas of investigative focus.
- (b) Even under tight time constraints, the investigator/interviewer should not delay such an evaluation or leave it until the end of the mission, as this is likely to increase the risk of unnecessary interviews and of gaps in the information gathering process.

Appendix E

Vulnerability assessment and support protocol for facilitating the interview of witnesses standard operating procedures

Contents

- I. General purpose
- II. Identification of vulnerable witnesses
- III. Assessment and support prior to witness interviews
- IV. Recommendations for special measures
- V. Accompanying persons
- VI. Assistance during witness interviews
- VII. Post-interview support
- VIII. Extraordinary medical assistance

I. General purpose

- (a) This protocol describes the assessment and support procedure used to facilitate the testimony of vulnerable witnesses.¹ In particular, those who are at increased risk of psychological harm through the process of testimony. The protocol is part of the measures the Witness Protection and Support Unit (WPSU) put in place to protect the psychological wellbeing, dignity and privacy of witnesses in accordance with the do no more harm than necessary principle.
- (b) The protocol focuses on measures and interventions to assist vulnerable witnesses before, during and after testimony.²
- (c) For the purpose of this SOP:
 - › Psychologist refers to the person holding the post of Clinical Psychologist working in the WPSU. Clinical Psychologists within the WPSU are appropriately qualified mental health professionals experienced in working with vulnerable clients.

¹ Based on established practice at the International Criminal Court (ICC).

² ICC protocol on vulnerability assessment and support procedure used to facilitate testimony of vulnerable witnesses.

- Vulnerable witnesses are those who have experienced a psychologically traumatic event and are at increased risk to:
 - a. Suffer psychological harm during the process of testifying, and/or
 - b. Experience psychosocial or physical difficulties, which affect their ability to testify.
- Lead Investigator refers to the person leading the interview of the witness and may be a Legal officer or Investigator.
- Accompanying Person refers to a family member or another support person whose presence is considered necessary by the WPSU psychologists to provide emotional support and reassurance to the witness, or who for the reasons of local customs or for practical reasons is required to be present at the interview location. Such accompanying persons may include young dependent children for whom childcare is not available at the residence of the witness.

II. Identification of vulnerable witnesses

- (a) The vulnerability of a witness can be determined by different factors:
 - Factors related to the person: age (children or adults), personality, disability (including cognitive impairments), mental illness or psychosocial problems (such as trauma-related problems and/or lack of social support).
 - Factors related to the nature of the crime, victims of sexual or gender-based violence, children that are victims of violence, and victims of torture or other crimes involving excessive violence.
 - Factors related to circumstances, such as the impact of war, conflict/political unrest, significantly increased stress or anxiety due to relocation/resettlement or fear of retaliation, adaptation difficulties related to cultural differences or other factors.
- (b) The Field Investigation Units (FIU's) should alert the WPSU as early as practicable if they intend to interview a vulnerable witness or if they identify the need for protective measures. The Investigative Team should consult with the Psychologist on this matter to allow for appropriate preparations for the witness interview.

III. Assessment and support prior to witness interview

- (a) Upon the witnesses' arrival at UNITAD premises for interview, the Psychologist will engage with the witness to ensure ease and understanding of the assessment. The Psychologist will assure verbal informed consent to proceed, discuss and agree on the limits of confidentiality, and provide an explanation to the witness about:
 - The purposes and scope of the assessment.
 - The availability of special measures.
 - The fact that a summary of assessment findings will be shared with the Investigative Team and relevant persons in the WPSU.
- (b) The goals of the assessment are to:
 - Assess whether the interview is likely be in accordance with the stated do no more harm than necessary principle.
 - Evaluate the current physical health and mental health status of the witness and identify special needs regarding the preparation for interview. For cases of witnesses with a trauma history, preparation includes provision of 'psychoeducation'. In this regard psychoeducation involves equipping witnesses with information about normal psychological reactions that can be expected during and after the investigative interview, and brief strategies to manage the impact.
 - Identify the appropriate special measures.

The assessment does not address the credibility of the witness.

- (c) In cases where an Interpreter is required, he/she will be briefed in advance by the Psychologist about the nature of the assessment and provided an opportunity to clarify any specific details.
- (d) At the end of the assessment, the Psychologist discusses the relevant special measures with the Lead Investigator and implements those measures with the consent of the witness.
- (e) In cases where specific witnesses require independent psychiatric evaluation such as a differential diagnosis to rule out causes of mental disorders that may be due to medical issues, the Stanford University Consulting Psychiatrist (As per UNITAD's collaboration with the Stanford University, Human Rights in Trauma Mental Health Program) will provide assessments as needed by the Investigative Team.

IV. Recommendations for special measures

- (a) The Psychologist provides a verbal summary of the assessment and recommendation to the FIU outlining special measures, followed by a report. The report includes:
 - Information about the cognitive, emotional and behavioral aspects, relevant to the process of investigative interview
 - Observations regarding the witness' physical health, mental health and special needs, relevant to the process of investigative interview
 - An evaluation of his or her current capacity to proceed with interview
 - Other background information relevant to the process of investigative interview
- (b) In the case where there is a discrepancy in opinion between the Psychologist and FIU's regarding special measures, this matter will be directed to the Chief of Field Investigations. The Chief of Field Investigations' decision will be communicated to the Special Adviser and the FIU.
- (c) The WPSU Psychologist will decide which interview room is allocated to the interview of a vulnerable witness based on assessment of the witnesses' psychosocial situation.

V. Accompanying persons

- (a) Vulnerable witnesses who based on the assessment of WPSU psychologists are not able to go through the process of being interviewed without the presence of a person providing emotional support and reassurance at the location of the interview may be accompanied by an appropriate family member, or another person. WPSU psychologists will take into account the preference of the witness for the selection of the accompanying person.
- (b) An accompanying person may be present during the interview only if recommended by the WPSU psychologists and if approved by the Team Leader of the respective FIU. In the case where there is a discrepancy in opinion between the Psychologist and FIU's regarding the presence of an accompanying person in the interview, this matter will be directed to the Chief of Field Investigations. The Chief of Field Investigations' decision will be communicated to the Special Adviser and the FIU.
- (c) Accompanying persons are entitled to the coverage of their expenses in accordance with part III. J. of SOP on Witness Expenses.

VI. Assistance during interview

- (a) If there are concerns regarding the mental state of the vulnerable witness, the Psychologist makes a recommendation to the Lead Investigator to be present in the interviews to monitor the witness, and intervene if there are signs of severe distress, and or if the witness is unable to continue the testimony.
- (b) The Psychologist will communicate to the FIU's any urgent observations and/or concerns that arise during the interview.

VII. Post-testimony support and follow up

- (a) Immediately after interview, if and when possible, the vulnerable witness receives a debriefing by the Psychologist. The Psychologist will explore the emotional and mental state of the witness, provide appropriate coping strategies as needed, and enable time for recovery prior to their departure.
- (b) As part of interview after care, the Lead Investigator and Psychologist will aim to contact the witness where and when appropriate, for follow up within a week.

VIII. Extraordinary medical assistance

- (a) The FIUs have a discretion to provide extraordinary medical assistance in cases where a witness suffers from conflict related severe injuries which create a dependency on care givers and prevent the person from leading an autonomous and humanely dignified life. Such extraordinary medical assistance may be provided by an express decision by the Special Adviser based on a case by case assessment and recommendation by the WPSU, and the availability of funding.
- (b) The FIUs may request the WPSU to conduct an assessment for the extraordinary medical assessment. The assessment and the subsequent recommendation by the WPSU is forwarded to the Special Adviser for decision through the Director of Investigations or, where appropriate, through the Chief of Staff.
- (c) No reference to the provision of extraordinary medical assistance may be raised with the witness without prior internal discussion involving the Special Adviser of whether the case is sufficiently exceptional meriting the provision of such assistance.

- (d) Prior to providing extraordinary medical assistance the Investigative Team is obliged to enter into a Memorandum of Understanding (MOU) with an entity providing or facilitating the provision of such assistance. The MOU must specify that that no liability for the consequences of the medical treatment can be attributable to the Investigative Team.

Appendix F

Remote witness interviews standard operating procedures

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- I. Purpose
- II. Definitions and scope
- III. Rationale
- IV. Preparation for remote interview
- V. Planning considerations
- VI. Approval of proposal for remote interview
- VII. Post-interview report
- VIII. List of abbreviations

I. Purpose

1. This SOP sets out guidance for the preparation for, approval of, and conduct of remote interviews, in which the UNITAD interview team and the witness are in different physical locations.

II. Definitions and scope

2. Under this SOP, the phrase “remote interview” encompasses all interviews in which the interviewers are not physically present with the witness. The phrase “interview team” refers to the staff members designated by a Head of FIU to prepare for and conduct a remote interview.
3. This SOP does not apply to the following interviews formats or contexts:
 - (a) Interviews in which one or more UNITAD investigator or UNITAD investigative lawyer is physically present with the witness. Such interviews are not encompassed in the phrase “remote interview” under this SOP.
 - (b) Interviews where the witness is present at the location of either the UNITAD office located in Duhok or the UNITAD Villa in Baghdad. Such interviews are governed by the WPSU SOP Facilitating Witness Hearing and Interview and the WPSU Procedure for Facilitating Remote Witness Interviews at UNITAD Villa.

4. This SOP on Remote Witness Interviews:
 - (a) Applies to all UNITAD personnel, including experts on mission, pro bono personnel, contractors and consultants serving with UNITAD.
 - (b) Provides guidance on the initiation of, preparation for, approval of, and conduct of remote interviews.
 - (c) Should be read and implemented in conjunction with all relevant UN and UNITAD SOPs, policies and other guidance, including in particular:
 - (i) SOP on Witness Interviews (Rev.2).
 - (ii) SOP on Suspects and Detainees.
 - (iii) Witness Protection Strategy.
 - (iv) WPSU SOP on the Vulnerability Assessment and Support Protocol for Facilitating the Interview of Witnesses.
 - (v) WPSU Procedure for Providing Remote Psychosocial Assistance to Witnesses During the COVID-19 Pandemic.
 - (vi) WPSU Procedure for Facilitating Remote Witness Interviews at UNITAD Villa.
 - (vii) SOP on Interviewing Child Victims and Witnesses.
 - (viii) SOP on Interviewing Victims and Witnesses of Sexual and Gender-Based Violence.
 - (ix) SOP on Information Classification and Handling.
 - (x) Applicable cooperation frameworks with third states (such as a memorandum of understanding or an exchange of letters).
 - (d) Should be reviewed in six months by the Standing Committee on SOPs, or when otherwise directed by the Standing Committee.

III. Rationale

5. Pursuant to Security Council resolution 2379 (2017), UNITAD is mandated to support domestic efforts to hold ISIL/Da'esh accountable by collecting, preserving and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by ISIL/Da'esh in Iraq, including by conducting interviews, taking witness testimony, and acquiring forensic and documentary materials.
6. The Terms of Reference regarding the activities of UNITAD in Iraq, as approved by the Security Council on 13 February 2018 ("the Terms of Reference"), provide that UNITAD "shall collect evidence...including by conducting interviews, taking witness testimony..." (para. 5). The Terms of Reference also indicate that the fulfilment of UNITAD's mandate entails,

among other things, “[u]nhindered access to all places and establishments” and “freedom to meet...any person who may have evidence...in an environment of security, confidentiality and tranquility” (para. 44(b)).

7. To this effect, pursuant to paragraph 12 of the Terms of Reference, the Special Adviser shall develop, adopt and periodically review and update a strategy for the conduct of investigations, determine the work plan of the Investigative Team and put in place procedures relating to the conduct of its work. Pursuant to paragraph 33 of the Terms of Reference, the UNITAD shall develop, in its procedures and methods of work, modalities for cooperation with States and other organizations and entities. This SOP is established pursuant to these provisions.
8. In the implementation of its mandate to collect evidence of acts that may amount to war crimes, crimes against humanity and genocide committed by ISIL/Da’esh in Iraq, UNITAD may decide to conduct interviews of witnesses under circumstances where it may not be practicable for UNITAD investigative staff and the witness to be present in the same location. Such circumstances may arise from, among other things, logistical impediments, security considerations, exigent circumstances, or health and mental health considerations.
9. The ongoing impact of the COVID-19 pandemic on travel and working arrangements around the world, including in Iraq, has, in particular, compelled consideration of remote interviews of witnesses. Operational guidance for the conduct of such remote interviews is desirable to further adherence to international standards and good practices.

IV. Preparation for remote interview

10. The Head of the relevant FIU should notify the Director of Investigations at the earliest opportunity (and, ideally, no later than ten days prior to the targeted date interview) of the FIU’s intent to assess the feasibility of conducting a remote interview. As set out in section VI, the approval of the Director of Investigations is required prior to the conduct of the interview. Early notification to the Director of Investigations of the intent to pursue a remote interview can facilitate the preparation process and, ultimately, the Director’s approval.
11. Preparation and planning for the conduct of a remote interview will, in many respects, be conducted in accordance with existing guidance, including applicable SOPs. However, a remote interview raises an additional set of issues beyond the range of factors to be considered in the preparation of an in-person witness interview and, accordingly,

militates for more thorough and rigorous planning. These considerations include the following core factors in the preparation of a witness interview:

- (a) Feasibility of an in-person witness interview. An in-person interview will generally be preferable, and interview teams should consider fully whether that modality of witness interview is possible.
- (b) Nature of the contact sought with the potential witness (see paras. 13–14).
- (c) Location of the witness.
- (d) Witness safety, well-being and security, particularly in consultation with WPSU, throughout the assessment of all considerations.
- (e) Reliability of the remote interview.
- (f) Effectiveness of the remote interview.

Guidance on these factors is elaborated further below.

(a) Feasibility of an in-person witness interview

- 12. An in-person interview will generally be preferable, and interview teams should consider fully whether that modality of witness interview is possible.

(b) Nature of the contact sought with the potential witness

- 13. As a preliminary consideration, the interview team should assess the nature of the contact sought with the potential witness.
 - (a) The formal taking of witness testimony will generally require full adherence to the provisions of this SOP.
 - (b) On the other hand, an initial contact with a witness, such as for the purposes of introducing the interview team and assessing the willingness of the potential witness to speak with UNITAD, or conducting a screening, will not trigger the implementation of most provisions of this SOP.
- 14. In all cases, where an FIU is contemplating contact with a potential or existing witness who is located outside of Iraq, the Head of the FIU should consult and seek the approval of the Director of Investigations in writing, assessing beforehand the nature of the contact under consideration.

(c) Location of the witness

- 15. In determining how to proceed with a remote interview, the jurisdiction within which a witness will be physically located at the time of the interview should be a preliminary consideration for the interview team, with respect to any notice to, or similar procedure with respect to, the authorities in that jurisdiction.

- 16. Within Iraq.** If the witness will be located in Iraq at the time of the interview, for the purposes of any notice to national authorities, UNITAD interview teams should proceed as they would with an in-person interview. Therefore, there is, in general, no need to notify national authorities. Any questions regarding potential sensitivities, including diplomatic or political sensitivities should be raised with the Director of Investigations, who should consult with the Office of the Special Adviser, in order to ensure appropriate situational awareness in determining how to proceed with a remote interview.
- 17. Outside Iraq.** If the witness will be located outside Iraq at the time of the interview, or where a non-Iraqi citizen will be present in Iraq, the interview team should take the following steps.
- (a)** The interview team should consult, through the Head of the FIU, with the Office of the Director of Investigations for guidance. The Director of Investigations should consult with the Office of the Special Adviser before providing guidance to the Head of the FIU.
 - (b)** In most contexts, the Head of the FIU will be instructed by the Director of Investigations, following consultations with the Office of the Special Adviser, to undertake the following steps with respect to authorities in the jurisdiction where the witness will be located.
 - (i)** If the witness will be located in a jurisdiction where there is an existing cooperation framework addressing the possibility of remote interviews (such as a memorandum of understanding or an exchange of letters), the Head of the FIU will be advised to adhere to the modalities for cooperation set out in the cooperation framework.
 - (ii)** Where there is no cooperation framework, the Head of the FIU will be advised on the appropriate action by the Director of Investigations, based on his/her consultations with the Office of the Special Adviser.

(d) Witness safety, security and well-being

- 18.** Witness safety, security and well-being are paramount considerations in every UNITAD witness interview.
- 19.** In addition to the usual consultation with WPSU regarding a witness interview, the interview team should consult with WPSU regarding the logistical and administrative arrangements for the interview, including the factors set out in section V(a). Certain vulnerable witnesses may not be suitable for a remote interview. Consultations with WPSU may entail more than one meeting, as the technical and other arrangements for the remote interview are developed.

(e) Security of communications and evidentiary requirements

20. To best ensure security of the communications with the witness and to meet evidentiary requirements in connection with the remote interview, as well as to ensure that relevant sections of UNITAD are informed in case logistical or other support is needed, the interview team should undertake the following consultations.
- (a) **Consultation with ISU.** The interview team should ensure with ISU that the technology platforms selected for the interview meet information security requirements. The platform should be capable of the on-screen sharing of files, for example, for showing the witness documents. The platform should also be capable of joining all the locations/participants required, including among others the witness, the interview team members, and the interpreter. In addition, backup or alternative communication channels should be determined to serve as a means of confirming the witness's well-being, in case a disruption of communication occurs in a manner that raises security concerns and, in general, provide alternative means for the witness to contact the interview team at any time with any concerns.
 - (b) **Consultation with FSU.** The interview team should ensure with FSU that appropriate actions are taken to meet evidentiary requirements arising from the remote interview context. FSU, together with ISU, can provide guidance on the proper collection of any digital evidence, including materials transmitted electronically. Where the interview will be recorded, FSU can provide guidance in ensuring proper collection of the recording.
 - (c) **Consultation with FIPOC.** In the remote interview context, as opposed to a field mission, the consultation with FIPOC may be brief. Nonetheless, FIPOC should be consulted for any logistics, administrative, security or other operational issue that may arise and should be copied on the remote interview proposal and operational planning so that it is informed should problems be encountered requiring its support.
 - (d) **Consultation with FTS.** The interview team should consult with FTS to ensure that computers, smart phones and other equipment to be used for a remote interview are appropriate for the technology platform to be used. FTS, as well as ISU, should also be consulted for any questions relating to the adequacy of the equipment to be used by the witness. The interview team should request FTS to be on-call for technical support during the remote interview and physically present at the

UNITAD Villa during the interview if a member of the interview team is present there.

(f) Reliability of the remote interview

21. Interview teams will need to ensure that they can verify the identity of the witness, as well as further confirm that the interview is voluntary and freely given, without any external pressure or interference. (See checklist in section V(a)). Other preparation, in particular the consultation with ISU, may also safeguard and enhance the reliability of the remote interview.

(g) Effectiveness of the remote interview

22. As with all witnesses, interview teams should take measures towards ensuring that the remote interview will be effective, obtaining full and truthful accounts from the witness, having in mind that the trust and rapport generally needed for an effective and reliable interview may be more challenging to develop in the context of a remote interview.
23. In this regard, interview teams will undertake all measures possible to build and maintain a rapport with the witness prior to, during and after the interview. Interview teams should carefully assess the interview, as it progresses, to ensure that communication and comprehension, in all senses of those words, is effective on the sides of both the witness and the interview team, taking into account potential limits on observing non-verbal forms of communication, as well as potential limits on the ability to detect problems with the technology platform on the witness's side.

V. Planning considerations

(a) Planning checklist

24. Having in mind the key objectives for any witness interview noted above, which may require particular consideration during a remote interview, the following sets out a list of factors that should be considered in planning and undertaking a remote interview. The circumstances of each witness interview will differ. Therefore, interview teams will need to ensure that they do not limit themselves to consideration of, and planning to address, the factors listed here.

Initial matters

- › Determination of whether to record the interview or to prepare a written statement.

- ▶ Verification of the witness's identity. Such verification can be undertaken through a range of measures undertaken at the outset of the interview, including obtaining a copy of the witness's identification card prior to the interview as well as presentation of the identification card at the outset of the interview, and the recitation of biographical data and other identifiers.
- ▶ Assuring the voluntary nature of the interview and informed consent as to the use of the evidence.

Issues relating to the technology platform

- ▶ Assessment of the witness's capacity and competency for using the technology required for the remote interview, as well as the witness's comfort level with such technology.
- ▶ Advance preparation of the witness on the use of such technology, possible technical issues and steps to solve them.
- ▶ Clarification with the witness, as appropriate, that s/he should not record the interview. The interview team should note any risk they assess that the witness will record the interview.
- ▶ Back-up communications means in case of disruption of the technology platform.

During the interview

- ▶ Means of assessing whether any factors are present during the interview that would constitute a risk to the security or well-being of the witness. This may include an agreed gesture to signal the presence of any such factor.
- ▶ Means of establishing the presence or absence of any other persons with the witness. The interview team may request that the witness scan the room using the video function of the technology platform, taking note for example of the location of windows.
- ▶ Means of establishing any other risk of interference, intentional or unintentional, with the interview. The interview team may request that the witness position herself/himself with their back to the door, so that any entry through the door is readily visible.
- ▶ Ensuring that, for each member of the interview team including the interpreter, their environment and background are likewise secure and consistent with a professional approach.
- ▶ Assessing the most effective way to put on the record, if necessary, any relevant developments during breaks during the interview due to technical problems.
- ▶ Means of identifying and memorializing, if appropriate, any relevant developments during an interruption of the interview due to technical problems.

- Means of establishing that the audio and video feed from the interview team to the witness is effective and that distortions, cuts or other technical malfunctions do not have an impact on the effective communication of questions and answers.
- Means of observing and memorializing, if appropriate, any non-verbal communication that may be relevant, including in particular any indications of distress or discomfort for the witness, or incomplete, mistaken or non-comprehension of the questions.

Following the interview

- Measures necessary to remove from the witness's technology platform traces of the remote interview, including through deletion of the browser history and clearing of any memory cache.
- Means of assessing any issues relevant to the security and well-being of the witness in the period immediately after the conclusion of the interview (a period where a witness, following an in-person interview, would normally be escorted to the exit of the interview location).

(b) Presence of a UNITAD staff member

25. The interview team should strongly consider having a UNITAD staff member designated by the interview team to be physically present with the witness where possible, to further all aspects of conducting an effective witness interview. In particular, confirming the safety, security and well-being of the witness, the identity of the witness, the circumstances of the environment where the witness is located, and other potentially relevant factors, as set out in the checklist in section V(a), above, can be significantly advanced by the presence of UNITAD staff member, including a national staff member, where consistent with COVID-19 health safety measures issued by UNITAD or by Iraqi national authorities.

(c) Presence of a representative of a United Nations entity or cooperating entity (third States)

26. In the context of witnesses located in third States, the interview team should consider the feasibility of requesting the assistance of national authorities or an investigative staff member of either UNDSS or UN OIOS in undertaking the functions that a UNITAD staff member could fill, in affirming the safety, security and well-being of the witness, the identity of the witnesses and the circumstances of the interview. In such cases, unless an interview has been formally approved by the Director of Investigations and the Special Adviser as a joint interview, the representative of the national authorities or UN entity should expressly agree prior to the interview that they will leave the room

in which the witness is present and to be outside hearing distance during the substantive portion of the interview. The role of the representative of the national authorities should be formally noted on the record, and the representative should understand that they may be required to provide a witness statement regarding their role in the interview. Any such request for assistance from national authorities should be discussed in advance with the WPSU and the Director of Investigations.

(d) Advance planning

27. Resolving the issues in preparation for a remote interview and making corresponding arrangements may require more lead time than in-person interviews, particularly in connection with technology platforms used for the interview and the potential witness's capacity to access and effectively use those platforms. Interviews teams are, accordingly, encouraged to initiate the planning process well in advance, including early consultations with relevant sections within UNITAD.

(e) Pre-interview contact with the witness to address interview logistical arrangements

28. The interview team will have had contact with the witness on several occasions, including for the purposes of assessing the witness's security and well-being. The interview team should also arrange a separate remote meeting with the witness prior to (at least two days) the interview specifically to ensure the witness will be prepared for the logistical arrangements of the remote interview, considering the issues below (If a UNITAD staff member will be physically present with the witness during the interview, the same staff member should attend the pre-meeting, in-person if possible, with the witness).
 - (a) Test the technology platform to be used during the interview. Where the witness is not familiar with the technology, consider beginning with a telephone contact (if assessed as appropriate in light of the witness's security) and then moving to the platform, providing explanation and guidance. Confirm that the witness understands and consents to using the technology platform for the interview (Consent to use of the technology platform for the remote interview should be reconfirmed as part of the interview itself).
 - (b) Ask the witness if s/he can attend at a safe, quiet, and private location at the time set for the interview.

- (c) Obtain a back-up telephone number or other back-up communications channel in case the technology platform fails, so that the interview team can readily confirm the witness's well-being, and to make alternative plans, and also so that the witness can likewise contact the interview team as needed.
- (d) Inform the witness whether the interview will be recorded or not, complying with all provisions of existing SOPs, including with respect to informed consent (If the interview is to be recorded, where appropriate, ensure that the witness understands that the background – for a video transmission interview – should not include identifying features).
 - (i) Where an interview will result in a signed statement, explain that at a later date (to be indicated), there will be read-back of the statement, with a subsequent meeting (when feasible) to sign the statement.
 - (ii) Where an interview will be recorded, explain that at a later time (to be indicated), a signed affirmation relating to the interview will be taken.

(f) Post-interview contact with the witness

- 29. The interview team will have arranged one or more meetings with the witness following the interview to assess the well-being of the witness and, in consultation with WPSU, to direct the person to accessible, safe, confidential and effective support services, if needed. Either during those meetings or at a separately scheduled meeting, in any event within three days of the interview, the interview team should explore any issues that may have arisen during the interview or the period immediately following the interview that bear on the factors set out in section V(a).
- 30. In addition, appropriate follow-up meeting(s) with the witness, either remote or in-person depending on the format of the interview, should be scheduled as soon as practicable to complete any interview procedures, in a manner that is clear to, and predictable for, the witness.
 - (a) Where a witness statement has been prepared, follow-up meeting(s) with the witness should be scheduled to complete the read-back and signature of the witness on the statement. Where a signature of the witness is not feasible for longer than three months, the interview team should consider recording the final read-back of the statement.
 - (b) Where a witness interview has been recorded, follow-up meeting(s) with the witness should be scheduled to prepare a brief statement attesting to the witness's participation in the remote interview (including if

necessary the witness's identification of his/her voice from the recording), the relevant times and dates of the interview, the witness's location at during the interview, the voluntary nature of the interview, the witness's informed consent as to further sharing of their evidence.

VI. Approval of proposal for remote interview

(a) The remote interview approval

31. Approval is required from the Director of Investigations prior to the conduct of a remote interview. For this approval, a remote interview proposal should be submitted, ideally, no later than a week prior to the interview, using the format used for mission proposals and investigative activities.

(b) Operational plan (attached to remote interview proposal)

32. An operational plan to conduct a remote interview should be prepared and attached to the remote interview proposal, in line with this SOP on Remote Interviews. The remote interview proposal should, in particular, address the factors set out in section V(a), above, and include confirmation that consultations have been held with WPSU, ISU, FTS and FSU, as well as FIPOC and, for interviews involving third States, the Office of the Special Adviser.

33. Accordingly, the operational plan for the remote interview should include, in addition to issues addressed by other SOPs and guidance, the following information:

- (a) Confirmation that consultations with WPSU, ISU and FSU have been undertaken, regarding issues arising from the remote interview context.
- (b) Arrangements for the interview, including: a timeline for the pre-interview, interview, and post-interview steps; the interview team's composition; whether a representative will be physically present with the witness; the date and time and locations (of the witness, representative and interview team) of the interview; the technology platform to be utilized; the backup platform (if applicable); whether or not the interview will be recorded.
- (c) Determine in advance whether the interview will be recorded or not.
- (d) Notice of any particular risk factors, with risk mitigation measures planned and/or already implemented, including those consulted with WPSU and ISU.
- (e) Pre-Interview. Confirmation that the witness will be contacted in advance and informed of the context, nature and the location, timing,

and technology platform for the interview, addressing the relevant factors set out in the Checklist.

- (f) Post-Interview. Indication of the plan to follow-up with an in-person meeting, as appropriate.

VII. Post-interview report

- 34. Following the conduct of a remote interview, interview teams should prepare a report, through the Head of the FIU to the Director of Investigations, using the format of the FIPOC mission report, addressing in particular any logistical, administrative, security and other operational issues that arose from the remote nature of the interview.
- 35. The report should also address any substantive issues arising from the remote interview, including first and foremost any matters relating to witness security and well-being and to information security, as well as any other issues, and also in order to identify gaps, challenges and lessons learned, for the purpose of strengthening the approach UNITAD is taking to the preparation and conduct of remote interviews.

VIII. List of abbreviations

FIPOC Field Investigations Planning and Operations Centre

FIU Field Investigation Unit

FSU Forensic Sciences Unit

FTS Field Technology Services

ISU Information Systems Unit

OIOS Office of Internal Oversight Services

UNDSS United Nations Department of Safety and Security

WPSU Witness Protection Support Unit

Appendix G

Providing remote psychosocial assistance to witnesses during the COVID-19 pandemic

In view of the impact of the COVID-19 pandemic on investigative activities this guidance outlines considerations for remote delivery of psychosocial services to witnesses. This guidance does not repeat the recommended processes detailed in the existing Standard Operating Procedure (SOP) Vulnerability Assessment and Support Protocol. Instead, it supplements the SOP and specifies essential safety principles for remote delivery of psychosocial services.

I. Logistical arrangements for psychological assessments with witnesses

- ▶ Remote psychological assessments with vulnerable witnesses require careful consideration of logistical arrangements and sensitivities given the lack of physical presence and need for a risk management plan.
- ▶ Once the respective field investigation units (FIU's) confirms the availability of the witness for interview, the WPSU psychologists should be notified whenever possible 1 week in advance that a pre-interview assessment is required. This allows an adequate timeframe to:
 - ▶ Brief the interpreter on psychological modalities
 - ▶ Prepare supportive resources in the respective locations with regards to checking the availability and capacity of medical and mental health service providers to receive referrals if needed, and clarify the response time for managing emergencies that may arise during assessment or interviews
 - ▶ Formulate a plan for specialist referral and support for witnesses in locations where there is an absence of psychosocial services
 - ▶ Gather salient background information
 - ▶ Clarify with the witness acceptance of the chosen technology to conduct interviews
- ▶ In preparation for the assessments the WPSU psychologists will coordinate arrangements with the FIU's and interpreter in advance to ensure the remote psychological assessments are conducted in a private and secure space. This arrangement would involve the witnesses being able to participate in remote assessments from their home or UNITAD interview facility.

II. Process of psychological assessments, monitoring and referrals

- ▶ Pre-interview assessments, observation and monitoring of witnesses during interviews (as necessary) and a post interview debrief will be conducted by WPSU psychologists as per the protocol described in the existing SOP.
- ▶ Referral of witnesses for specialized intervention will follow the existing procedures. WPSU psychologists will initiate the referral using the updated service mapping that includes contact details of the nearest service providers and related referral pathways. The updated service provider list will be shared with the respective FIU's for information.

III. Special considerations

Pre-interview assessments conducted with children/adolescents will follow best practice safeguarding procedures and consideration to care-giver involvement as appropriate, during the remote sessions.

IV. Risk management during remote assessments and interviews

- ▶ In the event of witnesses displaying clinical risks such as dissociation, suicidal ideation, re-experiencing of trauma symptoms and self-harm, WPSU psychologists will implement a risk assessment and safety plan and initiate appropriate referral to specialist services.
- ▶ The safety plan or intervention depending on level of risk may involve brief psychoeducation on trauma and stress related symptoms, grounding techniques, stress reduction exercises and strategies to strengthen positive coping.
- ▶ In cases where there are concerns regarding clinical risks, the WPSU will follow up with the witness post assessment for monitoring safety and wellbeing. In coordination with the interpreter, WPSU will arrange for referral of the witness as appropriate to an agreed specialist service provider for intervention.

Note: approved by the SA in an email to COS 24 July 2020, at 2038hrs.



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